United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, FIRST SESSION

*Vol. 147* WASHINGTON, WEDNESDAY, JULY 25, 2001 *No. 105*

# *House of Representatives*

The House met at 10 a.m.

The Reverend Thomas A. Cappelloni, Holy Name of Jesus Parish, Scranton, Pennsylvania, offered the following prayer:

Father, all powerful and everloving God, we praise Your oneness and truth.

We laud You as the God of creation and the father of Jesus our Saviour. He enriches us with His witness of justice and truth. He lived and died that we might be reborn in the spirit and filled with love for all people.

Once You chose a people, gave them a destiny, and when You brought them out of bondage to freedom, they carried with them the promise that all nations would be blessed and all people could be free. What the prophets pledged has come to pass in every generation. Our fathers came to this land as of out of the desert, into a place of promise and hope. In our time You still lead us to a blessed vision of peace.

You guide everything in wisdom and love. Accept the prayer we offer for our Nation. By the wisdom of our representatives and the integrity of this Congress, may harmony and justice be secured in lasting prosperity and peace.

These men and women stretch out their hands to share with You the government of Your holy people. Protect them by Your grace. Look upon this assembly of our national leaders and give them Your spirit of wisdom. May they always act in accordance with Your will and let their decisions be for the peace and the well-being of all.

We ask this through the holy name of our Lord. Amen.

## THE JOURNAL

The SPEAKER. 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.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. PUTNAM) come forward and lead the House in the Pledge of Allegiance.

Mr. PUTNAM led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be 10 one-minutes on each side.

## WELCOMING THE REVEREND THOMAS A. CAPPELLONI

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

Mr. SHERWOOD. Mr. Speaker, it is my privilege to welcome as our guest chaplain Father Thomas Cappelloni of the Holy Name of Jesus Church in Scranton, Pennsylvania. I would also like to take this opportunity to thank him for that wonderful invocation as well as to offer the Father my congratulations. This year marked 25 years since Father Cappelloni was ordained as a priest and gave his life to God and the community.

Father was born in Scranton, Pennsylvania, where he attended high school and continued his education at the University of Scranton. Then he continued his studies and his desire to become a priest led him to Mount St. Mary's College and Seminary where he earned a master's in systematic theology and in theology in counseling.

When Father Cappelloni returned to northeastern Pennsylvania, he spent time on the faculties of several schools and took the time to guide and counsel young students. He received his first pastoral assignment to St. Martin of Tours in Jackson, Pennsylvania, where he restored the church into a beautiful house of worship and served there until recently when he was transferred to Holy Name of Jesus in Scranton.

Mr. Speaker, it is my privilege to say that not only has Father Cappelloni earned the respect of his parishioners for his altruism and kindness but also his peers have recognized his intelligence and wisdom by naming him the Dean of Catholic Clergy for all of Susquehanna County.

Mr. Speaker, the good Father is an accomplished chef, an excellent musician, a host without par and a humanitarian above all. I thank him for being here today. His presence and blessing on this House means so very much to me and the people I represent.

## THE CHECK IS IN THE MAIL

(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, in the next couple of weeks, Americans will be receiving a tax refund of moneys paid to the Federal Government. The other side of the aisle claimed America could not afford it, we should not do it, it is not right.

Ladies and gentlemen, when that check arrives in the mail of those millions of Americans, I think they will thank the House of Representatives for their efforts in restoring faith in government. We are returning surplus to them and making certain our economy can be reinvigorated by that $55 billion of revenue we are sending home to them. Not our money, not our money here in Washington, but the money of the hardworking taxpayer.

The minority leader recently said if he had a chance to do it again, he would raise your taxes. Ladies and gentlemen, that is the difference of the political parties in power. Republicans



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would like to give you your money back. Others on the other side would like to take more and waste more of your hard-earned cash. The economy is struggling. Unemployment, layoffs are occurring throughout America. Let us signal to our constituents whose side we are on.

Ladies and gentlemen, we are on your side, hardworking Americans, giving you faith in government, restoring freedom, and making certain your hard-earned dollars are not wasted in the Capitol. If we keep it here, you can be assured it will be wasted. If we send it home, you will buy clothes for your kids, take your summer vacation, put your money in your savings account, but, after all, God bless you, it is your money.

## RECOGNIZING 150TH ANNIVERSARY OF THOMASVILLE, NORTH CAROLINA

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

Mr. WATT of North Carolina. Mr. Speaker, I rise today to pay tribute to the city of Thomasville, North Carolina, part of which is located in my congressional district, as residents begin to celebrate the 150th anniversary of the founding of their city. The name Thomasville might sound familiar to my colleagues, because the Thomasville Furniture Company was established there and still has its headquarters in the Chair City. This fine company has made the city's name famous around the world. The 18-foot-high chair downtown serves as a symbol of the industry's importance to the city.

While Thomasville is synonymous with furniture, it is a city of around 20,000 people and a thriving community in North Carolina's Piedmont Triad region.

Thomasville is named for State Senator John W. Thomas who helped pioneer the construction of the first railroad across North Carolina. He founded the town of Thomasville next to the railroad in 1852.

I salute my good friend Mayor Hubert Leonard and wish all the best to the residents of Thomasville as they celebrate the city's 150th anniversary.

## CONGRATULATING THE LIDSKY FAMILY AND THE FOUNDATION FIGHTING BLINDNESS

(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, the Lidsky family from my congressional district has inspired me to work toward a cure for eye degenerative diseases. Three out of the four of the Lidsky children—Ilana, Isaac and Daria—suffer from retinitis pigmentosa, a disease which in time will lead to blindness.

The Lidskys fight valiantly each and every day by broadening their network, working closely with scientists and organizing events to help raise research funds. On Sunday, September 9, together with the Foundation Fighting Blindness, the Lidskys will host the Generations Luncheon and Bazaar. The Foundation Fighting Blindness is rated by the National Health Council as the leading charity for the percentage of program dollars spent on research.

At present, 80 million Americans are at risk for developing diseases that can potentially lead to blindness. But fortunately through the efforts of the Foundation and of families like the Lidskys, the pace of research has accelerated. As a result, the once distant goal, a cure for blindness, is now within sight.

I ask that my colleagues help me in congratulating the Lidskys and the Foundation for their dedication in fighting eye degenerative diseases.

## JUDGE RULES BONUSES IN ORDER IN WAKE OF CALIFORNIA POWER SHORTAGE

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

Mr. TRAFICANT. Even though California consumers are suffering the worst power shortage in history and outrageous costs, a Federal judge has ruled that the Pacific Gas and Electric Company can pay their top managers $17.5 million in bonuses. Now, if that is not enough to shock your crock pot, the company said, and I quote, ''If we don't pay this $17.5 million, they're going to leave us.''

Unbelievable. These fat cats should not be rewarded, they should be fired. Throw these bums out. Beam me up.

I yield back the fact that they should hire a proctologist to perform a brain scan on that Federal judge who is somewhere in Disney World.

## ARCHER MEDICAL SAVINGS ACCOUNTS

(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, when President Clinton took office, there were 38 million people uninsured. After 8 years, there are now roughly 43 million Americans who have no health insurance. Of those people, more than half of them are small business owners, their families, their employees, their loved ones.

The goal of a patients' bill of rights should be to help these people get good health insurance and truly reduce the number of uninsured. One excellent way to do that is to expand Archer medical savings accounts. Increasing access to medical savings accounts would help those people struggling to make ends meet. Medical savings accounts help people get the care they need from a doctor they know. You choose your doctor. You choose your hospital.

Increase the number of insured Americans. Support medical savings accounts and the Fletcher bill.

## PATIENTS' BILL OF RIGHTS—DIRECT ACCESS TO OB–GYN CARE

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

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about a key difference between the Ganske-Dingell bipartisan patients' bill of rights and the Fletcher alternative: direct access to OB–GYN care.

During my tenure in the State assembly, I wrote California's law that gives women direct access to their OB–GYN. This is a simple issue. A woman should not need a permission slip to see her doctor.

Women have different medical needs than men. OB–GYNs often have the most appropriate medical education and experience to address a woman's health care needs. Statistics in fact show that if there are too many barriers between a woman and her doctor, she is less likely to get the medical care that she needs.

The Ganske-Dingell bipartisan patients' bill of rights will require all health plans to give women direct access to their OB–GYN. The Fletcher alternative on the other hand includes conditions that could increase the time, the expense, and the inconvenience of a necessary doctor's appointment.

I urge my colleagues to vote for the real patients' bill of rights, the Ganske-Dingell bill, and give their female constituents access to the health care they deserve.

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## WHY UNLIMITED LAWSUITS WILL NOT IMPROVE HEALTH CARE

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

Mr. TIBERI. Mr. Speaker, President Bush has pledged to sign into law the Patients' Bill of Rights that provides a full range of patient protections, including direct access to OB-GYNS, physician choice, emergency room coverage, pediatric care, and a ban on ''gag'' rules. What President Bush will not support is unlimited lawsuits.

A Washington poll released in early June showed a majority of Americans, 49 percent to 40 percent, prefer a different approach than one of unlimited lawsuits, believing that more litigation will drive up costs of medical care in America.

It must be clear that HMOs are not exempt from lawsuits. Federal courts

have ruled 15 times since 1995 that HMOs can be held liable. ERISA does not shield HMOs from medical malpractice liability; it only preempts State laws on coverage of administration of benefits decisions.

Unlimited lawsuits will not improve patient care in America. A recent Harvard University study found that ''almost 60 percent of costs to the malpractice system would wind up in bank accounts of lawyers, court administrators and insurance systems.''

The goal of patients' rights legislation should be about reducing the ranks of the uninsured and increasing access to health care coverage.

Mr. Speaker, I urge support of the Fletcher bill.

## VOTE FOR THE REAL PATIENTS' BILL OF RIGHTS

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

Mr. SCHIFF. Mr. Speaker, I rise in support of the Norwood-Dingell-Ganske Patients' Bill of Rights.

For 5 years now, advocates of better health care have advocated for the real Patients' Bill of Rights, only to see that legislation shot down in this House. This year, the fight goes on, and this year, as in the fight with campaign finance reform, opponents of a real Patients' Bill of Rights have offered a phoney. They cannot defeat it directly, so they try to defeat it indirectly with a watered-down, industry-supported version.

Mr. Speaker, we must reject this. To use the parlance of the industry itself, we ought to tell the industry, we need strong medicine to restore the relationship between patients and their physicians, and that bill, that alternative, is simply not on the formulary. That bill exceeds the scope of coverage. That bill simply cannot get in the door without referrals to specialists.

We need a real Patients' Bill of Rights. I worked on a real Patients' Bill of Rights in California and, like my colleague, we passed that bill, as in 30 other States, and now the alternative here, the Fletcher bill, would undermine the work of so many States around the country that have worked to foster the relationship between patient and physician. This cannot be allowed to happen.

## NATIONAL MISSILE DEFENSE

(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, one of the marks of a good leader is the ability to make those he leads feel secure from harm.

It has now been 2 decades since President Reagan pointed out that we have no defense from a missile attack. The American people want to be safe from any missile attack, but we still have not deployed a defense system.

President Bush brought implementation of a national missile defense system one giant step closer this week. He met with Russian President Putin to talk about it. President Putin is now more open-minded about that issue, and both leaders will be working hard to reduce the number of nuclear missiles in our national arsenals.

Mr. Speaker, this is a major step forward for our national security. America and the world are a little safer today than we were yesterday. And when Bush and Putin have come to a final agreement on missile arsenals and when we finally have a national missile defense system, every American will sleep more soundly each night with the knowledge that their President is doing everything possible to keep them safe.

## SUPPORT GANSKE-DINGELL PATIENTS' PROTECTION ACT

(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, after fighting for 5 years, we finally have an opportunity to pass real managed care reform in the House of Representatives. The American people are demanding health care, and it is time for us to stand up and deliver.

By passing the Ganske-Dingell Patients' Protection Act, patients will have access to emergency care, women will be able to see their OB-GYN without health plan interference, and children will have timely access to pediatric specialists.

Mr. Speaker, make no mistake: the Ganske bill is comprehensive, quality health care; a positive step toward improving Americans' health care, putting health care ahead of profits.

When it is time to vote for managed care, I urge my colleagues to vote for the reform that has an option that puts patients and doctors back in charge of their health care.

## A TRIBUTE TO FATHER JIM WILLIG

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

Mr. CHABOT. Mr. Speaker, this morning I would like to pay a special tribute to a recently departed friend, Father Jim Willig, a dedicated and dynamic Catholic priest who was called by our Lord last month after a 2-year battle with cancer.

Even while suffering from a debilitating illness, Father Willig continued to give to our community, sharing his memories and his message and inspirational book: Lessons From the School of Suffering: A Young Priest With Cancer Teaches Us How to Live.

The Cincinnati Enquirer noted that even while he faced impending death, ''his faith remained strong and was an inspiration to others, like a lighthouse on a dark and storm-tossed sea.'' The Cincinnati Post accurately stated that ''few touched as many lives as Father Jim Willig.''

Father Willig will be sorely missed in the Cincinnati community, not only by his parents and 10 brothers and sisters and nieces and nephews, but by the countless people he has touched in his ministry.

Father Jim, your flock deeply misses you, but we know you are with our Lord.

## GANSKE-DINGELL-NORWOOD BEST CHOICE FOR AMERICA

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

Ms. SOLIS. Mr. Speaker, my constituents want a strong and enforceable Patients' Bill of Rights. They are tired of HMOs who deny them the health care that they need. They are tired of insurance company bureaucrats who overrule doctors' decisions. They want a bill like Ganske-Dingell-Norwood and others to protect the patients that they are supposedly required to protect because only this bill gives every American the right to choose their own doctor, the right to see health care specialists, the right to have direct access to an OB-GYN or a pediatrician, and the right to get prescription drugs that their physicians prescribe.

Only this bill holds health care plans accountable when they make a decision that harms or kills someone. Only this bill ensures that external reviews of medical decisions are conducted by independent and qualified experts.

We should take a chapter out of what happened in California. Our Governor there passed major reforms in HMOs, and I think that this House should take a look at what has happened there. They have done a fantastic job in actually being able to negotiate before they actually have to go to the court house.

Mr. Speaker, I ask for the support of my colleagues on this legislation.

## V–CHIP TECHNOLOGY UNDERUTILIZED BY AMERICANS

(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, I rise to highlight a study released yesterday by the Kaiser Family Foundation indicating that few parents use the V-chip to block their children from viewing sex and violence on television.

Mr. Speaker, Congress included a provision in the Telecom Act of 1996 that television sets 13 inches or larger sold after January 1, 2000, must be equipped with a V-chip to screen out objectionable programming.

Well, yesterday's study finds that 40 percent of American parents now own a TV equipped with a V-chip. However,

despite high levels of concern about children's exposure to TV sex and violence, just 17 percent of these parents who own a V-chip, or 7 percent of all parents, are using it to block programs with sexual or violent content.

Some of my colleagues are quick to rely on government as a panacea for all of our problems. Yesterday's report reveals that the long arm of government regulation is no substitute for good parenting.

## BIPARTISAN PATIENTS' PROTECTION ACT

(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend.)

Ms. WATSON of California. Mr. Speaker, I rise today to voice my strong support for the bipartisan Patient Protection Act, H.R. 2563, that will come before the House later this week.

The Ganske-Dingell bill is a step in the right direction for American health care. Doctors and patients must live with the outcome of their decisions. Now it is time for the health maintenance organizations to do the same.

Mr. Speaker, in many instances, HMOs have streamlined services and cut the cost of health administration. Spiraling costs seem to be contained, and medical options seem to be plentiful. However, containment of costs have also adversely affected the quality of patient care.

We now know that reform must happen. We now know that the middleman must be held accountable and liable for medical decisions. We now know that the basic American principles and values must be inherent in medical public policy.

The bipartisan Patient Protection Act gives all Americans the right to choose their own doctors, to hold a plan accountable when the plan makes a decision that could kill.

## ENERGY POLICY

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

Mr. KNOLLENBERG. Mr. Speaker, Americans are looking for quick answers on the present energy prices and burden that is put on families and farmers. Nuclear power can help lead us in the right direction to address this problem.

Nuclear power plants provide about one-fifth of America's electricity, and about 30 percent of California's electricity. They also run 24 hours a day, 7 days a week, and are not affected by inclement weather, such as solar and wind.

Besides being able to run efficiently, nuclear power has a strong environmental record. For example, nuclear plants are free of numerous gases such as sulfur dioxide, mercury, carbon emissions, and nitrogen oxide.

Mr. Speaker, it is clear that nuclear power is the answer to at least alleviating the current energy crisis. Nuclear power is shown to be a reliable source, which is why the Congress must take the necessary steps to use nuclear power to address the energy shortages, not just in California, but, of course, the rising energy prices across the country.

## SUPPORT THE PATIENTS' BILL OF RIGHTS

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

Mr. RODRIGUEZ. Mr. Speaker, too many times when Americans get sick, not only do they have to fight their illness, but they also have to fight their managed care company. That is not right. It is up to the Congress now to make things happen.

For the last 2 years, we passed a bill and the Republicans have killed it in conference committee. It is time to pass the bill. If my colleagues agree with me that one should see the doctor of one's choice, then they should vote for this. If they agree that that doctor should have the decision to decide if one should see a specialist or not, then they should be in favor of this. If they agree that we should not have a gag order, that doctors should be able to provide the options that one should have, then my colleagues should vote for the Patients' Bill of Rights.

Mr. Speaker, it is up to us now. It allows a review. We did it in Texas. The then Governor, now President Bush, decided then to allow it to go through. Now he has a problem with it. We are only asking that we do the same thing that we have allowed in Texas and that is to allow an opportunity for people to see a doctor of their choice, to allow an opportunity for the physicians to decide on the specialists, to allow them an opportunity to have an external review.

Mr. Speaker, I ask that my colleagues support the Patients' Bill of Rights.

## TIME TO IMPLEMENT COMPREHENSIVE AND BALANCED ENERGY POLICY

(Mrs. CAPITO asked and was given permission to address the House for 1 minute.)

Mrs. CAPITO. Mr. Speaker, I come to the floor today to urge this Congress to act immediately and implement a comprehensive and balanced energy policy.

The Bush administration has provided much-needed leadership on this issue, stepping up to the plate and articulating a clear plan to address our energy needs.

One part of the President's plan calls for the construction of 1900 new power plants to catch up with the current demand for electricity. Yesterday, I introduced a bill that calls for construction of one of those plants, using clean-coal technology called coal gasification.

Building more coal gasification plants makes sense for a number of reasons. Number one, the process removes virtually all the sulfur, nitrogen, and other pollutants, leaving cleaner air and water for future generations. Two, it uses an abundant resource, coal, which is the dominant source of power in our country; and three, it means jobs. Building new power plants, coal-based or not, creates lots of new jobs, creates rail operators, barge captains, truckers, construction workers, and also those that will be running the day-to-day operations in the plant.

Today, more than ever, the U.S. needs to adopt a policy making advanced clean coal technology easier and more productive. I look forward to working with this Congress to advance this technology.

## PASS MEANINGFUL PATIENTS' BILL OF RIGHTS

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

Mr. ROSS. Mr. Speaker, I am proud to be a cosponsor of the Ganske-Dingell-Norwood-Berry managed care reform legislation, H.R. 2563.

I would like to take a moment to talk about one of my constituents in south Arkansas. Her name is Wendelyn Osborne, who provides a real life example of the need for a meaningful Patients' Bill of Rights.

□ 1030

Mrs. Osborne has a congenital and rare bone disease that involves continuous growth of her jawbone. She was not expected to live past the age of 14. She is now 35.

Wendelyn's disease requires frequent trips to her specialist and surgeries. Unfortunately, each time she has to have an appointment, she must go through her primary care physician. Additionally, her surgeries to correct the continued growth of her jawbone, which are life-threatening, are considered cosmetic, but they are not.

The Ganske-Dingell-Norwood-Berry bill will help Wendelyn in the following ways. It will remove the gatekeeper to her medical care and allow her care to be coordinated by her specialist, and it will give her a fair and timely external appeals process that will allow her to appeal her case to independent medical experts.

Let us pass this bill. Let us pass it for Wendelyn Osborne.

## INTRODUCING CHILDREN'S AIR TRAVEL PROTECTION ACT AND PARENTAL RIGHTS PROTECTION ACT

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

Mr. PUTNAM. Mr. Speaker, last year, as thousands of children do every day, a 15-year-old girl from my district logged onto her computer and struck up an online acquaintance. Little did she or her family realize that this was the beginning of a nightmare that continues to this day.

Lindsay's new online friend turned out to be a sexual predator who eventually convinced her to run away from her home in Florida, eventually to Greece. One of the most troubling aspects of this case was the lack of support and the disinterest from Federal authorities. Not only was the FBI reluctant to become involved, but the U.S. Attorney's Office has declined to enforce existing laws, claiming that this series of crimes involving interstate and international air transport and the use of the Internet to lure a child away from home into international sexual servitude is not a matter of Federal jurisdiction.

In response to this failure and the failure of the FAA and the Department of Transportation to use their rulemaking authority to address any of these issues, I have filed legislation that would clarify the power of the Federal Government to bring such predators to justice.

The Children's Air Travel Protection Act and the Parental Rights Protection Act would require that airlines get a written certification that a minor has parental or guardian's permission and would forbid the use of the Internet to interfere with a parent's authority or induce a minor to run away from home.

I would encourage my colleagues to join me in cosponsoring H.R. 2600 and 2601.

## PATIENTS' BILL OF RIGHTS

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

Ms. SANCHEZ. Mr. Speaker, today I rise to voice my strong support for a real Patients' Bill of Rights, H.R. 2563, which is sponsored by the gentleman from Iowa (Mr. GANSKE), the gentleman from Michigan (Mr. DINGELL), the gentleman from Georgia (Mr. NORWOOD), and the gentleman from Arkansas (Mr. BERRY).

In working to craft patient protection, we must ask ourselves, are we really helping the patient? One of the biggest concerns raised by the proponents of the competing bill is that the liability limit on punitive damages is too high in the Ganske-Dingell-Norwood-Berry bill.

But I ask the Members, can anyone put a price tag on someone's life? If an HMO is found guilty of negligence, they should be held accountable for their actions; and HMOs exist to help patients, not to harm them. Opponents of the legislation argue that employers will be hurt by the liability provisions in this bill. This is misleading. Employers who do not directly participate in making medical decisions are protected from liability. Employers are also protected by language in the bill which allows them to name a designated decisionmaker to make decisions on their behalf.

I urge my colleagues to vote for H.R. 2563, the Ganske-Dingell-Norwood-Berry bill.

## PROVIDING FOR CONSIDERATION OF H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 206

*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. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, 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 amendments 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. The amendment printed in the Congressional Record and numbered 5 pursuant to clause 8 of rule XVIII may be offered only by Representative Smith of New Jersey or his designee and only at the appropriate point in the reading of the bill. All points of order against that amendment are waived. 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 Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 206 is an open rule providing for the consideration of H.R. 2590, the fiscal year 2002 Treasury-Postal Service appropriations bill. It provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and it waives all points of order against consideration of the bill.

House Resolution 206 also provides that the two amendments printed in the report of the Committee on Rules accompanying the rule shall be considered as adopted. This rule waives all points of order 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.

House Resolution 206 provides that the bill shall be considered for amendment by paragraph. The rule also waives all points of order against the amendment printed in the CONGRESSIONAL RECORD and numbered 5, which may be offered only by the gentleman from New Jersey (Mr. SMITH) or his designee, and only at the appropriate point in the reading of the bill, and shall be considered as read.

The rule allows the Chairman of the Committee of the Whole 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, as is the right of the minority. The underlying bill, H.R. 2590, provides a total of roughly $17 billion in funding for a variety of Federal agencies and departments, about $1.1 billion more than the current fiscal year, and $400 million more than President Bush's budget request.

The Committee on Rules approved this rule by voice vote last night, and I urge my colleagues to support it so that we may proceed with general debate and consideration of this bipartisan bill.

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 rise in support of the Treasury-Postal Operations appropriations bill for fiscal year 2002 and in support of the rule.

I want to congratulate the gentleman from Oklahoma (Chairman ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), for their work on this bill and for their recognition of the importance to the entire country of the necessary departments and agencies it funds.

For a moment, let me just say how important this bill is to the American people. It funds such diverse agencies as Customs and the Postal Service. It

increases funding for the Office of National Drug Control Policy and the National Archives.

Mr. Speaker, in addition to the programs and agencies of national interest that I just alluded to, this bill contains a number of significant projects important to my home State of Florida that I would like to highlight briefly.

I am pleased that this bill contains $15 million for the completion of the new Federal courthouse in Miami. I cannot overemphasize the importance to our region that this facility will have. I know full well the burdens that our courts and judges face today. They have a difficult job in ideal circumstances. However, when these jurists are not given adequate facilities and resources, their job is made that much more difficult.

For the very same reasons, it is worth noting that this bill continues significant funding for the proposed new United States Courthouse in Orlando. I am especially pleased to see that the Committee on Appropriations has directed that the courthouse must complement the historic community and the future Florida A&M college of law.

As an alumnus of the law school, I am certain that the new facility in Orlando will continue the proud tradition of FAMU.

Additionally, this bill contains funding for improvements to the Federal building in Jacksonville and to the Federal Courthouse in Tallahassee. Let me be perfectly clear, these are necessary funds; and, frankly, they are needed throughout the country.

As the ranking member, the gentleman from Maryland (Mr. HOYER) and the others note in the report that accompanies this bill, this is not an issue of luxury for the judiciary. The courthouse requests represent an effort to keep up with the skyrocketing judicial workload while ensuring a safe environment for employees, detainees, and the public. I could not agree more.

Mr. Speaker, very soon in this debate my colleague and neighbor, the gentlewoman from Florida (Mrs. MEEK), will seek time to explain a very worthy program that she has fought tirelessly for.

Let me briefly extend my support to the First Accounts program. While the gentlewoman from Florida (Mrs. MEEK) will go into more detail, suffice it to say that this is one of the few programs in this bill which specifically targets low-income Americans. I wholeheartedly support the program and urge its full funding and authorization.

Finally, Mr. Speaker, I would like to discuss what I perceive to be one major omission of this otherwise good bill. This bill funds the Federal Election Commission. It has now been 240 days since our last Federal election, 240 days since we discovered what problems exist in this country when it comes to elections.

Mr. Speaker, I am embarrassed to report to the American people that, since the last election, Congress has done nothing, nothing in the area of appropriations. While we are spending millions of dollars on the Salt Lake Olympics and billions on a tax cut for the wealthy, we have not spent one penny to fix the problems that plague the last election, not one cent.

Columnist E.J. Dionne said yesterday, ''Some problems are genuinely difficult to solve. Some problems are easy. When the solutions are clear, a failure to act is irresponsible, the result of a lack of will.''

I submit to my colleagues and to the American people that the solutions to our disgraceful election systems are abundantly clear. Congress' failure to act is worse than irresponsible, it is shameful. The amendment I will offer later today is the first step toward fixing the problems that our States face in updating and modernizing their election equipment.

In fact, to my knowledge, Mr. Speaker, this will be the first time that Congress discusses this issue in the context of floor consideration of a relevant appropriations measure. Sure, Members have spoken in special orders, in travel around the country, or in hearings. They have had 1-minutes here on the floor. But, until today, we have been unable to discuss dollars and cents. I look forward to the candid debate that I am certain the amendment will generate.

With that aside, Mr. Speaker, let me again say that this is a reasonably good bill, and the rule is fine as far as it goes. I thank the gentleman from Oklahoma (Chairman ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), for bringing this bill to the House.

This is a mostly bipartisan bill that helps millions of Americans from coast to coast, and I urge passage of the bill and adoption of the rule.

□ 1045

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4½ minutes to my friend, the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me this time, Mr. Speaker, and I rise in support of the rule. I think the rule is a fair rule that gives opportunity to debate this bill and protects some of the more controversial items that are within the bill for full debate.

I also want to say that I agree with the member of the Committee on Rules, the gentleman from Florida (Mr. HASTINGS), who has observed that this is a good bill and deserves passage. He is correct on that. I will be speaking more to that in the course of general debate.

Mr. Speaker, I wanted to rise to comment on the amendment that the gentleman from Florida (Mr. HASTINGS) will offer at the time of the bill's consideration. He will offer an amendment that will provide $600 million, as I understand it, to the FEC, for the purposes of effecting reforms in our election process throughout the United States.

It is clear that we need to invest in democracy. We invest a lot of dollars in national defense. We invest a lot of dollars in health care, education, and domestic spending. We invest a lot of dollars in entitlement programs. All of those dollars, in my opinion, are well invested, for the most part. But the Federal Government, Mr. Speaker, has never invested dollars in Federal elections. Never.

We have always allowed that to be a burden that we place on the States and local subdivisions. We assumed, correctly in most instances, incorrectly in some, that those elections would be held in a manner that would serve our democracy well. But, Mr. Speaker, our democracy is not served well when some Americans go to the polls, having registered to vote, and show up at the polls and, in the first instance, may find that their name is not on the list and, therefore, they are not allowed to vote, but are told that someone will try to get on the telephone and see if it can be straightened out, but find that in this high-tech age in which we find ourselves happily that lo and behold they cannot get through to the central office and cannot find out whether that individual is able to vote.

Too many jurisdictions do not have the ability to provide a provisional ballot to say, here, go ahead and vote, and then when tomorrow comes we will have some time and we will check to see whether or not this individual is a valid voter; and if they are, because they are entitled to vote, they will also ensure that that person's vote is counted. Every American that goes to the poll assumes that they go to the poll for the purposes of expressing their opinion in this, the greatest democracy on the face of the earth. They expect to play a role in the decision-making process of their country. And if their vote is not counted, they are discriminated against, they are precluded from participating fully in our democracy.

Happily, the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, and myself and many others, including the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), have sponsored legislation which will do what the gentleman from Florida seeks to do, and that is, A, provide resources; provide resources for technology that will ensure at least that technology does not undermine the voter's intent and constitutional right. In addition, it will say to States who take any Federal dollars that they need to comply with certain requirements; that they need to have a registration system that works; that they need not disqualify, they must not disqualify otherwise totally qualified Americans from voting by some inadvertent or mistaken or perhaps conscious effort to undermine the ability to vote of some Americans.

In addition, we are going to provide for provisional ballots, good registration, purging that is not unfair, and a system that has technology that works for every American. That is the minimal that we ought to do as a Nation.

We are proposing the investment this year, for which we are budgeting fiscal year 2002, of $550,000 million. That sounds like a lot of money. It is a lot of money. But spread across the 50 States, it is not. And I would hope that we will have full debate on the gentleman's amendment.

I am not sure what the disposition will be today, but in the final analysis we ought to adopt the gentleman's proposal. It is a proposal for democracy for our Nation's ideals and for our objectives.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume merely to respond to the distinguished gentleman from Maryland, the ranking member of the committee, that the jurisdiction allows for what is being contemplated today. I want to thank the gentleman from Maryland (Mr. HOYER) because I know of his sincerity in proposing measures that will assist in remedying the many problems in this country with reference to our election system.

I have been asked often, as I travel about the country, how much is it going to cost? And my reply has been and will continue to be that democracy does not have a price. We spend money around here on fleas knees studies. So it would seem to me that we could find money to correct problems that exist throughout this Nation with reference to the infrastructure for our election systems.

Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today in opposition to the previous question. I am very concerned about the fact that we are looking today at allowing a congressional pay raise as part of this rule.

I have to tell my colleagues that at this time, when we have just completed a decade where the watchwords have been fiscal responsibility, where we have been able to move to the point where we no longer have annual budget deficits, where we have actually paid down some debt, where we have had a great history over the last few years, and since I came to Congress to continue in that tradition, to preach frugality, to show fiscal responsibility, to be aggressive about paying down the debt, in my own State right now we have uranium miners, we have people who are exposed to radiation through fallout from Federal testing of nuclear weapons. They are dying right now and the Federal Government will not even fund them the compensation they are due. The Federal Government is sending them IOUs saying, well, we do owe you this money, we just do not have the money to give you, but we are okay giving a congressional pay raise.

I just do not think that fits with the times. And I think it is up to the Members of Congress to stand up and say we really do believe in fiscal responsibility. It is important we make a statement to the American people about our concerns about being responsible with their tax dollars.

This is an interesting procedural issue. We do not get to specifically have a straight up-or-down vote on a pay raise. I think we should. I think people deserve that. I think Congressmen ought to stand up and say whether or not they are for that. So for that reason I make these comments in opposition to the previous question and urge my fellow Members to vote ''no'' as well.

Mr. LINDER. Mr. Speaker, I yield myself 30 seconds to point out that nothing in this bill whatsoever deals with a Member of Congress' pay. No word whatsoever in this bill deals with congressional pay.

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

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

I would say to the gentleman from Georgia (Mr. LINDER) that it is regrettable that it does not, because I for one believe that we are deserving of a cost of living adjustment, just so I go on record.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to clarify the situation. We have historically, on this bill, on the previous question, had a vote. We have had a vote because we think the public is entitled to that. If the previous question were not passed, an amendment may be in order to preclude the cost of living adjustment for Members.

Long ago we decided, the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Missouri (Mr. GEPHARDT), the minority leader, that that was the fair and proper thing to do. Everybody in the leadership on both sides has agreed that cost-of-living adjustments that go to everybody in the Federal service are justified.

This is not in that sense a pay raise. It is what most Federal Government employees receive, and we will receive less than, by about 1.2 percent, than Federal employees do.

Mr. LINDER. Mr. Speaker, will the gentleman yield, and I will be glad to yield him a minute of my time?

Mr. HASTINGS of Florida. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, I would ask, does the gentleman from Maryland expect to vote for the previous question?

Mr. HOYER. Mr. Speaker, if the gentleman from Florida will yield to me for a response.

Mr. HASTINGS of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman from Maryland will certainly vote for the previous question, and I urge the Members to vote for the previous question.

Mr. LINDER. I thank the gentleman.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4½ minutes to my good friend and colleague, the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, first of all, I am humbled and privileged this morning to have been given time by a young man for whom I have great admiration and praise, the gentleman from Florida (Mr. HASTINGS), who is now a member of the Committee on Rules. God has wrought that I should stand here and be able to speak after he gives me the opportunity. I thank him so much.

I am pleased to be a member of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, serving with the gentleman from Oklahoma (Mr. ISTOOK) and my good friend, the gentleman from Maryland (Mr. HOYER); and I rise in support of the rule for this bill. It is an open rule. The rule provides a self-executing amendment that I offered that will make the $10 million in fiscal year 2002 funding that the bill provides for the First Accounts program contingent upon the authorization of the program.

The gentleman from Ohio (Mr. OXLEY), of the Committee on Financial Services, had asked the Committee on Rules not to protect the First Accounts program from a point of order. The self-executing amendment is a means to address the concerns of the gentleman from Ohio, and I thank him and the Committee on Rules for supporting my amendment.

The First Accounts initiative is a demonstration program that is designed to help check-cashing ripoffs by improving the access of low- and moderate-income Americans to basic financial services that most of us take for granted. Most of us take for granted that we can go to the nearest corner to an ATM machine or to a bank and have our financial services needs met. That is not so in all communities in this country. It is one of the few programs in this Treasury, Postal bill that is specifically geared to helping low-income Americans.

It is estimated that 8.4 million low-income American families, 22 percent of all such families, do not have bank accounts. And, remember, families without bank accounts frequently resort to check-cashing services to pay bills and cash checks. My colleagues may have read in the newspapers recently of one very large check-cashing firm which has now been sued for having 30 stores across this country that were charging very high interest to low-income people. It is a ripoff, it is a sham, and of course this First Accounts services will allow people who do not have banks in their areas, who do not have credit unions in their areas to be able to cash their checks without having to pay such large interest on it.

We want to provide these ''unbanked'' families with low-cost access to financial services, and we think this will increase the likelihood that they will begin a savings program and accumulate some assets. It also will significantly decrease their reliance upon high-cost check-cashing services. In some of these neighborhoods, dotted throughout the neighborhoods, there are these big signs ''check cashing services''; and of course on the day these people are paid, they are standing in line to get their checks cashed at these high-interest ripoffs in their community.

We are very happy that there is a placeholder in the bill to address election reform. And of course, the gentleman from Florida (Mr. HASTINGS) has spoken to that and so has the gentleman from Maryland (Mr. HOYER). If this country is going to right itself from the many wrongs we have seen in the last election, there certainly will be great attention to election reform. We must address it this year, not only for the problems we have in Florida but the problems we have throughout this Nation.

Because this is a Nation of laws, we must begin to provide laws and provide resources so people will get the right to vote. I cannot emphasize that too strongly and that people have died for this right. Certainly we in Congress would be remiss if we do not give them a fine, strong intellectual system; and I think this bill will sooner or later provide for that.

□ 1100

Mr. Speaker, I thank the committee and the people who are members of this committee. We will go forward certainly from this after passing this strong rule to pass the Treasury and General Government Appropriations bill.

Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) and the members of the Subcommittee on Treasury, Postal Service, and General Government.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this amendment, consistent with the work of the gentlewoman from Florida (Mrs. MEEK) and the chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY), is included in the rule as self-executing, and I thank the Committee on Rules for doing that.

I rise first to congratulate the gentlewoman from Florida for working on this issue. It is a critically important issue to millions of what the gentlewoman referred to as the ''unbanked,'' those who are not in the banking system. They do not have checks or ATM cards. They get ripped off every week when they try to cash their check or when they need a little money to bide them over. It is a significant problem.

I am pleased that the gentleman from Ohio (Mr. OXLEY) and the gentlewoman from Florida (Mrs. MEEK) have reached an agreement on this; and I hope the Committee on Financial Services will, in the very near future, authorize this program so this money, which is now fenced, subject to authorization, can move forward and the Treasury Department can implement a program which is critically necessary.

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

Mr. LINDER. Mr. Speaker, I urge my colleagues to support the previous question.

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

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on ordering the previous question.

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

Mr. MATHESON. Mr. Speaker, I object to the vote on 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.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 293, nays 129, not voting 11, as follows:

[Roll No. 267]

YEAS—293

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barr
Barton
Bass
Bentsen
Bereuter
Berman
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (SC)
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
Eshoo
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
Lampson
Largent
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lowey
Lucas (OK)
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Pickering
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sawyer
Saxton
Schakowsky
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stenholm
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Traficant
Upton
Visclosky
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)

NAYS—129

Aderholt
Baird
Baldwin
Barcia
Barrett
Bartlett
Becerra
Berkley
Berry
Bilirakis
Blagojevich
Boswell
Brady (TX)
Brown (OH)
Bryant
Burr
Capito
Capps
Carson (OK)
Chabot
Chambliss
Coble
Costello
Davis (CA)
Davis, Jo Ann
DeMint
Dingell
Edwards
Emerson
English
Etheridge
Evans
Everett
Ferguson
Forbes
Fossella
Gekas
Gibbons
Goode
Graves
Green (WI)
Hart
Hayes
Hayworth
Hill
Hilleary
Holt
Honda
Hooley
Hostettler
Hulshof
Inslee
Israel
Jenkins
Johnson (IL)
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
Kucinich
LaHood
Langevin
Larsen (WA)
Latham
Leach
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matheson
McIntyre
McKinney
Meehan
Mica
Moore
Napolitano
Northup
Ose
Paul
Peterson (MN)
Petri
Phelps
Pitts
Platts
Pomeroy
Price (NC)
Rehberg
Riley
Rivers
Rogers (MI)
Ross
Royce
Ryan (WI)
Sanchez
Sanders
Sandlin
Schaffer
Schiff
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Smith (WA)
Solis
Stearns
Strickland
Stump
Stupak
Tancredo
Terry
Thune
Thurman
Tierney
Toomey

| | | |
|---|---|---|
| Turner | Udall (NM) | Vitter |
| Udall (CO) | Velazquez | Wu |

NOT VOTING—11

| | | |
|---|---|---|
| Hutchinson | Lipinski | Snyder |
| Hyde | McGovern | Spence |
| Lantos | Scarborough | Young (FL) |
| Lewis (CA) | Skelton | |

□ 1127

Mrs. EMERSON, Ms. KAPTUR, Messrs. HAYES, BERRY, LEWIS of Kentucky, SIMMONS, FORBES, SHUSTER, GIBBONS, KENNEDY of Minnesota, PITTS, SHERWOOD, LEACH, BILIRAKIS, TANCREDO, HILLEARY, POMEROY, STUMP, EVERETT, HILL, MOORE, and Ms. HART changed their vote from ''yea'' to ''nay.''

Messrs. PASTOR, HILLIARD, FRANK, LAFALCE, and Ms. PELOSI changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2002

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–159) on the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

□ 1130

## GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2590, and that I may include tabular and extraneous material.

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

There was no objection.

## TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 206 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. 2590.

□ 1131

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. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, with Mr. DREIER 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 Oklahoma (Mr. ISTOOK) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

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

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

Mr. Chairman, I am pleased to present to the House H.R. 2590. This is the fiscal year 2002 Treasury, Postal Service, and General Government appropriations bill.

As reported, this bill, of course, is within the agreed-upon balanced budget that has been agreed to by the House with the Senate and the President. The bill, compared to the current fiscal year operations, is $1.1 billion above the current operations. It is also some $340 million above the original request from the White House, although that number, Mr. Chairman, was amended somewhat. The supplemental request included funds for the 2002 Winter Olympics, which has been funded through the supplemental and has been reallocated accordingly within this bill.

As reported, Mr. Chairman, the spending allocation enables us to do a number of significant things regarding Federal law enforcement in particular.

Mr. Chairman, realizing that we have been favored with a positive allocation from the full committee chairman, the gentleman from Florida (Mr. YOUNG), it is a fair question how we have applied the extra $1 billion that has been made available. The short answer is we have sought to address some very significant needs, in particular in Federal law enforcement. Some 30 percent of Federal law enforcement is funded through this appropriation measure. We have also sought to address some very compelling needs regarding information technology.

Let me give an example, Mr. Chairman. We are all aware that the IRS has had significant problems dealing with the complexity of the Tax Code and in having a modern information system that will enable taxpayers to have correct information in the hands of the IRS and not be receiving incorrect notices. This allocates significant funding to accelerate the information technology advancement in the IRS.

In particular, within the Customs Service, we have what might be fairly called, Mr. Chairman, a rickety computer system that is utilized for handling some $8 billion worth of trade each day that goes through ports of entry with the U.S. Customs Service. That system is, frankly, on the verge of collapse; and we do not need to be losing $8 billion daily in trade because of an antiquated information system in Customs.

Even beyond the pace set by the administration's budget, we have put the funding in for what is called the Automated Commercial Environment, which is the new Customs information technology system that ties together some 50 agencies that are involved in the imports and exports handled by the Customs Service to make sure that this trade that is so vital to the economy of the United States of America can flow unimpeded.

So those areas, law enforcement, trade, drug interdiction as a key component of law enforcement, and the information technology, are the main areas in which we have provided investments through the Subcommittee on Treasury, Postal Service, and General Government bill.

The bill places, as I mentioned, a priority on counter-drug efforts in law enforcement. Let me mention some the elements by which that is done.

We have the Customs Air and Marine Interdiction Program, which has not had the aircraft or the boats to be able to keep up with the degree of smuggling of illegal drugs into the United States, such as in southern Florida, where I visited recently. They are in sore need of modern equipment to be able to stem the flow of illegal narcotics into America.

We put significant new investments into the effort, the manpower, expanding the manpower where they are overburdened and overworked, and also expanding the equipment available to them to do that.

We have funding for the Integrated Violence Reduction Strategy by Alcohol, Tobacco and Firearms, which is trying to stem the use of illegal weapons, or legal weapons used illegally, by people in the commission of violent crimes. Both the Youth Crime Interdiction Initiative and the Integrated Violence Reduction Strategy receive significant new funding in this measure.

Also significantly increased is what is known as HIDTA, the High Intensity Drug Trafficking Area program. Some $231 million in Federal resources is made available in this bill for coordinating the efforts between the State, the local and the Federal law enforcement agencies, which all must work together, especially in the areas where there are significant problems of drug trafficking.

We also have, Mr. Chairman, an effort to try to address the accumulated backlog that is clogging up the court system. Federal courthouses are funded in this bill to the tune of $326 million

in construction, following the priorities laid out by the administration and the General Services Administration and the Administrative Offices of the Courts, to make sure that we are putting the funding where the courts are most overcrowded. So this includes the funding for site acquisition, design and/or construction of some 15 court houses across the Nation, which is one beyond the number that was originally proposed by the President, but does follow the same priority list as everyone has agreed upon, including the administration.

In regard to legislative items, I would like to point out, Mr. Chairman, that we continue the prohibition that is part of current law to make sure that Federal funds are not used to help pay for abortions through the Federal Employees Health Benefits Plan. This also continues the requirement that FEHBP includes coverage for prescription contraceptive services with certain circumstances for concerns of conscience and with key exceptions, but overall a clear policy on the coverage of contraceptives.

As we move through consideration of this measure on the floor, Mr. Chairman, I know we will hear different amendments. I will not try to cover them all at this time, rather than give an overview of the bill; but I know we will hear many different policies proposed that, frankly, Mr. Chairman, I do not think will be in order under the bill, or, even though they might technically be in order, will not be proper for inclusion in this bill and should be addressed through other legislation. We hope to keep this appropriation bill clear of any extraneous riders that are not really part of the central purpose of the measure.

I wanted to thank my colleagues on the subcommittee for all of their hard work and effort in putting this bill together. The gentleman from Maryland (Mr. HOYER), the ranking member of the Subcommittee on Treasury, Postal Service, and General Government, has been especially helpful in working together to resolve differences; and, frankly, Mr. Chairman, we have been able to come to agreement on some things that sometimes there are significant policy differences on, but a lot of hard work with the gentleman from Maryland (Mr. HOYER) and everyone else has gotten us through that.

I want to thank his staff members, including Scott Nance; the gentleman from Wisconsin (Mr. OBEY) and his staff; Rob Nabors; and of course, I would be remiss if I did not thank the excellent staff that we are able to enjoy on the Subcommittee on Treasury, Postal Service, and General Government: the chief clerk, Michelle Mrdeza; Jeff Ashford; Kurt Dodd; Tammy Hughes; and, on a delegated status from the Secret Service, Chris Stanley.

It has taken a lot of hard work to go through the details in this bill, having as many different Federal agencies that are at the heart of the executive branch, including the White House, the Office of Management and Budget, the General Services Administration, Office of Personnel Management, the Treasury Department itself, and many of the core Federal agencies, including in particular law enforcement.

I believe this is a good bill, Mr. Chairman, which merits people's support. It advances our objectives to combat the flow of illegal drugs, yet to improve the flow of legal commerce. It tries to address significant problems of overcrowding in the Federal courts by making sure that facilities are available to them.

Mr. Chairman, I would ask every Member of this body to support this bill, and look forward to working with the Members in considering amendments that they may offer.

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

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002 (H.R. 2590)
## (Amounts in thousands)

| | FY 2001 Enacted | FY 2002 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF THE TREASURY | | | | | |
| Departmental Offices | 162,381 | 181,768 | 173,496 | +11,115 | -8,272 |
| Department-wide systems and capital investments programs | 62,150 | 70,828 | 68,828 | +6,678 | -2,000 |
| Office of Inspector General | 32,827 | 35,150 | 35,318 | +2,491 | +168 |
| Treasury Inspector General for Tax Administration | 118,166 | 122,342 | 123,133 | +4,967 | +791 |
| Treasury Building and Annex Repair and Restoration | 30,932 | 32,932 | 30,932 | ..... | -2,000 |
| Expanded Access to Financial Services | 9,978 | ..... | 10,000 | +22 | +10,000 |
| Financial Crimes Enforcement Network | 37,493 | 45,155 | 45,760 | +8,267 | +605 |
| Counterterrorism Fund | 54,879 | 44,879 | 36,879 | -18,000 | -8,000 |
| Federal Law Enforcement Training Center: | | | | | |
| Salaries and Expenses | 99,264 | 100,707 | 101,769 | +2,505 | +1,062 |
| Acquisition, Construction, Improvements, & Related Expenses | 54,086 | 21,895 | 22,834 | -31,252 | +939 |
| Total | 153,350 | 122,602 | 124,603 | -28,747 | +2,001 |
| Interagency Law Enforcement: Interagency crime and drug enforcement | 103,248 | 106,487 | 106,965 | +3,717 | +478 |
| Financial Management Service | 206,396 | 211,594 | 212,316 | +5,920 | +722 |
| Bureau of Alcohol, Tobacco and Firearms | 771,143 | 803,521 | 814,199 | +43,056 | +10,678 |
| GREAT grants | ..... | ..... | 10,000 | +10,000 | +10,000 |
| Total | 771,143 | 803,521 | 824,199 | +53,056 | +20,678 |
| United States Customs Service: | | | | | |
| Salaries and Expenses | 1,878,557 | 1,961,764 | 2,059,170 | +180,613 | +97,406 |
| Harbor Maintenance Fee Collection | 2,993 | 2,993 | 2,993 | ..... | ..... |
| Operation, Maintenance and Procurement, Air and Marine Interdiction Programs | 132,934 | 162,637 | 183,853 | +50,919 | +21,216 |
| Miscellaneous appropriations (P.L. 106-554) | 6,985 | ..... | ..... | -6,985 | ..... |
| Automation modernization: | | | | | |
| Automated Commercial System | 122,443 | 122,432 | 122,432 | -11 | ..... |
| International Trade Data System | 5,389 | 5,400 | 5,400 | +11 | ..... |
| Automated Commercial Environment | 130,000 | 130,000 | 300,000 | +170,000 | +170,000 |
| Subtotal | 257,832 | 257,832 | 427,832 | +170,000 | +170,000 |
| Customs Services at Small Airports (to be derived from fees collected) | 1,993 | 3,000 | 3,000 | +1,007 | ..... |
| Offsetting receipts | -2,000 | -3,000 | -3,000 | -1,000 | ..... |
| Total | 2,279,294 | 2,385,226 | 2,673,848 | +394,554 | +288,622 |
| Bureau of the Public Debt | 182,699 | 185,370 | 187,318 | +4,619 | +1,948 |
| Payment of government losses in shipment | 1,000 | 1,000 | 1,000 | ..... | ..... |
| Internal Revenue Service: | | | | | |
| Processing, Assistance, and Management | 3,594,966 | 3,783,347 | 3,808,434 | +213,468 | +25,087 |
| Tax Law Enforcement | 3,366,380 | 3,533,198 | 3,541,076 | +174,696 | +7,878 |
| Earned Income Tax Credit Compliance Initiative | 144,681 | 146,000 | 146,000 | +1,319 | ..... |
| Information Systems | 1,522,416 | 1,563,249 | 1,573,065 | +50,649 | +9,816 |
| Business systems modernization | 71,593 | 396,593 | 391,593 | +320,000 | -5,000 |
| Staffing tax administration for balance and equity | 140,690 | ..... | ..... | -140,690 | ..... |
| Total | 8,840,726 | 9,422,387 | 9,460,168 | +619,442 | +37,781 |
| United States Secret Service: | | | | | |
| Salaries and Expenses | 824,885 | 857,117 | 943,777 | +118,892 | +86,660 |
| Acquisition, Construction, Improvements, & Related Expenses | 8,921 | 3,352 | 3,457 | -5,464 | +105 |
| Total | 833,806 | 860,469 | 947,234 | +113,428 | +86,765 |
| Total, title I, Department of the Treasury | 13,880,468 | 14,631,710 | 15,061,997 | +1,181,529 | +430,287 |
| TITLE II - POSTAL SERVICE | | | | | |
| Payment to the Postal Service Fund | 28,936 | 76,619 | 29,000 | +64 | -47,619 |
| Advance appropriation, FY 2002 | 66,952 | 67,093 | 67,093 | +141 | ..... |
| Advance appropriation, FY 2003 | ..... | ..... | 47,619 | +47,619 | +47,619 |
| Total | 95,888 | 143,712 | 143,712 | +47,824 | ..... |
| TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT | | | | | |
| Compensation of the President and the White House Office: | | | | | |
| Compensation of the President | 390 | 450 | 450 | +60 | ..... |
| Salaries and Expenses | 53,171 | 54,165 | 54,651 | +1,480 | +486 |
| Executive Residence at the White House: | | | | | |
| Operating Expenses | 10,876 | 11,914 | 11,695 | +819 | -219 |
| White House Repair and Restoration | 966 | 8,625 | 8,625 | +7,659 | ..... |
| Special Assistance to the President and the Official Residence of the Vice President: | | | | | |
| Salaries and Expenses | 3,665 | 3,896 | 3,925 | +260 | +29 |
| Operating expenses | 353 | 314 | 318 | -35 | +4 |
| Council of Economic Advisers | 4,101 | 4,192 | 4,211 | +110 | +19 |
| Office of Policy Development | 4,023 | 4,119 | 4,142 | +119 | +23 |
| National Security Council | 7,149 | 7,447 | 7,494 | +345 | +47 |
| Office of Administration | 43,641 | 46,032 | 46,955 | +3,314 | +923 |
| Office of Management and Budget | 68,635 | 70,521 | 70,752 | +2,117 | +231 |

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002 (H.R. 2590)—Continued
## (Amounts in thousands)

| | FY 2001 Enacted | FY 2002 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Office of National Drug Control Policy: | | | | | |
| Salaries and expenses | 24,705 | 25,100 | 25,267 | +562 | +167 |
| Counterdrug Technology Assessment Center | 35,974 | 40,000 | 40,000 | +4,026 | ..... |
| Total | 60,679 | 65,100 | 65,267 | +4,588 | +167 |
| Federal Drug Control Programs: | | | | | |
| High Intensity Drug Trafficking Areas Program | 206,046 | 206,350 | 231,500 | +25,454 | +25,150 |
| Special Forfeiture Fund | 233,086 | 247,600 | 238,600 | +5,514 | -9,000 |
| Unanticipated Needs | 998 | 1,000 | 1,000 | +2 | ..... |
| Elections Commission of the Commonwealth of Puerto Rico | 2,494 | ..... | ..... | -2,494 | ..... |
| Total, title III, Executive Office of the President and Funds Appropriated to the President | 700,273 | 731,725 | 749,585 | +49,312 | +17,860 |
| TITLE IV - INDEPENDENT AGENCIES | | | | | |
| Committee for Purchase from People Who Are Blind or Severely Disabled | 4,149 | 4,498 | 4,609 | +460 | +111 |
| Federal Election Commission | 40,411 | 41,411 | 43,223 | +2,812 | +1,812 |
| Federal Labor Relations Authority | 25,003 | 26,378 | 26,378 | +1,375 | ..... |
| General Services Administration: | | | | | |
| Federal Buildings Fund: | | | | | |
| Appropriations | 476,523 | 276,400 | 276,400 | -200,123 | ..... |
| Advance appropriation, FY 2002-2004 | (276,400) | ..... | ..... | (-276,400) | ..... |
| Limitations on availability of revenue: | | | | | |
| Construction and acquisition of facilities | (477,676) | (386,289) | (328,816) | (-148,860) | (-57,473) |
| Repairs and alterations | (681,613) | (826,676) | (826,676) | (+145,063) | ..... |
| Installment acquisition payments | (185,369) | (186,427) | (186,427) | (+1,058) | ..... |
| Rental of space | (2,943,854) | (2,959,550) | (2,959,550) | (+15,696) | ..... |
| Building Operations | (1,624,771) | (1,748,949) | (1,760,369) | (+135,598) | (+11,420) |
| Subtotal | (5,913,283) | (6,107,891) | (6,061,838) | (+148,555) | (-46,053) |
| Repayment of Debt | (70,595) | (72,000) | (72,000) | (+1,405) | ..... |
| Total, Federal Buildings Fund | 476,523 | 276,400 | 276,400 | -200,123 | ..... |
| (Limitations) | (5,983,878) | (6,179,891) | (6,133,838) | (+149,960) | (-46,053) |
| Policy and Operations | 137,406 | 138,499 | 137,515 | +109 | -984 |
| Office of Inspector General | 34,444 | 36,025 | 36,290 | +1,846 | +265 |
| Electronic Government (E-Gov) Fund | ..... | 20,000 | 5,000 | +5,000 | -15,000 |
| Allowances and Office Staff for Former Presidents | 2,511 | 3,552 | 3,196 | +685 | -356 |
| Expenses, Presidential transition | 7,084 | ..... | ..... | -7,084 | ..... |
| Total, General Services Administration | 657,968 | 474,476 | 458,401 | -199,567 | -16,075 |
| Merit Systems Protection Board: | | | | | |
| Salaries and Expenses | 29,372 | 30,375 | 30,375 | +1,003 | ..... |
| Limitation on administrative expenses | 2,424 | 2,520 | 2,520 | +96 | ..... |
| Morris K. Udall Foundation: | | | | | |
| Morris K. Udall scholarship | 1,996 | 1,746 | ..... | -1,996 | -1,746 |
| Native Nations Institute | ..... | 250 | ..... | ..... | -250 |
| Morris K. Udall Trust Fund | ..... | ..... | 2,500 | +2,500 | +2,500 |
| Environmental Dispute Resolution Fund | 1,248 | 1,309 | 1,309 | +61 | ..... |
| National Archives and Records Administration: | | | | | |
| Operating expenses | 208,946 | 244,247 | 243,547 | +34,601 | -700 |
| Reduction of debt | -6,084 | -6,612 | -6,612 | -528 | ..... |
| Repairs and Restoration | 101,536 | 10,643 | 10,643 | -90,893 | ..... |
| National Historical Publications and Records Commission: Grants program | 6,436 | 4,436 | 10,000 | +3,564 | +5,564 |
| Total | 310,834 | 252,714 | 257,578 | -53,256 | +4,864 |
| Office of Government Ethics | 9,663 | 10,060 | 10,060 | +397 | ..... |
| Office of Personnel Management: | | | | | |
| Salaries and Expenses | 93,888 | 99,036 | 99,036 | +5,148 | ..... |
| Limitation on administrative expenses | 101,762 | 115,928 | 115,928 | +14,166 | ..... |
| Office of Inspector General | 1,357 | 1,398 | 1,398 | +41 | ..... |
| Limitation on administrative expenses | 9,724 | 10,016 | 10,016 | +292 | ..... |
| Government Payment for Annuitants, Employees Health Benefits | 5,427,166 | 6,145,000 | 6,145,000 | +717,834 | ..... |
| Government Payment for Annuitants, Employee Life Insurance | 35,000 | 33,000 | 33,000 | -2,000 | ..... |
| Payment to Civil Service Retirement and Disability Fund | 8,940,051 | 9,229,000 | 9,229,000 | +288,949 | ..... |
| Total, Office of Personnel Management | 14,608,948 | 15,633,378 | 15,633,378 | +1,024,430 | ..... |
| Office of Special Counsel | 11,122 | 11,784 | 11,823 | +701 | +39 |
| United States Tax Court | 37,223 | 37,305 | 37,621 | +398 | +316 |
| Total, title IV, Independent Agencies | 15,740,361 | 16,528,204 | 16,519,775 | +779,414 | -8,429 |
| Grand total | 30,416,990 | 32,035,351 | 32,475,069 | +2,058,079 | +439,718 |
| Current year, FY 2002 | 30,350,038 | 31,968,258 | 32,360,357 | +2,010,319 | +392,099 |
| Advance appropriations, FY 2002 / FY 2003 | 66,952 | 67,093 | 114,712 | +47,760 | +47,619 |
| (Limitations) | (5,983,878) | (6,179,891) | (6,133,838) | (+149,960) | (-46,053) |

## TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002 (H.R. 2590)—Continued
## (Amounts in thousands)

| | FY 2001 Enacted | FY 2002 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Scorekeeping adjustments: | | | | | |
| Bureau of The Public Debt (Permanent) | 145,000 | 148,000 | 148,000 | +3,000 | ..... |
| Federal Reserve Bank reimbursement fund | 131,000 | 134,000 | 134,000 | +3,000 | ..... |
| US Mint revolving fund | 13,960 | 22,000 | 17,000 | +3,040 | -5,000 |
| Sallie Mae | 1,000 | 1,000 | 1,000 | ..... | ..... |
| Federal buildings fund | -74,000 | 31,000 | -16,000 | +58,000 | -47,000 |
| Advance appropriations: | | | | | |
| Postal service, FY 2001/2002 | 64,436 | ..... | ..... | -64,436 | ..... |
| Postal service, FY 2002/2003 | -66,952 | ..... | -47,619 | +19,333 | -47,619 |
| Across the board cut (0.22%) | -47,000 | ..... | ..... | +47,000 | ..... |
| OMB/CBO adjustment | 35,491 | ..... | ..... | -35,491 | ..... |
| Total, scorekeeping adjustments | 202,935 | 336,000 | 236,381 | +33,446 | -99,619 |
| Total mandatory and discretionary | 30,619,925 | 32,371,351 | 32,711,450 | +2,091,525 | +340,099 |
| Mandatory | 14,679,607 | 15,690,450 | 15,690,450 | +1,010,843 | ..... |
| Discretionary | 15,940,318 | 16,680,901 | 17,021,000 | +1,080,682 | +340,099 |

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

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

Mr. Chairman, I rise in support of this bill. This is a reasonable bill, and I thank the gentleman from Oklahoma (Chairman ISTOOK) and the staff for working closely with our staff and with me and with our Members on bringing this bill to the floor.

As I said, I believe it is a reasonable bill, a bill that is higher than fiscal year 2001 and about one-third higher than the President's request. The bill provides strong support for our law enforcement agencies. Forty percent of law enforcement is covered by this bill, which surprises some, but it is a critically important component of our law enforcement efforts at the Federal level.

We support our law enforcement agencies by including $170 million above the President's request for the Customs Service to modernize their systems for the assessment and collection of taxes and fees, which total over $20 billion annually. That is important for all of our exporters and importers. It is important for every consumer in America, and the increase is an appropriate step for us to take to ensure that the information technology capability of Customs is at the level it needs to be.

It includes $15 million above the request for Customs Service to hire additional inspectors, a very important objective; $33 million more for Customs inspection technology; and $45 million in additional funding for the Secret Service to hire additional agents to reduce staggering overtime levels.

The chairman mentioned that, but let me call to the attention of some who may not know these figures that some of our Secret Service agents have been asked to work 90 hours per month.

□ 1145

Obviously, the job of a secret service agent is extraordinarily stressful. They need to be alert at all times; obviously, sometimes tense times as they guard the President, the Vice President and other dignitaries, and asking them to work 90 hours overtime is simply not safe for them or safe for those whom they protect.

In addition, we add an additional $25 million for the high intensity drug trafficking areas, the HIDTA program, and the chairman referred to those. They are an extraordinarily important asset of our law enforcement in this country, and a complement to local law enforcement in their fight against drugs and the trafficking of drugs. Their major contribution, in my opinion, is that they bring together Federal, State, and local law enforcement agencies to coordinate with one another to confront, to arrest, and to incarcerate those who would undermine the health of our communities by selling drugs on our streets, in our schools, and in our communities.

Mr. Chairman, for the IRS, this bill provides the Internal Revenue Service with a funding level above the President's request, including $325 million to modernize their computer systems and $86 million to complete the hiring of over 3800 employees necessary to establish a strong balance between compliance and customer service at the IRS.

Mr. Chairman, some years ago, we passed the Reform and Restructuring Act which asked the IRS to become more efficient and more customer-friendly. We also, at the same time, at the insistence of Secretary Rubin, then Secretary of the Treasury, hired a new Commissioner, Charles Rossotti. Mr. Rossotti is doing an excellent job and I think that perception is shared across the aisle and across ideologists. He is a business manager of the first stripe. He has brought his business management skills to IRS; and, because of that, I think we are seeing an improved IRS, a more efficient IRS, but there are still problems.

Mr. Chairman, significant improvements were made to the bill during the committee consideration. We were able to add back $10 million for the First Accounts program. We acted on that in the manager's amendment. There has been an agreement that the money appropriated for the First Account system will be subject to authorization.

We also provided a provision which carries out existing law of pay parity for our Federal employees with our military employees. Federal employees will continue to have, as the chairman has pointed out, the option, their choice, of contraceptive coverage under the Federal employee health benefit program.

Obviously, no bill comes to the floor that is a perfect one; and I want to mention, Mr. Chairman, some of my continuing concerns.

First, I am concerned about the decline in compliance activities at the IRS. I make the analogy to setting a speed limit at 55 or 60, and then having no enforcement of that speed limit. Clearly, what will happen not only in the short term, but over the long term, will be that drivers will drive faster and faster because of the lack of enforcement, and safety will be at risk. Frankly, what happens in the IRS, with less and less enforcement, we have, unfortunately some, who will not comply with their obligations. What that does is it places higher obligations on those who voluntarily and legally comply.

Mr. Chairman, in-person audits have decreased from 2 million in 1976 to 247,000 in 2000, an 88 percent decline. Now, that is an 88 percent decline from 2 million down to 247,000, but when we consider it in the context of the fact that we have millions of more taxpayers 25 years later, that decline in percentages of tax returns audited is even more dramatically reduced.

The additional FTEs included in this bill will go to help this problem, but I will continue to monitor, and I know the committee will as well, this situation closely to determine that the IRS is able to do the job that the Congress and the American public want them to do.

Another concern I have is the funding for courthouse construction. Although this bill includes funding above the President's request, the committee has fallen short of the judiciary's 5-year courthouse project plans. In fact, we have funded only half of what they say is needed over these last 5 years for courthouses.

As we have seen an increase in prosecutions, an increase in incarcerations to make our streets safer, the good news is the crime statistics throughout our country have gone down. That is what we wanted them to do. At the same time, the demands on our courthouses have gone up. In order to accommodate that, we need to invest to make sure that those courthouses are up to the job. I would hope that the committee would continue to focus on this issue very carefully.

The longer we underfund the judiciary's request, the higher the cost and the more pressing the need becomes.

Mr. Chairman, I am also concerned with several provisions in this bill that reduce legislative oversight responsibilities of the Executive Office of the President. We are going to be talking about those. There is a certain sensitivity that is particularly important as Congress reviews the budget request for the Executive Office of the President. In my opinion, the President of the United States deserves the appropriate respect and deference. However, it is also important that Congress not relinquish its oversight responsibilities. We will hear about these issues today as other Members of the body have similar concerns, and amendments will be offered.

I am encouraged, however, that this bill contains a placeholder for an issue important to all Americans, and that is election reform. We are going to be discussing that when the gentleman from Florida (Mr. HASTINGS) offers an amendment to add substantial dollars to this bill. I will not debate it further at this time, but it is a very significant concern which we will have to deal with either today or in a supplemental some weeks ahead.

Many Members of the body, Mr. Chairman, are rightfully concerned that neither the administration nor Congress has acted on election reform. I truly believe, as I have said in the past, that election reform is the civil rights issue of the 107th Congress. There is no more basic right for an American or anyone who resides in a democracy but to have the right to vote, but as importantly, to have that vote easy to cast and properly counted.

Mr. Chairman, I have had several conversations with the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), who has shown a great willingness to consider and support election reform and

election reform funding. I appreciate his efforts, and I hope we can make some positive progress on this issue for all Americans.

Mr. Chairman, in closing, let me say that this is a good bill. It funds properly the priorities that are the responsibility of this bill, and I would urge Members to support it when it comes time for final passage.

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

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

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. MORAN), who has been so focused on the needs of Federal employees, and their pay and benefits; he has been extraordinarily helpful in years past and this year in fashioning a bill to ensure that Federal civilian employees are treated fairly and that we have the ability to not only retain our excellent public employees, but also to recruit, to fill the vacancies that will occur in increasing numbers in the years ahead.

Mr. MORAN of Virginia. Mr. Chairman, I very much thank the gentleman from Maryland (Mr. HOYER), my very close friend and neighbor and leader in so many ways, and particularly on the issues that are involved in this Treasury-Postal appropriations bill. I wanted to refer to three of them in particular: the effect on the Federal workforce; gender parity in terms of health insurance; and the money for the Customs modernization that is in this bill.

In terms of the Federal workforce, this includes an amendment that the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. WOLF), and I put in the full committee markup. It also reflects an amendment that I had added to this year's budget resolution that we should be providing the same pay raises for Federal civilian employees as we do for military employees. President Bush's budget includes a 4.6 to 5 percent increase for military employees and, in some cases, up to 10 percent. We think that civilian employees who work side-by-side with military personnel should get the same pay raise.

We have a crisis developing in the Federal workforce. Over the next 5 years, up to half of our Federal workforce will retire or at least be eligible for retirement. There are a number of things we can do to address this crisis. One of them is to implement the Federal Employees Pay Compensation Act that was passed back in 1990. Right now, we have a 32 percent pay gap between Federal civilian employees and people who perform the same function in the private sector. There is a 10 percent gap between military personnel and those people who perform the same function in the private sector. Both of those gaps should be narrowed and eventually eliminated, but we should at least provide the same pay raise for civilian as well as military personnel.

In terms of the Federal Employees Health Benefits Plan, this plan has been going up by double digits in each of the last 4 years. So it is important that we bring these premium costs under control while maintaining the current coverage of services, and since about half of our workforce are women, which we would expect, we should certainly treat women the same as we do men in terms of its coverage. Right now, there is a disparity.

President Bush's budget expressly rejects the bipartisan contraceptive coverage provision that has been part of this bill since 1998, so we put it back in in committee to make sure that women's contraception is covered under Federal health insurance plans. It is the largest single out-of-pocket expense for women during their working years, and there is no question that this is an important aspect of health insurance coverage and should be mandated if the executive branch is not going to include it.

There is no additional cost to the plan, according to the Office of Personnel Management; and I am glad that this will be part of this bill and should certainly be enacted.

Now, the last thing is the Automated Commercial System for Customs. There is an inclusion of money for the Customs Service to continue the computerization of our Customs Service. This is terribly important. We have miles of trucks backed up on our borders. This should have been put in place years ago. We will now be on schedule to put Customs automation on line within the next 5 years.

Mr. Chairman, this is a good bill. It should be passed with a strong bipartisan vote.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH) for the purposes of a colloquy.

Mr. LEACH. Mr. Chairman, I would like to briefly mention the subject the gentleman from Maryland (Mr. HOYER) mentioned earlier and that is the courthouse issue and the priority that might be given it. I would first like to compliment the committee and the professionalism in which they have approached the courthouse issue. As the gentleman knows, there is a long list which has been developed with the Department of Justice in a very professional, nonpolitical way.

I represent a town called Cedar Rapids, Iowa, which is on the cusp of whether it should be funded this year or the following year.

□ 1200

It is my understanding, based on some public announcements this past week, that Senate appropriations leadership has indicated that they expect to fund the Cedar Rapids Courthouse, at least the beginning planning funding of about $15 million.

What I would like to inquire of the gentleman is, if resources become available and we can move down this next step, if there is any possibility that Cedar Rapids could be considered in this round.

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

Mr. LEACH. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Iowa, because I know he has been working diligently to secure the needed courthouse in Cedar Rapids.

I want to tell the gentleman that that is indeed the item that is next on the priority list that we have. We are fortunate we were able to go one beyond what the administration had proposed as far as funding courthouses. And again, as the gentleman mentioned, on a professional priority basis, a nonpolitical basis, Cedar Rapids has now moved to the top of the list, and we are looking at the potential of being able to find a way to potentially fund that during this year.

Obviously, we have not been able yet to reach that conclusion. We are still not through the entire budget process, but we do want to work together with the gentleman to look at the potential of making sure that moves along rapidly.

I do want to assure the gentleman that whether it ended up being this year or next year, it is at the very top of our priority list now.

Mr. LEACH. I appreciate that.

Mr. Chairman, I would like to just conclude with two comments.

One, again, I would express my appreciation for the professionalism of this whole consideration. Cedar Rapids, like many towns in America, has been on this list, and each town is anxious to get their courthouse done. There is a case for everyone around the country. It is my impression that the gentleman's subcommittee has been exceptionally professional in how they have done the prioritization.

I would only conclude with one brief aspect for my community. The community has really done a whole lot on the cost containment grounds with low-cost ground, et cetera. This is the heart of community revitalization for Cedar Rapids, so it is both a judiciary matter and, frankly, a community matter.

So to the degree that sympathetic consideration can be given this year, I personally would be deeply appreciative, and I thank the gentleman from Oklahoma for his thoughtful leadership.

Mr. ISTOOK. I thank the gentleman from Iowa. I very much appreciate his terrific effort on this matter.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies. She does an extraordinary job. We are pleased with her help on this bill. I appreciate the gentlewoman commenting on this, and her very important intervention.

Ms. KAPTUR. Mr. Chairman, I thank the able gentleman from Maryland

(Mr. HOYER), the ranking member of the Subcommittee on Treasury, Postal Service and General Government, for yielding me this time.

I rise to engage the chairman of the subcommittee on Treasury, Postal Service and General Government, the gentleman from Oklahoma (Mr. ISTOOK), in a colloquy regarding public debt management.

Mr. Chairman, as part of the House report accompanying the fiscal year 2002 appropriation bill for the Treasury Department, the Committee on Appropriations directs the Bureau of Public Debt to provide a report to review the complete debt program of the Bureau from a fiscal management perspective, providing cost comparisons between high amount-low volume debt instruments and low amount-high volume debt instruments.

Another major concern regards the ownership of our public debt, particularly the extent and growth in foreign ownership of U.S. debt securities.

I would say to the chairman, the ownership of the government's debt is increasingly in the hands of foreign owners. Our government may not be sufficiently active in promoting the domestic ownership of our debt, especially to individuals, something that many of us in this Chamber can recall being a matter of national will and, indeed, pride.

As part of this review of the national debt, I believe that we should have a detailed report regarding the levels of ownership of savings bonds and other forms of public debt, rates of return on those savings bonds and other forms of public debt, and how savings bond ownership historically compares to other forms of public debt.

Would the gentleman agree that the review of the complete debt program of the Bureau of the public debt requested by the committee should contain a thorough analysis of debt ownership, differentiating between foreign and domestic customers as well as between individuals by income category, corporations, and governments; trends over the last 20 years with respect to what groups are purchasing U.S. debt; the amount of interest being paid to each bondholder category; and developments and trends over the last 20 years with respect to what media and methodologies are being used to affect debt transactions?

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

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thank the gentlewoman for her interest, which is bona fide, on an important issue.

Yes, it is the intent of the Committee that the report provide information on customer demographics and transaction changes such as the gentlewoman described, as well as the detailed cost data, with sufficient detail to allow us to differentiate among all of the major forms in which the public debt is financed.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for the clarification and for his willingness to engage in this colloquy. It has been a pleasure to work with the gentleman.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON) to engage in a colloquy.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I also thank the ranking member and the chairman, both of them, for their support of the Federal Law Enforcement Training Center in Artesia, New Mexico, and in Brunswick, Georgia.

This very important Federal Training Center trains over 70, I believe the number exactly is 71, different Federal agencies. They have over 250 different classes. They get all kinds of hands-on training. It is very important for our law enforcement effort.

Mr. Chairman, I would be certainly remiss on this 3-year observance of the terrible tragedy we had with the Capitol Hill Police in this very building to not recognize yesterday's moment of silence in the memory of those great officers who bravely put their lives on the line and sacrificed their lives 3 years ago for this body and for all the tourists who come to the United States Capitol. They were trained at the Federal Law Enforcement Training Center.

Mr. Chairman, I wanted to ask the chairman if he would engage in a colloquy with me. I appreciate the gentleman's courtesy. I want to thank the gentleman for all the support he has given, and also ask a question.

As the gentleman knows, FLETC, the Federal Law Enforcement Training Center, is in the midst of a master plan for construction to meet their long-term capacity requirements, in particular the closure of the temporary U.S. Border Patrol Training Facility in Charleston, South Carolina, and to allow for transition of all basic training for border patrol officers to be carried out at the FLETC location in Brunswick, Georgia, and in Artesia, New Mexico, on those campuses, by the year ending 2004.

This transition will increase the workload both at Glynco and Artesia. Glynco is preparing to meet the increased demand. It is very important that they have the space and facilities needed to accommodate the additional students.

I greatly appreciate the efforts of the chairman and the ranking member and all the subcommittee members for the improvements that are already in this bill. I greatly appreciate the manager's amendment, which the gentleman just passed, and the gentleman's support of the additional construction funds.

Mr. Chairman, I just wanted to ask, as we move into conference, if the gentleman could say that these additional resources, and any others that may be out there, will have the support of the chairman as we go through the process with the other body.

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

Mr. KINGSTON. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman for yielding.

I am very well aware of the important work being done at Glynco and of FLETC's critical role in providing the very highest quality in consolidated law enforcement training to Federal law enforcement organizations, as well as others that participate.

I applaud the strong personal support of the gentleman from Georgia for FLETC's work to achieve this mission.

We have indeed addressed some important construction requirements at FLETC to keep it on its necessary construction schedule. I certainly want to assure my colleague that I look forward to working with him further to ensure that additional FLETC funding is going to be given every consideration as the bill does move through the process.

Mr. KINGSTON. I certainly thank the chairman for that.

Again, I wanted to emphasize to the chairman and to the very capable staff, we appreciate everything that they do for them, not just in Brunswick, Georgia, but in Artesia.

I also want to thank the gentleman from Maryland (Mr. HOYER) for his support of FLETC. The gentleman from Maryland (Mr. HOYER) has visited the facility before, and I know staff has visited it, but the doors are wide open. Any time the Members want to come to Georgia, we would be glad to put on our dog and pony show for the gentleman and show off the facility.

Mr. ISTOOK. I certainly look forward to meeting the dogs and the ponies.

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

Mr. Chairman, I simply want to say to the gentleman from Georgia, he is absolutely correct, the Federal Law Enforcement Training Center, located in Glynco, in his district, is not only a law enforcement agency that trains Treasury law enforcement, but, as the gentleman knows, trains a broad array of law enforcement officers, including non-Federal officers. It is a very, very important facility. They are one of the experts in the field.

We are very pleased to work with the gentleman and with them to carry out the very, very important job of not only training initially our law enforcement officers but from time to time giving them training that keeps them both technically, physically, mentally on top of their game.

I am also pleased, as the gentleman knows, that we are going to provide some local law enforcement training for all the law enforcement officers that are located here so they can keep up to speed on a week-to-week and month-to-month basis.

But there is no doubt that FLETC's job and its location at Glynco, which we have fought to keep centralized, so we do not putting training centers all

over the country and can marshall and focus our expertise at that site, is a very important effort. I appreciate the gentleman's comments.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida (Mrs. MEEK), a very outstanding member of the subcommittee and of the Committee on Appropriations, someone who represents her district extraordinarily well in south Florida, in the Miami area, and someone who I count as a very dear friend. She has an amendment that has been included, which is a very, very important one. I think she wants to talk about that.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding time to me, the ranking member of our subcommittee. I thank the gentleman from Oklahoma (Mr. ISTOOK), the chairman.

Mr. Chairman, this is a very good bill. Certainly we need the support of the entire Congress on this bill. It is quite an improvement over last year's bill, and that is as it should be.

Mr. Chairman, there are many items in the bill that I like very much. There are one or two that perhaps could have been included that perhaps were not. I like the First Accounts program that pays parity to people of low income, and I like the parity amendment between the civilians and the military.

I like protection for the civil service. We heard very good testimony from the civil service, and I feel good about the fact that the bill provides $45 million for the Secret Service to address their overtime concerns.

There is $15 million for additional Customs Inspectors, which we need desperately in certain coastal areas of this country. There is $33 million to improve Customs inspection technology and $14 million for Customs air improvement programs.

I cannot say too much on behalf of law enforcement in the area of the Treasury-Postal bill in that each of the law enforcement agencies did receive considerable help through this bill. They very much needed it.

The Customs Service's Automated Commercial Environment, which we call the ACE program, ACE received $170 million more than the President's request. It is important that this particular initiative be bolstered by our subcommittee.

Most of all, Mr. Chairman, we owe a debt of gratitude to the staff of this committee. I am sure each of our subcommittees have wonderful staffs, but I saw that this particular committee staff went beyond what staff normally does to reach out to Members who need help, and I appreciate that.

We provide $15 million for the Miami Federal courthouse. That has been a long time coming, but it is here now; and thanks to the subcommittee, we have the remaining funds to build the Federal courthouse in Miami.

All Members realize that the Federal courts are really packed, and they do need money. They are the busiest ones in the country. Mr. Chairman, this bill does a lot.

I also want to mention the fact that there is one issue that we are not putting enough emphasis on in this country, and in this particular bill we did not put emphasis on it, either. That was electoral reform. The time has come that we do pay sufficient attention to election reform, and this is the committee to do that. So I do hope that this problem will be addressed in a better fashion another year.

□ 1215

I am advised that my good friend, the gentleman from Maryland (Mr. HOYER), and the gentleman from Ohio (Mr. NEY) have already introduced legislation that will help us in terms of election reform. They are providing leadership on that, and it does not only fit some of the problems in Florida but the entire Nation.

Now, I do not have the time to discuss all the particulars, Mr. Chairman, and all the needs that were met through this particular piece of legislation, and there are, I am sure, other items that we could have funded and could have done a better job of; but we did cover law enforcement, we covered Customs, certainly, we covered the First Accounts initiative, and I am pleased with those significant steps that we take in this bill to improve our support for Treasury law enforcement, particularly with respect to Customs and the Secret Service.

I mentioned the $300 million investment for ACE, and as I have repeatedly discussed before, we need more Customs employees at Miami International Airport and the Miami seaport. And I thank the members of the committee and urge support of this bill.

Mr. ISTOOK. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding me this time. I would like to comment on a statement that appears in the report accompaning this legislation, to the effect that the Federal Elections Commission (FEC) has asked for approximately, $2.5 million, to update and enhance voting system standards. The committee notes they support these efforts but will wait for authorization from the Committee on House Administration, of which I am a member and of which the gentleman from Maryland (Mr. HOYER) is also a member.

I have good news for the chairman. I think I can save him some of that $2.5 million, and that is the reason I rise today. I have introduced a bill, H.R. 2275, that would hand this standards-setting duty over to the National Institute of Standards and Technology, which is the Nation's standard-setting organization. NIST is specifically given the mission of, and is well equipped to, set standards. They would do a very fine job of setting voting technology standards, at considerably less cost, and essentially at no cost to the gentleman's budget.

Let me describe this bill a bit more. As I said, the National Institute of Standards and Technology is the Nation's chief standard-setting organization; and they do not just pull standards out of the air. They always work with the user communities. They have a 200-year history of doing this, and do it well. A commission, which would be formed as part of this, would have the director of the National Institute of Standards and Technology as the Chair. The commission would also include a member from the American National Standards Institute, which is the private sector arm of standard setting and is well-known. There would be a representative of the Secretaries of State throughout this country, a representative from the Election Directors of the States, representatives from local governments, county clerks, city clerks and so forth, as well as technical representatives, individuals who are in universities and have experience working on voting and voting standards issues. And, of course, I am sure they will work with the FEC on this.

This commission would recommend standards. They would establish rather immediate voluntary technical standards; and then, after some time, they would develop permanent standards which are accepted by the user community. These standards would ensure the usability, accuracy, integrity, and security of voting products and systems used in the United States.

It is very important to recognize the Federal Government does not control the election apparatus. But H.R. 2275 outlines what we can do to help the city clerks and county clerks, who actually operate the voting systems, and the State authorities who supervise the local systems. Now, why have NIST do this? As I said, because they have the experience. They do this constantly, and I am certain they would do a very good job.

Let me add another comment, Mr. Chairman. I understand there is another amendment which will be offered later to include in this bill an extra $600,000 for communities to buy voting equipment. I think that is premature. I do not think anyone should buy new voting equipment until we review, determine, and establish good voting standards.

Let me give a specific example of why this is important. More and more of the voting machines are computerized, and yet they do not have any emphasis on security. The average college freshman could hack these systems and change election results. We need far better standards for security, integrity and usability so that any citizen can use them without training and the vote will accurately reflect the intent of the voter.

There is a lot of work to be done here. I believe asking NIST to set these initial standards is a good way to start. Additional legislative work that will

have to be done will come from the Committee on House Administration and will be done by the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NAY), who is chairman of that committee, and by myself as a member, and with the other committee members.

There is much to be done here, but I believe having NIST work on the voting standards with the Federal Elections Commission and all the user groups is a very good way to start. And I just want to pass that information on to the chairman, and hopefully help him save some money in this bill.

Ms. RIVERS. Mr. Chairman, I rise today to speak about the Members' annual cost of living allowance, not to oppose the COLA but to reject the procedure we are using to consider it.

During my time in Congress, we have addressed this issue several times. In 1997, I opposed the increase because the Federal budget was in deficit, and we were proposing massive cuts to programs that everyday people rely upon. I was also concerned about the process the House employed in considering the COLA. I was unhappy that there was little public debate on the issue and only a procedural rather than a straight yes or no vote.

In 1999, the procedure was the same. Again, I was uncomfortable; and as I did with the 1996 COLA, I did not accept the increase and returned the net amount to the Treasury.

Now, many Members argue that COLA is not a raise per se and that the statute automatically authorizes implementation without requirement of debate or vote. Several point out that COLAs for other workers operate in just this fashion. This is true. It is absolutely correct. However, we are not like other workers. One hundred percent of our costs, both for employment and office expenses, are borne by the taxpayers. We also set our own salaries, and we have no direct employer or supervisor, except the public in the collective.

Few workers in this country enjoy such circumstances. We have the luxury through our own action, or in this case inaction, to alter the amount of money we earn. Given that, I believe a substantive vote on the COLA is the appropriate way to handle the annual increases. Nevertheless, it does not appear that my views are likely to prevail on this issue, although I will continue to promote a direct vote.

Mr. Chairman, I am not opposed to the COLA itself. I believe that Members can justify a 3.4 percent increase in their wages, but I also believe that the taxpayers who pay our salaries have a right to ask for that justification. In order to do so, however, they must be able to understand the House's action relative to its compensation.

I am not here to criticize or demean the hard work of the good people with whom I serve in this body. Nor do I wish to disparage the views of those who disagree with me. I have a personal sense of propriety that we should be doing this publicly. I am making it clear to my constituents that Congress is indeed voting to raise our salary.

Mrs. LOWEY. Mr. Chairman. I want to commend Chairman ISTOOK and Ranking Member HOYER for their hard work on this bill. I also want to thank members of the Appropriations Committee for supporting the reinstatement of my provision to provide contraceptive coverage to America's federal employees.

This is a very important provision, and I am grateful that the vote to sustain this coverage was both bipartisan and strong.

I am very proud to say that this provision, which gives 1.2 million federal employees of reproductive age access to contraception in their health plans, has been very, very successful.

Since the provision's enactment, there have been no problems with implementation and no complaints received by the Office of Personnel Management (OPM). Let me repeat that—no plan, no provider, no beneficiary has contacted OPM with a concern or complaint about the contraceptive coverage provision.

Before my provision was enacted, 81% of all FEHB plans did not cover the most commonly used types of prescription contraception. A full 10% covered no prescription contraception at all.

Today, federal employees can choose the type of contraception best medically suited for them.

My colleagues, let's remember why this is so very important.

Contraception is a family issue, and it is basic health care for women.

Although abortion rates are falling, today—still—nearly half of all pregnancies in America are unintended and half of those will end in abortion. Increasing access to the full range of contraceptive drugs and devices is the most effective approach to reducing the number of unintended pregnancies.

Americans share our goal. According to a recent national survey, 87 percent support women's access to birth control, and 77 percent support laws requiring health insurance plans to cover contraception.

Their message is clear: If we want fewer abortions and unintended pregnancies, we must make family planning more accessible.

And, my colleagues, this important benefit has not added any cost to FEHB premiums. This is important because when first introduced, the two main arguments against my provision were that covering contraceptives would add prohibitive cost to FEHB plans, and discriminate against religious providers.

Neither of those charges have proven to be true. This benefit has not added any cost to FEHB premiums.

Since the provision's inception, the OPM has not received any complaints about the provision from either beneficiaries, health professionals, or participating health plans. And this year's bill continues to respect the rights of religious organizations and individual providers.

These protections are identical to those that passed by the House in 1999. Let me summarize what the religious exemption in the bill right now provides.

Two plans identified by OPM as religious providers are explicitly excluded from the requirement to cover contraceptives, and any other plan that is religious is given the opportunity to opt out.

Furthermore, individual providers are exempted from having to provide contraceptive services if it is contrary to their own religious beliefs or moral convictions.

I believe that Americans want us to look for ways—as we did with contraceptive coverage—to work together, to find common ground. Increasing access to family planning is one way we can do that.

This is a good provision and I thank my colleagues for continuing to support it.

Mr. OXLEY. Mr. Chairman, I want to first thank Mr. ISTOOK and Mr. YOUNG for their cooperation in addressing the concerns of the Committee on Financial Services with respect to the Treasury, Postal and General Government Appropriations bill for fiscal year 2002. And while I am supportive of the bill in its current form, I do have a concern with certain language contained in the committee report. That language states:

> The Committee is aware that concerns have been expressed about the impact of the Federal Reserve/Department of Treasury proposed regulation to redefine real estate brokerage and management activities. The Committee expects Treasury to work with the Department of Housing and Urban Development when developing the final rule.

This language contradicts section 103 of the Gramm Leach Bliley Act of 1999 which provides that the Federal Reserve Board, together with the Department of the Treasury, shall have the sole responsibility to determine for financial holding companies what activities are financial in nature or incidental or complementary to such financial activity. Given this conflict between statutory law and the Appropriations Committee report, I have every expectation that the Federal Reserve Board will follow the letter and intent of the law.

In noting this contradiction, I am not expressing an opinion on the Federal Reserve Board/Treasury proposal to classify real estate brokerage and management activities as financial activities. I trust the Federal Reserve Board and the Department of the Treasury will fully consider the views of the public, the industries affected by this proposal, as well as the relevant Federal and State agencies, and take any time necessary to do so.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 2590, the Treasury and Postal Appropriations Act for Fiscal Year 2002. I congratulate Chairman ISTOOK on his leadership on this bill. This bill meets our requirements under the Balanced Budget Act and properly provides for critical operations of the Treasury Department and other important agencies.

I also want to thank the Subcommittee, in particular, for including a requirement that I requested to prevent federal government websites from collecting personal information on citizens who access federal websites and doing so without the knowledge of the person visiting the site. This is an important policy for our government—it is a policy that makes clear that we will lead by example when it comes to protecting peoples' privacy on the web.

Mr. Chairman, last year I added a provision to the Treasury, Postal Service and General Government Appropriations bill to prohibit federal agencies funded under this bill from using funds to monitor and collect personally identifiable information from the public who access government websites. Unfortunately, the previous Administration chose to ignore this law and allowed federal websites to continue to use tracking software to gather personal information from citizens who visit the website of federal agencies.

Even more disturbing, this past April a summary report by the Inspector Generals of each federal agency found that 64 federal websites are still using unauthorized tracking software, despite our direction to do otherwise.

What that means to the average citizen is that our government could be creating a database that would know about your visit to the

IRS website and what you looked at there, your visit to the NIH website where you may have looked up information on a personal health matter, or that your child visited the website of the Drug Czar's office to do a report on the dangers of drug abuse. Do we really want to allow the government to keep that information about you and do so without your knowledge? The answer is clearly no.

Given the fact that my previous efforts have gone largely ignored, this year I expanded the provision to apply government-wide to all federal agency websites.

Mr. Chairman, the federal government has a responsibility to set the standard for privacy protection in the information age. Federal websites are fast becoming a primary source of information for the public and that's an excellent development. Now, it is essential that we not allow the public to lose confidence in the Internet or their taxpayer funded federal websites. These websites were designed to serve the public—they were not designed for the government to secretly collect personal information and track our movements on the Internet.

Mr. Chairman, we must ensure that if you visit a federal government website, both our tax dollars and our privacy are protected. With this prohibition in place, we do just that.

Again, my thanks to Chairman ISTOOK for his help and leadership on this issue. I urge support of the bill.

Mr. HOYER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I have no further requests for time, and I yield back the remainder 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 and the amendments printed in House Report 107–158 are adopted.

The amendment printed in the CONGRESSIONAL RECORD and numbered 5 may be offered only by the gentleman from New Jersey (Mr. SMITH) or his designee, and only at the appropriate point in the reading of the bill.

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. 2590

*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 Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $174,219,000: *Provided,* That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $68,828,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,508,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,474,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $30,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $10,000,000, such funds to become available upon authorization of this program as provided by law and to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $45,837,000, of which not to exceed $3,400,000 shall remain available until September 30, 2004; and of which $7,790,000 shall remain available until September 30, 2003: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $36,879,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That use of such funds shall be subject to prior notification of the Committees on Appropriations in accordance with guidelines for reprogramming and transfer of funds.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $102,132,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $17,166,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2004: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director,

for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $27,534,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $107,576,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $213,211,000, of which not to exceed $9,220,000 shall remain available until September 30, 2004, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $816,816,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which not more than $10,000,000 shall remain available until September 30, 2003, for Gang Resistance Education and Training grants; of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2002: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of motor vehicles; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,056,604,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; not to exceed $30,000,000 shall be available until expended for the procurement and deployment of non-intrusive inspection technology; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $2,993,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $181,860,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2002 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $427,832,000, to remain available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $300,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the

Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2002 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $43,000,000. From amounts in the United States Mint Public Enterprise Fund, the Secretary of the Treasury shall pay to the Comptroller General an amount not to exceed $250,000 to reimburse the Comptroller General for the cost of a study to be conducted by the Comptroller General on any changes necessary to maximize public interest and acceptance and to achieve a better balance in the numbers of coins of different denominations in circulation, with particular attention to increasing the number of $1 coins in circulation.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $192,327,000, of which not to exceed $15,000 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2002 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at $187,927,000. In addition, $40,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,808,434,000 of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,538,347,000, of which not to exceed $1,000,000 shall remain available until September 30, 2004, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,573,065,000 which shall remain available until September 30, 2003.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $391,593,000, to remain available until September 30, 2004, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 745 vehicles for police-type use, of which 541 are for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $920,112,000, of which $2,139,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2003.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,457,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2002, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2002 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from ''Salaries and Expenses'', Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence and intelligence-related activities of the Department of the Treasury are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until enactment of the Intelligence Authorization Act for fiscal year 2002.

SEC. 120. Section 122 of Public Law 105–119 (5 U.S.C. 3104 note), as amended by Public Law 105–277, is further amended in subsection (g)(1), by striking ''three years'' and inserting ''four years''; and by striking '', the United States Customs Service, and the United States Secret Service''.

SEC. 121. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate a museum at its National Headquarters in Washington, D.C., without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

This title may be cited as the ''Treasury Department Appropriations Act, 2002''.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the bill through title I 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 Oklahoma?

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, senior citizens in my district have worked hard their entire lives and, with the help of Social Security, have been able to enjoy their golden years. A favorite pastime of seniors is attending card parties. Seniors enjoy the card playing. It can be fun and challenging as a test of skill and luck. Sometimes people will go from one card party to the other, they enjoy it so much. I see that as I visit my district. Something people do not like, though, is when they know that cards are being played with a stacked deck, a game that is rigged. That is really repugnant to the American sense of fairness.

Well, in its efforts to turn Social Security over to Wall Street, the administration has stacked the deck against senior citizens on Social Security, because the administration's Commission on Social Security is stacked with the kings of finance who want to privatize Social Security so they can get money for Wall Street interests. One member of the administration's Commission on Social Security is a former World Bank economist; another member, president of the business-financed Economic Security 2000, favors a fully privatized system; another member, an investment company executive with Fidelity; another member, AOL Time Warner former chief operating officer, who, at the same time, is involved with a Labor Department matter where the Labor Department has filed suit against Time Warner for denying its own workers health and pension benefits.

The deck is being stacked against our seniors. And while Wall Street's backing for the commission is being made known, Wall Street Journal reports on June 12 of the year 2001, a range of financial service firms are pooling their efforts and millions of dollars for advertising to assist in privatization. But the ad dollars, the Wall Street Journal goes on to say, are a pittance compared to the billions of dollars at stake for Wall Street should Mr. Bush achieve his goal of carving private accounts from Social Security. To help build its own war chest, the coalition will hold a luncheon at New York's Windows on the World atop the World Trade Center.

The deck is stacked against the people of this country. Social Security is headed to the stock market to benefit the kings of finance. That is all this is about.

Well, we have other things to do in this Congress. We know that the administration has a doublethink on the size of the Social Security financial problem. The administration's tax cut would reduce revenue by about the same amount of the shortfall between Social Security obligations and revenues. The administration considers the tax cut ''quite modest.'' Says Paul Krugman of The New York Times, in today's New York Times in an article on the op-ed page, ''If it's a modest tax cut, then the sums Social Security will need to cover its cash shortfall are also modest. We're supposed to believe that $170 billion a year is a modest sum if it's a tax cut for the affluent, but that it's an insupportable burden on the budget if it's an obligation to retirees.''

He talks about the commission wanting it both ways, what George Orwell called doublethink. That is what the commission report is all about, Paul Krugman says. It is biased, internally inconsistent, and intellectually dishonest.

I will be offering an amendment, Mr. Chairman, and that amendment would establish a commission that would oppose the privatization of Social Security. This commission would have the ability to protect Social Security and stop the diversion of Social Security revenues to the stock market and a reduction of Social Security benefits. This commission would be the answer to this administration's stacked deck, which wants to privatize Social Security to take money from the seniors and to give it to Wall Street.

The truth is that Social Security is solvent through the year 2034 without any changes whatsoever, and we have to defend the right of our senior citizens to have a secure retirement free from the greedy hands of Wall Street trying to glom on to that Social Security Trust Fund. We need to defend Social Security and everything it stands for.

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Ohio for offering this amendment which would require the Treasury Department to establish a commission to oppose the privatization of Social Security.

President Bush and his Commission on Social Security are using scare tactics and misleading claims to sell their privatization plan to American women. Privatizing Social Security will only hurt women, who rely most heavily on Social Security for their retirement.

The President's commission would have us believe that women would be better off giving up their guaranteed lifetime benefits for a risky private account. But we cannot afford to gamble the security and independence of our seniors on an uncertain stock market, which is just too risky. Women rely on Social Security in their senior years because they tend to earn less and live

longer than men. They are also less likely than men to have private pensions through their employers. And women often spend less time in the workforce, taking almost up to 11½ years out of their careers to care for their families.

Do my colleagues know that in my own district about 58 percent of the Latina elderly women live alone and live in poverty? We should be concentrating on how we can improve Social Security benefits to reduce this deplorable level of poverty and not talking about privatizing schemes that will actually reduce their benefits.

□ 1230

I urge support for the Kucinich amendment.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from Ohio (Mr. KUCINICH) for raising this issue. There is obviously a desire to privatize Social Security by some. We, on this side, think that is a bad, bad mistake.

There can be no more dramatic showing of why that is a mistake than to look at the stock market into which presumably those private investments would go over the last 60 days. If one was retiring now and taking out their assets, they would lose. Obviously, if they had retired a year ago they may have won. But that is not a very secure Social Security.

The gentleman from Ohio (Mr. KUCINICH) raises an excellent point. This issue will be one of the most critical issues that we confront in this Congress. It will be debated not only in the Halls of Congress but throughout this country. I thank the gentleman from Ohio (Mr. KUCINICH) for raising this issue in his usual dramatic, pointed, and effective way.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I too would like to say a word about the proposed plan to begin a privatization of Social Security. We are being told by the privatizers in the Bush administration and elsewhere that the Social Security system is in some jeopardy and that, in fact, if we do not take drastic action, that the plan will begin to exhaust its funds somewhere around the year 2016.

Well, 2016 under the present set of circumstances is the point at which Social Security will begin to pay out more than it is taking in. But even at that moment it will have a surplus which will be in the trillions of dollars. The surplus today, for example, is $1.2 trillion. That is to illustrate that the Social Security system is in no crisis whatsoever. But we are being told that it is because the privatizers want to undermine the confidence of the American people in this system of Social Security which has provided just that now for almost 70 years.

Social Security has taken a situation where more than half of the American elderly are living under the poverty level and changed that to a situation where virtually no retirees, no elderly people are living in poverty thanks to the stability and the security in Social Security.

Now, the estimate that says that Social Security will begin running out of funds around 2016, of course, is just that. It is an estimate. It is based upon numbers that are made up. It is projections based upon those made-up numbers. If we used a different set of numbers, of course, we would likely come up with a different result.

Let us try that. Let us take the numbers that were used to justify the President's tax cut, a tax cut which I regard as being irresponsible, particularly in view of the fact that it gives most of its benefits to the wealthiest 1 percent of the population; but let us take the numbers that were used by the administration to justify that tax cut. Under those numbers we come up with a very different situation.

If we were to apply those numbers to the Social Security scenario, those more optimistic numbers, those numbers that show economic growth going out into the future, what we find is the Social Security system does not begin to pay out more benefits in 2016, but, rather, the Social Security system will last with great strength and vigor until at least 2075.

So, what does that tell us? It tells us that people are being disingenuous, people are being dishonest, people are using numbers to try to create an impression to undermine confidence in Social Security where there is no justification whatsoever for undermining confidence in Social Security.

The President tells us he would like to have a system whereby people could invest in the stock market. Well, there is nothing wrong with that. People, if they can afford it, ought to invest in the stock market. Why does the President not set up a program whereby this government will match the funds that people set aside outside of Social Security, independent of Social Security, and have that money invested in the stock market? That would be a very good idea. It would not undermine Social Security. It would leave it just as it is, strong and secure, providing benefits into the future just as it was intended to do and has always done.

If the President were really serious about trying to do something to help people in their retirement years, I have an idea for him. Here is what we ought to do. He ought to send to this Congress legislation which would strengthen the private pension plans of all American workers. We need that because there are a growing number of corporations in this country which are undermining their own pension plans, which are providing fewer benefits to their workers in the future, taking away from them health insurance as well.

We need to protect those pension plans. Many corporations are using those pension plans to pretend that they are profits within the company, thereby enhancing the compensation of executives for the company and making it appear as if the company is actually stronger than it is. That is wrong, and the private pension plans ought not to be used in that way.

So Social Security is in no trouble. Let us leave it. If we want to do something for retirees, we can set up an independent plan.

AMENDMENT NO. 4 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. 4 offered by Mr. KUCINICH:

At the end of title I (before the short title), insert the following:

SEC. ____. The Secretary of Treasury shall establish a commission to oppose the privatization of Social Security, the diversion of Social Security revenues to the stock market, and the reduction of Social Security benefits.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. ISTOOK. Mr. Chairman, I understand the gentleman from Ohio (Mr. KUCINICH) has made his presentation and is prepared to have the Chair rule on his point of order.

Mr. KUCINICH. Mr. Chairman, that is correct.

Mr. NADLER. Mr. Chairman, I am deeply troubled by the way this Administration appears to tackle difficult policy questions. I fear a pattern may be developing.

The GAO is already investigating Vice President's CHENEY's secret meetings with energy executives on federal energy policy. There are questions about this Administration's faith-based office consulting with the Salvation Army about allowing discrimination with federal funds. There are further allegations that the President's Medicare Drug Plan was done in secret consultation only with representatives from the drug companies. Now, the Social Security Commission is looking at only one way to strengthen Social Security—they want to privatize it.

This type of one-sided look at policy questions is hurting the Bush Administration. Poll after poll shows that there is a growing concern that the President is too concerned with powerful special interests. His Administration appears to care more about energy companies and drug companies, than about consumers and seniors who need to buy prescription drugs.

Well, today, we are offering the President the opportunity to change that perception. Why not balance his one-sided, unbalanced, biased, pro-prviatization Social Security Commission with another Commission to study the other side of the issue? Both Commissions could make recommendations, and Congress and the President could hear from both sides of the debate before making any decisions. This is entirely reasonable, and I hope this amendment is adopted.

The new Commission, unlike Bush's current Commission, might be composed of people

who have NOT advocated raising the retirement age and cutting benefits. The President should not have any problem filling the seats on this Commission, because most Americans do not support raising the retirement age or cutting benefits.

The new Commission might point out many of the views that Bush's Commission might not mention. The new Commission could study the need, feasibility, cost, fairness, and risks involved in privatization.

It might conclude, as many of us do, that privatization of Social Security is not necessary, not workable, not cheap, not fair, and not worth the risk.

Let me briefly explain these shortfalls.

First, privatization is not necessary. The Social Security Trustees predict a system that is solvent for 37 years and may in fact be solvent as far as the eye can see.

Second, the Trustees predictions are pessimistic, and have had to be revised every year.

Third, the Trustees pessimistic predictions are unreliable because they don't take into account the affect of the predicted long term labor shortage on wages, productivity, unemployment, or immigration policy.

IT WON'T WORK

(1) Privatization does not restore solvency to the system—simply diverting 2% of payroll to individual accounts simply makes the funding problem worse. It hastens the insolvency of the system.

(2) Privatization plans that claim to restore solvency to Social Security, only do so because they also cut guaranteed benefits, increase the retirement age, or create huge deficits in the non-social security federal budget. Cutting benefits, raising the retirement age, or adding general fund revenues can make the system solvent with or without the private accounts.

THE TRANSITION COSTS TOO MUCH

(1) The transition costs to a private system are enormous. Furthermore, $1.3 trillion of the surplus is no longer available to finance the transition because of the tax cut.

(2) There are enormous administrative costs to setting up millions of small investment accounts. Why not simply put that money into Social Security directly to make the system more solvent?

IT IS UNFAIR

(1) Under privatization the rich will earn more than the poor in their private accounts. Two percent of $70,000 is much more than two percent of $20,000. This will increase the disparity in the system.

(2) Privatization hurts women—who generally earn less, live longer, and take time out from the paid workforce to care for children.

(3) Privatization (diverting funds to private accounts) may jeopardize existing survivor and disability payments—putting children and those with disabilities at risk.

IT IS EITHER RISKY OR WILL NOT PRODUCE MAJOR GAINS

(1) Investing in the stock market is riskier than investing in bonds. As a result of the risk, the potential for gains is higher, but the potential for losses is higher as well. So, privatization could leave millions in poverty—is that a risk we are willing to take?

(2) If you want to minimize the risk of people ending up poor, you could limit their investments in lower risk stocks or mutual funds. Fine, but then the rate of return is smaller, and the accounts are less likely to make up for the cuts in guaranteed benefits needed to set up the accounts.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Oklahoma (Mr. ISTOOK) insist on his point of order?

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill; and, therefore, it violates clause 2 of rule XXI.

That rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

This amendment gives affirmative direction, in effect, and I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman wish to be recognized on the point of order?

Mr. KUCINICH. Mr. Chairman, I have made my point.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the amendment imparts direction to the executive. As such, it is legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $76,619,000, of which $47,619,000 shall not be available for obligation until October 1, 2002: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2002.

This title may be cited as the ''Postal Service Appropriations Act, 2002''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per year as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $54,651,000: *Provided*, That $10,740,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $11,695,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed

as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $8,625,000, to remain available until expanded, of which $1,306,000 is for 6 projects for required maintenance, safety and health issues, and continued preventative maintenance; and of which $7,319,000 is for 3 projects for required maintenance and continued preventative maintenance in conjunction with the General Services Administration, the Secret Service, the Office of the President, and other agencies charged with the administration and care of the White House.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,925,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $318,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,211,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,142,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,494,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $46,955,000, of which $11,775,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: *Provided*, That $4,475,000 of the Capital Investment Plan funds may not be obligated until the Executive Office of the President has submitted a report to the House Committee on Appropriations that (1) includes an Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) presents an Information Technology (IT) Human Capital Plan, to include an inventory of current IT workforce knowledge and skills, a definition of needed IT knowledge and skills, a gap analysis of any shortfalls, and a plan for addressing any shortfalls; (3) presents a capital investment plan for implementing the Enterprise Architecture; (4) includes a description of the IT capital planning and investment control process; and (5) is reviewed and approved by the Office of Management and Budget, is reviewed by the General Accounting Office, and is approved by the House Committee on Appropriations.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,752,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: *Provided further*, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees: *Provided further*, That of the amounts appropriated, not to exceed $6,331,000 shall be available to the Office of Information and Regulatory Affairs, of which $1,582,750 shall not be obligated until the Office of Management and Budget submits a report to the House Committee on Appropriations that provides an assessment of the total costs of implementing Executive Order 13166: *Provided further*, That the Housing, Treasury and Finance Division shall, in consultation with the Small Business Administration, develop subsidy cost estimates for the 7(a) General Business Loan Program and the 504 Certified Development Company loan program which track the actual default experience in those programs since the implementation of the Credit Reform Act of 1992: *Provided further*, That these subsidy estimates shall be included in the President's fiscal year 2003 budget submission and the Office of Management and Budget shall report on the progress of the development of these estimates to the House Committee on Appropriations and the House Committee on Small Business prior to the submission of the President's fiscal year 2003 budget.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $12,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $25,267,000; of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $40,000,000, which shall remain available until expended, consisting of $17,764,000 for counternarcotics research and development projects, and $22,236,000 for the continued operation of the technology transfer program: *Provided*, That the $17,764,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $233,882,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2003, may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, not less than $2,100,000 shall be used for auditing services and activities: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2001, shall be funded at fiscal year 2001 levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national antidrug campaign for youth, and other purposes, authorized by 21 U.S.C. 1701 et seq.,

$238,600,000, to remain available until expended, of which $180,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998, of which $4,000,000 shall be made available by grant or other appropriate transfer to the United States Anti-Doping Agency for their anti-doping efforts; of which $50,600,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997; of which $1,000,000 shall be available to the National Drug Court Institute; and of which $3,000,000 shall be for the Counterdrug Intelligence Executive Secretariat: *Provided,* That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 2002''.

Mr. ISTOOK (during reading). Mr. Chairman, I ask unanimous consent that the bill through page 40, line 2, be considered as read, printed in the RECORD, and open to amendment at any time point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment on behalf of myself and the gentleman from Maryland (Mr. HOYER).

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

On page 27, strike line 21 through page 28, line 22;

On page 28, strike line 24 through page 29, line 4;

On page 31, strike line 10 through page 32, line 17;

On page 33, strike line 1 through page 34, line 11; and

On page 39, strike lines 20 through 25.

On page 27, line 21, insert the following:

EXECUTIVE OFFICE OF THE PRESIDENT

For necessary expenses of the Executive Office of the President, including compensation of the President, $139,255,000; of which $450,000 shall be available for compensation of the President, including an expense allowance at the rate of $50,000 per year, as authorized by 3 U.S.C. 102; of which $54,651,000 shall be available for necessary expenses of the White House Office as authorized by law, including not to exceed $100,000 for travel expenses, to be expended and accounted for as provided by 3 U.S.C. 103.

Mr. WAXMAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. ISTOOK. Mr. Chairman, this amendment does not add any dollars of spending to the bill, nor does it reduce any dollars of spending to the bill. The effect of the amendment, however, is just to consolidate several accounts dealing with the Executive Office of the President, the White House office.

By way of explanation, Mr. Chairman, this amendment is offered on behalf of myself and the ranking member, the gentleman from Maryland (Mr. HOYER). We have had some continuing discussions throughout the process of considering this legislation trying to accommodate the legitimate needs both of the executive branch and the legitimate needs of the legislative branch.

The executive branch sees that in having the White House accounts split up into some 18 different accounts, a needless complexity that adds expense, that adds burdens, that adds administrative hurdles that they must go through to accomplish anything.

For example, when we have funding that is appropriated separately to the executive residents, to White House repairs, to special assistants to the President, to the Office of Policy Development, to the White House office and so forth, any time they may have something as simple as say a service contract for copier services, or equipment repairs, they have to enter into multiple contracts, do multiple sets of bookkeeping.

Mr. Chairman, there is a burden that they see that they want to have removed to make it easier for the White House to do business.

On the other hand, we in the Congress have legitimate needs and desires to have oversight over spending of public funds. The gentleman from Maryland (Mr. HOYER) and I have been working diligently to try to strike the right balance.

We did want to offer an amendment, Mr. Chairman, and I think the point of order was raised against what the gentleman from California thought was going to be the amendment which had some substantive language to try to put in some safeguards for the benefit of the Congress to make sure that consolidating these accounts would not remove our oversight ability, and would make sure that the persons involved in the White House and expending public funds are still accessible and available to the Congress when we might need testimony and information and to perform our constitutional duties.

Because the gentleman from California intended to offer an objection to the unanimous consent that was necessary to do that, the gentleman from Maryland (Mr. HOYER) and I offer the second amendment which does consolidate accounts. It does not have the additional language that we would like to have; but I would represent to the body that the gentleman from Maryland (Mr. HOYER) and I and everybody else involved with this intend to make sure that the final product of this committee, whatever it might or might not do with consolidated different accounts, does so with all of the necessary safeguards to protect the proper constitutional prerogatives of the Congress.

So this amendment, Mr. Chairman, I believe will clearly be in order. It does not consolidate all 18 of the accounts that are generally under the Executive Office of the President. It does a consolidation of the funding of some 10 of those, but it is done with the express intent and purpose of being the placeholder that we need as we continue to work with the Senate and in conference, and of course with the White House in fashioning the final bill that ultimately will come before this body.

Mr. Chairman, I repeat that this amendment does not increase nor decrease the funding for the White House and the Executive Office of the President. It merely takes 10 separate line items in the bill, consolidates them into one so we might indeed make sure that we can bring up this issue when we get into a conference with the Senate. It is our placeholder for that purpose.

Mr. WAXMAN. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before the gentleman from California (Mr. WAXMAN), the distinguished ranking member of the Committee on Government Reform, leaves, the gentleman from Oklahoma (Mr. ISTOOK) correctly points out that this is a placeholder. As I told the gentleman from California, I opposed the original amendment that was offered. It was defeated in committee. But I believe this is a subject worthy of discussion between now and conference, and I want to assure the gentleman that I will be talking with him as well to get his thoughts on this proposal that OMB has made.

Clearly they believe it is a proposal which will encourage greater efficiencies and effectiveness of management. Whether that is the case or not, we will see. I assure the gentleman that I will discuss it further with him.

□ 1245

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

Mr. HOYER. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman very much for those assurances. I understand the chairman of the subcommittee also expressing the view that this is a placeholder.

The original proposal I found very troublesome. It would do things like allow all the money from the National Security Council to be used for the residence of the Vice President. I do not think that much power ought to be delegated away from the Congress to the executive branch. There are many accounts over which we ought to have a much closer opportunity to review.

I thank the gentleman for his assurances and will look forward to discussing the issue with him further.

Mr. HOYER. I thank the gentleman.

Reclaiming my time, let me say to the gentleman that the gentleman is correct that money could be shifted from the NSC account to other accounts, the Vice President's account or

any other account. Obviously, that would have to be done, however, with the approval of the committee, because they would need a request to shift from one program to the other. However, I raised similar concern that this would facilitate that happening. Because at times we do not give as careful attention to the shifting of funds from one account to another as we do to the initial appropriations to that account, I think the gentleman's concern is well placed. I expressed it as well in committee. We will see how comfortable we can become with the ultimate agreement that we might reach.

I thank the gentleman for his input.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,629,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $43,689,000, of which no less than $5,128,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $26,524,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,086,138,000 of which (1) $348,816,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, U.S. Courthouse, $11,290,000

Arkansas:

Little Rock, U.S. Courthouse Annex, $5,022,000

California:

Fresno, U.S. Courthouse, $121,225,000

District of Columbia:

Washington, U.S. Courthouse Annex, $6,595,000

Washington, Southeast Federal Center Site Remediation, $5,000,000

Florida:

Miami, U.S. Courthouse, $15,000,000

Orlando, U.S. Courthouse, $4,000,000

Illinois:

Rockford, U.S. Courthouse, $4,933,000

Maine:

Jackman, Border Station, $868,000

Maryland:

Montgomery County, FDA Consolidation, $19,060,000

Prince Georges County, National Center for Environmental Prediction, $3,000,000

Suitland, U.S. Census Bureau, $2,813,000

Suitland, National Oceanic and Atmospheric Administration II, $34,083,000

Massachusetts:

Springfield, U.S. Courthouse, $6,473,000

Michigan:

Detroit, Ambassador Bridge Border Station, $9,470,000

Montana:

Raymond, Border Station, $693,000

New Mexico:

Las Cruces, U.S. Courthouse, $4,110,000

New York:

Brooklyn, U.S. Courthouse Annex—GPO, $3,361,000

Buffalo, U.S. Courthouse Annex, $716,000

Champlain, Border Station, $500,000

New York, U.S. Mission to the United Nations, $4,617,000

Oklahoma:

Norman, NOAA Norman Consolidation Project, $10,000,000

Oregon:

Eugene, U.S. Courthouse, $4,470,000

Pennsylvania:

Erie, U.S. Courthouse Annex, $30,739,000

Texas:

Del Rio III, Border Station, $1,869,000

Eagle Pass, Border Station, $2,256,000

El Paso, U.S. Courthouse, $11,193,000

Fort Hancock, Border Station, $2,183,000

Houston, Federal Bureau of Investigation, $6,268,000

Virginia:

Norfolk, U.S. Courthouse Annex, $11,609,000

Nationwide:

Non-prospectus Construction: $5,400,000:

*Provided*, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $826,676,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:

California:

Laguna Niguel, Chet Holifield Federal Building, $11,711,000

San Diego, Edward J. Schwartz Federal Building, U.S. Courthouse, $13,070,000

Colorado:

Lakewood, Denver Federal Center, Building 67, $8,484,000

District of Columbia:

Washington, 320 First Street Federal Building, $8,260,000

Washington, Internal Revenue Service Main Building, Phase 2, $20,391,000

Washington, Main Interior Building, $22,739,000

Washington, Main Justice Building, Phase 3, $45,974,000

Florida:

Jacksonville, Charles E. Bennett Federal Building, $23,552,000

Tallahassee, U.S. Courthouse, $4,894,000

Illinois:

Chicago, Federal Building, 536 South Clark Street, $60,073,000

Chicago, Harold Washington Social Security Center, $13,692,000

Chicago, John C. Kluczynski Federal Building, $12,725,000

Iowa:

Des Moines, 210 Walnut Street Federal Building, $11,992,000

Missouri:

St. Louis, Federal Building 104/105 Goodfellow, $20,212,000

New Jersey:

Newark, Peter W. Rodino Federal Building, $5,295,000

Nevada:

Las Vegas, Foley Federal Building—U.S. Courthouse, $26,978,000

Ohio:

Cleveland, Anthony J. Celebrezze Federal Building, $22,986,000

Cleveland, Howard M. Metzenbaum U.S. Courthouse, $27,856,000

Oklahoma:

Muskogee, Federal Building—U.S. Courthouse, $8,214,000

Oregon:

Portland, Pioneer Courthouse, $16,629,000

Rhode Island:

Providence, U.S. Federal Building and Courthouse, $5,039,000

Wisconsin:

Milwaukee, Federal Building—U.S. Courthouse, $10,015,000

Nationwide:

Design Program, $33,657,000

Heating, Ventilation and Air Conditioning Modernization—Various Buildings, $6,650,000

Transformers—Various Buildings, $15,588,000

Basic Repairs and Alterations, $370,000,000: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $186,427,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,959,550,000 for rental of space which shall remain available until expended; and (5) $1,764,669,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2002, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $6,086,138,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $137,947,000, of which $25,887,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $36,478,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000 to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the House Committee on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,196,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2002 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2003 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2003 request shall be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. The amount expended by the General Services Administration during fiscal year 2002 for the purchase of alternative fuel vehicles shall be at least $5,000,000 more than the amount expended during fiscal year 2001 for such purpose.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $30,555,000 together with not to exceed $2,520,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C.

5601 et. seq.), $2,500,000, to remain available until expended: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute: *Provided further*, That not later than 90 days after the date of the enactment of this Act, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation shall submit to the House Committee on Appropriations a report describing the distribution of such funds.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $244,247,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further*, That of the funds made available, $22,302,000 is for the electronic records archive, $16,337,000 of which shall be available until September 30, 2004.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $10,643,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $10,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,117,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $99,636,000, of which $3,200,000 shall remain available until expended for the cost of the governmentwide human resources data network project; and in addition $115,928,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $21,777,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000; and in addition, not to exceed $10,016,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $11,891,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,809,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 2002''.

## TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2002 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2002 from appropriations made available for salaries and expenses for fiscal year 2002 in this Act, shall remain available through September 30, 2003, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 515. None of the funds made available in this Act may be used to pay the salary of any officer or employee of the Office of Management and Budget who makes apportionments under subchapter II of chapter 15 of title 31, United States code, that prevent the expenditure or obligation by December 31, 2001, of at least 75 percent of the appropriations made for fiscal year 2002 to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), the Food for Progress Act of 1985 (7 U.S.C. 1736*o*), and section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)).

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 68, line 2, 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 Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to note for anyone that may be confused because we had a pause, we were anticipating there would be another amendment that was to have been presented a moment ago. Obviously, it has not. So the effect of what we have asked unanimous consent to do is to open up the bill to amendments and move on to title VI, which is the general provisions where we know there are several Members that have amendments to offer in that section.

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

Mr. ISTOOK. I yield to the gentleman from Maryland.

Mr. HOYER. So am I correct that through title VI now is closed?

Mr. ISTOOK. We are opening up the bill up to title VI. The entire bill is open for amendment to title VI. Then Members who have amendments on title VI may offer those. We are about to close off the bill prior to title VI.

Mr. HOYER. Mr. Chairman, as I understand it, we are now closed through title VI. I thank the gentleman for yielding.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for

space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 610. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 611. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 612. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2002, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2001, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2002, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2002, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2002 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2002 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2001, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2001, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2001.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 613. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 614. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 615. Notwithstanding section 1346 of title 31, United States Code, or section 609 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 616. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 617. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 618. None of the funds made available in this Act for the United States Customs

Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 619. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 620. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 621. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 622. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 623. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 624. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 625. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 626. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 627. Notwithstanding 31 U.S.C. 1346 and section 609 of this Act, funds made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 609 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the ''Policy and Operations'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2002 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 629. (a) IN GENERAL.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) ADVANCES.—Notwithstanding 31 U.S.C. 3324, amounts paid to licensed or regulated child care providers may be in advance of services rendered, covering agreed upon periods, as appropriate.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Nothwithstanding section 1346 of title 31, United States Code, or section 609 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which

benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.

SEC. 634. Section 3 of Public Law 93–346 as amended (3 U.S.C. 111 note) is amended by inserting '', utilities (including electrical) for,'' after ''military staffing''.

SEC. 635. Section 6 of Public Law 93–346 as amended (3 U.S.C. 111 note) is amended by inserting '', or for use at official functions in or about,'' after ''about''.

SEC. 636. During fiscal year 2002 and thereafter, the head of an entity named in 3 U.S.C. 112 may, with respect to civilian personnel of any branch of the Federal government performing duties in such entity, exercise authority comparable to the authority that may by law (including chapter 57 and sections 8344 and 8468 of title 5, United States Code) be exercised with respect to the employees of an Executive agency (as defined in 5 U.S.C. 105) by the head of such Executive agency, and the authority granted by this section shall be in addition to any other authority available by law.

SEC. 637. Each Executive agency covered by section 630 of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of Public Law 105–277) shall submit a report 60 days after the close of fiscal year 2001 to the Office of Personnel Management regarding its efforts to implement the intent of such section 630. The Office of Personnel Management shall prepare a summary of the information received and shall submit the summary report to the House Committee on Appropriations 90 days after the close of fiscal year 2001.

SEC. 638. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 639. (a) Section 8335(a) of title 5, United States Code, is amended by striking the period at the end of the first sentence and inserting: ''or completes the age and service requirements for an annuity under section 8336, whichever occurs later.''.

(b) The amendment made by subsection (a) takes effect on the date of enactment with regard to any individual subject to chapter 83 of title 5, United States Code, who is employed as an air traffic controller on that date.

SEC. 640. (a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 4507 the following:

**''§ 4507a. Awarding of ranks to other senior career employees**

''(a) For the purpose of this section, the term 'senior career employee' means an individual appointed to a position classified above GS–15 and paid under section 5376 who is not serving—

''(1) under a time-limited appointment; or

''(2) in a position that is excepted from the competitive service because of its confidential or policy-making character.

''(b) Each agency employing senior career employees shall submit annually to the Office of Personnel Management recommendations of senior career employees in the agency to be awarded the rank of Meritorious Senior Professional or Distinguished Senior Professional, which may be awarded by the President for sustained accomplishment or sustained extraordinary accomplishment, respectively.

''(c) The recommendations shall be made, reviewed, and awarded under the same terms and conditions (to the extent determined by the Office of Personnel Management) that apply to rank awards for members of the Senior Executive Service under section 4507.''.

(b) REGULATIONS.—Section 4506 of title 5, United States Code, is amended by striking ''the agency awards program'' and inserting ''the awards programs''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

''4507a. Awarding of ranks to other senior career employees.''.

SEC. 641. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 2 U.S.C. 437g note) is amended by striking ''violations occurring between January 1, 2000 and December 31, 2001'' and inserting ''violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2003''.

SEC. 642. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 643. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2002 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 95, line 16, 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 Oklahoma?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. INSLEE:
Page 89, strike lines 18 through 20.

Mr. INSLEE. Mr. Chairman, this amendment will assure that the Vice President's budget retains responsibility for the electrical costs associated with the Vice President's personal residence.

As Members know in quite a bit of controversy recently, the proposed bill in fact would remove responsibility for those personal bills, those electrical bills at the Vice President's residence and shift them away from the Vice President's budget and over to the financial shoulders of the United States Navy. We think that is a big mistake. We think it is a big mistake to remove accountability while many Americans are having great problems with their own electrical bills, for the Vice President to remove responsibility financially from his budget and shift it somewhere else in the Federal Government.

We would suggest that our amendment will benefit three groups of people by assuring accountability in the midst of this energy crisis remains with the Vice President's budget:

First, it will help our constituents, our citizens. The reason is, is that our citizens now are experiencing, many of them, skyrocketing energy costs. In my district people are paying 30, 40, 50, 60 percent more for their electrical

bills. My constituents cannot send their bills for these skyrocketing electrical rates to the U.S. Navy. We do not think it is the right message to our constituents for the Vice President to say, but I'm going to send my skyrocketing electrical bill, and that bill is skyrocketing, to the U.S. Navy. We think it is the wrong message for our constituents. So it is good for our constituents who expect personal accountability in these expenditures.

Second, it is good for the U.S. Navy. We have got a lot of service personnel out there who justifiably are not happy about their housing, their pay, sometimes their health care. It is the wrong message to the sailors to be saying that that budget has got to take on the personal electrical expenses of the Vice President's residence.

Third, this amendment is good for the Vice President. The Vice President said he has not asked for this change to be made. This idea was not his, apparently. But the fact of the matter is, and perhaps it is sad to report, but it is true, there are Americans who are concerned about the Vice President's apparent lack of concern for the crisis in energy and some people who have suggested that he might be perhaps too close to the oil and gas industry.

Now, I think it would be beneficial if we can squelch those rumors, those rumors that have come up due to these secret meetings that the Vice President has had with the oil and gas industry he now refuses to divulge information about. Let us help him squelch the rumors about that by showing he will be personally accountable in this electrical rate crisis.

Some people have suggested that his comments about conservation, saying that conservation is just a personal virtue but not an economic policy, some people have concern that that shows too much closeness to the energy industry. Let us help him squelch those rumors to show he wants to be personally accountable and understands the problems of real Americans in this regard.

Some people have suggested that when the Vice President sat for 8 months and did nothing about the electrical crisis in California, Oregon and Washington, some people are concerned that that has demonstrated a lack of compassion and understanding for the plight of people on the West Coast whose energy prices have gone through the roof. Let us help him squelch those rumors to show personal accountability for these.

And some people have suggested that the Vice President's willingness to drill in our most pristine wilderness areas demonstrates not being in touch with the will of the American people but a little too close to the oil and gas industry. Let us help him squelch those rumors by showing personal accountability in fact for these obligations of the Vice President's office.

Mr. Chairman, perhaps this seems like a small budget item, and it is certainly a small dollar amount, about $180,000, in the context of the Federal budget. But leadership involves understanding the plight of those who are led. We have had a lot of people who are in tough times right now because of the downturn in the economy and the huge escalation in their energy prices. Let us help the Vice President demonstrate that he is in touch with the needs of ordinary Americans and assure that the Vice President's budget will in fact remain responsible for his electrical prices.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was hopeful that we could get through this debate without having an amendment such as this offered because I think it is based upon very misleading arguments and claims. I would certainly hope that nobody in this body would want to take a cheap shot at the Vice President of the United States. The Vice President by law resides at the Naval Observatory here in Washington, D.C. The grounds are under the jurisdiction of the United States Navy.

Two years ago, they installed a separate meter for the residence. Now, it is not just the residence that comes through it because there is all the security lighting and there is the Secret Service needs. There is a lot more than would normally come under any residence. Besides that, it is a 33-room building that has the official functions as well as the residential functions as part of it.

□ 1300

After they installed the meter, Mr. Chairman, 2 years ago, they found out that the former Vice President, Mr. Gore, overspent on utilities 220 percent of his office budget. What they did then was have the Navy make up the difference for former Vice President Gore's utility bill, which I believe the difference was somewhere in the neighborhood of $125,000.

In December of 1999, under the former administration, the former administration proposed consolidating the utility bills of the Vice President's residence with the Navy's overall utility bills at the Naval Observatory to be under the jurisdiction of the Navy. That proposal was carried forward and carried out in the current budget, and the budget for the Vice President was reduced by the same amount as we had allocated for former Vice President Gore's utility bills.

Former Vice President Gore went into the Navy to pay the utility bill once they had a separate meter and found out how much it was. Now we are told that Mr. CHENEY is being irresponsible because the Navy is going to pay the bill, which means the taxpayers pay the bill, which was the same people that pay it anyway.

But, yet, Mr. Chairman, what they are not mentioning is that Mr. CHENEY is using about one-fourth less energy than Mr. Gore did at the residence. Now, there is your story. The current Vice President is only using 75 percent as much energy as the last Vice President. Yet they try to twist and manipulate things to make it appear that somehow Mr. CHENEY is being irresponsible and trying to evade his electric bill.

There is no truth to such an assertion. This is merely carrying out the plan that was put in place by the former administration, the Clinton administration, to have the Navy pick up the difference between what Mr. Gore had in his budget to pay his utility bill and what the actual bill was, because it was far beyond what Mr. Gore had in his budget. But, instead, they try to twist it where somehow Mr. CHENEY, who has reduced the bill, supposedly Mr. CHENEY is the one being irresponsible? No matter how it is manipulated, Mr. Chairman, that does not wash.

I would hope that any person who tries to use this to embarrass the Vice President of the United States would rethink it and perhaps get a little bit embarrassed, if not ashamed, at what they are trying to do.

This is an outrageous argument that we have been hearing on this. It is not based upon accountability of who pays the bills, because we have the meter, we know regardless. We know that the bill is something that is going to be at the taxpayers' expense, whether it is routed through the Naval Observatory account or whether it is routed through the Office of the Vice President; but the funding was not put in Mr. Gore's budget, and the funding was not put in Mr. CHENEY's budget to pay the entirety of the expense. Either way, the Navy was picking up the difference.

Mr. CHENEY is the one who is being responsible, who is getting by with 75 percent as much energy as Mr. Gore was using. That is the bottom line, and that is what we ought to be focusing on.

I do not yield on something as outrageous as this. I yield back the balance of any time.

Mr. FILNER. Mr. Chairman, I rise in support of the Inslee-Filner amendment.

Mr. Chairman, I thank the gentleman from Washington for raising this issue. We are not trying to embarrass the Vice President of the United States; we are trying to embarrass the administration for not having an energy policy for this country.

We are not arguing whether the taxpayer is going to have this bill one way or the other; we are arguing that the people in the West Coast are paying double and triple the prices they paid last year, and they have no help. The administration will not step in and do anything about their prices, will not do anything about the energy cartel that is doing this.

The Vice President does not have to worry about that. He just asks for a shift of the accounts. We are not accusing the Vice President of being irresponsible; we are accusing the Vice

President of being clueless. We have suffered for a year in San Diego, California, and the West Coast, with manipulated prices that have doubled and tripled what we were paying a year ago. Think of the small business person who is paying $700 or $800 a month, and, 60 days after deregulation, is paying $2,500 a month.

I want the Vice President to think about the small business person who had to close his doors because he did not have anybody to take his bill up. And he conserves. I will accept your premise that the Vice President conserves. Our people conserved, and what happened? Their price went up, and they did not have anybody to bail them out.

Sixty-five percent of small businesses in San Diego County face bankruptcy today. We have asked the administration for help. What about the person on fixed income who was paying $40 or $50 a month and is facing a bill of $150 to $200 a month, and he or she conserved? They are using 30, 40, 50 percent less electricity and their price doubled or tripled anyway. Do they have the Navy to bail them out? No.

We asked the administration, we have asked the Federal Energy Regulatory Commission for a year now, bring us cost-based rates to the West Coast. That is what went on in this country for almost a century, the cost of production plus a reasonable profit. It costs 2 or 3 cents a kilowatt to produce, the energy companies charge 3 or 4 cents, and they were making a real hell of a profit there. We were told to buy utility stocks when we grew up, that is the safest. That same 2 cents or 3 cents per kilowatt of electricity was selling for $3 or $4 recently.

We do not have a free market in electricity on the West Coast; we have a manipulated market that is throwing people out of business, throwing people out of their homes, and the electricity crisis, Mr. Chairman, still exists. Prices have gone down recently, but I will tell you the retail prices were not affected by that change, and my small businesses in San Diego and the rest of California and the West Coast are facing bankruptcy.

Now, Mr. CHENEY, who met with the Congress, people did not want to hear that. Now, I know why they did not want to hear it. He did not care whether the prices went up. He did not care if you conserved and your prices went up. It is not coming out of his budget. Just shift the budget over, coming out of the Navy budget.

I would say to the gentleman from Oklahoma (Mr. ISTOOK), we are not arguing whether the taxpayer is going to pay one way or another. We are not arguing that Mr. CHENEY is irresponsible. We are saying the administration is clueless about the suffering of the people who live on the West Coast and who have been paying these outrageous prices for a year. And we cannot transfer them to the Navy, although I am asking my constituents, since this seems to be the administration policy, shift your bills over to the Navy, I am asking all my constituents and all the people across the country, send your bills to the Navy care of the Vice President. Here is the address. Send your bills, which have doubled or tripled over the last year, to the U.S. Navy, care of Vice President CHENEY, who lives at what was called the U.S. Naval Observatory. If that is the administration policy, let us take advantage of it.

But I will tell you, if the Vice President thinks that they can escape a responsible energy policy, I challenge him to come to the West Coast and show how he has paid for his electricity bills.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

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

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I just wanted to make the point, the gentleman from Oklahoma was suggesting that somehow we are personally critical of the Vice President's attempt to move this accountability over to the Navy, and that is not our criticism. In fact, what we have been told is that the Vice President said this was not his idea; and if it is not his idea, I agree with him, it is a bad idea. He is not personally responsible for this.

Neither are we criticizing him for use of electricity in his residence. We are told he actually has taken some steps to reduce his electrical usage, and I think that is great. He should be lauded for his personal virtue in that regard.

What we are critical, however, of, and the point we are trying to make here, is that this administration, while shifting accountability to the Navy, is not lifting a finger to help get refunds of the billions of dollars that are owed to our constituents on the West Coast.

The economic analysis of some folks indicates we have been overcharged $8 billion by electrical gougers on the West Coast, although today the Federal Energy Regulatory Commission, finally, because we have been pushing them, not the administration, they have finally said we are going to do something marginal for California; but we are not going to lift a finger for Washington and Oregon.

Washington and Oregon need refunds. The point we are trying to make is this administration, while it is shifting responsibility for electrical rates to the Navy, will not lift a finger to help us get refunds in the States of Washington or Oregon, because of this worshipping at the alter of the free market.

That is the criticism we have of the Vice President. We laud him for his conservation. We now want him to get busy and help us get refunds in the Pacific Northwest.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I want to clarify some of the remarks that were made by the chairman. We believe that the difference is approximately 15 percent in the last 4 months. If you compare the first 6 months, it is an interesting comparison, because the Vice President, of course, was not in residence at the Vice President's residence. They were refurbishing the residence for the Vice President.

If you are just comparing the last 4 months, including a hot day yesterday and a cool month of June, there was a 15 percent difference over those 4 months between the two energy costs, which is clearly explained by the difference in weather.

But that attempts to respond to an alleged attack on the Vice President by attacking his predecessor. Now, I know consistency is the hobgoblin of small minds, but it would seem to be fair to the former Vice President not to go after these energy costs, as the majority wants the present Vice President to be free of these attacks.

The gentleman from Washington State pointed out, absolutely correctly, this is not about the Vice President. This is about the cost of energy. This is about a sensitivity that the administration ought to have, that the Congress ought to have, to the cost of heating one's home, of air conditioning one's home.

Now, let me correct, if I might, the chairman. The Secret Service is separately metered. The Secret Service has its own meter. Why? Because they use a lot of electric utilities. They use a lot of security lights, and they are metered themselves. So this is not an opportunity nor an effort to embarrass the Vice President.

But I will tell my friend, the chairman of this committee, with whom I have been working positively, who did not serve on all the years from 1995 to 2001 when there were repeated attempts to embarrass the President and the Vice President on the expenditures in the White House account, repeated attempts, unlike, I will tell the chairman, as he knows I feel strongly about, unlike 1981 through 1989, when Ronald Reagan was President of the United States, and unlike 1989 to 1993, when George Bush the First was President of the United States. It did not start to occur, for Members of Congress to go after individually either the Vice President or the President on administration of the House in which they live, until 1995, and it became very popular in 1996, 1997 and 1998 to rag on the President and the Vice President.

That is not what this is about. We have a crisis in America, and that crisis is energy costs. Some people in California and other areas of this country are put to the test of whether they are going to pay for an electrical bill or pay for their prescription drugs or pay for food.

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

Mr. HOYER. I am glad to yield to my friend from the Northwest, from Washington State, who has offered this

amendment, to cogently raise this issue for all of America, not for the Vice President.

Mr. INSLEE. Mr. Chairman, I just want to read to the gentleman an e-mail I got from a guy named Cliff Sinden a few months ago. He said, ''I saw the press conference with you and the Senator. The message was the U.S. Government won't do a darn thing for you, just conserve. I have cut my electric consumption by 50 percent from last year, and the next 2 months should be even more, with the full effect of my conservation efforts.

□ 1315

What reward do I get? A $45 increase in my monthly charges.''

I guess it is true that no good deed goes unpunished.

What we are saying by this amendment is that it is important for the administration to have an appreciation of what individual Americans are going through. Sending this signal to them is consistent with the rest of the administration's policies that they do not understand the depth of this crisis, and that is why we think this amendment is important.

Mr. HOYER. Mr. Chairman, reclaiming my time, and I thank the gentleman for the addition to the remarks that I made and that he is making.

I would reiterate what the gentleman just said. This is an issue about us focusing on what it costs from an emergency standpoint to run the residency of the Vice President and the residency of the White House, the President; it is not to embarrass either one of them. I do not think Vice President CHENEY is frankly using more or less energy than Vice President Gore.

What I think we ought to have is a focus of this Congress on those costs so that it shows us very clearly what it costs to heat, to air condition homes. I think in that respect, it is a good educational amendment and gives us a better budget focus, and I urge its adoption.

Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this issue is in the larger scheme of things, as we talk about our national budget, certainly not a huge sum of resources or money, but the most important thing we do in this Chamber is to decide how to use the resources available to us.

I am struck by the fact that last weekend when I was in my district, I met with a veteran who shared with me his concern that currently, when he went to the VA to get his prescriptions filled, he pays a $2 co-pay for his prescription, and that is likely to be increased to $7 per prescription. He shared with me that he takes 12 prescriptions a month. Going from a $2 copay to a $7 copay is a 250 percent increase for veterans in order for them to be able to get the medicines they need.

Mr. Chairman, we make choices around here all the time about how we are going to use our resources.

I have another constituent in my district who wrote me, saying that they had a child who was very ill and on oxygen, and they are struggling to keep their electricity from being cut off because they have been unable to pay their electricity bills.

Again, we make choices up here about how we are going to use our resources.

Now we want to use military funds to pay for the electricity bill at the Vice President's home. Well, in southern Ohio, we have a saying: ''What is good for the goose is good for the gander,'' and I would like to share with my colleagues some quotes from the Vice President that appeared recently in the July 17 issue of The New York Times. I read: ''Several weeks ago, Mr. CHENEY said consumers should decide for themselves whether or not they wanted to conserve electricity based on their ability to pay utility bills.'' I quote: ''If you want to leave all the lights on in your house, you can, Mr. CHENEY said. There is no law against it. But you will pay for it.''

What is good for the goose is good for the gander. It is unwise and I think unconscionable at a time when we are requiring veterans to pay more for their prescription drugs, when we are having constituents communicate with us about their ability to keep the electricity on in their homes, even when they have a sick child in that home, it is wrong to use military resources for this purpose.

Mr. Chairman, I simply would urge us to do the right thing. I do not think this is an attack on the Vice President, I really do not. It has been said here today that there is evidence that the Vice President has made efforts to conserve, and we applaud him for that. But there are Americans who are suffering deeply and greatly over this energy problem, and this administration has not responded appropriately, and we are just simply saying to the Vice President and to this administration, what you expect out of the American people in terms of responsibility and of paying their own bills, we should expect out of the Vice President.

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

Mr. STRICKLAND. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Ohio for his eloquent statement. I would point out to our friends across the aisle, we are bringing up this issue on account of the Vice President, and our motives have been attacked for this.

I will tell my colleagues, we are a year into an incredible crisis on the West Coast; and yet, the majority party of this House has not allowed a debate on this issue. We have not been granted any amendments; we have not been granted any bills. I wrote to the Speaker weeks ago saying, let us have an up or down vote on these issues, of whether we should have cost-based rates on the West Coast, on whether be should have refunds of criminal overcharges. All we are asking is for a debate on this issue and a discussion and a vote. We cannot get it from this party. So we have had to use issues that come up in other bills to make our point.

Our point has been made and we are going to keep making it until we get it addressed. We are paying double and triple charges on the West Coast for our electricity, not because that is what the market, the free market gave us, that is because that is what a manipulated market gave us. We have been paying those bills for a year; we have been overcharged between $10 billion and $20 billion, and we want a refund on those overcharges.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just want to really try to put this in some perspective with what my colleagues have been saying. And what the Inslee amendment is about is that we are looking at hard-working Americans, and they are facing sky-high energy bills.

We look at the White House wanting the Congress to relieve the Vice President of his high electricity bill. People have spoken about the Western region of our country and the rolling blackouts, the record-setting gasoline prices in the Northeast and the Midwest, families struggling to pay off their energy heating bills, bills skyrocketing over the last several months. We are now looking at scorching summer temperatures, the high air-conditioning bills. The prices have constrained the budgets of our families, everyone. I guess here, even including the Vice President. But we have been calling, my colleagues and I, for urgent and long-term solutions to get some help and get price relief for consumers, additional funding for LIHEAP, energy efficiency and research.

It has been stated here that the Vice President belittles conservation, little more than a personal virtue. ''If you want to leave all the lights on in your house, the Vice President said, there is no law against it, but you will have to pay for it.''

The fact is that what he is doing is asking the Navy to assume the burden that he has with the high cost of electricity. Unfortunately, millions and millions of Americans do not have that opportunity. They have to pick up the cost of their electricity bills.

It is about relieving the people of this country of the high cost that they are facing and being willing to help them, and this administration has turned a blind eye to the harsh realities that our families face.

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

Ms. DELAURO. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, just as a closing comment, I just want to make one thing clear. This amendment is not about DICK CHENEY. We have no interest in embarrassing him. Again, we

just want to make clear, this is not about the Vice President personally. We simply are saying that we want our Vice President, whose idea of this was not his, this was not his idea to put this over on the Navy; that is that is why he is not personally responsible for it. If we do it, it is our responsibility.

Here is what we suggest. We just think we want our Vice President, when a constituent comes up to him at one of their town meetings that they hold and says, Mr. Vice President, I have to wear a parka; I have cut my energy 50 percent, but my bills keep going up, we just want our Vice President to be able to say, I know what you mean, mine are too. If we pass this amendment, he will be able to say that. I hope we can have bipartisan support of this idea and realize this is not the Vice President's fault.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as has been said numerous times, the issue here is not how much energy the Vice President is using. No serious-minded person is going to run around the Capitol as a light switch cop or an energy policeman. Mr. CHENEY happens to be the person who occupies the Vice President's residence, but this is not about him, this is about the way the office itself should be dealt with. What the issue really is here is whether or not that office is going to be treated the same as other Americans and whether the existing occupant of the office will be treated the same as previous occupants of the office.

Many Members of this House know that I often quote my favorite philosopher, Archie the Cockroach, and one of the things Archie said once was, ''The cost of living ain't so bad if you don't have to pay for it.'' That is the issue that is at stake today, because if the provision in this bill passes, then whoever occupies that residency in present or future years will not have to pay for increases in the cost of living, as do other Americans.

Now, my understanding is that since 1999, the energy usage at the Vice President's residence has risen from $83,000 to $135,000, and my understanding is that it is expected to be $186,000 this year. So what is at stake is a simple question here: will whoever occupies that residence be insulated from those future increases in costs, increases which the average American will not be insulated from? That is the sole question at issue here, and it has nothing whatsoever to do with whether one likes the Vice President or not. I happen to like him. I have known him since 1965. I consider him to be a good friend and a fine public servant.

But I do note that like all of us, the present occupant of that office has made statements that he probably wishes he had back, and one has been previously cited, when he indicated, quote, ''If you want to leave the lights on in your house, you can, but you have to pay for it.'' The problem is that under the provisions in this bill, he will not, while everyone else does.

I would point out also that if we take a look at the administration's justifications for this provision, we find the following sentence: ''The rationale for this requested transfer of responsibility is based on the fluctuating and unpredictable nature of utility costs.'' Well, as I have tried to make the point, it seems to me that we should not be singling out specific occupants of specific offices in this country for exemption from the volatility of those prices.

I also note that in an article in The New York Times, they indicated that the White House said that by transferring all the President's costs to the Navy, there would be ''no need for the administration to return to Congress to ask for emergency appropriations, in the event of an exceptionally cold winter or hot summer.''

I would point out that it is interesting that they are interested in avoiding the need to ask for a supplemental by burying the cost somewhere else, but unfortunately, low-income families in this country who need programs such as the Low Income Heating Assistance Program are not subject to such delicate considerations.

The budget that the White House has presented for the Low Income Heating Assistance Programs this year effectively delivers about $1 billion less than was delivered last year. So all I am suggesting is that I think offices and persons who occupy them ought to be treated the same as previous and future occupants.

□ 1330

I also suggest that, as the gentleman said earlier, what is sauce for the goose is sauce for the gander. I do not think we ought to be seen as taking actions which exempt persons in government from some of the burdens which are so excruciatingly evident as they are applied to average citizens with respect to energy prices.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. CALLAHAN. Mr. Chairman, I love this institution, and I love this body, and I respect this institution. I respect this body. These halls of the Capitol are lined with famous people, famous art, as in past years, talking about issues of the day.

But with the advent of C–SPAN, we no longer talk to each other here. We no longer try to convince each other of the merits of our argument. We talk to the television. We are hoping that someone back in Alabama or back in California or back in Wisconsin is watching this, and we can make these political points and embarrass one side or the other.

Mr. Chairman, this debate today is almost ridiculous. We are not disputing the fact that the Vice President and his family have reduced the cost to the Federal taxpayers with respect to the uses of electricity at the official Vice President's residence. How ridiculous can we get when we stand up and argue, trying to embarrass one party or the other party over the uses of electricity?

There is no debate on the merits of this. If the Vice President's bill had shot up twice, then maybe we should talk to him about that. Maybe we should send him a message through C–SPAN or whatever methodology we have.

But the very facts, the undisputed facts, are that that is not the case. The power bills are being reduced since Vice President CHENEY has moved into this Naval facility. The question here is whether it is going to be paid for out of one account or the other account.

If we are trying to impress someone, we ought to impress upon the American people what the Vice President and his family are doing. That is, they are conserving electricity, which is very, very important. We ought to be telling the American people about the history of who used power, who left the lights on, who left the computers on.

But that is not what we are trying to do. We are not concerned about the cost of this. We are concerned about who is going to pay for it.

Let me tell the Members, a lot of people in Alabama watch this program, Mr. Chairman. My mother watches it. I will bet she is watching it right now, although I did not call her and tell her I was coming down here, or I know she would be watching it.

But if the American people we think are so dumb as they cannot see through this charade of an argument, then we do not have enough respect for the American people. If Members respect this institution, if they respect the government, as we have established in this country, if Members respect their own constituents, they would not waste the taxpayers' dollars debating this issue for 2 or 3 hours, trying to embarrass one party and trying to say that this party in power now is doing something wrong, because they are not.

This is a government facility. It is a Naval facility. The government has always paid these bills. The bills are less today than they were this time last year. We ought to get on with the business of the state and look at the rest of the important issues of this particular bill and stop trying to convince people watching this on C–SPAN that someone at the White House or someone at the Vice President's residence is doing something wrong. He is not.

I compliment the Vice President and I compliment Lynn Cheney and I compliment his staff for making the effort to prove to the American people that we can conserve by being the example of reducing his power needs at this official residence of the Vice President of the United States.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to congratulate the gentleman from Alabama (Mr. CALLAHAN) for addressing his remarks to the Chair while he talked about C–SPAN. He was not addressing the audience. He did a great job on that.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was in my office working, and I happened to have my TV on to keep an eye on the floor debate. All of a sudden when this amendment was brought up, I felt like I was getting a wake-up call, or maybe a wake-back call to a bad memory.

Mr. Chairman, 2 or 3 years ago we had a great debate on this floor. We had a great debate in committee. We had a great debate in conference. In this case, it was the tax bill.

A Member of our institution called Congress from the other side of the building and had a very important piece of legislation he was pushing, an amendment to the tax bill on chicken manure. We debated chicken manure for a long time. That member has since retired, and I had thought I would not be debating chicken manure again. I have to tell the Members, Mr. Chairman, this smells like chicken manure to me.

A few years ago, we had a debate about ammunition, the cost of ammunition to the military. The cost was too high, some people said. What we needed was some cheap shots. Mr. Chairman, I think we have some cheap shots today.

The Vice President of the United States for the last 8 years was a Democrat. To my party's credit, and I want to thank my colleagues, none of us were small enough to bring an amendment like this to the floor to try to embarrass the Vice President of the United States, as he inhabits the official residence of the United States, the expenses for which are primarily incurred on behalf of the official duties of the Vice President of the United States; a high honor, indeed, and an enormous responsibility to be the Vice President of the United States.

To have that great office ridiculed on the floor of this House in a debate that is reminiscent of the great chicken manure debate of years past, or the great cheap shot debate of years past, both of which were debates that had some legitimacy in public policy, to have those debates mocked here today in an effort to embarrass the Vice President is disappointing; disappointing I think for me, because I so love this body and so hope for the best to shine in this body; disappointing for America, who might ask their children to tune in for a civics lesson.

Let me just say this. Irrespective of what has been the record of electrical utility usage in the White House for the past 8 years, our current Vice President has already demonstrated a 28 percent reduction in the use of electricity. He is doing his very best as he carries out his official duties to use the resources made available to him for those purposes in order to achieve the results the Nation would hope from his office in the most efficient way possible.

Let me submit, Mr. Chairman, that this body pause for a moment to appreciate and respect the Vice President of the United States. Let me suggest, Mr. Chairman, that we reserve our chicken manure and our cheap shot debates for a more appropriate time.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me, and I thank the chairman.

Mr. Chairman, I came in as the majority leader was praising the Vice President and the hard job that he does. All of us on this side of the aisle agree with that. It is an august office, and he is working hard at his job.

But I will tell the Members, I would say to the majority leader, the small business people in my community are worthy of equal respect for working hard every day, for going to their jobs, for supporting their families, for working 16 and 18 hours a day. They conserve their electricity. They are trying to make their ends meet. They are facing an electricity market which puts them out of business.

Scores of business people in my district are out of business, I would say to the leader. That is the tragedy of this crisis, and 65 percent of all small business in my county face bankruptcy this year. We need to support them. We need to talk about the glory of their jobs.

How about the tough life that people on fixed incomes have, trying to make decisions between cooling their home and having a somewhat comfortable evening, even if their thermostats are set at 78 or 80 or higher; trying to buy their prescriptions; trying to buy their food? Their bill goes up from $40 or $50 to $150 or $200.

They do not have the option, I would say to the majority leader, of asking the Navy to pay their bill. These are people who have worked their whole lives for America. They have been veterans. They have supported and raised children and grandchildren. They are doing their jobs, just like the Vice President is doing his job. They are as worthy of our support and our eloquence as is the Vice President.

We have asked the leader and the Speaker, we have asked and begged them, put on the floor of the House a bill that allows us in our view to help these people. If they do not agree with it, vote it down, but give us a chance to debate these issues in a realistic fashion, so we do not have to use such appropriation bills that they find so difficult for us to speak on.

Give us an up-or-down vote on cost-based rates for the West coast. Give us an up-or-down vote on the refund of $10 billion to $20 billion of overcharges. They cannot shift their bills to the Navy. They cannot get a supplemental appropriation that we just passed last week that paid $750 million because the military had increased electricity bills on the West Coast. They got their bills paid for. How come my constituents, the constituents of the gentleman from Washington (Mr. INSLEE), the constituents of the gentleman from Massachusetts (Mr. FRANK), cannot have their overcharges paid?

I will tell the Members, they are criminal overcharges. The Federal Energy Regulatory Commission has found the prices that we pay in California and the West Coast to be illegal. They are illegal. Yet, we have paid them for 1 year.

I would ask the leader, yes, let us praise the Vice President, but let us praise the average people in our districts who are being brought to their knees by these prices.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, the majority leader has questioned my right or anyone's right to bring an amendment of this nature. I will not yield to him one inch.

I am not President, Vice President, majority leader, minority leader, committee chair, or ranking member. I am only one Member who understands one basic thing about my constituents: They question whether this administration understands the depth of the problems that they are experiencing.

I am only here not to do anything about Mr. CHENEY, I am just here asking my colleagues to make it so that the Vice President of the United States, who works for all of us, Democrat and Republican alike, can look Americans in the eye and say, my electrical bills are going up, too.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say in closing, without coming fully on the merits here I had not intended to speak, but I was struck by the objection to the notion that this might be embarrassing.

As one who has been both embarrassed himself and has sought to embarrass others, I regard the right to embarrass each other as one of the most cherished parts of American democracy. I am sorry to see that right denigrated, particularly by people who have freely engaged in it in the past.

□ 1345

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

This amendment should be better known as the ''cheap shot'' amendment. This amendment demeans the House. If you want to talk about energy policy, and I am so surprised that Members with as much seniority on the Committee on Appropriations would have the courage to stand up and speak in favor of this amendment. This

amendment demeans the House. It really does, and you know it.

If you want to talk about energy policy, there is going to be an energy bill on the floor next week. If you want to talk about the lousy policy that California has had, because you know they did not have a policy, talk about it next week. But it does not have anything to do with paying the utilities by the Naval Conservancy of the official Office of the Vice President. That has nothing to do with this.

If you think we need an energy policy, take a look at the Bush-Cheney energy policy. They have one. And I think the gentleman from Texas (Mr. BARTON) and his subcommittee are going to trot it out here next week. If you do not like it, bring out an amendment. If you want more LIHEAP money, bring out an amendment. If you want to talk about who should pay the utility bills, bring out an amendment. Not on this bill. This demeans the House. Do not try to discredit the Vice President.

This is a shell amendment to try and demean the Vice President of the United States. I wonder if you would be doing this if your friend Senator LIEBERMAN had been elected Vice President. I doubt if this amendment would be on the floor today if Senator LIEBERMAN were Vice President LIEBERMAN. It would not be, and you know that.

We need an energy policy. We need to pay attention to energy. Nobody would dispute that. But you do not do it by trotting out an amendment trying to embarrass the Vice President of the United States

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

Mr. LAHOOD. I yield to the gentleman from Maryland.

Mr. HOYER. I thank my friend for yielding, and he is my friend, and I respect him because he cares about this institution.

Mr. LAHOOD. Absolutely.

Mr. HOYER. I do not know if he was speaking about me, I did not offer this amendment; but I will tell my friend, A, this is an amendment that was offered by the administration in its budget to shift the objective of spending from one account to the other.

Mr. LAHOOD. Reclaiming my time, Mr. Chairman, I would just say to the gentleman that this amendment says the Secretary of the Navy cannot pay the bill. That is not the amendment that was offered by the administration. You know that.

This amendment is being offered to try and embarrass the Vice President because some people around here think the administration does not have an energy policy. Well, we do have an energy policy, and we are going to debate it next week.

Mr. HOYER. Mr. Chairman, will the gentleman continue to yield?

Mr. LAHOOD. Of course.

Mr. HOYER. The gentleman did not allow me to finish.

The fact of the matter is, though, that it is a proposal in the budget to switch presently identified spending in one account to another account.

Mr. LAHOOD. Would you be doing this, would you be supporting this if it was Vice President LIEBERMAN? Of course, you would not. You know that. Nobody on your side would be doing this. We would not be having this debate.

This is a way to embarrass this administration. That is what it is. You do not have any other way to embarrass him, so you trot out this stupid amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair wishes to inform Members that they should avoid references to Members of the other body.

Mr. LAHOOD. How much time do I have, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois has 1½ minutes remaining.

Mr. LAHOOD. Mr. Chairman, I suggest to the House, and I am not going to yield to anybody else, you have had plenty of time to demean the House. This amendment demeans the House. It demeans this bill, and it demeans all the Members of the House who vote for it.

So I would suggest that the Members of this House vote against this amendment and send a message you cannot trot out amendments just to embarrass a constitutional officer in the country, the second highest ranking constitutional officer. And, really, what it does, it demeans all of us. We have got better things to do around here than to take a cheap shot at the Vice President.

This is the ''cheap shot'' amendment. Vote it down.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion.

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

The distinguished majority leader suggested that this amendment is, in his inimitable styling, chicken manure. I would say that the issue of equity in a democracy is not ''chicken manure,'' it is fundamental to our ability to govern in a democracy with a very large mistrust of government and public officials.

I can understand why someone who thinks that a tax bill that gives $53,000 in tax cuts to the wealthiest 1 percent of people in this society while it denies any tax cut whatsoever to 25 percent of the people who make less than $26,000 a year thinks that kind of a tax bill is equitable would think that an amendment such as this, which tries to address the issue of equal treatment, is somehow ''chicken manure.''

I think it is simply revealing of the mindset which allows people to call a tax bill like that equitable, and I am not at all surprised by it. I think the gentleman misses the larger point, and I am not surprised by that either. But I would simply say that what is at issue here is not as we have said on countless occasions, it is not what we think of the existing occupant of the Vice Presidential office. The issue is whether the second most powerful person in the land should be exempted from the same inflationary costs which are applied to every other citizen in this country. That is the issue.

The issue is not whether we are trying to embarrass the Vice President or not. We did not propose the change contained in this legislation. The White House did. The only way you can object to a change proposed by the White House, if it is carried in a bill like this, is to offer an amendment to delete it. That is exactly what we are doing. And for us not to offer this amendment would be to acquiesce in the pervasive acceptance of inequality and inequity which has become, unfortunately, all too routine under the leadership of this House.

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

Mr. OBEY. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman from Illinois earlier had said that this amendment demeans the House. I take what the gentleman says very seriously, because he has worked for this House, this institution, and loves this institution; and I know that. But I would say to the gentleman, we would be bringing up these amendments on energy bills if we were allowed to by the majority.

I would like you, Mr. LAHOOD, to go with me to the Committee on Rules when this energy bill you spoke of does come up, and ask them to give us the amendments that we have asked for. Ask them to give us the amendments for cost-base rates in the West; ask them to give us the amendments for overcharges; ask them to give us the amendments that we have sought.

I have written to the Speaker weeks ago to say schedule a bill that treats this crisis. We have been here for a year with this crisis, and have you responded? No. That is what demeans the House, our inability to talk about a crisis affecting America except in this context.

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

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the ranking member for yielding.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Chairman. How much more time remains on the 5 minutes?

The CHAIRMAN. Does the gentleman from Wisconsin, who has the floor on a preferential motion, yield for that purpose?

Mr. OBEY. No, I do not. I would prefer to stick to the rules of the House.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has yielded to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. As I started to say, I have a great affection and respect for my friend from Illinois, and we are friends; but I have served a long time in this body. He has been here a long time as well. I do not believe I have ever tried to demean this House, and I hope he thinks I never would.

Now, this is not my amendment; but as I started to say to him, this is an amount which speaks to a legitimate legislative perspective, that is to say whether or not an expenditure should be in one section of the bill or another. This is a substantive issue. This is whether or not we should pay the utility bills of the Vice President's residence out of the Vice President's office account or we ought to pay it out of the Navy's account.

Nobody on this floor, nobody, has demeaned the Vice President. I have not heard one adverse word about the Vice President on this floor. This is a legitimate objective of legislators. You may disagree with the amendment, but it is not a demeaning amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired. Does a Member seek recognition in opposition to the motion of the gentleman from Wisconsin?

Mr. ISTOOK. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 5 minutes in opposition to the motion of the gentleman from Wisconsin.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, it would make no sense for this committee to rise at this time to let people try to distract us from the important work of this House. I realize that there is no rule that says you cannot offer a mean-spirited amendment.

Now, there is no rule that says you cannot take a cheap shot. There is no rule, as the gentleman from Massachusetts suggested, that says you cannot try to embarrass somebody, whether it is justified or not. No, there is no rule that requires us to use common sense in this body. There is no rule that requires Members of this House to have an electricity meter outside the door of their office so that their constituents can see how much energy are they consuming. There is no rule that says they cannot ask all their constituents to mail to them the people who either did the wrong things or did nothing to let utility rates and fuel prices go up. There is no rule that says you cannot send them your utility bill or your electric bill.

It saddens me, Mr. Chairman, it saddens me to hear people being caught with such an obvious ploy trying to take a cheap shot at the Vice President and then stand up in front of the Nation, in front of this body, Mr. Chairman, stand up and try to say, oh, we are not trying to embarrass the Vice President. Malarkey. Do not insult people's intelligence that way.

If you were sincere, and you said, well, we just want to make sure that the Vice President is accountable for the utility bills, then you would have said he will pay the bills instead of having the Navy pay them, as Mr. Gore did; he will pay the bills and we are putting money back in the budget to enable him to do so. Because the money that was allocated to Mr. Gore to pay his utility bills, which was $43,000 a year, has been backed out of the Vice President's budget.

In addition to that, over the last couple of years, the Navy paid over $200,000 to pay the utility bills of Mr. Gore's residence. Did they offer an amendment that says the Vice President is going to be accountable for his own bills and we will have the money in his budget so that he can do so? No.

The effect of this is they want to strip money out of the Vice President's budget so he has to choose between paying the electric bills or doing the job that he was elected to do, because they will take away facilities, they will take away staff, they will take away whatever it is. The money is not in the Vice President's budget to pay his utility bills. That was what was proposed by the Clinton administration, to say have the Navy do it. That is what is in this.

And what they are really trying to do is say we want to prevent the Vice President from doing his job. Oh, but we are nice and clean and pure. We are not mean-spirited people at all. They are caught. They are caught embarrassed in front of the country trying to take a cheap shot and come back and try to justify it.

You can dress up a pig in as many dresses and designer costumes as you want, Mr. Chairman, but it is still a pig.

□ 1400

I am not about to kiss this pig. Vote no on any motion to rise and vote no on the amendment itself.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, it strikes me as odd that here we are in the legislative branch. As I recall, in this building, which is our office, we have a protection service, an excellent protection service, the Capitol Hill Police. Is that billed, so to speak?

That is billed in a separate account. Maybe we should look at that.

Who provides the medical services, the doctor for the Congress? Is that not the Navy?

Mr. ISTOOK. In short, as the gentleman from Georgia (Mr. KINGSTON) knows, there are a great number of services that are provided to each Member of this body in a collective manner without being allocated or billed to the individual Members.

Mr. KINGSTON. Who runs the Capitol Hill Historical Society or the Architect? Is that billed to the Congress?

Mr. ISTOOK. The Architect of the Capitol is part of the Legislative Branch budget.

Mr. KINGSTON. I think one thing we have to accept as Members of government is that there is a lot of cross billing and overlap.

Here we are in the Legislative Branch and we get the medical services from the Navy. We have the Historical Society services that provide part of the touring of the United States Capitol, our own office, and it is protected by the Capitol Hill Police.

Mr. ISTOOK. Reclaiming my time, the gentleman is correct about cross billing. We can look at the White House. There is a memorandum of understanding at the White House between literally dozens of different Federal agencies because they all become interrelated trying to provide the necessary services to the person that is the Chief Executive and the Commander in Chief of the United States of America. So too with the Vice President. There is a whole collection of entities that become involved in allowing him to do his duty.

Mr. Chairman, I oppose the motion to rise.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). All time has expired.

The question on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. LAHOOD. Mr. Chairman, I demand a recorded vote.

Mr. BARTON of Texas. Mr. Chairman, I had the recognition. I asked to strike the requisite number of words before the gentleman from Illinois (Mr. LAHOOD) was recognized.

The CHAIRMAN. A recorded vote has been requested.

A recorded vote was refused.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I want to direct the Members' attention to the word that is carved in the cabinet that is right here before us. It cannot be read too well, but it is tolerance. I want to speak a little bit about tolerance, and I want to speak a little bit about facts.

Facts are troublesome things but they are facts. The fact is that we use about 100 quads of energy in this country every year. A quad is a quadrillion

BTUs. That is a fact. The fact is we produce only about 70 quads. Subtract 70 from 100 and we have a deficit of about 30. Thirty quadrillion BTUs of energy that this Nation is importing. That is a lot of energy.

Most of that is in the form of oil, but not all of it. We import electricity. We import natural gas. We import uranium to be refined into enrichment rods for our nuclear power plants. The only thing we do not import in terms of energy is coal. We are a net exporter of coal.

Some of the gentlemen that are supporting this particular amendment by the gentleman from Washington State (Mr. INSLEE) have been talking about the lack of an energy policy. We are going to have that bill on the floor next week. The major committees in the House reported it out last week. The Committee on Science reported it out by voice vote. That shows a little bit of tolerance there and a little bit of bipartisanship.

The Committee on Energy and Commerce where I am a subcommittee chairman, we reported it on a 50 to 5 vote. The gentleman from Virginia (Mr. BOUCHER) and the gentleman from Michigan (Mr. DINGELL) and others voted for the bill. That shows a little bipartisanship there.

The Committee on Ways and Means was a little bit tougher. It was a party line vote. The Committee on Resources was a bipartisan vote.

Those bills are being packaged together and it will be on the floor next week, we think, on Wednesday. There will be a lot of amendments made in order, some by Democrats and some by Republicans. We will have that debate on energy policy beginning next week.

My subcommittee this fall will put together an electricity restructuring bill, a pipeline safety bill, a nuclear waste bill, a hydroelectric reform bill. Hopefully, we will get bipartisanship, a little tolerance, and we will put those bills on the floor sometime this fall or next spring.

So we will have our energy debate. We will have our energy policy. I think the House will do what it is supposed to do and pass much of that and send it to the other body and hope that they work their will.

The particular pending amendment is kind of cute. Nobody can deny that. It gives people a forum to vent their frustration. Nothing wrong with that. Nothing illegal. But is it really worthwhile? I think not.

If we want to do some cute things look at the lights right up here. Some of the most energy inefficient lights in the country are lighting this debate so to speak.

The powerplant that provides the electricity is an old coal and oil-fired powerplant two blocks from the Capitol that many in the neighborhood think is an environmental hazard. If we want to engage in the kind of debate where we begin to point fingers, let us point at ourselves first. I am willing to be a part of that. But I am not willing to be a part of this particular amendment being considered as a serious amendment. It is really an amendment made in order to try to highlight an issue that we are going to have a lot of opportunity in the next week and in the next months to highlight. I hope we vote against this.

I am working with the gentleman from Washington (Mr. INSLEE). He is a champion of something called real-time metering and net metering. That will be in a bill that will come out of my subcommittee hopefully in the next 6 weeks. He will be a part of that process.

My friend, the gentleman from California (Mr. FILNER) has very eloquently depicted the plight of some of his constituents in southern California. We tried to put together a package for that earlier in the year. It floundered primarily on the fact that we could not get a consensus on price caps and we tried. We tried to get a consensus on price caps and we could not get it.

We may have that debate again next week on the floor, and, if so, we will have a spirited debate and let the votes fall where they may.

But on this amendment we should vote it on down and move on to the more substantive parts of the bill.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think like many Americans, when I first saw the articles in the paper about problems that the Vice President was having at his residence and his attempt to have the cost shifted to the Navy, what struck me more than anything was, wow, that is an expensive place to live. I was just amazed at how expensive it was. I started thinking about the time of year when we are talking about his bills and the major component, of course, is going to be air conditioning. It is summertime. We are here in Washington, D.C.

As I listened to this debate in my office, I was struck by the fact that I had an amendment to this bill that the Committee on Rules would not consider in order which would require the Federal Government when it purchases air conditioners to purchase energy-efficient air conditioners.

Now, the gentleman from Illinois said this was a cheap-shot amendment, and would not be considered if Mr. LIEBERMAN were Vice President. Well, it would just come from the other side of the aisle. This amendment was going to be debated regardless of who was Vice President, it was just who was going to have this amendment.

The point, this Navy Observatory residence is a Federal facility, and it should be using energy-efficient air conditioners. I tried to put in a public policy amendment to this bill to require the GAO to purchase energy-efficient air conditioners. It was denied access. So when I hear people say we are going to have this debate, we wanted to have this debate. We want to have this debate over energy conservation and energy efficiency, and we have been denied it.

That same amendment was part of the staff consensus bill in the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce that would have required the Federal Government to purchase energy-efficient air conditioners. It was taken out at the subcommittee basically on a party-line vote; a party-line vote saying we do not require the Federal Government to purchase energy-efficient air conditioners.

It is my hope the amendment will be permitted on the floor next week when we discuss the energy bill. But make no mistake about it, many of us on this side of the aisle believe there is a problem and that we, as the Federal Government have to purchase, energy-efficient air conditioners.

Mr. Chairman, in this Chamber we can talk the talk all we want; but until the Federal Government walks the walk, the American people are not going to believe us. Many Americans believe that elected officials say that is a problem for Middle America, but we are politicians, we are going to take care of ourselves. That is what it looks like to the American people. Until we as a Congress say we will lead this fight and try to do more to conserve energy, the American people are not going to buy it. I support the gentleman's amendment. I think it is a good amendment because I think it strikes at the heart of the matter.

To say that somehow it is not offered in good faith is wrong. Remember this change was requested by the administration. The only way to get this language out of the bill is to offer an amendment on the floor. That is exactly what my friend from Washington did. I hope most Members, a majority of Members in this Chamber vote ''yes.'' It is good public policy.

Mr. Chairman, next week we can move on to the real debate which is how do we as the Federal Government make sure that we purchase energy-efficient appliances.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would admonish Members to refrain from mentioning Members of the other body by name.

Mrs. NORTHUP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important to recognize how we got here. We got here because we changed the way we measured the use of electricity and the use of power at the Vice President's residence. It turns out that the Navy has been subsidizing the Vice President's use of electricity for years, for years, all of the time with the previous administration.

Mr. Chairman, we are trying to make sure that we address this fairly. I have to say that I believe that it would have

been nice if the previous administration had had a strategy to address energy for everybody. We all wanted a strategy. They had no strategy, and now we do have a crisis. Many of our constituents are paying for it.

I appreciate the gentleman that talked about our senior citizens on a fixed income and people of moderate income, and small businesses that are closing down. They all could have used a long-range energy strategy, and it failed to materialize with the last administration. That is why our constituents are suffering. I appreciate that the current Vice President has a strategy, that he is working hard to make sure that every American's bills come down.

I appreciate that he is conserving energy and using less than the previous Vice President so that what he advocates in conservation he is also demonstrating by his own actions. But the fact is that we did not have an administration that addressed these causes. In fact, last year the Vice President moved out of his residence and reminded us every day that he had moved to Tennessee, while the American people continued to pay high energy costs on his residence at the Naval Observatory.

So they got hit two ways. They had nobody that was addressing energy policy, and they were paying these energy costs.

The fact is that we are trying to address this now. We have an energy policy. We know the Vice President needs the staff, he needs to be able to do his job. That is why the American people support the Vice President and the Office of the Vice President.

We are glad that he has decided to stay in Washington and do his work instead of moving home like last year's Vice President did. As far as his own personal bills, he does have a residence in Wyoming where he came from, and he is paying the higher bills just like every other American is all over this country. He is paying the higher bills that he is incurring in the residence that he owns.

But just like every other American that goes to work someplace else than the home they own, the business, and in this case the government, is covering those expenses. That is the way every other American is treated. We certainly never send a bill to our Armed Forces when they live in our barracks and our inadequate housing on our bases and tell them to pony up for more of the energy costs, and we should not do that for anybody else that has to be away from the home they own to go to work.

He is here. He is using less energy. He is addressing himself to an energy policy for the first time that will bring all American's prices down.

Thank you, Mr. Vice President, for the restraint you have shown, for the hard work in leadership to stop talking about a problem and put an action plan together, and to have the courage for doing that. And thank you for staying in Washington, D.C. despite energy bills and acrimony and what is in your best political future, and for staying here and doing the job.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Members are reminded to address their remarks to the Chair.

□ 1415

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it has been well documented the problems we are having in California with energy. My colleague from San Diego talks about his constituents. I think he works very hard for his constituents. But I would ask the gentleman from California, when Bill Clinton had this problem, for a year and a half, a year and a half, there were no calls for price caps. But now that we have a new President, the political expediency is to say, ''Well, let's have caps,'' to shift the blame.

I would say that, under President Clinton's rule, for 8 years there was no energy policy and now we are developing a policy that looks long term, that is a balance between exploration, technology and, yes, conservation and energy effiency. Bill Clinton's FERC was nonexistent. Where were my colleagues on the other side calling for caps when FERC, in my opinion, did not do their job and let the horse out of the barn that caused many of the problems we are in right now?

George Bush appointed a FERC, and already they have started to act to control prices, and I think FERC has saved a lot of the ratepayers money in the State of California. We have already seen some of the prices come down. Some of that is because of the conservation of California residents who have seen that it is a way to bring their prices down.

Pete Wilson first came up with the idea, Governor Wilson, a Republican, for deregulation. But then we went to Gray Davis, the Governor, and said, if you allow this deregulation, but you do not allow for long-term purchasing contracts, it is going to kill San Diego. In where my friend from San Diego lives, as I do, San Diego Gas and Electric is a private company. They cannot buy public power unless there is an excess. Of course, there is no excess. And when we put ourselves at the mercy of outside resources, which has happened, then we end up in the situation we are in right now.

We warned Governor Davis. Governor Davis came in with a $4 billion surplus and increased that after we balanced the budget because we sent more money to the States. Now the State is bankrupt. There is no money for education. There is no money for health care for the people of California. There is no money for transportation, because he has bankrupted the State. We want our State back.

I would say, where were my colleagues pointing the fingers when all of this was going on and happening under Bill Clinton with no action by FERC? But now we have another President, the finger points, ''Well, how about caps?'' Caps do not produce one ounce of energy.

We have a President now that has an energy plan. We ought to get behind it and pass it. We have gone to a very positive plan. But I want to tell my colleagues, we doubled our population in the last 12 years in California. Most States cannot claim that. We have. But at the same time we have been forced to shut down existing oil and gas refineries. We have been prevented and even shut down many of the electricity generators by the same type of radical environmentalists that shut off all the water in Klamath that put 40 percent of the farmers out of business up there. They do not care.

Where were my friends then when we said, hey, we need more power for long-term planning? They were silent, the same people that are still trying to shut down hydroelectric in northern California, in Washington and in Oregon for fish.

We say, ''Let's build spillways around so we can still have it.'' But, no, to the extremists, to the radical environmentalists, energy and water means growth, and they want to stop all growth.

Where were my friends from California then pointing the finger for their constituents for a long-term plan? We warned that this was going to happen. We are going to double our population in California over the coming decides. If we do not have this long-term plan for infrastructure, for conservation, for technology, for exploration, then we are going to really be in a problem.

But, no, they just want to say caps, let us bring a caps bill to the floor so they can point at the White House, who was in business one day and they started pointing the fingers at the White House.

The White House has helped.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

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

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote; and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 89, strike lines 21 through 23 (section 635).

Mr. HINCHEY. Mr. Chairman, this amendment strikes section 635 from the bill here before us. In that section, the administration has proposed a new provision that allows the Secretary of the Navy to accept gifts of food, beverages, table centerpieces, flowers or temporary outdoor shelters for official functions at the residence of the Vice President.

What exactly does the term ''official function'' mean as it relates to this provision? What it means is among these:

Dinners hosting foreign dignitaries; receptions for visiting officials of States, territories or political subdivisions thereof; picnics hosted for residents of the U.S. Naval Observatory or the U.S. Secret Service protective detail; and meetings on policy matters or official social events with Federal agency heads, Members of Congress or with private persons.

This language in the bill before us raises some very serious questions. We know that executive branch employees cannot accept such gifts. We know that Navy personnel cannot accept gifts particularly from people who are seeking to influence them. Frankly, as an ex-serviceman, particularly as a former enlisted Navy veteran, I am deeply troubled by the idea that the Navy is going to be funneling special gifts from private persons and private entities to the Vice President of the United States. It also means that the White House can only accept food and drink in very limited circumstances, such as the annual Christmas party.

Yet this provision, the provision that I am seeking to strike from the bill, gives the green light to the Vice President to accept food and drink from private persons who come to meet with him on policy matters. It is hard to fathom why the administration feels the need for this provision. I hope that the President's tax cut has not left us in such condition that we need to be seeking these kinds of gifts from outside persons, particularly from corporations seeking favors from the administration.

Currently, the entertainment and reception costs incurred in the Vice President's residence for official functions are funded with appropriated dollars, and that is as it should be. Food and beverage at the Vice President's residence cost less than $50,000 a year. Surely we can afford to appropriate these funds so that the Vice President does not need to take handouts from corporations trying to curry favor with the administration.

Unfortunately, instead of trying to avoid the appearance that it is not beholden to special interests, this administration goes out of its way to be extra accommodating. From its decision on arsenic and mining wastes that have benefited big polluters to the Vice President's energy task force that met in secrecy and came up with a plan to benefit big oil and coal, this administration, even in its infancy, has been particularly adept at serving special interests.

Now we have meetings at the Vice President's residence sponsored by we do not know who, sponsored by perhaps Enron and Exxon meeting on energy issues, we can see the banners hanging over the room now; sponsored by Archer-Daniels-Midland on issues relating to agriculture; on meetings of social policy sponsored by the Cato Institute.

This is wrong. We ought not to have this crass kind of commercialization polluting the Vice President's residence. Meetings that occur there ought to be free and clear of inappropriate outside influence. Meetings that occur there and decisions that are made there ought to be based on the merits exclusively, entirely; and they ought not to be subject to the kind of outside influence that these meetings will inevitably be if we allow this provision to prevail.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word. I will not take 5 minutes.

We are all concerned about electricity costs, but let me tell Members some of the things that the Vice President and the President are not doing. They are not holding 400 Lincoln Bedroom lavish dinners for campaign contributors every single day for millions of dollars for the DNC. They do not have John Huang, Trie and Riady that are agents for the Chinese government and then sign an executive order giving missile secrets away to the Chinese. They are not holding these lavish parties.

There is a controlling authority, a legal controlling authority in the Vice President's office now, unlike the Vice President that made fund-raising calls out of there and then charged it to the taxpayers. So when you want to point fingers, where were you pointing fingers with the Clinton-Gore administration? Oh, no, they were silent.

But when you talk about costs, let us be realistic. The Vice President is trying to do everything he can to diminish the cost. The President has assigned the military a 40 percent goal of energy reduction. In California, they are already doing that. We were at Camp Pendleton. We were at other military bases. They have shut the things down. That is the same thing the Navy is doing, by reducing consumption. The President is doing that. So is the Vice President. But my colleagues want to talk about increased costs and shifting the blame.

The whole Clinton-Gore administration last year, over the last eight years, you know how corrupt they were. You know the millions and billions of dollars they spent. Look at Africa, $12 million for a trip to Africa. Where were the gentlemen when the President spent $12 million for press and aides going to Africa?

Yes, we are concerned about costs. But when you have got somebody that is focusing on that and then you blast them, we think it is a little ridiculous.

We have a good bill. We have a good balance from the President. We have bipartisan support. What we need to do is focus the energy of my colleagues on the other side. The gentlewoman from California (Ms. LOFGREN) and I are supporting a bill on fusion. We have got 11 nations involved in that. With the help of the gentleman from Massachusetts (Mr. MARKEY), we actually got some things into the bill of the gentleman from California (Mr. THOMAS) to give tax relief to people that conserve energy. Yet my colleagues want to talk about stuff like this. I think it is ridiculous.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, let me respond to what I perceive to be the unfortunate assertion of the gentleman from California with reference to corruption. He uses that word awfully lightly. No such things were ever frankly as I recall asserted even. They may have asserted that there was an overuse, but the word corruption I cannot recall being used. I think it was unfortunate that the gentleman from California used it. There is no such proof of any of that allegation.

The gentleman from Illinois talked about demeaning the House. I did not really get into it, but let me tell you, for the last 6 years we have heard rhetoric like that. The chances of this provision being included in this bill if it were Vice President Gore, the Vice President of the United States, are zero.

I do not say that because I speculate or that is my opinion. It is because I served on this committee for the last 6 years.

□ 1430

I saw the attention to detail and the objections that were raised repeatedly by this committee's majority on expenditures and fine-tooth-comb analysis of those expenditures. This is not about corruption. This is about policy.

Now, I am not going to get deeply into this debate, but I do want to respond as forcefully as I know how to the assertion that somehow these amendments are different than amendments that have been offered in the past by the majority when the other party, my party, was in control of the White House and the Vice Presidency. Very frankly, we can debate these on policy grounds; I think that is appropriate.

There is no assertion here that the Vice President has done something wrong because they suggest that consumables be donated to the Navy for use at the Vice President's residency. What is asserted by the gentleman from New York is that this, again, takes out of our purview, first of all, the oversight on the expenditures, and, secondly, opens up the Vice President's residency to substantial private sector donations. Not to the Vice President's residency, but to the Navy, and puts the Secretary of the Navy in

the position of accepting these donations. That is the issue before us, as to whether or not that is appropriate.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use 5 minutes. We do not need to bog down in more partisan debate on this. But I would suggest, Mr. Chairman, that we apply the same standard to the Vice President that is currently in the office as was applied to the White House with the current and former occupant. For all I know, Mr. Chairman, it may have been the practice, whether it was expressly authorized or not, by a former Vice President.

But I do know it is the practice every day, every night, involving the Congress of the United States. We have a multitude of meeting rooms here in this United States Capitol building. We have groups that commonly come in here, have breakfasts, lunches, dinners, receptions, in which the food and the beverage is provided by these groups. That is common practice.

Now, to say that somehow the Vice President, by having a far, far smaller number of events where somebody else might provide food or drink, is going to be irresponsible or corrupted, if that is the issue, then I would expect the proponents of this amendment to be on this floor saying kick all these receptions out of the U.S. Capitol, kick them all out of the House and Senate office buildings, if you believe that they have a corrupting influence.

Now, I know it is common, Mr. Chairman, for people to try to arrange meetings at times they can get people together, and you can get people together when you know they are going to have breakfast anyway, or lunch or dinner. That is common practice.

But to say that does not apply to the Vice President, who lives in the Naval Observatory and is away from facilities that otherwise could host things, if you want him bouncing back and forth every time he is going to do the same thing that most Members of Congress do on a regular basis, to be able to meet with people who have come from all across the country because they think they have important things that need to be shared with government officials in Washington, let us apply a uniform standard here.

If one honestly believes that somebody is going to be corrupted by having a hamburger or a steak or chicken or something to drink, or whatever it is, then, by all means, make sure you have a uniform standard, and go for what they call in some States ''the cup of coffee rule,'' that you cannot have a cup of coffee paid for by somebody else because it might corrupt you.

But let us not say that we are going to be putting things on a level playing field or being evenhanded by voting to put that restriction only on the Vice President. I do not think that washes, Mr. Chairman.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. COLLINS

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS:

At the end of the bill (before the short title), insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Federal Buildings Fund'' (and the amount specified in clause (5) under such heading for building operations), and increasing the amount made available for ''National Archives and Records Administration—Repairs and Restoration'', by $14,000,000.

Mr. COLLINS. Mr. Chairman, I rise today on behalf of a project to construct a new Southeastern Regional Archives in Atlanta, Georgia, for its National Archives and Records Administration. The regional archives provides a necessary service of acquiring, preserving and making available for research the permanent records of the Federal Government. Currently, all of the records in the Southeast are stored in a World War II-era warehouse that does not meet building codes and is scheduled to be condemned and torn down. My amendment would transfer $14 million of GSA's buildings operations account into the National Archives Repair and Registration Account.

The Southeast Regional Archives serves Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Its holdings include the records of the Civil War, World War I, the Tennessee Valley Authority, the Marshall Space Flight Center, the Kennedy Space Center, the Manhattan Project, the Centers for Disease Control, and the Federal courts of the Southeast region.

It is simply unacceptable to continue to store these documents, these important documents, I may say, that detail our Nation's history, in a facility that is due for the wrecking ball. National Archives acknowledges that these historic Federal records are currently at risk, housed in a warehouse wholly inadequate as an archival depository.

With the knowledge that this facility is inadequate for current and future requirements, National Archives began a serious search for a site for a new facility several years ago. Primary among the selection criteria was a site that would provide partnership opportunities with academic and cultural institutions. At its proposed location in Morrow, Georgia, National Archives will be sited immediately adjacent to Clayton College and State University. Sharing the site with National Archives will be the new Georgia Department of Archives and History building.

This effort is the culmination of years of negotiation between officials at National Archives, Clayton college, the Board of Regents of the University System of Georgia, the State of Georgia and the local business community. In recognition of the importance of this project, Congress has previously appropriated funds in FY 2000 for an environmental assessment and in FY 2001 for design of this facility.

The commitment of the Georgia Department of Archives and History, Clayton College and State University, and the National Archives to this project creates a historic partnership for services to the citizens of Georgia, the Southeastern United States, and the United States as a whole. All parties are now fully engaged in the project, and it is critical that we provide the necessary Federal contribution to keep this project on track.

I urge my colleagues to join me in support of this important amendment.

Mr. ISTOOK. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I state that we certainly have no objection to the gentleman's amendment. It is an important need that he has mentioned. We are unsure as we work with him regarding potential sources ultimately for funding, but we realize we need a placeholder in the bill for an account from which to fund it. So I look forward to working with the gentleman from Georgia to fill this important need.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill includes $146 million for the Internal Revenue Service to continue the Earned Income Tax Credit Compliance Initiative. I share the concern of the committee that the IRS have adequate resources for expanded customer service and public outreach programs, and strengthened enforcement programs to ensure the highest possible level of taxpayer compliance.

The EITC, which was created in 1970s and was significantly expanded by President Reagan and then again by President Clinton, serves to reward low-income Americans for the work they do. Millions of American families receive much-needed assistance in the form of tax credits that are based on the amount of income they earn.

There is a reason why President Reagan once referred to the EITC as the best anti-poverty and the best pro-family, the best pro-job creation measure, to come out of Congress. Recent studies have found that more than 60 percent of the increase in employment of single mothers has been due to the expansion of the EITC. The EITC has complemented and supported Congress' efforts to end welfare dependency by helping millions of poor women make the transition from welfare to work and remain self-sufficient.

As a member of the Committee on Ways and Means, I have taken a strong

interest in the implementation of the effectiveness of the EITC. For all its success, the EITC has come under strong criticism for its complexity. Groups such as the American Institute of CPAs and the Tax Section of the ABA have commented on the extraordinary complexity of the EITC and have recommended simplification of the credit to assist taxpayers complying with the credit requirements.

The tax bill signed into law earlier this year by President Bush contained among its lesser known provisions important simplification of the EITC. Those changes were made on a bipartisan basis to eliminate disparities between regular income and the EITC and make it easier for low-income working Americans to understand the law and enjoy the benefits of the EITC.

The EITC taxpayer will now be able to base their credit on adjusted gross income, rather than having to do it on additional calculation of modified adjusted gross income. They will also be able to use the same definition of earned income that is used elsewhere in the Tax Code.

Under the new law, the IRS is directed to study and eventually implement use of ''math error authority'' to deny EITC taxpayers who do not reside with the children they claim. Perhaps the most important change is the bill simplifies the AGI tie breaker by giving the parent of a qualifying child clear primacy in claiming the credit.

These changes, which will begin to take effect next year, will have a significant impact on removing complexity from the Tax Code and making it easier for taxpayers to comply with the law in claiming the EITC. They will spare taxpayers from filling out pages of complicated work sheets and hunting down information not required on any other tax form.

EITC compliance has received a great deal of attention and study. Of course, we must work to ensure the integrity of this program, just as we must ensure the integrity of our income tax system. Efforts to further examine and improve the EITC compliance should accurately reflect the recent changes in the credit and IRS's growing list of tools to promote compliance.

Finally, such efforts must focus on IRS management of the program, its outreach and education strategy for taxpayers and tax preparers, and whether it is efficiently allocating its resources to achieve maximum reduction of EITC overpayments.

I am committed to working to streamline and improve the EITC, so that millions of low-income working families receive the assistance that this Congress has intended. I look forward to working with the gentleman from Oklahoma (Chairman ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), in their continuing efforts to improve the effectiveness of the IRS management of this very important and worthwhile provision of our tax system.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. Does the gentleman from Maryland wish to address the matter pending before the House, the amendment offered by the gentleman from Georgia (Mr. COLLINS)?

Mr. HOYER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Maryland is recognized for 5 minutes.

Mr. HOYER. Mr. Chairman, the gentleman from Georgia talked to me about this amendment just a little while ago, I do not know exactly how long ago it was; and very frankly, I have not had the opportunity to review it, I have not really discussed it with the chairman, and am not going to ask for a vote on this.

But it is my understanding, I want to tell the gentleman from Georgia, first of all, there is a question about whether or not this money can be obligated this year. I do not know the answer to that question, but I will tell the gentleman I want to find that out from the National Archives, whether or not it is able to be obligated this year.

If it is not able to be obligated this year, obviously it will push out an expenditure that could be obligated this year. There is a tremendous backlog, as the gentleman knows, for capital improvements in every area of this country.

Secondly, we have not considered this in the subcommittee or full committee, so I do not know the full merits of this project. The gentleman tells me, and I understand what he is saying, first of all, it is not going to be in his district, so this is not a district concern.

□ 1445

I am a big supporter of the National Archives and its work, and they need facilities that are adequate and protective of the materials that they store. But I am in the unfortunate position of not knowing enough about the amendment, frankly, to support it.

I would tell the gentleman I will not oppose it at this point in time because the chairman wants to accept it, but I will be looking at this and I will discuss it with the gentleman and the conference committee to determine what we are going to do.

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

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. COLLINS. Mr. Chairman, I respect the gentleman's opinion and position on this, and I appreciate that, and we will be glad to work with the gentleman and with the Chairman in any way possible that we can to make sure that everyone understands that this project, where the current location is, where the future location will be, and in 2 weeks we will know whose district it possibly will be in, if it is in an open district in Georgia.

But it is a very vital need. It is one that has been worked on for quite some time. Also, in reference to GSA, there is a GSA facility that is across the county line from my particular district that is being closed as an effort to save money in the long run, and we concur with that effort. And we certainly appreciate and respect the gentleman's position.

Mr. HOYER. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

In closing, I also want to make the comment that although he takes this money out of an account that is a large account, it is a large account that has huge obligations in terms of the objects to which it is dedicated: that is, the maintenance and repair of Federal buildings all over this country. So although it seems to be a big pot out of which he is taking this money, it is, nevertheless, a pot which does not have enough money in it at this point in time to accomplish what GSA says is necessary in terms of repairs and alterations.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from Georgia (Mr. COLLINS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TRAFICANT:

At the end of the bill (preceding the short title) insert the following new section:

SEC. ____. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Mr. TRAFICANT. Mr. Chairman, actually, I have a total of four amendments to this bill. This is the Buy American amendment that has been added to all appropriations bills.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order, because I am not sure which of the Traficant amendments is being offered.

Mr. TRAFICANT. Mr. Chairman, it is the Buy American amendment.

The CHAIRMAN pro tempore. The Chair would have to rule that the debate had already begun and the time had passed to reserve a point of order.

Mr. ISTOOK. Mr. Chairman, we have not seen a copy of the amendment. We understood that the only reference was to an amendment at the desk and did not identify which amendment was at the desk.

The CHAIRMAN pro tempore. This is amendment No. 6 printed in the RECORD.

Mr. TRAFICANT. Mr. Chairman, before I go to the elements of this amendment that has been added to all appropriations bills, I have the intention to offer three other amendments, but I may offer only one of them.

Let me explain what the other three are, briefly. One would stop the penny

increase in postage stamps. The other would stop bonuses to postal brass who want to kill Saturday service and raise rates. I am not going to bother with those, but I will later tonight offer an amendment that will kill bonuses to IRS brass.

Now, the amendment, in order to be germane, had to be printed that it would kill all bonus incentives for the entire service. Let legislative history show that that is not my intention and, in conference, if it should pass, the Traficant amendment deals with the brass. Eighty percent of information given to taxpayers was wrong this last year by the Internal Revenue Service. Most of the audits they perform are on lower- and middle-income Americans.

So when I offer that, the argument is going to be that TRAFICANT wants to hurt everybody from getting bonuses. I do not, but to make it eligible, that is the way it reads now, and I would ask that if it passes, that the gentleman from Maryland (Mr. HOYER), our distinguished leader here, to make those changes.

The Buy American amendment is straightforward. Anybody who has, in fact, violated the Buy American Act is not entitled to any money under the bill.

Mr. Chairman, I yield to the distinguished ranking member, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding. I want to say that the gentleman has offered this to previous bills, and we have accepted this on previous bills, and I would presume, although I have not talked to the chairman about it, that he will accept it on this bill.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee.

Mr. ISTOOK. Mr. Chairman, we have no objection to the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in favor of H.R. 2590 providing appropriations for the Department of Treasury, Postal Service and various general government operations. I compliment the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee, and the gentleman from Maryland (Mr. HOYER), the ranking member, for their work on this bill, as well as for their cooperation in making sure that this bill complies with the Budget Act and the budget resolution of 2002.

H.R. 2590 provides $17 billion in budget authority and $16.3 billion in general outlays for fiscal year 2002. This amount is within the subcommittee on Treasury and postal services and general operations 302(b) allocation, and the bill, therefore, complies with section 302 after the Congressional Budget Act of 1974.

The bill also provides $48 million in advance appropriations for fiscal year 2003, which will account against the allocation established pursuant to next year's budget resolution. This is an advance appropriation which is included in the list of permissible advance appropriations pursuant to section 201 of H. Con. Res. 83, which is the budget.

Mr. Chairman, H.R. 2590 does not designate any emergencies, an act that would increase the appropriation committee's 302(b) allocation. The bill provides $146 million in budget authority for compliance activities related to the earned income tax credit, as the gentleman from Maryland previously stated. Under section 314 of the Budget Act, I am required to increase the appropriate totals in the budget resolution and appropriation committee's 302 allocation by the amount that is appropriated for this activity, up to a maximum of $146 million. So accordingly, I have increased that appropriation committee's allocation. But this will not become permanent until the appropriation bill itself becomes law.

I would note with some amusement that this bill also includes a limitation that prohibits appropriations from being used to pay the salaries of OMB staff who prepare a table that shows the President's discretionary priorities across the 13 appropriation subcommittees. It seems rather curious that while the individual appropriation bills themselves are, of course, submitted to the President of the United States for his approval, he should not be allowed or his staff should not be allowed to even suggest how the overall level of discretionary spending should be allocated among the subcommittees. I would support an amendment to strike this provision. If such an amendment is not offered, I would strongly suggest to the chairman and the ranking member that this provision be dropped in conference. This is irrelevant to this appropriation bill. I would suggest to the committee leadership who have put together a very professional work product that this is a small-minded provision and has no business within this very serious bipartisan work product.

In summary, H.R. 2590 is fully consistent with the budget resolution and on this basis, I urge my colleagues to support this very important bill.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK:

Page 95, after line 16, insert the following new section:

Sec. ____. No part of any appropriation for the current fiscal year contained in this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Mr. FRANK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK. Mr. Chairman, the bill that comes before us makes a change in existing law that I think is a mistake. Under existing law, and I am told that it has been this way since 1950, if the United States Senate votes down a nomination, that individual whose nomination was voted down cannot be the subject of a recess appointment. On the other hand, it has always been the case that if the Senate does not act on a nominee, that nominee can be the subject of a recess appointment.

Previous administrations, and I know we had some talk back and forth about whether the amendment involving the Vice President's house and his electric bill would have been offered if we had the former Vice Presidential candidate as the Vice President; I am not sure, as a fellow religionist of the former candidate, maybe the lights would have been out from Friday night to Saturday night, so maybe the electric bill would have been cheaper, but we do not have to face that here. Because this provision, the provision that says that you could appoint someone to a recess appointment, even if that person had been rejected by the Senate, that was requested by the Clinton administration of the Committee on Appropriations and the Committee on Appropriations correctly said no to it. So there is no argument here that there is any differential treatment.

Since President Truman, this has been the rule. The President has a right to make a nomination. The Senate has a right to vote on it. If the Senate fails to vote, then that individual could be given a recess appointment, as was, for instance, Bill Lann Lee, the Assistant Attorney General for Civil Rights. His nomination has not been voted on and, therefore, he could be given a recess appointment. But if the Senate votes someone down, takes up a nomination and votes it down, the law has been that that individual could not be paid and, therefore, could not get a recess appointment.

Now, people will say, and I know we are dealing here with inter-branch situations, and I know one of the taboos is that we here in this Chamber of the people are not supposed to take in vain the name of the lofty institution on the other end of the building, but it is relevant here for legislative purposes, so I assume I will have the indulgence of the Chair in pointing this out.

Here is the problem: right now, there is a difference in impact if the Senate votes someone down or fails to vote. If they fail to vote, that person is eligible for a recess appointment. If they vote the person down, he or she is not eligible. If we adopt the language that this administration and the Clinton administration and previous administrations have asked for, that difference will disappear, whether the Senate votes down a nomination or refuses to vote on it at

all will make no difference in the President's ability to appoint that individual.

I think it is a mistake to do that. Many of us think it is wrong for action to be inaction. If there is opposition to a nominee, that opposition ought to come forward, there ought to be a debate and there ought to be a vote. Nominees ought to get votes. It ought not to be the case that nominations are killed simply by inaction.

Under the current system, as I said, the Senate has to make this decision. If they let a nomination die by inaction, that nominee is eligible for a recess appointment. If they do what the Constitution calls for and vote the nomination down, the nominee is not eligible for a recess appointment. Let us not collapse that difference. Let us not remove one incentive which now exists for the Senate to take action. Let us not create a situation legislatively where, if a nominee is voted down in an open vote with debate and a chance for people to speak on it, it has the same effect as if that nominee is held up by some inaction.

□ 1500

I do not think we ought to contribute to this situation. As Members know, that directly affects us. Sometimes disagreements occur. They have happened in the Senate. Bills have been held up. Appropriations bills were recently held up because of a dispute over whether or not nominations would be voted on.

There is a bicameral interest in there being action as opposed to inaction in the other body, because inaction in one body can lead to the kind of disputes that prevent both bodies from acting.

So this is not partisan, this is executive versus legislative. This was a request that was made by previous administrations who wanted to be unfettered. What this says is in this administration, as in any other, let the Senate vote. If they vote and vote someone down, he or she should not subsequently be given a recess appointment, which is constitutionally permitted but, in effect, a defiance of the vote.

If, on the other hand, they fail to vote at all, then it ought to be the case that that person is subject to a recess appointment, because they should be able to benefit from their own inaction.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

I understand the policy issues that he talks about regarding funding of persons who have been appointed but have not been confirmed by the U.S. Senate. However, the reason for not including language in this bill to try to protect the prerogatives of the Senate is because I believe, and many of us believe, that any language to protect the prerogatives of the Senate ought to be composed and sought by the Senate. Any language to protect the prerogatives of the House should be composed and offered by the House.

For this reason, I believe that we should leave this matter alone and not adopt the amendment offered by the gentleman from Massachusetts. I expect that the Senate in their version of this bill will want to include some language that they craft which may be the same or not the same as the gentleman prefers, but I would rather address that in conference with the Senate, knowing what they want.

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

Mr. ISTOOK. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I would say this. If we were talking solely about something that affected only the Senate, that I suppose would be reasonable.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I yielded for a factual questioning, not for a running argument. I realize we may have different interpretations of what is important here, but I do believe that this ought to be the prerogative of the Senate. The Senate can pursue it. They have the opportunity to do so.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have had some discussion about demeaning the House. The lack of intellectual integrity demeans the House. The bipartisan treatment of what the gentleman from Massachusetts refers to very clearly as institutional matters in a partisan way demeans the House.

Mr. Chairman, this is a constitutional issue not just for the United States Senate but for the Congress of the United States and for the House of Representatives, which, under the Constitution of the United States, has primary responsibility for appropriating dollars. It is not the Senate. The Senate cannot initiate appropriation bills or tax bills, as the chairman-to-be of the Committee on Ways and Means knows.

Mr. Chairman, the fact of the matter is, and I would hope that all of my colleagues on both sides of the aisle would take note of this debate, this provision has been in this bill for half a century. When I was chairman of the Committee, the Clinton administration sought to delete this language in 1993 and 1994.

I rejected that request and carried it in this bill. Why? Because what this amendment says is that an administration cannot appoint somebody who has already been rejected under the Constitution of the United States, which, yes, gives to the Senate the power to advise and consent, and if they have failed to consent to an appointment, the Congress of the United States has consistently held that we can then, whatever administration we are, Democrat or Republican, turn around and in effect thumb our nose at not just the Senate but at the Congress, and spend money that we have appropriated on an appointment that has been rejected by one arm of the Congress. For 50 years the Congress, both sides of the aisle, both houses, have stood for that.

Now, I said intellectual integrity, which I think also implies consistency. We demean the House when we, from an institutional standpoint, treat an administration differently because they are of the other party. I told the Members how I treated the Clinton administration on this very issue, which I thought was not a partisan issue between the Clinton administration and the Republicans in this House that we Democrats had to protect, but was an institutional issue, where we had to protect the jurisdiction and integrity and equal stature of the Congress of the United States.

I would hope my Republican colleagues would sustain this amendment and would continue in place language which says that money that we have appropriated cannot be spent on an appointee that has been rejected by the Senate. That is of interest to us both.

Why? Because it is of interest that a co-equal branch of government remains co-equal, and that no administration, once the process has been pursued of presenting a nominee, having hearings on that nominee, having votes in committee and on the floor, and it is the judgment under the Constitution that that nominee should not take office, that any administration could not then turn around in an interim, after the Congress has gone home, and say, ''I do not care what you said. I am putting this person in this position and we are going to pay him.''

If there were not a 50-year practice, one could possibly say, oh, well, they are just going after the Bush administration.

Lastly, let me say this. Is there any doubt by anybody on the Republican side of the aisle, any doubt, that they would have rejected this proposal out of hand if it had been made by the Clinton administration? They would not have given it 5 seconds worth of thought, and they would have stood on this floor and railed against the arrogance of the administration to think that they could place in office somebody rejected under the Constitution pursuant to law for the position that they sought and were then placed in, notwithstanding the actions of the United States Senate.

I would hope on this issue that we would come together from an institutional equal-branch perspective and accept this amendment, and reinstate this language that we have carried for 50 years.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I tend to agree with the gentleman from Massachusetts and the gentleman from Maryland. I get upset when I think that someone is taking potshots, I am the first one to stand up and defend. I think the other two issues were, in my own opinion.

But I asked myself why, and I would yield time, why would President Clinton want to remove this in his tenure

and why would it appear now. Would it be that if someone is not acted on, there is not a vote, that it would be a way to force the Senate to bring that to a vote and to discuss it? I think that part would be good.

But if the person has already been voted on under the Constitution, then I can understand why the gentleman would object to it.

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

Mr. CUNNINGHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman from California for his courtesy in yielding.

That is exactly what motivated me to offer this, in part. Right now under existing law there is a difference in outcome. If the Senate refuses to vote at all, then the President can make the recess appointment. But if the Senate does its constitutional duty, votes, and votes someone down, that person cannot be appointed. I think that is very good, because that means a nominee and a President have that right to a vote. It is more likely to require a vote.

If we were not to adopt this amendment, then the consequence of not voting and of voting someone down would be the same, and there would I think be fewer votes, more nominees killed silently, and I do not think that is appropriate.

I have to say, when we talk about prerogatives, if we talk about something that entirely affects the internal operations of one body or the other, I think we should defer. But when we are talking about public officers of the United States, then I think it is reasonable for us to do it.

I appreciate the gentleman allowing me to speak further.

Mr. CUNNINGHAM. My real concern is, and in the other body we have many confirmations in defense, NTSB, those sorts of things, that have been held up. I think there ought to be a way to force those to be seen, because the administration is operating at a disadvantage. If they are not voted on, then I think they ought to be able to to be appointed.

Mr. FRANK. Mr. Chairman, if the gentleman will continue to yield, that is one of the effects of putting back the amendment.

In other words, today, and with the amendment as adopted, if the Senate refuses to vote, then the administration can appoint that individual. But if the Senate does what the gentleman and I agree it should do, it takes it and votes it up or down in the public way and the nominee fails, then the nominee cannot get a recess appointment.

In other words, we should be constructing the situation so there is an incentive to vote on the nomination and not kill it silently. Under this amendment, there would be that situation. A nominee voted down could not get a recess appointment. A nominee killed silently could get a recess appointment. I think we should preserve that status quo.

Mr. CUNNINGHAM. The gentleman thinks that both President Clinton and President Bush would have wanted to put people in office that they wanted, even though they were not voted upon?

Mr. FRANK of Massachusetts. If the gentleman will continue to yield, yes, I think Presidents want to operate with as little constraint as possible. It is not a personal matter, it is institutional.

I do think that, although, frankly, I think the administration is making a mistake in asking this, because I think it is in their interest to get a vote, and this is the one mechanism we have for encouraging nominees to get a vote, rather than to be killed silently.

In other words, there should be a difference in consequence whether a nominee is silently killed by a refusal to vote or actually voted down. The amendment would say to the Senate: ''Look, you have an incentive, if you do not like someone, to take up that nomination and vote the person down because that will keep the person from a recess appointment, rather than killing it silently.''

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WELDON of Florida:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to implement, administer, or enforce any of the proposed amendments to part 1 or 31 of title 26 of the Code of Federal Regulations, as published in the Federal Register on January 17, 2001 (66 Fed. Reg. 3925, relating to Guidance on Reporting of Deposit Interest Paid to Nonresident Aliens).

Mr. WELDON of Florida. Mr. Chairman, it is my intent to withdraw this amendment, but I rise on the floor to speak on this issue and engage the chairman of the Committee on Ways and Means on a colloquy on this extremely important issue.

On January 17, 2001, the Department of Treasury proposed a regulation requiring all banks located in the United States to report to the Internal Revenue Service the amount of interest paid to nonresident aliens who are individual depositors in these banks.

I have a very, very deep concern about this proposed initiative. The interest payments in question are not subject to U.S. tax. This additional reporting requirement for banks will not further any U.S. financial interests in collecting revenues from foreign depositors, nor, in my view, is this requirement an appropriate means to accomplish any other public policy purpose intended to be served by the proposal.

This regulation will impose significant costs on the Nation as a whole. The proposal is in conflict with a longstanding objective of the Department and the Congress to encourage nonresident aliens to deposit their money in U.S. banks so that those funds can in turn be used to foster growth and development in this country and in the communities served by these banks.

For 80 years we have been encouraging foreign deposits in U.S. banks. I am concerned that adoption of this IRS proposal would place U.S. banks at a competitive disadvantage relative to banks of our trading partners, and will result in the significant withdrawal of foreign deposits in U.S. banks.

Indeed, as we are reducing taxes in an effort to put more money into our economy and stave off a recession, the IRS is proposing a regulation that could cause a much larger amount of capital to flee our economy.

Furthermore, I would like to point out to my colleagues that I am in possession of a letter from Americans for Tax Reform supporting this amendment.

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

Mr. WELDON of Florida. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding time to me. I understand his concern about this proposed regulation.

However, I do want to underscore that all of the gentleman's comments are in anticipation of this regulation being approved. It is in fact in the process of being reviewed. It was presented in the last few hours of the Clinton administration, and the Bush administration is examining it.

I do believe it may have the unfortunate consequence that the gentleman from Florida has indicated, and that is that a wholly unnecessary flight of capital, not just out of Florida but out of the United States, at a time when obviously people are looking to this country; notwithstanding our current economic concerns, they are still placing enormous amounts of capital in this country because of a reasonable return and primarily because of the security or low risk.

□ 1515

We ought not to rock that boat unnecessarily.

I rise in concern on this amendment to the Postal Treasury bill because it is an amendment prohibiting monies being spent on a proposed regulation; and I do believe that is fraught, if in fact this practice were to become popular, with really completely disrupting the rulemaking process in the administrative branch. Because the language says no money can be used, how do we then collect the data to make an informed decision on whether the rule

should go forward or not. The gentleman from Florida does not want the rule to go forward, but that is in this particular instance.

Therefore, I rise, one, to respond to his concerns about the potential problematic aspect of this proposed regulation, but, more importantly, to offer, because the Ways and Means has jurisdiction over this material, my office and potential hearing, but especially to get Treasury together with those particular interests and make sure that there is a complete understanding of the consequences of this regulation, if it goes forward.

Notwithstanding that effort, if it goes forward, I can assure the gentleman that there will be hearings on what would then be the completed regulation; and if in fact we did not get significant changes, we would then very well be moving legislation. That I believe would be the appropriate way to deal with this potentially vexing rule that is in the examination process in Treasury.

This amendment, although I know well-intentioned, really has, in the chairman's opinion, ramifications far beyond this one particular issue.

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I thank the gentleman for his insights. It is my intent now to withdraw the amendment, and I am certainly looking forward to working with the gentleman in the months ahead on this very, very important issue.

I know for Florida bankers this is an area of major concern. If the rule, as intended, were fully implemented, it could really hurt in particular minority communities that rely on these community banks for loans.

Mr. THOMAS. If the gentleman will continue to yield, I want to thank the gentleman very much for his interest in this issue, but most importantly his courtesy in not moving forward.

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Florida?

There was no objection.

Amendment Offered by Mr. Sanders

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act for the United States Customs Service may be used to allow the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to section 307 of the Tariff Act of 1930, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, this is a noncontroversial amendment that I believe is going to be accepted by the majority and the minority.

Because, Mr. Chairman, we live in a world in which hundreds of millions of children work at child labor, in some cases in horrendous conditions and in some cases as indentured servants, without any freedom at all, several years ago we passed legislation here that prohibits the importation of products into this country made by children who are indentured servants.

This amendment strengthens that legislation by saying that if the Customs Service detains that product because they believe it is made by children who are indentured servants, it should not be released into the general public. Occasionally that happens now, and this amendment would put an end to that.

Mr. Chairman, this amendment deals with one of the most disgraceful and embarrassing aspects of our global economy: child labor.

Mr. Chairman, it is an outrage that American workers must compete for jobs with as many as 250 million defenseless children working around the world today without any hope of ever seeing the inside of a classroom. Children's rights groups estimate that the United States imports more than $100 million in goods each year which are produced by bonded and indentured children.

Especially outrageous is the plight of millions of child laborers, some as young as 4 years old, who are sold into virtual slavery and chained to looms for 14 hour days knotting the oriental rugs that grace the foyers and living rooms of countless homes and offices all across the country.

Exploited children toil in factories, mines, fields, at looms, and even brothels, sacrificing their youth, health, and innocence for little or no wages.

They are hand stitching the soccer balls that our kids play with every day. They are stitching blouses and slacks made in China and sold in Wal-Mart. They are even sharpening the surgical instruments used in our hospital operating rooms.

Mr. Chairman, this amendment will help end this disgrace. Specifically, it would prohibit the importation of goods on which the U.S. Customs Service has issued a detention order because of the use of forced or indentured child labor. I believe that this amendment would provide real teeth to the Indentured Child Labor Import Ban that was first signed into law as part of the Fiscal Year 1998 Treasury-Postal Appropriations bill.

Currently, if the Customs Service finds information that reasonably indicates that imported merchandise has been produced with forced or indentured child labor, Customs may issue a detention order on these goods. However, these goods may still be exported into the United States unless the Customs Service issues a finding banning the importation of these goods into the United States.

Mr. Chairman, according to the Customs' website, the U.S. Customs Service has 24 outstanding detention orders on forced and indentured child labor dated as far back as October 3, 1991, but has only issued 6 findings banning the importation of these goods into the United States. At the very least, Congress should ban the importation of goods on which Customs has reasonable evidence that were made by forced or child labor.

According to 60 Minutes II, the U.S. Customs Service used the present law to curb the flow of hand-rolled, unfiltered cigarettes (known as ''bidis'') produced by indentured child labor in India. In India alone, there are approximately 50 million children working in factories or fields for little or no pay. Bidis are an especially insidious product. They are made by children in India, and are purchased by children in the United States. According to the Centers for Disease Control, 40 percent of American adolescents between seventh and 12th grade have tried them. These cigarettes are popular among American youth because they are sweetened with flavors such as chocolate, strawberry, licorice, mango, and even bubble gum, giving the impression that bidis are less dangerous than other cigarettes. To the contrary, bidis contain five times more tar and contain higher levels of nicotine than regular cigarettes. Unfortunately, even though Customs issued a detention order on one bidi manufacturer in India, bidis are still getting into the U.S., and the bidi industry is now a $1.5 billion industry. This amendment would help get rid of bidis in the United States.

The issue of the exploitation of child labor is not only a moral issue but it is an economic issue that is having profound impact on American workers. As consumers, we should not be purchasing products made by children who are held in virtual slavery—children who can not go to school, children who work horrendous hours each week, children who are beaten when they perform poorly on the job and children who are often permanently maimed when they attempt to escape from their slavery. But, equally important, we should not continue a trade policy which forces American workers to compete against desperate and impoverished people in countries such as China and Mexico who earn as little as fifteen or twenty cents an hour—whether those workers are children or adults.

We know how bonded child workers are bought and sold like cattle. We know about the horrendous working conditions they are forced to endure. We know about the violence that meets them when they cannot work hard enough to satisfy their masters or when they try to escape their slavery. As we begin the 21st century, we must make a firm commitment to eradicate child labor throughout the world. Please vote ''yes'' on this amendment.

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

Mr. SANDERS. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I would like to advise the gentleman from Vermont that I appreciate his amendment, and I advise the Chair that we have no objection to the amendment and certainly are willing to accept it.

Mr. SANDERS. I thank the gentleman.

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

Mr. SANDERS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I, too, thank the gentleman for this amendment. As the gentleman may know, there have been similar amendments that the gentleman from Virginia (Mr. WOLF) and I offered to this bill all throughout the 1980s.

This is a good amendment. Clearly, the United States needs to be on the side of ensuring that this kind of abuse does not occur to children, women, and workers generally. This is a very good amendment, and I thank the gentleman for offering it.

Mr. SANDERS. I thank the gentleman for his support as well.

Mr. ENGEL. Mr. Chairman, I want to thank my colleague for offering this Amendment—it is very much in line with one that I offered to the FY02 Agriculture bill concerning cocoa products. My amendment passed this House with 291 votes—a strong statement by this body against the repugnant practice of child slavery.

We are constantly hearing about how we are at the dawn of a new millennium—we are in the 21st Century—and that things are just great and getting better.

But, Mr. Chairman, we still have labor practices that date back centuries. Labor practices so abhorrent that we thought that they were long gone—but they still remain. Child slavery continues to plague our world—and as the world's greatest economy we are in position to use our purchasing power to end this terrible practice.

My amendment focused on child slavery in cocoa fields in the Ivory Coast. The U.S. imports 3 billion tons of cocoa each year spending $13 billion on the chocolate industry. That means Americans do have a great deal of influence with their dollars.

Every year at Halloween our kids wander our neighborhoods in costumes to Trick or Treat. They collect dozens of chocolate treats. But, now I must wonder—will they be as sweet knowing that somewhere in the world a child is forced to work 12–14 hours in a cocoa field, is locked up for the night without adequate bathroom facilities, and is never paid. If he tries to escape he is severely beaten.

Let me quote one of the farmers about this: ''If I let them go, I am losing money, because I spent money for them.'' He told one child ''You know I spent money on you. If you try to escape, I'll catch you and beat you.'' This is an absolute horror.

Now the chocolate industry has responded—they are moving forward to determine the extent of the problem and to develop programs for monitoring labor practices. But I believe the federal government must act as well. The American people do not want to buy products made with child slave labor. It is wrong and we must act swiftly.

My colleague from Vermont's amendment wouldn't affect the coca industry, because cocoa products don't have a detention order on them. Yet. However, during this fiscal year, FY2001, the U.S. Customs Service has undertaken an investigation into these reports about the Ivory Coast.

Title 19 United States Code, §1307, prohibits importation of products made, in whole or in part, with the use of convict, forced, or indentured labor under penal sanctions. A general provision in the FY1998 Treasury Appropriations Act specified that merchandise manufactured with ''forced or indentured child labor'' falls within this statute.

What does this mean for American growers of these products? Let me be clear—by not enforcing existing law, it means that the federal government is putting our farmers automatically at a competitive and economic advantage.

So I urge my colleagues to support this amendment for two reasons—first and foremost because there is just no reason for child slavery in our world. Second, because American farmers shouldn't be put out of business because of other country's non-existent labor standards.

I have said it before, but it bears repeating, we must be ever vigilant in our fight against child slave labor. Support the Sanders Amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

Mr. ISTOOK. 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. LAHOOD) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore 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. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

## LIMITATION ON CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during consideration of the amendments numbered 5, 7, and 8 in the Committee of the Whole, pursuant to House Resolution 206:

One, the amendment numbered 7 shall immediately follow disposition of, or postponement of further proceedings on, the amendment numbered 5;

Two, the amendment numbered 5 shall be subject only to the amendment by the gentleman from Arizona (Mr. FLAKE) that I have placed at the desk;

Three, the amendment numbered 7 shall be subject only to one substantive amendment;

Four, the amendments numbered 5 and 7, and each specified amendment thereto, each shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any of those pending amendments; and

Five, debate on the amendment numbered 8, and all amendments thereto, shall be limited to 1 hour, equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. The Clerk will report the amendment to be offered by the gentleman from Arizona (Mr. FLAKE).

The Clerk read as follows:

Amendment offered by Mr. FLAKE as a substitute for the amendment offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 644. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

Mr. ISTOOK (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, and I will not object, I will say that we have discussed this unanimous consent request and the minority agrees.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

## TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2590.

□ 1524

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 further consideration of the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, with Mr. GUTKNECHT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the amendment offered by the gentleman from Vermont (Mr.

SANDERS) had been disposed of and the bill was open for amendment from page 68 line 3 through page 95 line 16.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 9 offered by the gentleman from Washington (Mr. INSLEE) and the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

AMENDMENT NO. 9 OFFERED BY MR. INSLEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 9 offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 285, not voting 7, as follows:

[Roll No. 268]

AYES—141

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berry
Bishop
Bonior
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (OK)
Clay
Clement
Coyne
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Edwards
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Green (TX)
Gutierrez
Harman
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moran (VA)
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Sherman
Shows
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOES—285

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schaffer
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Conyers
Gonzalez
Johnson, E. B.
Lipinski
Scarborough
Snyder
Spence

□ 1547

Messrs. YOUNG of Alaska, WYNN, RAHALL, HILLIARD, CLYBURN, MOORE, HALL of Ohio and Mrs. CLAYTON changed their vote from ''aye'' to ''no.''

Messrs. BERRY, FORD and BAIRD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the remaining amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 274, not voting 8, as follows:

[Roll No. 269]

AYES—151

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (OK)
Clay
Clayton
Clement
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Edwards
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Jackson (IL)
John
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar

| | | |
|---|---|---|
| Obey | Rush | Tauscher |
| Olver | Sabo | Thurman |
| Owens | Sanders | Tierney |
| Pallone | Sandlin | Towns |
| Pascrell | Sawyer | Turner |
| Payne | Schakowsky | Udall (CO) |
| Pelosi | Schiff | Udall (NM) |
| Pomeroy | Scott | Velazquez |
| Price (NC) | Serrano | Visclosky |
| Rahall | Sherman | Watson (CA) |
| Rangel | Slaughter | Waxman |
| Rivers | Smith (WA) | Weiner |
| Rodriguez | Solis | Wexler |
| Roemer | Spratt | Woolsey |
| Rothman | Stark | Wu |
| Roybal-Allard | Strickland | |

NOES—274

| | | |
|---|---|---|
| Abercrombie | Foley | McInnis |
| Aderholt | Forbes | McKeon |
| Akin | Fossella | McNulty |
| Armey | Frelinghuysen | Mica |
| Baca | Gallegly | Miller (FL) |
| Bachus | Ganske | Miller, Gary |
| Baker | Gekas | Mink |
| Ballenger | Gibbons | Mollohan |
| Barcia | Gilchrest | Moran (KS) |
| Barr | Gillmor | Morella |
| Bartlett | Gilman | Murtha |
| Barton | Goode | Myrick |
| Bass | Goodlatte | Nethercutt |
| Bereuter | Goss | Ney |
| Berman | Graham | Northup |
| Berry | Granger | Norwood |
| Biggert | Graves | Nussle |
| Bilirakis | Green (WI) | Ortiz |
| Bishop | Greenwood | Osborne |
| Blagojevich | Grucci | Ose |
| Blumenauer | Gutknecht | Otter |
| Blunt | Hall (OH) | Oxley |
| Boehlert | Hall (TX) | Pastor |
| Boehner | Hansen | Paul |
| Bonilla | Hart | Pence |
| Bono | Hastings (WA) | Peterson (MN) |
| Boucher | Hayes | Peterson (PA) |
| Brady (TX) | Hayworth | Petri |
| Brown (SC) | Hefley | Phelps |
| Bryant | Herger | Pickering |
| Burr | Hilleary | Pitts |
| Burton | Hilliard | Platts |
| Buyer | Hobson | Pombo |
| Callahan | Hoekstra | Portman |
| Calvert | Holden | Pryce (OH) |
| Camp | Hooley | Putnam |
| Cannon | Horn | Quinn |
| Cantor | Hostettler | Radanovich |
| Capito | Houghton | Ramstad |
| Cardin | Hulshof | Regula |
| Carson (IN) | Hunter | Rehberg |
| Castle | Hutchinson | Reyes |
| Chabot | Hyde | Reynolds |
| Chambliss | Isakson | Riley |
| Clyburn | Israel | Rogers (KY) |
| Coble | Issa | Rogers (MI) |
| Collins | Istook | Rohrabacher |
| Combest | Jackson-Lee (TX) | Ros-Lehtinen |
| Condit | Jefferson | Ross |
| Cooksey | Jenkins | Roukema |
| Costello | Johnson (CT) | Royce |
| Cox | Johnson (IL) | Ryan (WI) |
| Cramer | Johnson, Sam | Ryun (KS) |
| Crane | Jones (NC) | Sanchez |
| Crenshaw | Kanjorski | Saxton |
| Cubin | Keller | Schaffer |
| Culberson | Kelly | Schrock |
| Cunningham | Kennedy (MN) | Sensenbrenner |
| Davis, Jo Ann | Kerns | Sessions |
| Davis, Tom | King (NY) | Shadegg |
| Deal | Kingston | Shaw |
| Delahunt | Kirk | Shays |
| DeLay | Knollenberg | Sherwood |
| DeMint | Kolbe | Shimkus |
| Diaz-Balart | LaHood | Shows |
| Dooley | Largent | Shuster |
| Doolittle | Larson (CT) | Simmons |
| Doyle | Latham | Simpson |
| Dreier | LaTourette | Skeen |
| Duncan | Leach | Skelton |
| Dunn | Lewis (CA) | Smith (MI) |
| Ehlers | Lewis (KY) | Smith (NJ) |
| Ehrlich | Linder | Smith (TX) |
| Emerson | LoBiondo | Souder |
| Engel | Lucas (OK) | Stearns |
| English | Manzullo | Stenholm |
| Evans | Matsui | Stump |
| Everett | McCrery | Stupak |
| Ferguson | McDermott | Sununu |
| Flake | McHugh | Sweeney |
| Fletcher | | Tancredo |

| | | |
|---|---|---|
| Tanner | Tiberi | Weldon (FL) |
| Tauzin | Toomey | Weldon (PA) |
| Taylor (MS) | Traficant | Weller |
| Taylor (NC) | Upton | Whitfield |
| Terry | Vitter | Wicker |
| Thomas | Walden | Wilson |
| Thompson (CA) | Walsh | Wolf |
| Thompson (MS) | Wamp | Wynn |
| Thornberry | Watkins (OK) | Young (AK) |
| Thune | Watt (NC) | Young (FL) |
| Tiahrt | Watts (OK) | |

NOT VOTING—8

| | | |
|---|---|---|
| Conyers | Lipinski | Spence |
| Gonzalez | Scarborough | Waters |
| Johnson, E. B. | Snyder | |

□ 1555

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, on rollcall Nos. 268 and 269—Inslee amendment and Hinchy amendment—I was detained in a Senate meeting on Election Reform. Had I been present, I would have voted "yea" on both.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to the order of the House of today, during consideration of the amendments numbered 5, 7 and 8, the following order shall apply:

(1) The amendment numbered 7 shall immediately follow disposition of, or postponement of further proceedings on, the amendment numbered 5.

(2) The amendment numbered 5 shall be subject only to the amendment by the gentleman from Arizona (Mr. FLAKE) that has been placed at the desk.

(3) The amendment numbered 7 shall be subject only to one substantive amendment.

(4) The amendments numbered 5 and 7, and each specified amendment thereto, each shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any of those pending amendments.

(5) Debate on the amendment numbered 8, and all amendments thereto, shall be limited to 1 hour, equally divided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN:

At the end of the bill (preceding the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to initiate the process of contracting out, outsourcing, privatizing, or converting any Federal Government services in contravention of Public Law 105–270.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 10 minutes, equally divided and controlled by the proponent and an opponent.

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

There was no objection.

□ 1600

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

Mr. Chairman, I rise in support of this amendment to focus on a problem facing our government, and that is unregulated and uncontrolled out sourcing, or, as it is sometimes called, privatization. The amendment specifically says that in contracting out, privatizing or otherwise giving Federal work to the private sector, that we adhere to existing law, Public Law 105–270.

This law, known as the FAIR Act, the Federal Activities Inventory Reform Act of 1998, basically says that whenever there should be an outsourcing, there shall also be a competition to determine that the taxpayer gets best value, best value in terms of quality and in terms of cost. Unfortunately, we find Federal agencies are not adhering to the FAIR Act; they are outsourcing without this control mechanism, and what we further find is that this outsourcing has not been beneficial to the taxpayer.

Let me give you an example. In the fiscal year 2000 Defense Appropriations bill, my Republican colleagues wrote, ''There is no clear evidence that the current DOD outsourcing and privatization effort is reducing the cost of support functions within DOD with high cost contractors simply replacing government employees. In addition, the current privatization effort appears to have created serious oversight problems for DOD, especially in those cases where DOD has contracted for financial management and other routine administrative functions.''

My point is, there is no evidence that outsourcing is, per se, better than Federal employees. The United States Government has a great resource in its Federal employees. We also have a great resource in private sector companies. We ought to have a competition in which Federal employees can compete against private companies for those jobs that are considered for being contracted out.

That is what this bill would do. It is quite simple. It would give the taxpayer best value, both in terms of quality and in terms of cost. It merely requires the agencies to abide by our current law, which requires competition.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to oppose the amendment and claim the time in opposition.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly agree with some of the things my colleague said in terms of outsourcing and trying to make it so it is not uncontrolled and unpredictable. The difficulty with this

amendment is that it does not just implement the FAIR Act, the Federal Activities Inventory Reform Act. That act applied only to commercial activities.

This act, if you read the language, says none of the funds made available may be used to initiate the process of contracting out, outsourcing, privatizing, converting any Federal Government services.

This applies to IT functions, it applies to SEAT management, it applies to ship construction, it applies to Javits-Wagner-O'Day functions, engineering functions. What it does in these functions under the current regulations as they are written is we will have to use the A–76 process in terms of going out sourcing any of these.

The A–76 process is used in only 2 percent of DOD contracts, and in almost no civilian contracts, because it is a 2-year process. This would basically freeze outsourcing in non-commercial areas, something the FAIR Act was not intended to apply to originally.

This amendment, in my judgment, is going to hinder and possibly shut down segments of the Federal Government's operations because we do not have in many of these areas of high expertise information technology, engineering, the in-house capability to perform them.

Last year Congress mandated that GAO create the Commercial Activities Panel to study the policies and procedures governing the transfer of the Federal Government's commercial activities from its employees to contractors.

This panel is going to report back to Congress in May, next year, with recommendations for improvements. I believe that Congress should await the results of this review before we start to legislate on that issue.

So it is for those reasons that I would urge my colleagues to oppose this amendment.

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

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

Mr. Chairman, I would like to comment on a couple points made by my good friend and colleague from Northern Virginia. First of all, it should be clearly understood, this amendment would not affect any existing contracts. Any existing contracts, commercial or non-commercial, are not affected by this bill.

Second, this bill is current law. Now, the gentleman may be correct in some respects that current law does not work as well as we would like, but that is not unique to this body, unfortunately; and efforts are under way to streamline current law. But it is current law; and it does say before you out source, you should have competition.

We regularly come to the floor and talk about the benefits to the taxpayer of greater competition. There should be more competition. Does the process take too long? Not necessarily, when you consider the length of some of the contracts involved, 3-year, 5-year contracts. The process is a reasonable process that gives Federal employees a fair opportunity.

If Federal employees are not performing some of these IT functions now, there would be no competition between Federal employees; it would be competition purely between private sector versus private sector. On the other hand, however, if Federal employees are performing these functions now and if they are doing a good job by virtue of both the cost that they charge to the Government as well as the quality that they provide based on their experience, then they should have the opportunity to compete to perform that contract as against a private sector company that is applying for that contract for the first time and may not be able to provide the same value.

I believe this is a reasonable approach.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman for yielding me time and also rise in opposition to this Wynn amendment.

Mr. Chairman, the fact of the matter is that the gentleman from Maryland (Mr. WYNN) has been honest about his objections. The gentleman from Maryland (Mr. WYNN) does not like outsourcing. The gentleman from Maryland (Mr. WYNN) wants to try and stop outsourcing as it is occurring across the Federal Government today, and several weeks ago we were in a hearing where we attempted to talk about not only the impact, but also how things are occurring in the marketplace today as a result of the FAIR Act.

I oppose this amendment because I believe that we are waiting to find out what the results really are. The hearing that we held offered an opportunity for both sides to provide input.

I believe what this will do today is to shortcut a process that had begun several years ago, where we are waiting to find out the real-life examples about how well outsourcing can take place, to where not only the effect of saving money, but also utilizing the most cost-effective services, to where we can allow agencies to go and do those things that are their core competency and to engage themselves in the effectiveness for government, is what we are after.

I support the gentleman from Virginia (Mr. TOM DAVIS). I think what the gentleman from Virginia (Chairman DAVIS) is talking about is defeating the Wynn amendment because it is shortcutting, short-circuiting, our ability to hear back a report that is due to us, where we can make a decision based on the facts of the case and what we are presently doing.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Each side has 1½ minutes remaining. Because the gentleman from Virginia (Mr. TOM DAVIS) is not a member of the committee, the gentleman from Maryland (Mr. WYNN) has the right to close the debate.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I am very much troubled by an article that was written by Steve Kelman, who was President Clinton's Director of Federal Procurement Policy in the White House. Many may know Steve. Mr. Kelman says,

> This is not a pretty picture. If this was passed, it could literally grind government to a halt. What TRAC does is enormously expand the scope of the Office of Management and Budget's Circular A–76, and it will include services that have always been contracted out in the past. It particularly affects telecommunications services and information technology. It is a troubling procedure that almost exclusively focuses on costs, rather than best value, and demands huge investments of time and resources.

I think that is a troubling assessment from somebody who understands the issue.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want my friend from Maryland to know I stand in opposition, but reluctant opposition, because I too see a lot of imperfections with the A–76 study approach. I see a lot of families getting booted in midlife, mid-career, and often the subcontractors come back and rebill their costs. So I see a lot of imperfections with it.

But I do think one of the problems with TRAC and the reason I have not cosponsored it is because, as the gentleman from Virginia (Mr. TOM DAVIS) says, you have engineering, a lot of subcontracting, and routine maintenance and security issues which the Federal Government under this legislation would not be able to farm out, and those are things the Federal Government needs to do.

I want to wait for the study, but I wanted my friend from Maryland to know I want to work with him in the future, but it is important to wait for the study.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I also want to pay tribute to my friend from Maryland, who I honor and look forward to working with; but on this issue we have to agree, this amendment is opposed by the ITAA, the American Electronics Association, the Professional Services Council, and, of course, the administration.

What this does is expand what is currently reserved for commercial activities, to Javits-Wagner-O'Day Act, to recompetes in many sources cases. This could grind outsourcing to a halt. That

is our concern on this, that it is overly broad.

I intend to work with the gentleman over the next year to try to get something workable on this. We have held hearings in our committee on this, but I think this amendment goes too far and it is not in the interests of the American taxpayer. So I have to urge my colleagues to disapprove it.

Mr. WYNN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would first like to acknowledge the gentleman is absolutely correct, he has been very generous in attempting to work with us and allowing us to have hearings on this issue.

I want to make a few brief points that I have to emphasize. One, no existing contracts will be affected by this amendment; two, if this work is not currently being done by Federal employees and is in fact being outsourced and competed among private sector companies, that will continue. So those concerns probably do not apply.

Now, what we are saying in this amendment is simply this: follow existing law. Existing law, the FAIR Act, says there shall be competition, private-public competition or private-private competition. In the case of Federal employees who are doing a good job, they ought to have the right to compete to keep their jobs, to do the work and give the taxpayer best value. If the private sector company can do it better in terms of value and costs, then the private sector would get the contract.

Finally, the suggestion has been made that since we are having a GAO study, we do not need this amendment. I reiterate, this is the law. We ought to follow it. If the GAO study comes back and says we need to change the A–76 process, make it less burdensome, I would be the first one to say that is a good idea and we ought to do that and accommodate the need to streamline the process.

But competition is good for America, whether it is competition between two private sector companies or whether it is competition between hard-working Federal employees with high levels of competence and private sector employees, companies who want to take their jobs. Let the competition begin. I believe this amendment is consistent with that philosophy.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was rejected.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the last word and to lend my support to the Treasury-Postal appropriations bill before us that we are now debating and discussing. Although I unfortunately was not able to be on the floor during general debate, I really want to state my support for this bill and focus on an important provision that was included by the committee.

First, I am very pleased that the pay parity language for Federal employees and the contraceptive coverage for Federal employees were included during committee markup of this bill. These are necessary changes. I applaud the committee.

Secondly, I want to thank the chairman for including a 1-year extension allowing agencies to help low-income employees pay for child care. Many Federal employees are caught in a serious child care crunch. A recent study showed that one-quarter of all Federal workers had children under the age of 6 needing care at some time during the workday.

□ 1615

In some Federal child care facilities, employees are charged up to $10,000 or more per child per year. Many Federal employees simply cannot afford quality child care. So giving agencies the flexibility to help their workers meet their child care needs encourages family-friendly work places and higher productivity.

It is my hope that we can eventually pass a bill that will allow agencies to be authorized to permanently use money from their salary and expense accounts to help low-income employees pay for child care. I have such a bill, H.R. 555, that would do just that. I hope that the chairman would support me in such an initiative in the future.

Mr. Chairman, I encourage support for the bill.

AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction, after the President has certified to Congress that the Cuban Government has released all political prisoners and has returned to the jurisdiction of the United States Government all persons residing in Cuba who are sought by the United States Government for the crimes of air piracy, narcotics trafficking, or murder.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

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

Mr. SMITH of New Jersey. Mr. Chairman, might I inquire whether or not the gentleman from Arizona (Mr. FLAKE) will offer his amendment now, and then the time will be equally divided?

The CHAIRMAN pro tempore. Does the gentleman from Arizona (Mr. FLAKE) wish to offer his amendment at this time?

Mr. FLAKE. No, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman from New Jersey (Mr. ROTHMAN) seek the time in opposition to the amendment of the gentleman from New Jersey (Mr. SMITH)?

Mr. ROTHMAN. No, Mr. Chairman. I am sharing time with the gentleman from New Jersey (Mr. SMITH).

The CHAIRMAN pro tempore. Is there a Member seeking time in opposition?

Mr. FLAKE. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. SMITH) for 10 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. ROTHMAN), my good friend and colleague and coauthor of this amendment, be allowed to control half of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes and 15 seconds.

Among the largest new sources of revenue we could possibly provide the Castro regime at this point would be large scale United States tourism. So I and the gentleman from New Jersey (Mr. ROTHMAN) are offering this human rights amendment in the hope that any lifting of remaining travel restrictions to Cuba will be done carefully and thoughtfully with some regard to the consequences.

Mr. Chairman, it is important to be honest about what we are talking about when we talk about tourism to Cuba. The dictatorship gets rich—filthy rich—let us make no mistake about that, and will go on its merry way in arresting, beating, and torturing political dissidents.

Let me just point out, Mr. Chairman, that Human Rights Watch, in its report, and I urge Members to read it, makes the point that conditions in Cuba's prisons are inhuman. In recent years, Cuba has added new repressive laws.

Torture is commonplace in Cuba, and ugly beyond words. There is no freedom of speech or assembly in Cuba. The people of Cuba have no right to emigrate. And dissent continues to be suppressed with unspeakable cruelty. In light of this we should lift the travel ban. And to make matters worse, there is another outrageous lucrative form of travel to Cuba called sex tourism. Cuba is on the short list of destinations for middle-aged men looking for inexpensive commercial sex, including sexual exploitation by children, which is actively condoned by the government. We should have no part whatsoever in facilitating this kind of exploitation.

I want to make very clear, Mr. Chairman, that under current U.S. policy vis-a-vis Cuba much travel is permitted. As a result of Clinton's soft

and feckless policy towards Cuba, Americans can and do travel to Cuba for certain purposes: journalism, educational purposes, humanitarian missions, government business, sick family members, and the list goes on. The amendment I propose today focuses on the tourist industry and whether or not reasonable, modest conditions should be imposed before we lift that particular travel ban.

Our amendment has two conditions: the Cuban government should return the violent criminals who have escaped American justice and who are currently hiding out in Cuba. The case of Joanne Chesimard is particularly egregious. Chesimard was sentenced to life for the murder of a New Jersey State Trooper, Werner Foerster, but is now living it up in Cuba. She—and scores of other murderers and air pirates and drug smugglers—must be returned to the U.S. to serve their time behind bars.

The second condition, Mr. Chairman, has to do with the release of hundreds of political prisoners. The State Department's Country Reports estimates that there are between 300–400 political prisoners, and they are being mistreated, tortured and abused. Before we give the green light to tourism en masse, before we head to Havana with bathing suits in our bags and fun and diversion on our minds, let's not forget the persecuted and the oppressed.

Let us not abandon, undermine or betray some of the most courageous dissidents on the face of the earth.

We should lift the travel ban, if and only if all political prisoners are released. We should lift the travel ban, only when all cop killers and felons convicted in the U.S. are back in U.S. prisons.

Vote ''no'' on Flake and ''yes'' on Smith-Rothman.

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

AMENDMENT OFFERED BY MR. FLAKE AS A SUBSTITUTE FOR AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. FLAKE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE as a substitute for amendment No. 5 offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 644. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

Mr. FLAKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and the gentleman from New Jersey (Mr. SMITH) each will control 10 additional minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to divide my time with the gentleman from New Jersey (Mr. ROTHMAN).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

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

I rise in support of this substitute in the form of an amendment. As we grew up in school, we were told that the difference between us and other nations is that we would allow our citizens to travel anywhere they want to. We could travel the world, see other cultures, visit other countries, without fear that we would find something better. Here, we are being told that that is not right.

I as a government official can travel to Cuba, but if someone in my family or some of my friends at home or others want to travel to Cuba, they have to seek a license. Now, that is wrong.

This amendment simply states that we ought to allow everybody the same privilege that we have as government officials. They ought to be able to travel to Cuba. We allow individuals to travel to North Korea. There are terrible human rights abuses going on there. We allow individuals to go to Sudan. There is human slavery going on in Sudan, probably discovered by people going there on visits. We allow people to go to Iran. Iran considers us the ''Great Satan'' and has been implicated in State-sponsored terrorism. But somehow, we still do not allow our citizens to go to Cuba. That is simply wrong.

Now, Fidel Castro, let us stipulate from the very beginning, is a tyrant, and we ought to stipulate that from the beginning and decide how best can we bring change to that island. The best way, I believe, is through engagement, not isolation.

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

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

First let me thank the gentleman from New Jersey (Mr. SMITH), my distinguished friend, who is really a national leader around the world for human rights, and it is a privilege to be a coauthor of this amendment with him.

In 1973, Mr. Chairman, New Jersey State Trooper Werner Foerster was shot in the back of the head on a New Jersey highway. A New Jersey jury, after its deliberations, convicted Joanne Chesimard of first degree murder and sentenced her to life in prison for the death of New Jersey State Trooper Foerster. She escaped prison and she went to Cuba where she now resides and lives freely. She is one of over 77 convicted felons living in freedom in Cuba. We cannot get her back. Why not? Castro will not send back those Americans convicted of crimes in America, including murder and air piracy; he will not permit them to come back.

Now, some of my colleagues, good and decent people all, wish and believe forthrightly that travel restrictions should be lifted on Cuba. They say it hurts Americans.

Well, we have sanctions on all kinds of countries. We had it on Libya, we just voted on that yesterday; Libya and Iran, and other countries who do terrible things to our people. Cuba is doing the same. Think of the widow and the orphaned son of Trooper Foerster and those families of the other victims of the 77 felons still in Cuba. How would we answer them when my colleagues say, well, let us release and do away with all restrictions on travel to Cuba. They have no good answer. Castro must release those individuals and then we can have free trade with Cuba. We already have some trade and travel with Cuba; we need the stick and carrot approach. Castro needs to return those convicts to serve their time in America.

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

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the substitute amendment offered by the gentleman from Arizona (Mr. FLAKE) to ensure that no funds in this bill may be used to enforce travel sanctions on Cuba.

Mr. Chairman, in January of 1998, I was in Cuba to witness the historic visit by Pope John Paul II. During his time in Cuba, the Pope declared ''May Cuba, with all its magnificent potential, open itself to the world and may the world open itself up to Cuba.''

Mr. Chairman, whenever I travel to Cuba, I try to meet with Ekizardo Sanchez, one of the most respected dissidents inside Cuba and someone who actually spent 8½ years in a Cuban prison. Mr. Sanchez has repeatedly stated, ''The more Americans on the streets of Cuban cities, the better for the cause of a more open society in Cuba.''

I firmly believe that unrestricted travel by Americans to Cuba would be one of the best actions the United States could take to open political space for all Cubans. Most importantly, however, I support this amendment because I firmly believe it is the right of all Americans to be able to travel wherever they wish.

The current sanctions on travel to Cuba are undemocratic and go against the traditions and the values that make the United States of America so

great and so respected in the eyes of the world community. The American people are not fools. They should be able to see firsthand both the good and the bad about today's Cuba. They do not need the United States Government to censor what they can see.

I trust the American people. I believe in their right to travel freely. I should also add that I have met with countless Cuban Americans who believe they should have the right to visit their relatives in Cuba any time they want and not just when some bureaucrat at the Treasury Department says they can.

Last year, this amendment passed with strong bipartisan support. I urge my colleagues to support the Flake substitute. This is the right thing to do. I hope it will be passed with a very strong vote.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the Subcommittee on International Human Rights.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong opposition to the Flake amendment because it would prolong the suffering and the oppression of the Cuban people under the totalitarian Castro regime, and I support the Smith amendment, because it would deny the Cuban dictatorship additional funds to host killers of U.S. police officers, cop killers such as Joanne Chesimard, who gunned down, in cold blood, New Jersey State Trooper Werner Foerster, or those who murdered New Mexico State trooper, James Harper.

The Flake amendment, however, would help keep those and other fugitives of U.S. justice in the lap of luxury, fugitives wanted for murder, for kidnapping, for armed robbery, among other terrible crimes.

The Fraternal Order of Police has said this about attempts such as the Flake amendment: ''The American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the fabric of our society to foreign dictators like Fidel Castro.''

I oppose the Flake amendment because it would provide that Communist regime with much-needed hard currency to extend its reign of terror.

□ 1630

This amendment would help propagate a system of slave labor, where 95 percent of workers' wages are retained by the dictatorship, where the workers have no individual or collective rights as they must remain subservient to the Communist party and the upper cadres of the tyrannical regime.

The Flake amendment would help promote a tourist industry built on prostitution, particularly teenaged prostitution, and the exploitation of women. In fact, Cuba's tyrant Fidel Castro has boasted to his national assembly that highly educated jineteras, who are prostitutes, have low rates of AIDS, and, therefore, there is no tourism healthier than Cuba's. This appeared in the July, 2000, edition of the New Republic.

I rise in support of the Smith amendment because he does not ignore political prisoners, such as Dr. Oscar Elias Biscet, Vladimiro Roca, and Jorge Luis Garcia Perez, who languish in squalid jail cells in isolation, devoid of any light.

I ask my colleagues to search their conscience, to listen to the echoes of America's Founding Fathers who understood that when one people suffer, all of humanity suffers.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I rise in strong support of the Flake amendment. Many years ago, Hans J. Morganthau once said that when food does not cross borders, troops will. What he meant by that is the basic of all relationships is really trade and commerce.

I sincerely believe that not only what Hans J. Morganthau said, but also what one of my predecessors, Congressman Steve Symms, said when the Carter administration first shut down free and available travel between the United States and Cuba.

He said, if we truly want to change Cuba, if we truly want there to be a revolution, what we should do is load up a B–52 bomber and fly over the Cuban island and open those bomb doors and allow millions of Sears Roebuck catalogs to fall on Cuba. And when those Cubans opened those catalogues and see what they do not have, Mr. Chairman, they will cause their own revolution.

Mr. Chairman, let us open the doors and let the light shine in. Instead of taking our word for it, the American people can go find out for themselves.

Mr. ROTHMAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I ask my colleagues who wish to support the Flake amendment, how did my colleagues just vote on the Iran-Libya Sanctions Act? Did they say, we do not need sanctions? Did they say, we do not need sanctions? No, they said, in some circumstances, sanctions are appropriate.

In this case, we need sanctions to make sure that Castro returns the killer convicted by an American jury, sentenced to life for the bullet in the back of the head to a New Jersey State trooper, and the 76 other convicted felons he is harboring in Cuba living free.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would say to my friend, the gentleman from New Jersey, he keeps confusing sanctions with travel bans.

The gentleman has supported, this body has supported, a law which has been in effect now for 7 years which says, when we impose sanctions, we can no longer restrict the right of Americans to travel. Iran sanctions, yes. Banning Americans from going to Iran, no. That is existing Federal law.

I hear and I understand the evils of the Castro regime and the stories. Are they worse than any of the stories of the gulag in the Soviet Union, or Communist China during the cultural revolution, or North Korea, or any other place where Americans have an unimpeded right, and always did, to travel? Why? Because it is in America's foreign policy interest to establish contact with the people of those countries. People-to-people diplomacy is the most effective diplomacy.

Why is Castro still in and the Soviet Union collapsed? What a great policy we have. He is the longest-standing leader in the world. Boy, has American policy worked.

By the way, to my friends on the other side of the aisle, people who make compelling arguments frequently about the absurdity of some government regulation, the notion that a Federal agency, the Office of Foreign Assets Control, decides who can go and who cannot go, whether we like the purpose of the trip or whether we do not.

Micromanaging the details of the individual American's right to go to a place and establish those contacts I suggest to Members is totally inconsistent and an anathema to the entire philosophy of the GOP party. This is the most absurd kind of regulation, that seeks to determine which relatives have positive purposes, which people have negative purposes.

It does not work. Government cannot handle that. This is a relic of another time. Make this Cuba situation the same as Iran, Russia, all the other authoritarian regimes where Americans are permitted to exercise their constitutional right to travel. Vote for the substitute and against the underlying amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Staten Island, New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

I just want to talk about three people. Their names are Rocco Laurie, Werner Foerster, and Joanne Chesimard.

Rocco Laurie was born in Staten Island. He joined the police department in the late 1960s and then enlisted in the Marine Corps and went to Vietnam. He came back to rejoin the police department.

He was married in May of 1970; and, in 1972, he and his partner were on a foot patrol in the lower East Side of Manhattan. His partner was shot eight times in the back and was killed instantly. Rocco Laurie was shot seven times. He died 5 hours later.

Werner Foerster was a State trooper who was shot twice in the chest and then, execution style, twice in the head by Joanne Chesimard. Joanne Chesimard was convicted and then fled the United States and lives, I guess, as a hero in Cuba.

Recently, a couple of months ago, her companion so many years ago was arrested. He has now brought forward charges and reports that Joanne Chesimard was involved in planning the assassination and killing of police officers Rocco Laurie and Foerster, who were gunned down more than 30 years ago.

Is it too much to ask that we declare and demand of Fidel Castro that he send someone like Joanne Chesimard back to the United States before we pay him these courtesies? Do we not owe it to the honor of their families, their legacies, their wives, their police department, the communities from which they came? Is that too much to ask?

I think that is the purpose here. Send those cop killers back, people who robbed innocent people of their lives, so that then we can go about our travel. That is fair and reasonable.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman for yielding time to me.

I am somewhat surprised by my presence today on the House floor. It was a year ago this month in which we addressed the issue of Cuba and the opportunity to sell agricultural commodities, food, and medicine to that country. By an overwhelming vote of both parties in this House, this amendment was passed. Ultimately, through a long process, that amendment is being implemented, and rules and regulations have been announced by the Department of Treasury for us to comment on, and the opportunity for that trade, at least in theory, is now taking place.

In that same time frame, an amendment was offered to do what the gentleman from Arizona attempts to accomplish today, and by a vote of 232 to 186 we all agreed that travel to Cuba should be allowed. Yet that part of the day's activities a year ago remains to be implemented.

So I rise today to support the gentleman from Arizona in his effort to open the opportunity.

My interest in this topic began really in a selfish way, in trying to find a way to create additional markets for the farmers of my State, a place to export their agriculture commodities. But as I addressed and concerned myself with this issue, it became clear to me that this is something more than just about the self-interest of trade and exports of agriculture commodities to Cuba. It is about Cuban people. It is about freedom. It is about democracy. This is about the opportunity of changing a way of life.

In Kansas, we will try something once. If it fails, we very well may try it again, but if it fails a second time, we are going to be a little more skeptical. Maybe by the third time after failure we will decide to try something new.

For 42 years we have tried to change the government of Cuba, and we have failed. It is time for us to try something different that actually may work. It is time for a change. So Kansans with their common sense would say, okay, we tried, it does not work. Is there not something else we can do?

All of us want to change. Everyone that I have heard speak today wants to change the behavior of the government in Cuba. The question is, how we do it? What we have done does not work. I rise in support of the substitute offered by the gentleman from Arizona.

Secretary of State Colin Powell said that we will participate in activities with Cuba that benefit the people. I have now met with the dissidents of Cuba who say that this is the right policy and that we can change the behavior of the country for the benefit of the Cuban people. I ask that we try something new today.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Smith-Rothman amendment and in opposition to the Flake amendment. People of good will can have different opinions regarding the efficacy of easing restrictions, travel restrictions on Cuba. But certain facts are undeniable and are undebatable:

First, Cuban citizens enjoy no rights of free speech;

Second, there have been and there is no prospect of there being any democratic free elections in Cuba;

Third, as has been already pointed out, Cuba holds hundreds of political prisoners who are only guilty of being people of conscience;

And, fourth, Castro continues to disrespect in its entirety any basic level of human rights for his own people.

Then, on the other hand, the gentleman from Arizona (Mr. FLAKE) argues that, although that may be true, the way to change that is for more Americans to go to Cuba and allow more cash into Cuba.

I only wish that were true. If it were true, it already would have occurred, because Europeans and South Americans and people all over the world have been travelling to Cuba for years.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in support of his amendment.

Mr. Chairman, it is not difficult to support the positions that are taken by both sides here, those who have convicted murderers in Cuba and would want to see that they meet justice here in the United States.

For those, it would seem to me that the best way to do it is the way we do it with other countries, and that is to have extradition treaties. We cannot have that unless we are trying to have some relationship, unless we are trying to talk to people.

What you are doing here really is not beating up on Fidel Castro. He could care less what we are talking about here today.* * * You are saying that we do not trust Americans.

Mr. SMITH of New Jersey. My amendment is not disgracing anybody. I deeply resent it. * * *

Mr. RANGEL. I think the gentleman is out of order.

Mr. SMITH of New Jersey. The gentleman's disrespect is out of order.

Mr. RANGEL. I am telling you this, that Americans——

Mr. SMITH of New Jersey. I ask that words be taken down, Mr. Chairman.

The CHAIRMAN. The gentlemen will suspend.

Would the gentleman from New Jersey again state his request of the Chair?

Mr. SMITH of New Jersey. I would ask that the words that we were disgracing the American people with this amendment be taken down.

First, I would ask that those words be read back.

The CHAIRMAN. Members will be seated.

The gentleman from New York (Mr. RANGEL) will be seated.

The Clerk will report the words.

□ 1645

Mr. RANGEL. Mr. Chairman, I ask unanimous consent that my words be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman's words are withdrawn.

We will now proceed in order, and the gentleman from New York (Mr. RANGEL) has 45 second remaining of the time that was yielded to him by the gentleman from Arizona (Mr. FLAKE).

Mr. RANGEL. Mr. Chairman, I would like to make it abundantly clear to the gentleman from New Jersey (Mr. SMITH) that the concept that I think is disgraceful has nothing to do with individuals but has something to do with the American people having the right, in my opinion, to visit any country that they would want to visit.

I really believe that it is very bad policy for Americans, who are able to go to China, able to go to North Korea, able to go into Moscow, to be able to say that we are this fearful that we will be overwhelmed by the people, the good people in Cuba, or by Fidel Castro or by the military. So it seems to me that it is really offensive to the American people for someone to say that they have such little confidence in their willpower to succumb to communism in Cuba when we are strong enough, we are the strongest Nation in the entire world, to be able to say that flag that flies so hard is our flag.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment that my friend, the gentleman from Arizona (Mr. FLAKE), has presented, and certainly in support of the amendment offered by the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from New Jersey (Mr. SMITH) before the body today.

Cuba is different. Cuba is 90 miles away. It is in this hemisphere. The Secretary of State of the United States says Cuba is different in treatment on these issues. The President of the United States says Cuba is different in treatment on these issues. Within the last 2 weeks, the President has said that the United States stands opposed to such tyranny, talking about Cuba, and will oppose any attempt to weaken sanctions against the Castro regime until it respects the basic human rights of its citizens, frees political prisoners, holds democratic free elections, and allows free speech.

That is a higher standard than even the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from New Jersey (Mr. SMITH) have put forth in this amendment. This is a sanction. Clearly, it is a travel sanction; but it is a sanction on a country that is the only dictatorship in our hemisphere.

Mr. Chairman, 77 convicted U.S. felons are in Cuba, people who have killed police officers are in Cuba, people on the FBI's 10 most wanted list are in Cuba. We need to have respect for our rule of law before we move forward with this kind of change in policy.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of his amendment.

Mr. Chairman, Cuba is a country roughly the size of Pennsylvania with a population approximately double the size of Indiana, about 12 million people. Yet with our failed policy of the last 40 years, we have elevated Castro and Cuba to China or Russia proportion. With our foreign policy, we trade with Russia. We let our people travel to Russia. We trade with China. We let our people travel to China. And we should be doing the same with respect to our foreign policy and Cuba.

There are three good reasons to vote for the Flake amendment: first of all, for our constitution. Our citizens' constitutional rights should not be trampled upon, forbidding them from travel to Cuba; but we should allow them to travel with the Constitution and take it to Cuba and show our freedoms and our liberties and other respect for human rights.

Secondly, having just been down to Cuba 2 months ago, having met with representatives of the Catholic Church, dissidents, human rights' leaders, people that have been in prison, what do they think about lifting the travel embargo? They are for it. Now, we can talk all around this issue in this great Chamber, but what about the people that are most affected by this policy? They want us to lift the travel embargo, the people that are dissidents and human rights' leaders and leaders of the church in Cuba.

Thirdly, Castro. Castro uses this trade and travel embargo to blame us for his problems. Let us open up the system to American ideas of human rights, free markets, capitalism, respect for one another and for the right to vote. Let us try and change after 40 years of failure. Let us vote for the Flake amendment.

□ 1700

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, this is an issue that, from my district at least, is a local issue. I represent a district that is 90 miles from the shores of Cuba and people visit under the existing process right now.

But one of the things that has been talked about, as recently as my last colleague who spoke, many of my colleagues have visited Cuba and they have met with dissidents and they have stayed in hotels. One of the things they are probably not aware of is that no Cuban is legally allowed to eat and enter a hotel in Cuba. They might have eaten with one of the so-called dissidents, but it was illegal under Cuba law, and the only reason why they could is because they are a Member of Congress.

Cuba is treated differently. But there is no other name on the list that people have offered that is 90 miles from our shore, but also has a unique system that Cuba has.

People have talked about Castro being in power for a long time. In many ways this dictatorship has been the most controlling in the world. If we look at the process of tourism and what keeps the Castro dictatorship around is, in fact, hard dollars. Passing the Flake amendment would, in fact, enable Castro to continue.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, 10 years in prison, a criminal fine of $250,000, a $50,000 civil penalty. Are these punishments for bank robbers, ax murderers, Al Capone, John Dillinger? No. No. This is what can happen to a United States citizen exercising his or her constitutional right to travel to Cuba without a license.

What is this license? In this case it is permission. Permission from our own government to exercise a fundamental constitutional right. We are treating our own citizens like school children who need permission to leave their classroom. We would expect this from the Cuban government, not from the government of the United States.

In fact, what we have done is erect our own Berlin Wall preventing free travel of American citizens. To paraphrase a former president, President Reagan, it is time to tear the wall down.

The travel ban has allowed our preoccupation with Fidel Castro to undermine a fundamental constitutional right. So let us invade Cuba, again, but let us do it this time with academics, missionaries, investors, human rights activists, and tourists. Let the college kids on spring break be the vanguard of this invasion. I know and I am confident that the result will be victory for the Americans and for the Cubans.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I was having a conversation with a colleague last night about this issue. He said a dissident came from Cuba and lobbied against the embargo. I tried to point out that if the totalitarian regime in Cuba allows one to come to the United States to lobby against sanctions against the dictatorship, it is with precise permission. If, however, one is truly seeking democracy, they are thrown in a dungeon or thrown out of the country or executed.

So what the Smith-Rothman amendment is saying is before the $5 billion a year, at least, in American tourism is sent to the dictatorship, let the representatives of the Cuban people, the leaders of the political parties, let them out of prison, and the cop killers and other fugitives from American justice including Joanne Chesimard and the other ones that the gentleman from New York (Mr. FOSSELLA) so eloquently was talking about, send them back and do not have them living in protected luxury by the totalitarian regime 90 miles away. That is all the Smith-Rothman amendment is saying.

It is not a question of insulting anyone's intelligence. It is a question of saying the people who represent the Cuban people, who are in prison today have a right to be free, and those who kill American cops and sell drugs and are terrorists have a need to be in prison in the United States.

Vote for Smith-Rothman. Vote against the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I rise in strong support of the Flake substitute amendment and I do so because our current policy towards Cuba is a relic and it needs to be updated.

It should be a priority of this Congress to change any program or any policy if it is deemed to be unsuccessful. Yet, we have allowed 40 years of unsuccessful public policy, and we have done next to nothing to improve it.

One way to foster change is through this amendment of our colleague from

Arizona. The amendment would prohibit Treasury funds from being used to regulate the travel of American citizens to Cuba. It would effectively open up Cuba's borders for the free world and for free world ideas.

Mr. Chairman, when I came to Congress, it is fair to say that I was inclined to believe that we needed to reassess our relationship with Cuba. After visiting Cuba myself this year and meeting with the fantastic people of that country, I returned convinced that our policy is wrong. Americans want to travel to Cuba by an overwhelming 66 percent. Doing so will be good not only for the Cuban people and for Cuba, but it will be good for our country. Maintaining the status quo will do nothing to foster democracy in Cuba. We need to speak strongly today on the floor to reverse 40 years, 40 years of unsuccessful public policy. We need to tear down this travel ban, and we need to allow Americans to travel freely to other countries.

Mr. ROTHMAN. Mr. Chairman, I yield 3¼ minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished ranking member of the Subcommittee on the Western Hemisphere.

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

Mr. MENENDEZ. Mr. Chairman, I have heard the voices of those who think Fidel Castro is a great guy; and I have heard the voices of those who want to do business in Cuba at any price, regardless what that price is. Americans love to travel, but they love democracy and human rights, and they love that more than anything else because they enjoy it more than any other country in the world.

The belief that Americans can change Castro through tourism flies in the face of millions of visitors from Canada, Mexico, Spain, Europe, Latin America and other parts of the world who over the last decade have visited Cuba and have not had one iota of change towards democracy and human rights.

We are a great people, but to believe that we uniquely possess the one key that can unlock, the changing of the mind of Fidel Castro, is to be incredulous.

What this amendment would do if adopted, it would take a law and let it lawlessly be violated because we would have no enforcement funds to prosecute that law. If you do not believe that the law is legit, change the law. But do not act lawlessly by saying we will not enforce a law that exists on the books.

Mr. Chairman, it will open the floodgate of dollars to Fidel Castro's Cuba. If the American people knew that 60 percent of Cuba's GDP goes to a tourism industry that is a state-run operation, a tourism industry by which Fidel Castro owns 50 percent of all of the foreign hotels and all of the Dollar Stores, which are inflated, to gouge tourists who go, they would say no, I will not visit there.

If, in fact, they knew that tourism does not go on behalf of the Cuban people but goes on behalf of the state, they would not go there. If they knew when they visit those hotels and tourist spots that the workers there cannot be hired directly by that foreign company, but is hired by the state employment agency sent there for which the state employment agency is paid in dollars, and Cubans are paid in worthless pesos, which is the equivalent of slave labor, to those of my colleagues who believe in the trade labor movement and labor rights, they must vote for the Smith amendment and against the Flake amendment.

For those who believe that, in fact, opening up the flood gates, as is suggested, and I do have great faith in Americans, but what happens when they go to Cuba, suggestions that tourism will facilitate visitation and engagement with human rights activists, political dissidents and independent journalists should be dispelled by the fact that Cuban law makes it a crime against the state to engage human rights activists and political dissidents. And believe me, that law is enforced.

Ask the two Czech citizens, one a parliamentarian and the other a journalist, who traveled to Cuba as tourists and were engaged with human rights activists, and were imprisoned.

Mr. Chairman, sunning one's self on the sand and surf on Varadero Beach, taking in a show at the Tropicana, smoking a Cohiba and sipping a Cuba Libre may indulge the fantasies of some, but it will not bring democracy to the Cuban people, it will not bring freedom to the Cuban people, and it will not bring respect for the human rights for those people in Cuba.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Arizona for his amendment. It is the right thing to do.

Mr. Chairman, I have not heard anybody on this floor suggest, as my friend from New Jersey stated, that we think Fidel Castro is a great guy. I do not know where that came from. Nobody has suggested that. I do not think anybody comes close to believing that. We know he is a dictator. There is no question about that.

But we want the idea of American freedom to find its fruition in Cuba as well as America. This travel restriction is un-American. Americans should be able to travel any place they want. And as they travel, they communicate with the citizens of other countries. When the Cuban people see the way we live because of what we believe in, that is going to topple the dictatorship.

Forty years. How long does it take to realize that a policy is not working? Our current Cuba policy has not worked. Let us build upon the freedoms that every American citizen represents when they travel someplace else.

Let me suggest to my colleagues that the historical context should be considered here as well. If it had not been for the way that the former regime had treated the Cuban people, the Communist Revolution could not have succeeded. The Batista government treated many of the Cuban people miserably, particularly its darkest-skinned citizens. That history has a lot to do with why Fidel Castro is still in power today.

Now it is time to try a different approach. Now it is time to let, yes, our students; imagine what would happen if they went to Cuba on a spring break. Fidel Castro would have nightmares over that threat.

But when Cubans see the way we live here, that is what is going to bring freedom to Cuba, and that is what is going to enable us to trade with Cuba, and that is what is going to enable us to have a real neighbor that we can work with.

Mr. Chairman, 40 years is too long. It is time to realize that the policy we are using today is not working. Let us try a new one. Let us pass this amendment.

Mr. ROTHMAN. Mr. Chairman, I yield 1¼ minutes to myself.

Mr. Chairman, there are several points I would like to make. Number one, there has been some statement that restriction on travel to Cuba would be unconstitutional. That is incorrect.

The United States Supreme Court has twice ruled that travel restrictions on Cuba, on Americans traveling to Cuba, is constitutional: Zemel v. Rusk in 1965, Regan v. Wald in 1984.

Forget the Constitution, we just exaggerated saying it is unconstitutional, is it the right policy choice? That is a fair question.

Mr. Chairman, I believe it is the right policy choice, and we choose to impose different treatment to different countries based on our own belief of what is fair and what will work.

□ 1715

Make no mistake about it. There is some travel now to Cuba. If we eliminate all those restrictions, Castro will benefit by $5 billion in American hard currency.

Do we want to let him say 40 years of totalitarian rule will be rewarded with this? Treatment of your political prisoners will be rewarded with billions of dollars of American cash? Your failure to return cop killers, people who were convicted by juries in America, juries of their peers, of first degree murder, sentenced to life and Castro holds them in luxury and freedom down there and will not release them? What is the message we send to American law enforcement, State and local, about what we will do if they get killed by someone who then seeks refuge in Cuba?

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this has been a great debate. I said at the beginning that we ought to stipulate that Fidel Castro is a tyrant, that he is a liar, but I am surprised that those who agree with me on that are so eager to accept the notion that he wants tourism, that he wants more trade. I would submit that he does not.

When I was a child and my room was messy, the last thing I wanted was for my mother to come in. You do not want people to come in. So why should we take Fidel Castro's word for it? We ought to send our people there.

Let me just close by saying, it has been said that people can have differing opinions on this subject. They certainly can. Those who believe in isolation have had the last 40 years. It is time for those who feel differently to enact a new policy and move forward. If freedom is what we want for the Cuban people, let us exercise a little more of it ourselves.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

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

I was sitting here watching the debate. It was almost identical to debates of old, when we were fighting for freedom in the Soviet Union, when we were fighting for freedom in El Salvador, when we were fighting for freedom in Nicaragua. History proved us right and proved you wrong.

Allowing travel to Cuba is a terrible mistake. The benefits of free trade cannot flow to people who are ruthlessly oppressed by a rigidly controlling totalitarian regime. Supporters claim that American tourists will help average Cubans. But letting Americans travel to Cuba will strengthen Castro and do nothing to improve the lot of average Cubans. Freedom cannot penetrate Castro's Communist cadre because it operates more like an organized crime syndicate than a legitimate government.

But surely, we are told, joint ventures with foreign investors will change all that. All joint ventures in Cuba remain under Castro's thumb. Those businesses cannot even hire a Cuban worker without Castro's blessing. All the property in Cuba belongs to Castro. All the income that comes from these Americans will go to Castro.

We are also told that if we support trade in China, we ought to support it in Cuba as well. But China and Cuba, I think, is a poor comparison. In China, the government is allowing the rudiments of a market economy to form. Trade with China does benefit average people. Cuba is a monolithic island under the heel of Castro's regime. Under this dictatorship, the only entrepreneur is Castro. Castro's thugs cannot meet the basic needs of their people. This tyrant is teetering on the brink of an abyss. Why in the world would we reach out now to draw his evil, abusive regime back to safety?

Let it fall. Let it fall and liberate the Cuban people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. 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 Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

Therefore, further proceedings on the first-degree amendment offered by the gentleman from New Jersey (Mr. SMITH) will also be postponed.

AMENDMENT NO. 7 OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. RANGEL:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except those provisions that relate to the denial of foreign tax credits or to the implementation of the Harmonized Tariff Schedule of the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. RANGEL) and the gentleman from Florida (Mr. DIAZ-BALART) each will control 10 minutes.

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

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

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

Mr. RANGEL. Mr. Chairman, in the shadows of this great Republic of the United States is a small island 90 miles off our shore called Cuba. The most powerful Nation in the world somehow just fritters when we consider talking to the Cuban people, trading with the Cuban people or visiting in Cuba. The sanctions that we have had against this small nation that have been locked into place for over 40 years just have not worked. They never do. Unilateral sanctions never do work. It is so arrogant that not only do we have these sanctions against the Cuban people and their government but we are arrogant enough to put sanctions against our friends and our allies that want to do business with the people in Cuba.

It falls beneath the dignity of a great country to try to bring down a government in any country by using food and medicine and economic exchange as a weapon in order to do that. There is no way that we are going to convince the American people that Fidel Castro is more of a tyrant, more of a dictator, more oppressive than people in other parts of the world which we are doing business with.

In this very body, I could hear the opposition saying, ''The only way to bring down communism in China is to engage these people in economic activity. The only way that we can bring about democracy is by using the tools of trade and cultural exchange.''

We are saying the same thing about Vietnam, and a bill will be up before we go on recess, a country that is responsible for the taking of so many American lives. Again in North Korea, they are responsible for the loss of so many American lives. Again in China, responsible for the loss of so many American lives. We have never even had anyone mugged in Cuba. Yet we are saying that we have a higher standard in terms of ignoring the country and providing sanctions against us.

But there is something else, too. Trade is a two-way street. We now have farmers in the United States that have had markets closed to us. It just seems to me that if China has to go all over the world to get its dairy products, its meat, its rice and its chickens, then why should the United States of America markets be closed? Why should Cuban Americans not be able to do business with Cubans? Why do we put these handcuffs on ourselves when we truly believe that trade and opening up new economic opportunities is really the key to democracy?

So it just seems to me that, once again, we have an opportunity by taking away the funds that really operate this bureaucracy and to say that we respect the American people, we respect their economic judgment, and we respect the right of Americans to travel anywhere that Americans want to travel, that we are a strong people, we have a rich history and we do not allow Communists to frighten us here in the United States, in Havana, in Moscow or Hanoi.

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

Mr. DIAZ-BALART. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairman of the Subcommittee on Human Rights.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise today in strong opposition to the Rangel amendment because Cuba's terrible record of human rights violations was not exported there. The degrading treatment that the Castro regime inflicts on its own citizens is not the end result of the U.S. embargo on Cuba. The embargo is not responsible for the gulags for prisoners of conscience. The

embargo does not forbid independent labor unions from existing. The U.S. embargo is not responsible for the systematic persecution and mistreatment of religious organizations, nonviolent opposition movements and human rights dissidents.

The U.S. embargo is not what drives a police officer to beat unconscious a political prisoner while she is on a hunger strike. The U.S. embargo does not mandate the summary execution of independent journalists and conscientious objectors. It is the totalitarian regime and its tyrannical leader who are the sole creators of a state that has perpetrated the most deplorable violations of fundamental human rights and freedoms against its own people throughout the last 42 years.

How does this Congress tell Vladimiro Roca, who is going on his 1,471st day in prison, the last 1,343 of those days have been spent in solitary confinement, that the very embargo he praised in a pamphlet entitled, The Homeland Belongs to Us All, an action which led to his imprisonment, will be weakened by those who choose to justify the inhumane behavior that Castro renders on his people?

They demand the innate human rights that every individual should never be denied. Castro has repeatedly stated that he will not change. He has underscored his position over and over again of socialism or death.

The regime continues to exert absolute control over all investments and business endeavors, requiring that all payments be channeled through the dictatorship's agencies. Its disregard for property rights of any kind has resulted in the regime falling into disgrace with even its most loyal trading partners, such as Canadian, Mexican and European investors whose machinery and payments have been stolen by the regime.

I urge my colleagues to strongly vote ''no'' on this amendment that goes against our American principles of freedom and human rights.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

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

Mr. Chairman, I rise in support of the gentleman's amendment that we normalize our relationship with that tiny island 90 miles off our coast. I do not think any of us are here today to condone Castro's actions. That is not the point. The point is that we need a rational foreign policy toward Cuba that is not based on emotion.

Yes, we want cop killers back in the United States. No, we do not condone gulags. But there are gulags in Cuba. There are gulags in China. There are gulags in Korea. That is not the point. We need a rational policy.

Second, the policy we have is not rational, and it has failed. It has failed for 40 years. It failed even when the Soviets abandoned Cuba. If this embargo did not work when the Soviets abandoned Cuba, it is never going to work. All it does is impose hardships on the Cuban people, and that plays right into Castro's hands.

Members of the State Department have said privately that this embargo is just what Castro wants, because it bans Cuban nationalism and allows him to continue his regime. Let us normalize our relationship as we have done with China and other countries.

Mr. DIAZ-BALART. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

□ 1730

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

Mr. Chairman, I wanted to, number one, stress to all of those who may be listening that the United States embargo allows the donation of food, clothing and medicine to the Cuban people. The embargo also allows the controlled sale of medicine, medical supplies and agriculture products to Cuba. It is extremely important for us to remember that, because people keep saying and acting like that is not the case. We have taken allowance to put in humanitarian considerations in there, which is far more than we get out of Castro.

Now, a lot of people keep talking about China, and I just returned from China 2 weeks ago, and want to talk a little bit about the difference between Communist China and Communist Cuba. Number one, they have a precedent. They do have two systems under one nation. Hong Kong, they have left the capitalism in Hong Kong. China has not infiltrated that and messed it up.

Secondly, they can also look across the waters and see Taiwan, which they consider still part of China and a province, but they understand how capitalism works because of Taiwan and because of Hong Kong.

Number two, China is eager to get into the WTO, not just as a business proposition, but they are interested in joining the world community today, one of human rights and business transparency and labor unions and audits and all the things that we have in the West.

Number three, there are already American companies doing business in China: International Paper, Rayon Air, Motorola, Coca-Cola. Motorola, 12 percent of their receipts are from China right now. The Chinese people are interested in capitalism, and the reason is, their brand of socialism is China, Inc., what works. They do not have this mantra to the throne of Karl Marx the way Mr. Castro does.

It is very important to remember that Jiang Zemin is far more democratic than Fidel Castro. That is why he is not afraid to have the Olympics come to Beijing and open up the nation to the scrutiny of the world by having the Olympics right in his capital.

I also want to say Russia has been alluded to here. Here again, you do not have one person. I went with the Speaker when the Speaker of the Dumas invited the gentleman from Illinois (Mr. HASTERT) on a trip, and they wanted to talk to us about reform.

One of the big reforms that the Russian people were interested in was judicial reform. They are interested in democrat processes. They do not believe in the old tenets of communism of 50 years. China, reform; Russia, reform; Cuba, no, sir. They are still stuck in time, and as long as Fidel Castro is there, they will not change.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Rangel amendment. Although relations with most communist governments, such as China and Vietnam, are normalized, the United States continues to prohibit virtually any and all political, economic, or even cultural exchanges between the people of the United States and the people of Cuba. Since the early days of the Cold War, our government has been entrenched in an absolute embargo that has created much suffering on this Afro-Hispanic island only 90 miles away. This embargo is archaic, it is inhumane, and it must be changed.

Like many Members, I, too, have visited Cuba many times and met with the anti-Castro organizations. But, barring none, they communicated that the best way to address all issues, including human rights concerns, is to at least end the embargo, so dialogue can take place.

We all must be concerned about human rights violations, wherever they may occur in the world, including in our own United States of America, as minorities in our own country clearly understand. But the United States embargo against Cuba is a failed policy that has only served as an impediment to a rational foreign policy.

Now, for those who support fair trade, which I do, it is wrong to prevent the United States companies, our U.S.-based companies, our farmers, especially, from accessing the Cuban market. This could also mean thousands of jobs for United States workers. So we are really doing a disservice to our own people in our own country.

Not only must we strike down the restrictions on United States citizens' travel to Cuba, but we should end the embargo, and we should end it right away. It is the right thing to do.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I listened to my colleagues, and it is interesting, when we talk about Cuba, the word ''emotions'' always slips in; but I

hear my colleagues come to this floor on other parts of the world, on questions of famine and human rights and AIDS, and they speak very passionately. We do not say it is an emotional issue.

We also question China, and yet many people vote against China MFN because they believe China should be sanctioned in that regard, but they believe we should lift everything as it relates to Cuba. But forced abortion, arrest of dissidents, Tiananmen Square, a whole long list, it seems to me if that after 25 years of engagement is our human rights success in China, we should review that policy.

Lastly, why, if lifting the embargo means the end of Castro, why is it his number one foreign policy objective? If it means his end, as everybody would suggest, why is it his number one foreign policy objective?

The fact of the matter is that I would ask my colleagues who vigorously support human rights and democracy, who seek sanctions in other parts of the world, like the Sudan and other places, that they need to understand that if we vigorously enforce a sanctions regime wherever we seek to impose sanctions, then we have an opportunity to have a public policy success using peaceful diplomacy versus anything else.

Lastly, we are the largest remitters of humanitarian assistance to the people of Cuba, more than all the other countries of the world combined over the last several years. It is Castro who keeps his people hungry by his failed policies.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, there was a demonstration out front the other day and up and down Connecticut Avenue. It was the Falun Gong trying to tell us about religious persecution in China. Yet we chase after China, we give them Most Favorite Nation status for trading purposes, and we forget about their human rights violations.

Yet 90 miles off the shore of Miami, we have a small country that is trying to survive, and we keep our foot on the back of their necks simply because there are few people who cannot get over the fact that he overthrew Batista. Batista had literally given Cuba to the multinationals, who practically owned it, to the gangsters, and everybody else who wanted to go down to Cuba and do whatever they wanted to do.

Well, we may not like the revolution, but we need to get over it. He has been trying to survive all of these years. It is time to do away with this policy. It does not make good sense.

Let me just tell you, Canada is reaping $260 million in trade; China, $156 million; France, $216 million. It goes on and on and on. The Farm Bureau wants to open up trade opportunities.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, the suffering of the Cuban people is caused by Fidel Castro, and not by the embargo. The money that is paid to the employees down there by businesses that go into Cuba does not go to the employees; it goes to Castro. If they are paid $400 a month, that $400 goes to Castro, and he pays them in the local currency, which is worth about $5 to $10 a month.

He is the one who keeps his heel on the neck of the people of Cuba. He is the one that causes the suffering down there. He is the one that causes the human rights abuses, and he is the one that has killed that economy.

Why does he want the embargo lifted? Because he knows if we have tourism going down there, he knows if there is trade with him, the money will go into his pocket; the money will be able to prop up his regime, and he will be able to continue his communist philosophy and dictatorship down there.

Finally, just let me say one more thing. People say he is no longer exporting revolution. I will tell you right now, Fidel Castro is supporting the FARC guerrillas in Colombia that are flooding our streets with drugs, that are killing our kids and ruining people's lives. The FARC guerrillas wear the berets that Che Guevara wore when he was down there exporting revolution for Fidel Castro.

This man is a tyrant, he is a man we should not deal with, he is a man who has killed his own people, and he is the one that suffers; not the people of Cuba, because he is the one that is keeping them under his heel and under his boot. Five to $10 a month is what they earn because of Fidel Castro.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, listening to the debate, I could not help but remember the words of Harry Truman. When he was interviewed for the biography ''Plain Speaking'' just before his death in Independence, Missouri, he was asked the question, ''What would you do about Cuba if you were still President?''

He said, ''I would pick up the phone and call Fidel and say, I see you have some problems down there, Fidel. Why don't you come on up here, and we will talk about them and see if we can't settle this thing.''

Boy, if he had only been President, and if other Presidents had only followed that kind of advice since then, we would not have the necessity of this debate today.

Why a strong, powerful country like the United States has to make an enemy of a weak, defenseless little country like Cuba is a question that we could speculate upon for some length of time. But one thing is absolutely clear, the policy of the last 40 years has failed. It is time to open the doors and let the fresh air come in.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining, and the gentleman from New York (Mr. RANGEL) has 1 minute remaining. The gentleman from New York (Mr. RANGEL) as the author will close debate on the amendment.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let us cut to the chase here. Let us cut to the chase. Let us cut to the chase, Mr. Chairman. Castro is 75 years old. He collapsed a few weeks ago and those surrounding him in the power clique were terrorized. His days are numbered.

What we are talking about today is the future of Cuba. It is the leadership that is in prison today, Antiunez, this young man, for example, who is facing an 18-year sentence because in high school he decided to say that the regime was evil and he opposed it and he sought democracy. Or Maritza Lugo, the chairman, the president of the 30th of November Democratic Party. She and her husband are political prisoners, though they have little daughters, like the gentlewoman from Florida (Ms. ROS-LEHTINEN) who is on the floor. Well, Maritza Lugo has two daughters, and they are both in prison, she and her husband, are both in jail, because they are leading a political party in Cuba.

And Vladimiro Roca, whose father, by the way, was the founder of the communist party in the 1920s, and now he is in a dungeon, because he is the president of the Social Democratic Party, and asked for free elections. Are they going to be released, and are their political parties going to be legalized and is the regime going to sit down with them and have free elections like happened in South Africa and like happened in Chile and like happened in Spain and Portugal and everywhere else, everywhere else the world stood for freedom?

Oh, no. But in Cuba we should discriminate, despite the fact that they are 90 miles from our shores. That is the issue that we are debating here today.

So our current law says three conditions, and the embargo is automatically lifted. The gentleman from New Jersey (Mr. MENENDEZ) authorized billions of dollars in the legislation that we passed a few years ago. It is already law for assistance to Cuba. Three conditions is what we seek for our neighbors 90 miles away: Liberate the political prisoners, legalize their political parties, and sit down with them and have an election. Is that too much to ask for our closest neighbors? It is not.

But the debate today is whether the regime continues after the demise of the tyrant, the death or the incapacity of the tyrant; or whether these people, the leaders of free Cuba, continue to receive our support, as this Congress has, despite the attitude of the executive office, not now, because President Bush supports the sanctions now, but other times in history they have not. Congress has always been with the Cuban people.

Stand with the Cuban people and their future leaders, not the tyrants. Oppose Rangel.

Mr. RANGEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, that proves what a great country we have, that friends can disagree and, at the same time, attempt to move forward.

I think in addition to a great country, we have to really emphasize the importance of free trade and opening up new markets. Certainly for whatever tragedies people are suffering in Cuba, you cannot possibly believe that it is not worse in China. And if those on the other side of the aisle truly believe that trade is going to be the key of establishing better relationship and normalizing our relationship, then certainly I think we should have enough confidence in the American business people and enough confidence in the American people not to succumb to the dangers that communism offers.

□ 1745

This is a strong Nation. We can survive the threats of communism. We can enter into extradition treaties in order to bring back the convicts that are there. Let us face it. If the present dictator dies, who is going to replace him?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. 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 New York (Mr. RANGEL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVI, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the substitute offered by the gentleman from Arizona (Mr. FLAKE); amendment No. 5 offered by the gentleman from New Jersey (Mr. SMITH); and amendment No. 7 offered by the gentleman from New York (Mr. RANGEL).

AMENDMENT OFFERED BY MR. FLAKE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the substitute amendment.

The Clerk designated the substitute amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 186, not voting 7, as follows:

[Roll No. 270]

AYES—240

| | | |
|---|---|---|
| Abercrombie | Hill | Oberstar |
| Aderholt | Hilleary | Obey |
| Allen | Hilliard | Olver |
| Baird | Hinchey | Osborne |
| Baldacci | Hinojosa | Otter |
| Baldwin | Hoeffel | Owens |
| Barcia | Hoekstra | Pastor |
| Barrett | Holden | Paul |
| Bass | Holt | Payne |
| Becerra | Honda | Pelosi |
| Bentsen | Hooley | Peterson (MN) |
| Bereuter | Horn | Peterson (PA) |
| Berman | Hostettler | Phelps |
| Berry | Houghton | Pickering |
| Biggert | Hoyer | Platts |
| Bishop | Inslee | Pomeroy |
| Boehlert | Isakson | Price (NC) |
| Bonior | Issa | Rahall |
| Bono | Jackson (IL) | Ramstad |
| Borski | Jackson-Lee (TX) | Rangel |
| Boswell | Jefferson | Rehberg |
| Boucher | John | Rivers |
| Brady (PA) | Johnson (CT) | Rodriguez |
| Brady (TX) | Johnson (IL) | Roemer |
| Brown (FL) | Johnson, E. B. | Ross |
| Brown (OH) | Jones (OH) | Roybal-Allard |
| Brown (SC) | Kanjorski | Rush |
| Camp | Kaptur | Ryan (WI) |
| Capps | Kildee | Sabo |
| Capuano | Kilpatrick | Sanchez |
| Cardin | Kind (WI) | Sanders |
| Carson (IN) | Kleczka | Sandlin |
| Carson (OK) | Kolbe | Sawyer |
| Castle | Kucinich | Schakowsky |
| Clay | LaFalce | Schiff |
| Clayton | LaHood | Scott |
| Clement | Lampson | Serrano |
| Clyburn | Langevin | Shays |
| Collins | Lantos | Sherwood |
| Combest | Largent | Shimkus |
| Condit | Larsen (WA) | Shows |
| Conyers | Larson (CT) | Simmons |
| Costello | Latham | Simpson |
| Coyne | Leach | Slaughter |
| Cramer | Lee | Smith (MI) |
| Cummings | Levin | Smith (WA) |
| Davis (CA) | Lewis (GA) | Solis |
| Davis (IL) | Lofgren | Spratt |
| DeFazio | Lowey | Stark |
| DeGette | Luther | Stenholm |
| Delahunt | Maloney (CT) | Strickland |
| DeLauro | Maloney (NY) | Stupak |
| Dicks | Manzullo | Sununu |
| Dingell | Markey | Tanner |
| Doggett | Mascara | Tauscher |
| Dooley | Matheson | Taylor (MS) |
| Doyle | Matsui | Thompson (CA) |
| Edwards | McCarthy (MO) | Thompson (MS) |
| Ehlers | McCollum | Thune |
| Emerson | McDermott | Thurman |
| English | McGovern | Tiahrt |
| Eshoo | McIntyre | Tiberi |
| Etheridge | McKinney | Tierney |
| Evans | McNulty | Toomey |
| Farr | Meehan | Towns |
| Fattah | Millender-McDonald | Turner |
| Filner | Miller, George | Udall (CO) |
| Flake | Mink | Udall (NM) |
| Fletcher | Moore | Upton |
| Ford | Moran (KS) | Velazquez |
| Frank | Moran (VA) | Wamp |
| Gallegly | Morella | Waters |
| Ganske | Murtha | Watson (CA) |
| Gilchrest | Nadler | Watt (NC) |
| Gonzalez | Napolitano | Waxman |
| Gordon | Neal | Weiner |
| Graves | Nethercutt | Weldon (PA) |
| Greenwood | Ney | Whitfield |
| Gutierrez | Nussle | Woolsey |
| Harman | Oberstar | Wynn |
| Herger | Obey | |

NOES—186

| | | |
|---|---|---|
| Ackerman | Barr | Bonilla |
| Akin | Bartlett | Boyd |
| Andrews | Barton | Bryant |
| Armey | Berkley | Burr |
| Baca | Bilirakis | Burton |
| Bachus | Blagojevich | Buyer |
| Baker | Blunt | Callahan |
| Ballenger | Boehner | Calvert |
| Cannon | Hayes | Putnam |
| Cantor | Hayworth | Quinn |
| Capito | Hefley | Radanovich |
| Chabot | Hobson | Regula |
| Chambliss | Hulshof | Reyes |
| Coble | Hunter | Reynolds |
| Cox | Hutchinson | Riley |
| Crane | Hyde | Rogers (KY) |
| Crenshaw | Israel | Rogers (MI) |
| Crowley | Istook | Rohrabacher |
| Cubin | Jenkins | Ros-Lehtinen |
| Culberson | Johnson, Sam | Rothman |
| Cunningham | Jones (NC) | Roukema |
| Davis (FL) | Keller | Royce |
| Davis, Jo Ann | Kelly | Ryun (KS) |
| Davis, Tom | Kennedy (MN) | Saxton |
| Deal | Kennedy (RI) | Schaffer |
| DeLay | Kerns | Schrock |
| DeMint | King (NY) | Sensenbrenner |
| Deutsch | Kingston | Sessions |
| Diaz-Balart | Kirk | Shadegg |
| Doolittle | Knollenberg | Shaw |
| Dreier | LaTourette | Sherman |
| Duncan | Lewis (CA) | Shuster |
| Dunn | Lewis (KY) | Skeen |
| Ehrlich | Linder | Skelton |
| Engel | LoBiondo | Smith (NJ) |
| Everett | Lucas (KY) | Smith (TX) |
| Ferguson | Lucas (OK) | Souder |
| Foley | McCarthy (NY) | Stearns |
| Forbes | McCrery | Stump |
| Fossella | McHugh | Sweeney |
| Frelinghuysen | McInnis | Tancredo |
| Frost | McKeon | Tauzin |
| Gekas | Meek (FL) | Taylor (NC) |
| Gephardt | Menendez | Terry |
| Gibbons | Mica | Thomas |
| Gillmor | Miller (FL) | Thornberry |
| Gilman | Miller, Gary | Traficant |
| Goode | Mollohan | Visclosky |
| Goodlatte | Myrick | Vitter |
| Goss | Northup | Walden |
| Graham | Norwood | Walsh |
| Granger | Ortiz | Watkins (OK) |
| Green (TX) | Ose | Watts (OK) |
| Green (WI) | Oxley | Weldon (FL) |
| Grucci | Pallone | Weller |
| Gutknecht | Pascrell | Wexler |
| Hall (OH) | Pence | Wicker |
| Hall (TX) | Petri | Wilson |
| Hansen | Pitts | Wolf |
| Hart | Pombo | Wu |
| Hastings (FL) | Portman | Young (AK) |
| Hastings (WA) | Pryce (OH) | Young (FL) |

NOT VOTING—7

| | | |
|---|---|---|
| Blumenauer | Meeks (NY) | Spence |
| Cooksey | Scarborough | |
| Lipinski | Snyder | |

□ 1808

Mr. HALL of Ohio and Mr. KERNS changed their vote from ''aye'' to ''no''.

Mrs. MALONEY of New York and Messrs. HOUGHTON, BASS, WHITFIELD, and SHOWS changed their vote from ''no'' to ''aye''.

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY, AS AMENDED

The CHAIRMAN. The question is on Amendment No. 5 offered by the gentleman from New Jersey (Mr. SMITH), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 7 offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 5, as follows:

[Roll No. 271]

AYES—201

| | | |
|---|---|---|
| Abercrombie | Hilliard | Nussle |
| Allen | Hinchey | Oberstar |
| Baca | Hinojosa | Obey |
| Baird | Hoeffel | Olver |
| Baldacci | Holt | Osborne |
| Baldwin | Honda | Otter |
| Barcia | Hooley | Owens |
| Barrett | Houghton | Pastor |
| Becerra | Inslee | Paul |
| Bentsen | Issa | Payne |
| Bereuter | Jackson (IL) | Pelosi |
| Berry | Jackson-Lee (TX) | Peterson (MN) |
| Biggert | Jefferson | Peterson (PA) |
| Bishop | John | Phelps |
| Bonior | Johnson (CT) | Pomeroy |
| Bono | Johnson (IL) | Price (NC) |
| Boswell | Johnson, E. B. | Radanovich |
| Boucher | Jones (OH) | Rahall |
| Brady (TX) | Kanjorski | Ramstad |
| Brown (FL) | Kaptur | Rangel |
| Brown (OH) | Kildee | Rehberg |
| Brown (SC) | Kilpatrick | Rivers |
| Capps | Kind (WI) | Rodriguez |
| Capuano | Kleczka | Roemer |
| Carson (IN) | Kucinich | Ross |
| Carson (OK) | LaFalce | Roybal-Allard |
| Clay | LaHood | Rush |
| Clayton | Lampson | Ryan (WI) |
| Clement | Langevin | Sabo |
| Clyburn | Lantos | Sanchez |
| Combest | Largent | Sanders |
| Condit | Larsen (WA) | Sandlin |
| Conyers | Larson (CT) | Sawyer |
| Costello | Latham | Schakowsky |
| Coyne | Leach | Scott |
| Cramer | Lee | Serrano |
| Cummings | Levin | Shays |
| Davis (CA) | Lewis (GA) | Shimkus |
| Davis (IL) | Lofgren | Simpson |
| DeFazio | Lowey | Slaughter |
| DeGette | Luther | Smith (WA) |
| Delahunt | Maloney (NY) | Solis |
| DeLauro | Manzullo | Stark |
| Dicks | Markey | Stenholm |
| Dingell | Matheson | Strickland |
| Doggett | Matsui | Stupak |
| Dooley | McCarthy (MO) | Tanner |
| Doyle | McCarthy (NY) | Tauscher |
| Edwards | McCollum | Taylor (MS) |
| Emerson | McDermott | Thompson (CA) |
| English | McGovern | Thompson (MS) |
| Eshoo | McKinney | Thune |
| Evans | McNulty | Thurman |
| Farr | Meehan | Tierney |
| Fattah | Meeks (NY) | Towns |
| Filner | Millender-McDonald | Turner |
| Flake | Miller, George | Udall (CO) |
| Ford | Mink | Udall (NM) |
| Frank | Moore | Upton |
| Ganske | Moran (KS) | Velazquez |
| Gilchrest | Moran (VA) | Waters |
| Gonzalez | Morella | Watson (CA) |
| Graves | Nadler | Watt (NC) |
| Greenwood | Napolitano | Waxman |
| Hall (OH) | Neal | Weiner |
| Harman | Nethercutt | Woolsey |
| Herger | Ney | Wynn |
| Hill | | |

NOES—227

| | | |
|---|---|---|
| Ackerman | Bilirakis | Calvert |
| Aderholt | Blagojevich | Camp |
| Akin | Blunt | Cannon |
| Andrews | Boehlert | Cantor |
| Armey | Boehner | Capito |
| Bachus | Bonilla | Cardin |
| Baker | Borski | Castle |
| Ballenger | Boyd | Chabot |
| Barr | Brady (PA) | Chambliss |
| Bartlett | Bryant | Coble |
| Barton | Burr | Collins |
| Bass | Burton | Cooksey |
| Berkley | Buyer | Cox |
| Berman | Callahan | Crane |
| Crenshaw | Hunter | Riley |
| Crowley | Hutchinson | Rogers (KY) |
| Cubin | Hyde | Rogers (MI) |
| Culberson | Isakson | Rohrabacher |
| Cunningham | Israel | Ros-Lehtinen |
| Davis (FL) | Istook | Rothman |
| Davis, Jo Ann | Jenkins | Roukema |
| Davis, Tom | Johnson, Sam | Royce |
| Deal | Jones (NC) | Ryun (KS) |
| DeLay | Keller | Saxton |
| DeMint | Kelly | Schaffer |
| Deutsch | Kennedy (MN) | Schiff |
| Diaz-Balart | Kennedy (RI) | Schrock |
| Doolittle | Kerns | Sensenbrenner |
| Dreier | King (NY) | Sessions |
| Duncan | Kingston | Shadegg |
| Dunn | Kirk | Shaw |
| Ehlers | Knollenberg | Sherman |
| Ehrlich | Kolbe | Sherwood |
| Engel | LaTourette | Shows |
| Etheridge | Lewis (CA) | Shuster |
| Everett | Lewis (KY) | Simmons |
| Ferguson | Linder | Skeen |
| Fletcher | LoBiondo | Skelton |
| Foley | Lucas (KY) | Smith (MI) |
| Forbes | Lucas (OK) | Smith (NJ) |
| Fossella | Maloney (CT) | Smith (TX) |
| Frelinghuysen | Mascara | Souder |
| Frost | McCrery | Spratt |
| Gallegly | McHugh | Stearns |
| Gekas | McInnis | Stump |
| Gephardt | McIntyre | Sununu |
| Gibbons | McKeon | Sweeney |
| Gillmor | Meek (FL) | Tancredo |
| Gilman | Menendez | Tauzin |
| Goode | Mica | Taylor (NC) |
| Goodlatte | Miller (FL) | Terry |
| Gordon | Miller, Gary | Thomas |
| Goss | Mollohan | Thornberry |
| Graham | Murtha | Tiahrt |
| Granger | Myrick | Tiberi |
| Green (TX) | Ney | Toomey |
| Green (WI) | Northup | Traficant |
| Grucci | Norwood | Visclosky |
| Gutierrez | Ortiz | Vitter |
| Gutknecht | Ose | Walden |
| Hall (TX) | Oxley | Walsh |
| Hansen | Pallone | Wamp |
| Hart | Pascrell | Watkins (OK) |
| Hastings (FL) | Pence | Watts (OK) |
| Hastings (WA) | Petri | Weldon (FL) |
| Hayes | Pickering | Weldon (PA) |
| Hayworth | Pitts | Weller |
| Hefley | Platts | Wexler |
| Hilleary | Pombo | Whitfield |
| Hobson | Portman | Wicker |
| Hoekstra | Pryce (OH) | Wilson |
| Holden | Putnam | Wolf |
| Horn | Quinn | Wu |
| Hostettler | Regula | Young (AK) |
| Hoyer | Reyes | Young (FL) |
| Hulshof | Reynolds | |

NOT VOTING—5

| | | |
|---|---|---|
| Blumenauer | Scarborough | Spence |
| Lipinski | Snyder | |

□ 1818

Mr. DINGELL and Mr. HOUGHTON changed their vote from ''no'' to ''aye.''

Mr. TERRY changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Internal Revenue Service to pay any bonus or incentive payment to the Commissioner, the Deputy Commissioner, the Chief Counsel, the Chief Inspector, the Chief of Management and Administration, the Chief Financial Officer, the Chief of Operations, the Chief of Appeals, the Chief Information Officer, or the Chief of Communications of the Service.

Mr. TRAFICANT. Mr. Chairman, I have never heard so many Members coming over and saying they agree with me, but they have to oppose my amendment. They say they like what I am doing, it needs to be done; but they are going to have to vote ''no.'' They say, I want to commend you, Mr. TRAFICANT, because what you are doing is an absolute necessity, but I am going to have to vote ''no.''

Now, let me explain what the amendment is. Two years ago, 81 percent of all information given by the IRS to our constituents was false and wrong. This year, they corrected it and they improved, only having 73 percent of the information given to our constituents to be deemed faulty. Now, I want my colleagues to listen to this. I want my colleagues to listen to what a GAO report said. The report said that 50 percent of all of our constituents' calls made to the Internal Revenue Service are not even returned; they go unanswered.

Now, here is what the Traficant amendment says. It lets all these IRS people go, but there are 10 people at the top that are prohibited from getting bonuses under this bill.

Every newspaper in America says Congress must be nuts allowing these IRS fat cats to reward themselves with bonuses while their constituents are getting screwed.

Now, I do not know if there is anybody willing to speak on this issue, Mr. Chairman, but I will say this. I understand the position of Ways and Means members, I understand leadership, but I want to say this. This has gone on long enough, year after year; and every year there is a reason. Now, one of the reasons I have heard was three of these positions mentioned are new people. Well, tell me, what new employees get bonuses the first year in the first place?

In the legislative history let it show that if my colleagues do not want to remove some of these people because they personally know them and they are St. Ignatius, I do not mind it. But the buck stops somewhere, and it is not stopping in the penthouse of the IRS. That means Congress has an inherent responsibility to make sure that our constituents' calls are returned; that our constituents get correct answers; and that our constituents are treated with respect.

If one out of every two Americans do not even have their call returned or answered, what is wrong with us? And when 73 percent of the advice they do give to the 50 percent that are lucky to get a return call, 73 percent of it is wrong. But they say it is an improvement over the 81 percent.

That is right, beam me up. I have great respect for my good friend, the gentleman from Ohio (Mr. PORTMAN). He has done a great job on taxes. Look, I do not want any complimentary regards here tonight, I do not want any pats on the back, I want an ''aye'' vote on my amendment. And if it is thrown out in conference, then throw it out in conference, but I want to say something to Congress. If we want to get the

attention of the IRS, we could give them all the rhetoric we want, but this is stone cold business. This is exactly what Congress should be doing.

The Congress of the United States Government is a participatory democracy in this Republic, and it is time we do so. I am asking for an ''aye'' vote.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my colleague, the gentleman from Ohio (Mr. TRAFICANT), has done a lot to help with IRS reform. I walked over a moment ago and told him I did want to compliment him as well as oppose his amendment. I was not talking about complimenting the amendment, however. I want to compliment him because in 1998 this Congress spoke almost with one voice at the end of the day for restructuring the IRS entirely, for putting in place dozens of new taxpayer rights.

The IRS, while it still has lots of problems, including phone calls that are not getting answered, including information that is not being accurately conveyed, is doing a little better. And even the gentleman said that in his statement. But in 1998 the gentleman from Ohio (Mr. TRAFICANT) pushed this House to put something in place that shifted the burden of proof from the taxpayers to the IRS in tax court. That was an important reform. It was not in the original reform and restructuring act. It was added, in part, again because the gentleman from Ohio (Mr. TRAFICANT) helped do that.

That is what I was going to talk about in terms of complimenting the gentleman in terms of helping us to get to a better system. Because what happens now all through the system is that the IRS has to really look at these cases to be sure they really have merit, rather than taking them all the way to court and having the burden, which is appropriately now on them as it is in every criminal court in America, rather than the burden being on the taxpayers, as it was before.

But this amendment, to my way of thinking, is counterproductive. Let me give a couple of examples. When we restructured the IRS, we provided for more incentive pay, which is part of the amendment; not just bonuses, but incentive pay. We actually provided they could pay these top people more than they were paying them at that time. Why? Because they could not attract good people, particularly in the information services area.

Management and information services is one of the great problems at the IRS. The left hand does not know what the right hand is doing. But it is partly because the left hand is using 1970s software and 1980s computers, and the right hand is using another stovepipe system that does not communicate with the first one. We have had to totally revamp that system, and they are doing it. They finally now have a general contractor and have put out a modernization effort that we are supporting in our committees and subcommittees in Congress, appropriations and authorization.

They are finally getting their act together. But to do that they needed better people and good people. And they are competing with the private sector. And I have to tell my colleague, the salaries they are paying these people is still significantly less than people doing comparable work in the private sector.

□ 1830

It is very tough to get people.

Second, I would just like to make the point that some of these people who would not get an incentive payment or a bonus do not exist any more because we restructured the IRS and got rid of some of these positions. For example, there is no chief inspector. There is no chief of management administration. There is no chief of operations. There is a chief information officer but he is brand new, and I do not think we should penalize him yet until we see what kind of work he does.

There is no chief of communications. Some of these lists of titles no longer exist because of the restructuring. So in a sense we have turned the IRS upside down. They have restructured the entire operation.

We have forced them to do new performance measurements. We have forced them to live under some great new taxpayer rights. They are struggling with that a little bit. They still are not living up to what we hoped they would be by this point, but they are making improvements.

This is not the time for us, in my view, to send the wrong signal to the people who I hope are the good guys, the people who have come in, new people at the top who are from the private sector who we have attracted to the IRS by saying, we are not going to pay you as much as the private sector, but we will give you a decent salary so we can be somewhat competitive, and we will give you a chance.

Again, some of these people are brand new. Others have been there a year or two. We have to give them that chance. They are the ones that ought to be straightening out this bureaucracy and all of its problems. I would hope that while we send a strong message that Congress is watching, that the oversight board and the subcommittees and committees of this Congress ought to do their work. That we not accept this amendment.

I will mention one other thing, Mr. Chairman, if I might. The new oversight board which is a public/private board which is unique in government which was very controversial in this body, but we got it through, is supposed to be there to provide accountability to the IRS. One of their jobs specifically established by this Congress is to review the commissioner's selection, evaluation, and compensation of IRS senior executives.

Let them do their job. Let the oversight board work. Let the IRS continue to reform itself. Let us not penalize the very people we are relying on to try to straighten things out at the IRS.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, the two amendments that were placed in the IRS reform bill by former Chairman of the Committee on Ways and Means, Bill Archer, the Traficant amendments could not get a hearing for 12 years.

Yes, the first one shifted the burden of proof from the taxpayer of the IRS who was guilty in a civil court. The second one said they could not seize their homes without judicial consent. We let that go for 50 years.

Here are the statistics. Seizures of homes dropped from 10,037 a year to 150. Wage attachments dropped from 3.1 million to half a million. Liens dropped from 680,000 to 160,000.

You are right. Some of these positions do not exist and some of the reforms we did have worked. But the bottom line is someone is responsible here and new employees do not get bonuses. Those people at the top that are coming in, the Congress is saying no bonuses until you return our constituents' calls and until your information makes sense. That is not an unreasonable demand.

Let me say this, I commend Chairman Archer for having the courage to make those changes because they were not in the bill. The IRS vehemently opposed them as did the Clinton administration.

It is time to make this change and it is time to send this message. We are not from Western Union, but this strikes at the core.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

Mr. ISTOOK. 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. SHAW) having assumed the chair, Mr. DREIER, 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. 2590) making appropriations the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain

Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

## LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2950 in the Committee of the Whole pursuant to House Resolution 206 no further amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

The amendment numbered 8, which shall be debatable for 30 minutes.

The amendment by Representative FILNER of California that I have placed at the desk which shall be debatable for 40 minutes.

Each such amendment may be offered only by the Member designated in this request, the Member who caused it to be printed, 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, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The SPEAKER pro tempore. Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of implementing the final report of the President's Commission To Strengthen Social Security.

Mr. ISTOOK (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, I think there was a unanimous agreement that the gentleman from Florida (Mr. HASTINGS) would go next. We have the chairman here who wants to participate and others, if that is okay. I think it is okay with the gentleman from California (Mr. FILNER). We increased his time.

Mr. ISTOOK. Any such unanimous consent is fine with me. I believe it is necessary before we return to Committee that we do this.

Mr. HOYER. Mr. Speaker, I make a unanimous consent request that the order of the amendments be the gentleman from Florida (Mr. HASTINGS), then the gentleman from California (Mr. FILNER).

The SPEAKER pro tempore. We are still on the unanimous consent request of the gentleman from Oklahoma (Mr. ISTOOK).

The Clerk will continue to report the amendment.

The Clerk continued to report the amendment.

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

There was no objection.

## TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mr. SHAW). Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2590.

□ 1837

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 further consideration of the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from Ohio (Mr. TRAFICANT), had been postponed and the bill was open for amendment from page 68, line 3, through page 95, line 16.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except: pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendment numbered 8, which shall be debatable for 30 minutes; the amendment by the gentleman from California (Mr. FILNER) that has been placed at the desk, which shall be debatable for 40 minutes.

Each such amendment may be offered only by the Member designated in the request, the Member who caused it to be printed, 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, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

Amendment No. 8 Offered by Mr. Hastings of Florida

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HASTINGS of Florida:

Add at the end before the short title the following:

SEC. 6____. The amounts otherwise provided by this Act are revised by increasing the amount provided for ''FEDERAL ELECTION COMMISSION—SALARIES AND EXPENSES'' by $600,000,000 and by decreasing each other amount appropriated or otherwise made available by this Act which is not required to be appropriated or otherwise made available by a provision of law by such equivalent percentage as is necessary to reduce the aggregate amount appropriated for all such amounts by the amount of the increase provided under this section.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 15 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I claim the 15 minutes in opposition to the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 3½ minutes to myself.

Mr. Chairman, my amendment provides an additional $600 million to the Federal Elections Commission for the purpose of assisting State and local officials in updating their voting systems.

240 days have passed since last year's embarrassment of an election. Congress should have acted by now. Aside from 1 minute speeches and special orders, press conferences, and hearings, this is the first time election reform has even been discussed in a meaningful way on the floor of the House, or in either of our legislative bodies.

The simple fact is the absence of a real debate on election reform is as much of an embarrassment as was the last election. Following last year's election, Florida's failing election system became the punch line of nearly ever political joke around.

However, Florida took the criticism, bounced back and passed what I consider up to this point to be the most comprehensive election reform package in the country, albeit still deficient. It is not perfect by any means.

Florida's new election law seeks to remedy some of the core problems that occurred last year, particularly in the area of updating voting technology. However, as counties throughout Florida begin to update their voting systems, they are finding themselves unable to fund their needs, and this is true across America.

In my home county, Broward, it will cost more than $20 million to purchase the state-of-the-art voting system. The State is providing Broward County with a mere $2.3 million, leaving the county with the remaining tab.

Broward County, ground zero during the election debate, may not purchase the best voting machines on the market because it cannot afford them.

My concern is if we do not appropriate now and legislate later, as Senator MCCONNELL has said, then we are missing our opportunity to provide the necessary funds in time for election day 2002.

Mr. Chairman, Republican leadership has yet to provide us with a formal commitment that a submittal or emergency appropriations bill will accompany any election reform legislation. I am hopeful that, as this debate progresses, such commitment will be made.

The amendment sends a message to the American people that help is on the way. My amendment says to State and local governments throughout America that the Federal Government wants to assist them in updating their voting technology. The amendment makes the commitment that Congress has yet to make.

Contrary to what many argue, the need for election reform is much more than a civil rights issue. Rather, the need for election reform is a challenge to our democracy. It is a challenge that burns at the heart of every American who believes in our country's democratic heritage. It is a challenge that we cannot back down from, and it is a challenge that we will not back down from. There is no price tag for democracy, and it is time for Congress to tell America that it is willing to spend whatever it takes.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Florida (Mr. HASTINGS) has made a very valid point. We all remember the exercise in Florida last year as we tried to declare the winner of a Presidential election. But after the focus on Florida faded away, we also learned that many other States had similar problems, and in some cases they were more serious than the problems in Florida.

Shortly after we came back to convene the new Congress, the gentleman from Maryland (Mr. HOYER), the ranking minority member on the subcommittee, and I began conversations, along with the gentleman from Florida (Mr. HASTINGS), the gentleman from Ohio (Mr. NEY) on our side of the aisle, and a number of other Members; and we understand that the Federal Government does have a responsibility here.

Conducting elections has always been the province and the responsibility of the States and the local governments, but I think we have reached a point where there is going to be a tremendous need for financial assistance. As chairman of the Committee on Appropriations, I believe that we should be prepared to meet the Federal responsibility in providing the relief necessary so that our elections in the future are not clouded by missed votes or votes that are not counted, or whatever the problem might be.

□ 1845

I am not sure what the exact dollar amount should be today. My colleague from Florida and I have discussed this. I am not sure we are prepared to set a dollar amount today. But I just want to make the commitment again to the gentleman from Florida (Mr. HASTINGS) and the gentleman from Maryland (Mr. HOYER) as we have discussed many, many times before in private, that I am here to be supportive of this, and I believe most of our colleagues will as well, once we determine what the real number is as far as the Federal responsibility in partnership with our States and in partnership with our communities.

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

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank my esteemed colleague the gentleman from Florida (Mr. HASTINGS) for yielding me this time. I support the Hastings amendment.

Our election system is sick. Mr. HASTINGS has a remedy. That remedy would go throughout this country and make us whole again.

Do not fool yourselves. The people of this country are upset. They are angry. They are disappointed. It is time that we step up to the plate and say, yes, let's fund this system and work out something that will make all Americans happy to be able to vote.

We cannot muzzle justice. No matter who says to move on, we cannot move on until justice is rendered. It is hard to imagine in a free world that I must stand here and beg to be sure that we get a system, that we have the Federal Government participate in the reformation of our system.

I want to thank the gentleman from Florida (Mr. HASTINGS) and the gentleman from Maryland (Mr. HOYER) for this initiative.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Jacksonville, Florida (Ms. BROWN), who happens to have a number of constituents standing by.

Ms. BROWN of Florida. Mr. Chairman, I want to thank the gentleman from Florida (Mr. HASTINGS) for bringing this amendment to the floor.

Twenty-seven thousand of my constituents were disenfranchised in the last election. The whole nature of the last presidential election, from the roadblocks set up in black areas, to innocent people labeled as felons and kicked off the voting rolls, to thousands and thousands of votes being thrown out, is not acceptable. Our current President was selected by the Supreme Court and not by the American people. This last election has destroyed people's faith in our very system of government.

Yesterday I heard a Member on this floor speaking on the Foreign Ops bill about the flaws in another country's election. It is shameful for us to discuss another country's election when we have our own American coup d'etat here in the United States.

I strongly urge my colleagues to vote ''yes'' on this amendment, so that we can begin the process of finally getting over this shameful election.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Paterson, New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, the great poet Langston Hughes asked, ''What happens to a dream deferred?''

Well, in the case of the dream of fair and equal treatment at the polls, the dream deferred is a dream denied.

Last year's presidential election was a civics lesson for all of us. Unfortunately, not only did we learn that every vote counts, we learned that not every vote is counted.

For example, in Atlanta's Fulton County which uses punch card voting machines similar to those that gained notoriety in Florida, one of every 16 ballots for President was invalidated. In Harris County, Texas, which includes the city of Houston, 14,000 votes were not counted because the voter's selections simply did not register. In many Chicago precincts that have high African American populations, one in every six ballots was thrown out.

By not addressing this blatant inequality, we are letting down the thousands of Americans that take the time to vote each year and those votes are not counted because the voting machines in these districts are old, broken and inaccurate. Our goal should be simply to fix the system, to help in every way we can.

Yes, justice is difficult, Mr. Chairman, but as Sir James Mansfield said, ''Let justice be done though the heavens fall.'' And Ferdinand I, the Emperor of the Holy Roman Empire, said, ''Let justice be done though the world may perish.'' That should be our primary motivation, to bring justice to the system.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have no doubt that some citizens were disenfranchised, many of those in Florida.

But I also know that I thought it was a travesty for the Gore and the Vice President candidate to try and disenfranchise our military vote in Florida as well through technicalities.

A Federal law says that you do not require a postmark because an FPO or APO many times, our military, are not able to get there. But yet the Gore and Vice President candidate tried to send lawyers to disenfranchise on technicalities those votes.

Also, the State law says that you have to have a date on it. The absentee ballot that was sent out by Florida did not have a date on it. I do not know about you, but if it does not have a date on there, I am not going to add it.

Yes, across this country, we need a fair vote system. I do not reject that. But what I do reject is people trying to make political points, coming down, saying that the election was stolen.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. I thank the gentleman for yielding me this time.

Mr. Chairman, when we find neighborhoods built on top of toxic waste dumps, we respond to that emergency by buying out the homes and protecting the people who live there. When floods wipe out communities, we respond by buying out property to protect residents and help them find safe places to live.

Mr. Chairman, error-prone voting equipment is an emergency situation that threatens our democracy, and we need an immediate response. I commend the gentleman from Florida (Mr. HASTINGS) for offering an amendment that offers such a response. It is going to take some money to upgrade voting technology from error-prone punch card and other systems to reliable machines. We simply cannot afford to do nothing.

Just look at what error-prone voting equipment like punch cards does to our democracy. A study done by Cal Tech and MIT revealed that the spoilage rate for punch cards was as many as 986,000 ballots in 2000. In Florida last year the spoilage rate for punch cards was almost 4 percent. And in Cook County, Illinois, it was 5 percent during the last election.

Earlier this year, the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. HORN) and I and other colleagues introduced the Voting Improvement Act, which would make buy-out grants available to any jurisdiction that used punch card voting systems in the last election. We want to see new equipment in place, and we want it there soon, in time for the 2002 elections. We want to buy out that inferior equipment and put accurate equipment in place that will give citizens the assurance that their vote is being counted. We need to push for adequate appropriations to make that happen.

Unfortunately, the President and our Republican friends failed to include any funding for election reform in the budget this year. But Congress can and must meet the challenge of restoring faith in our democracy. The Hastings amendment rises to that challenge, and I commend the gentleman for offering it.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the ranking member of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Florida for yielding me this time, and I also thank him for his statement and his continuing willingness to work with all of us for a mission that he thinks is very important and we share and we know is going to require money. He is going to be a critical player in that effort. We very much appreciate his role.

I rise, however, to pass along a paragraph that would have been in the statement of the gentleman from Ohio (Mr. NEY) had he been able to stay. Unfortunately, he had an engagement he could not get out of. If the gentleman from Ohio (Mr. NEY) were here, the chairman of the Committee on House Administration, he would have said this:

''These programs will cost money.'' ''These programs'' being the election reforms which are being discussed on the floor today. ''I want to assure the gentleman from Florida (Mr. HASTINGS) that I am fully committed to ensuring that the necessary funds are authorized and appropriated.''

I know that the gentleman from Ohio (Mr. NEY) has talked to the gentleman from Florida (Mr. YOUNG). I know that they are working together, that we are working together. This is a critical issue. I will have a few words to say on it later. But I am pleased that the gentleman from Ohio (Mr. NEY), although he could not be here, wanted me to make these remarks so that his commitment and his view of the importance of this issue was clearly on the record during the consideration of the Hastings amendment.

I might say at this point in time that the Hastings amendment's sum of $600 million is very close to the sums that are in most of the Senate bills and that the gentleman from Ohio (Mr. NEY) and I have been discussing will be necessary to effect the ends that I think all of us seek.

I thank the gentleman for yielding this time, and I thank him for his leadership on this issue.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. WATSON), one of our newer Members.

Ms. WATSON of California. Mr. Chairman, I would like to begin by thanking the gentleman from Florida (Mr. HASTINGS) for offering the amendment. As he has said, we are running out of time to fix our broken election process in time for the next elections.

The confusion surrounding last year's presidential election in Florida brought national attention to the failures of our voting process in many communities. I was in the Federated States of Micronesia at the time, and I could not believe what I saw. We resembled a banana republic.

In the 9 months since then, studies by the press, by universities, and even this House have all detailed the same problem, that too many Americans are forced to use outdated or faulty voting equipment. The vast majority of these faulty machines are concentrated in the communities of poor and minority voters.

No single act is more central to the American democratic process than casting a vote for the candidate of one's choice. The idea that some Americans might have their votes discarded because they live in the wrong neighborhood or they live as the wrong people should spur every Member of this body into action.

This amendment would finally give the Federal Election Commission the resources it needs.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Baltimore, Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I stand here to commend my good friend, the gentleman from Florida (Mr. HASTINGS), on his efforts to keep election reform alive and in the forefront of this body's legislative agenda.

I support this amendment in recognition that recently the principle of one person, one vote was abandoned, resulting in the disenfranchisement of thousands of citizens. It is time to take action to address this serious issue, and this amendment does just that.

Shamefully, the last national election resulted in numerous allegations of irregularities and minority vote dilution. The history of our country reveals the disturbing story of how many people fought and died in this country for the right to vote and exercise the full measure of their citizenship. It is outrageous that this country, the leader of the free world, continues to be plagued with this problem in this new millennium. Through numerous hearings, reports and individual citizen statements, it has come to light that outdated election systems caused thousands of votes to be undercounted, overcounted or not processed accurately.

□ 1900

Appropriately, this amendment would provide funding to the FEC to provide assistance to State and local governments in updating their election systems. This is not just a first step, but a giant leap towards addressing an issue that the American people believe in.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. DEFAZIO).

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

Mr. Chairman, there are a host of questions that need to be answered by the system of elections in this country, but there is one thing upon which Congress and I believe most Americans should agree: no single American

should be disqualified by virtue of using a defective voting machine.

Mr. Chairman, it was not isolated to Florida or any other part of the country. My Secretary of State did a study and, strangely enough, twice as many votes were disqualified in counties that used punchcard systems in Oregon as counties that used optical scanners. Now, a lot of people will say we cannot afford to help the States and counties; we cannot afford a system of good technology for the people of America to record their votes flawlessly.

Come on. This is the basis, the foundation, of our franchise, what makes this country work. If we cannot afford to pay for that technology, if we cannot afford to have a better election system, then we are indeed headed toward very dark times.

This is a modest amount of money to resolve this problem, and this should be approved by this Congress.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, it is not relevant who anyone believes really, in quotes, ''won'' the election in Florida last year to this amendment. This amendment is necessary because we know that people are being deprived of their votes by faulty and inadequate voting equipment, probably in every State and certainly in most States of the Union. Certainly in my State of New York, as well as in Florida.

A report by the National Association of Election Commissioners in 1988 said that punchcard voting machines have more than twice the error rate and disqualification of other technologies then in use, and that they ought to be phased out and discarded, in 1988. An MIT study just said about $600 million a year is what is necessary to bring to bear modern technology which will tell the voter who has tried to vote for two candidates he would be disqualified or if he skipped a vote, you have done it, before you leave the voting booth so he can correct it if he wants to.

We ought to do that. We ought to make sure our future elections are accurate and fair, regardless of which side of the aisle you are on. I commend the gentleman from Florida (Mr. HASTINGS) for his amendment.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to my friend, the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, as a Floridian, I wanted to share the painful story about what happened in Florida one more time tonight. Part of the tragedy of the Florida election, which was our country's election, was that the margin of error ultimately exceeded the margin of victory.

After the election, one of the painful lessons we learned was that it was widely exposed that we had an inexcusably casual, and, quite arguably, unconstitutional deficiency in our voting election system. Shame on us. Shame on anyone in the position of an elected authority should anything like that ever happen again.

Now, as the gentleman from Florida (Mr. HASTINGS), and I commend him for offering the amendment, has pointed out, the State of Florida has taken the lead on making illegal the infamous punchcard voting machine and providing partial funding to counties, including the county of the gentleman from Florida (Mr. YOUNG) and me, to fund some form of substitute technology.

A consensus is developing among Democrats and Republicans here, and I believe around the country, that the solution is a form of technology that is precinct-based and that gives the voter the opportunity to verify his or her vote. In a State and country where we have increasing numbers of voters who are aging, who are experiencing disabilities, be it sight or something else, it is very important, it is fundamental, that that voter has the opportunity to verify his or her vote before they leave the voting booth.

I want to close by pointing out why the Hastings amendment is so important. Time is of the essence. If we do not adopt this amendment today, or do something shortly thereafter to take the chairman, the gentleman from Florida (Mr. YOUNG), up on his willingness to fund this, we are going to lose the opportunity to repeat the terrible things that happened in the last election in time for the 2002 elections.

So shame on us if we let the next set of elections result in the same problems. Let us get it fixed now. Time is of the essence. We know how to do it.

Mr. HOYER. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. Chairman, this is a good amendment. This is an amendment which sets the dollars at an appropriate level. There is an ad on TV that says the watch cost $150, the trip to Jamaica cost $1,500, the confidence of a child is priceless.

The confidence that a citizen has in its country is priceless; the confidence that a citizen has when they do the ultimate act of democracy, which is to participate as a Nation, as a people, as a society, in making decisions, in choosing leaders, in choosing options and priorities for their country.

The tragedy of the last election was that there are many Americans who know that they have the right to vote, but are not ensured that they will be able to vote, and, that if they do so, their vote will count. Part of that problem is a technological problem, and we need to solve it; and it will take money to solve that technological problem.

The other problem is for this great democracy to ensure that every citizen not only has the right, but is guaranteed by our society to have access to whatever their disability may be, whatever their status in life may be, access to the polling place and, yes, the ability to vote, whatever their disability may be, whatever their condition may be, and have the integrity of that vote being ensured and counted correctly.

I am thankful that the gentleman from Florida (Mr. HASTINGS) has offered this amendment. I am thankful for the leadership of the gentleman from Michigan (Mr. CONYERS), who has introduced a bill; for the gentlewoman from California (Ms. WATERS), who has traveled throughout this country with the gentleman from Florida (Mr. HASTINGS) and myself and others; for all those, not just from Florida, because this is not a Florida problem. The gentleman from Florida made that point. He is absolutely correct. This is a national problem, a national challenge, to ensure that our elections are as good as the rest of the world thought they were, and their confidence in that was put at risk this last election.

We need to solve it; we will solve it. I thank the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this morning in the Committee on Rules, which you Chair, the gentleman from Maryland (Mr. HOYER) said the following: ''225 have passed where the Federal Government has committed zero dollars for the infrastructure in States and localities. This must change, and it must change now.''

Mr. Chairman, I wanted to thank my good friend, the gentleman from Florida (Chairman YOUNG), for his interest in this issue. His presence here on the floor as our debate has proceeded sends a clear message to anyone who does not wish to see election reform succeed.

I also would like to thank my good friend, the gentleman from Maryland (Mr. HOYER), for his continuing efforts in producing an election reform package that is acceptable to all sides. Also I would like to thank the gentleman from Oklahoma (Mr. ISTOOK) for his efforts and willingness to participate with us and the gentleman from Wisconsin (Mr. OBEY) for his leadership in this body and the entire caucus.

In addiction, I would like to thank the gentleman from Ohio (Mr. NEY) for his leadership on this issue as well. The chairman has pointed out that the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), a lot of us, have been discussing this matter, not in the light of the public as we have here today, but in an effort to really try to get something done. I am confident that under the leadership of these individuals, we will succeed in once again bringing dignity to the American election system.

One of my colleagues from California pointed out inequities with reference to military ballots. I did not bother to

try to take a shot at him, because the election is over. It is time for us to move forward and reform our election system in this Nation. I challenge this body to roll up its sleeves and pass meaningful election reform.

Mr. Chairman, with that, with the chairman's final remarks, I am prepared to withdraw the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. ISTOOK), distinguished subcommittee chairman.

Mr. ISTOOK. Mr. Chairman, I appreciate the gentleman yielding me time.

Mr. Chairman, I thought in this discussion that people were having of the great importance of making sure that Americans have the opportunity to vote, to vote correctly, to make sure their vote is counted, to put the responsibilities where they lie, between the voter and those who administer the voting. I thought it is very important when we talk about the problems, that somebody get up and talk about somebody who has done it right, a State that has done it right, and that is my home State of Oklahoma.

Several years ago, our State spent millions of dollars that could have been spent on roads, could have been spent on schools, could have been spent on public health, but felt that there was a very pressing need to spend it on solid uniform voting equipment. Every county, every precinct in Oklahoma uses the optical scanner voting machines, and has for several years, which is one of the methods that is receiving the highest level of support from people talking about the way it ought to be done.

If a voter has an improper ballot that has been marked twice, for example, the machine will spit it right back out at you so you still have a chance to correct it. I know that is an important thing to a great number of people.

I wanted to give some credit to the people who did that in Oklahoma. Our State Election Board secretary, a Democrat, Lance Ward, deserves a lot of credit for the foresight, and those that came before him, to say that there is a pressing need.

So when we talk about having the Congress of the United States spend a great amount of money to help States out in this situation, let us remember that there are some States, or certainly there is Oklahoma, that had the foresight to put it in place to prevent these problems. I want to make sure that we consider that in whatever we craft.

We are trying to say when other States ask for financial assistance for election reform, remember, we already bore the cost; and we hope that will be duly considered with whatever is done with appropriations from this body.

There was a map in USA Today right after the elections talking about the great disparity and the types of machines or paper ballots used in different places; and you looked at patchwork quilts, not only among the 50 States, but within the 50 States. Except if you look at that USA Today map, there was one State that was solid, with modern up-to-date uniform voting systems, and that was my home State of Oklahoma. I want to give credit to the State officials who had that foresight.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do so to thank everybody for the very important debate that we have just had here.

Mr. RUSH. Mr. Chairman, on July 9, 2001, the House Government Reform Committee released the results of a national study that examined the income and racial disparities in the undercount of the 2000 presidential election. At my request, the Committee investigated voting patterns in the First Congressional District of Illinois, which I represent. The investigation also examined the impact of different voting machines on the undercount. This was the first report to examine voter undercounts on both the national and local levels.

The report analyzed the voting results in 20 Congressional districts with high poverty rates and majority minority populations. The startling results of the investigation illustrated that voters in my district were almost seven times more likely to have their votes discarded than voters in affluent white districts.

This disturbing quantification gives my district the dubious distinction of being one of two Congressional districts with the highest rate of undercounted votes among those surveyed. The first District tied with the 17th District of Florida, with the undercount rate a disturbingly high 7.9 percent!

Overall, the report found that voters in low-income predominantly minority districts were significantly more likely to have their votes discarded than were voters in affluent, predominantly white districts.

The report also showed that better voting technology significantly reduced undercounts in low-income, minority areas and narrowed the disparity between the two types of districts and voting populations examined.

Ballot undrecounts in my Congressional district are nothing new. I have heard and responded to my constituent complaints for many years on this subject. However, now, we, in Congress, have quantifiable proof that better technology improves the undercount rate.

What can be done is illustrated simply before us—both by the Government Reform Committee report and by the gentleman from Florida's amendment. We must provide the financial resources so critically needed by state and local governments to update their voting equipment. I urge my colleagues to support the Hastings amendment.

Mr. CONYERS. Mr. Chairman. I support ALCEE HASTINGS' amendment to the Treasury-Postal Appropriations Act. The amendment will provide an additional $600 million to the FEC budget, funds that are necessary to assist state and local governments in updating voting systems. This is an excellent first step in tackling the election reform issue. It is disappointing that President Bush's budget made no allowance for election reform.

But additional funding is not enough. Just throwing money at the problem will not solve the problem. We will end up with states simply taking the money and using it in rich neighborhoods while a state could continue using most disenfranchising machinery and procedures for minority communities. Or, if we offer the money conditionally, states will simply elect to decline a federal check and opt out of any standards.

We must provide minimal guarantees to every eligible voter. This is precisely what the bill I have introduced with Senator DODD and Majority Leader DASCHLE, the ''Equal Protection of Voting Rights Act,'' would do. The bill has a 140 cosponsors, more than any other election reform bill.

It sets comprehensive minimal standards for voting machines used in federal elections but does not tell states and localities what machine to buy—in other words, it only establishes a baseline for what the machines have to be capable of doing.

The standards for machines are common sense standards that would solve problems uncovered in 2000: First, to prevent spoiled ballots, machines would have to warn voters of mistakes like overvotes and undervotes and give voters a chance to correct these mistakes; Second, machines would have to be accessible to voters with disabilities; Third, the machines would have to be accessible to language minorities; Fourth, to eliminate the use of antiquated machines, the error rate for machines would have to be as close to zero as practicable.

To correct haphazard voting purges and registration mistakes by officials, the bill establishes a right for every citizen to cast a provisional ballot in a federal election if he or she believes he has been improperly excluded from the rolls.

To help prevent voter error and establish minimal standards for voter education, the bill requires that every registered voter in a federal election receive a sample ballot and instructions for filling out the ballot prior to an election.

To ensure that voting rights violations are reported, the bill requires that every registered voter receive a document advising them of their voting rights and who to contact if those rights have been violated.

The bill is constitutional. It is limited to federal elections. Under Art I, Sec. 4, Clause 1 of the Constitution, the Congress has the authority to set standards for federal elections.

It avoids creating an unfunded federal mandate by fully funding the minimal standards.

It recognizes that states may incur costs for meeting these obligations in state and local elections so it reimburses states for the costs of making state and local elections conform to the standards if they choose to do so.

Mr. YOUNG of Florida. Mr. Chairman, since my colleague from Florida has indicated that he intends to withdraw this amendment, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent that the amendment I offered be withdrawn.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Florida (Mr. HASTINGS) is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FILNER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of implementing the final report of the President's Commission To Strengthen Social Security.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. FILNER) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment, which is only one sentence long, may be the most significant sentence that we vote on in this Congress, because it would prevent any funding being used for the purpose of implementing a Social Security privatization plan.

Now, why must we take what seemingly looks like a drastic step? Because we have seen the report that was just issued by President Bush's Social Security Commission, a commission handpicked by the White House because they already supported a privatization plan.

□ 1915

This report is obviously the first step towards setting the stage of robbing a vital benefit for seniors.

Mr. Chairman, the deck has been stacked, the process has been rigged, and we must stop it in its tracks. Social Security has come to be the cornerstone of our Nation's income protection system and provides disability, retirement, and life insurance protection to virtually all American citizens. Obviously, the system requires continued evaluation, but it is not in crisis today. But the interim report of the Presidential Commission tries to create a crisis, a crisis that does not exist. Even if we did nothing about Social Security, and nobody is suggesting that, but even if we did nothing, the system would pay full benefits through the year 2038. This is a manageable problem, not a catastrophe that requires risky and radical solutions.

The proposed privatization program which plans to take approximately 2 percent of the payroll tax for Social Security to allow individuals to invest in private accounts would result in a loss of over $1 trillion from the Social Security system between this year and 2011, and would decrease benefits by 50 percent.

My constituents do not want to see that decrease, and my constituents are unwilling to have their secure retirement gambled away in the stock market. The stock market is not the way, Mr. Chairman, to determine who will be financially able and stable in their retirement years.

We know that privatization would also decrease benefits for disabled beneficiaries and survivors. Social Security is more than a retirement program. Almost one-third of its beneficiaries receive benefits because they or a family member are disabled or because a family member has died. In the case of survivors and those disabled, recipients have a shorter time period to accumulate balances in their individual accounts, so their benefits would be drastically reduced under a privatization plan. Women in this Nation would be disproportionately affected and hurt, and we will hear statements to that effect from my colleagues.

Privatizing Social Security, Mr. Chairman, is tantamount to gambling with the security of millions of Americans. It would expose workers and retirees to unacceptable risks, as well as substantial administrative fees that would eat into the returns. It would undermine the concept that through Social Security, we take care of each other, from neighbor to neighbor, and from generation to generation.

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

Mr. ISTOOK. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK) for 20 minutes in opposition of the Filner amendment.

Mr. ISTOOK. Mr. Chairman, I yield 6 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, sometimes in this body it pays to read the amendment. The amendment says that at the end of the bill, insert after the last section preceding the short title the following new section: none of the funds appropriated in this act for the Office of Management and Budget may be used for the purpose of implementing the final report of the President's Commission to strengthen Social Security.

I do not read the word privatization in this amendment. I have read the report, the interim report of the commission. I do not read the word privatization in that report.

I am absolutely dumbfounded why we would talk about the President implementing the recommendations anyway. The recommendations and any implementation is going to have to come back here to the Congress. It is us that are going to have to change the method Social Security is going forward with if it is going to be changed at all.

But let us talk for just a moment about the trust fund itself. The trust fund, it is agreed by Democrats and Republicans, will not run out of Treasury bills until 2038. That is an estimate, but it is a pretty good one, and it is one we can count on. But we can also agree on the fact that there will not be enough cash coming into Social Security to pay the benefits beginning in 2016. What, then, is going to happen?

The Congress is going to have to do one of several things: either raise taxes and find the money, deficit spend in order to pay off the Treasury bills, cut benefits. Is there anyone in here that is prepared to do that? I think not.

So let us talk a moment about what is actually happening. I would like to call the attention of my colleagues to the communication from the Fiscal Assistant Secretary of the Department of Treasury in which they warn, in which they warn that there is going to be a cash shortfall beginning, in this report, it says 2015. 2015. And the report clearly says that money is going to have to come from other sources beginning in 2015. My colleagues may say this report is not true. Let me tell my colleagues who signed it. The Secretary of the Treasury, Lawrence Summers; Secretary of Health and Human Services, Donna Shalala; the trustee, Stephen Kellison; Alexis Herman, who is Secretary of Labor; Ken Apfel, the Commissioner of Social Security under President Clinton, and there are others.

I think that what is necessary and what we must do is face up to the fact that we are facing a cash shortfall beginning in 2016, and it may slip, and it may come back to 2015, if the trust fund is further depleted. Sure, they are Treasury bills, and Treasury bills are a safe investment and it is a sign of the commitment of the Congress to the future retirees. But are we going to send our retirees beginning in 2015 or 2016 saying sorry, here is a check for some cash, but there is a shortfall, so here is a Treasury bill. Of course not. We are going to continue to send them cash. And we are going to maintain the strength of the Social Security system.

What did the Commission say? The Commission says that they have to accumulate some wealth. They have to accumulate something in order to pay future benefits. Did it say anything about privatization? No.

Now, we hear so much, and so many Members will get up and talk about the risky stock market. I was watching the unions protesting the meeting that was going on. But we are going to have an opportunity just next week, because the Railroad Retirement Fund is coming before this House, and we are going to have an opportunity to say that the railroad retirement fund now does not have to be limited to just investing in Treasury bills; the railroad retirement fund now can invest in stocks. Mr. Chairman, I will guarantee my colleagues that people on both sides of the aisle and the very people that are getting up and talking about the risky stock market are going to vote yes, and they are going to vote yes, because both management and labor wants it that way, because they understand that that is the way to accumulate real wealth.

I see my friend from New York (Mr. NADLER), who I am sure is going to get up and speak. He has a plan to save Social Security, but it involves the Social Security Administration investing in stocks and bonds of the private sector.

I think it is time that we stop these scare tactics. Let the Commission come forward with their report. And in order to implement any change in the

Social Security system of any consequence is going to require legislation to come out of this body. So I am saying, let us not only have faith that they may come up with something that we can use and something that will be good, but let us have faith in ourselves, and let us live up to this problem that we have, and that is, we have a cash shortfall beginning in the year 2016. We will no longer have the payroll taxes coming in to take care of the benefits, and we are going to have to find the money to start paying off the Treasury bills.

This is going to be a huge problem, and the problem is caused by a very simple situation: we have less workers supporting less retirees than we have ever had before, and that is going to continue to go down, so not too long from now, we are going to be down to two workers per retiree. We can plan ahead; we can save Social Security for the next generation, so let us get together and let us get the job done and forget the scare tactics.

Mr. FILNER. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I support one thing the gentleman preceding me in the well said: let us stop the scare tactics. The scare tactics are contained in this report of the so-called Commission to Save Social Security. It is the Commission to privatize Social Security, not with aggregate investments, but with individual accounts, so Wall Street can better profit by charging 250 million people a little bit of money every month, reducing their benefits, ultimately, by 40 percent.

This report, for the first time in the 225-year history of the United States of America, is questioning whether or not the Federal Government will make good on its debts. Guess where the money in these accounts came from? He is saying, we are going to have a cash flow problem. Yes, Americans have been saving. We have been paying more taxes every year than are necessary to support Social Security with the idea that that money was put on deposit for future generations. This fund in 2016 will have more than $5 trillion, and $5 trillion of what? Of securities against the Federal Government.

In fact, one of these securities says, this bond is incontestable in the hands of the Federal Old Age and Survivors Insurance Trust Fund; this bond is supported by the full faith and credit of the United States and the United States has pledged the payment of the bond with respect to both principle and interest, yet the gentleman who preceded me and this so-called commission are questioning whether or not we can or will honor those bonds.

There is no question. We must honor those bonds, and we should honor those bonds and that obligation to the American people, through the process that we use to honor all other debts in the United States of America. We either run a surplus and we pay out of that, or we roll over debt. We have $6 trillion of debt. Now, it is okay apparently to honor the debts for people in Japan or industrial investors or anybody else, but we are now questioning whether we are going to honor the debt to the working people of America.

Mr. Chairman, this is extraordinary. It is bold in its scope. It is unprecedented that a Secretary of the Treasury, a President of the United States's hand-picked commission, would question whether or not we will honor this debt.

This year, Americans will pay $93 billion more in Social Security taxes than are necessary to support the system. If the gentleman who preceded me in the well is right, then let us lower that tax today, because we are defrauding the people of that $93 billion, because we are saying, hey, it is going to be really painful to pay that money back. We are taking it from them now, we are depositing it for them in the U.S. Treasury; we are telling them that it will pay their benefits, but maybe we will not be able to afford to honor that. That is absolutely extraordinary.

Social Security is totally and fully sound until the year 2038. It can pay 100 percent of every promised benefit to every American, every recipient, every beneficiary, disabled or dependent. After that, it can afford to pay 73 percent.

Now, that means we have a 27 percent problem beginning in 38 years, but what they are going to propose is to destroy the existing system, to steal the $6 trillion on account for the American workers, and convert to something else, and ignore the trillions of dollars in transition costs and benefits.

They can only get there a couple of ways. They are going to have to reduce existing benefits, or they are going to have to raise taxes to pay for the existing promises; one or the other. Or, they can honor the debts and fix the program in the future. The simplest way to do it is to lift the cap on earnings. If people earn over $80,000 a year, they do not pay the same tax as everybody else; they pay less. They only pay on the first $80,000. If we just lifted the cap and people paid Social Security on every penny they earn, guess what the actuaries say? The system is solvent forever, and, in fact, we could afford to lower the tax burden on working Americans.

□ 1930

Now, would that not be a great solution? But I do not think that is going to come out of a commission handpicked by President George Bush and supported by the Republican majority in this House, because that would mean the millionaires and billionaires would pay a little bit more to secure the retirement future of working Americans.

Mr. ISTOOK. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE), chairman of our Subcommittee on Foreign Operations, Export Financing and Related Programs from the Committee on Appropriations.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think this amendment is really the height of irresponsibility. It is the height of the ostrich saying, ''Let us put our heads in the sand.'' It is the height of the Alfred E. Newman, ''What, me worry,'' syndrome. It pretends we do not have a problem when everybody knows there is a problem, every American.

If we talk to Americans out there, they know there is a problem with Social Security. Yet what we are hearing over here is, ''What? There is no problem. There is nothing we need to do here.''

I am glad, actually, that the gentleman from California has brought this amendment to us tonight, because at least it gives us a chance to call attention to the fact that we have a problem. I urge the Members of this body and I urge the American people to read this report, this interim report of the Commission, because it does talk about some of the problems.

The simple fact is, we have a system right now that really is not sustainable in the long run. The gentleman from Florida said it very well: We have a cash flow problem that begins in 2016, a cash flow problem. That is a very real problem that we have to deal with 15 years from now, in 2016.

Fifteen years ago I was finishing my first term in office. That was the middle of Ronald Reagan's second term. That was not that long ago. Fifteen years from now we begin to see a serious problem: How are we going to pay the benefits? Where are we going to borrow the money to make the cash, to cash in those bonds that the gentleman from Oregon was talking about, and to pay those benefits?

If we do not do anything by the year 2020 that requires cuts to Federal spending to address Social Security's financial shortfalls, it would equal the combination of Head Start, WIC, the Departments of Education, Interior, Commerce, and the EPA. Either we cut that or borrow the money someplace else, or we raise the taxes, as the gentleman said. But let us not deny the fact that we have a problem.

If tomorrow's shortfalls are faced today, if we had those problems right now, a two-earner couple with $50,000 in income would have to pay an additional $2,100 in taxes per year in the year 2030. I do not know about other Members, but I think these kinds of changes are really unacceptable.

The gentleman said that we have a system, do not tinker with it. We have made 50 changes-plus in the history of Social Security with the system. Do not tell me it is not going to be changed. It is a political system. We are going to make changes to it. We are going to have to do something. Let us figure out what we can do that protects everybody.

Let me just refer to the draft commission's report itself. I just want to read two simple paragraphs.

One, the third conclusion they reached, ''The system is broken. Unless we move boldly and quickly, the promise of Social Security for future retirees cannot be met without eventual resort to benefit cuts, tax increases, or massive borrowing. The time to act is now.''

And then they go on to say this: ''If the problems spelled out in this interim report become a topic of national debate and receive the public's focus and scrutiny, that in itself will be a positive step forward. The greatest threat is in taking the course of least resistance, ignoring the challenge and doing nothing.''

Mr. Chairman, those who oppose the Commission's report have a responsibility to stand here now, tonight, and tell us what we should do, what their conclusion is. The answer is not to put our heads in the sand and pretend there is not a problem. We do have a problem with Social Security, but it can be fixed. It can be fixed in a way that guarantees that those who get Social Security benefits now are protected today, and those who get them in the future are protected, but the young people have an opportunity to know that they, too, will have some benefits and some Social Security and some retirement system in their future, as well.

Mr. FILNER. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, some of my colleagues have talked about one putting one's head in the sand. I would agree that we must be careful not to keep our head in the sand while the President has appointed a commission which is fully in favor of privatizing Social Security.

I agree, it is time to stop the scare tactics. We do not need to scare the American people, or try to stampede them into believing that Social Security must be privatized, because the fact of the matter is the money is there. Social Security is solvent through the year 2038 without any changes whatsoever. It has $5 trillion in assets by the year 2015. There is no reason to scare the people and stampede them into agreeing with the privatization of Social Security.

It has been said that there is a cash flow problem. Mr. Chairman, next year the Department of Defense has a cash flow problem. In the year 2003, the Department of Defense, absent our action, will be lacking $330 billion they need for operation. But somehow this Congress in its wisdom finds a reason and a means to finance the operations of the Department of Defense.

I think it is important that we look at this Commission, because the amendment of the gentleman from California (Mr. FILNER) focuses on causing this Commission to lose its funding. Then Congress can regroup and fund a commission that would increase some kind of a debate here, because it is a one-sided story. The deck is stacked.

It is no secret, the Wall Street Journal said 2 months ago, that President Bush stacked his bipartisan Social Security Commission with members who agree with his goal of creating private accounts. That was the Wall Street Journal, May 10, 2001.

There are two Commission members, Ms. Weaver and Mr. Vargas, and they have ''supported the most ambitious privatization plan, to carve 5 percentage points of the payroll tax for individual accounts. Recognizing the huge transition costs, [they] proposed a 1.52 percentage point boost in the payroll tax, $1.9 trillion in government borrowing and a higher retirement age.''

Now, think about that: Privatization equals increased taxes, increased government borrowing, higher retirement age. If this Commission is a cure for Social Security, then the plague is a cure for the common cold.

Estelle James is a Democratic member of the Commission who ''as a former World Bank economist was that body's main voice for privatizing government retirement programs worldwide.'' That is hardly the person American consumers and seniors, the baby boomers, can count on to give a fair picture of the state of Social Security.

Sam Beard, ''Founder and president of the business-financed Economic Security 2000, which favors a fully privatized system,'' is hardly the person to give us an unbiased view.

Tom Saving, another Commission member, has written, ''Strange as it sounds, we must destroy the social security system, as we know it, to save it.''

Robert Pozen, an investment company executive with Fidelity, said, ''Even partial privatization is not a panacea.''

The Wall Street Journal went on to say, ''He served on a panel that recommended partial privatization but also a higher retirement age and reduced benefits, including spousal benefits.''

End the stacked deck.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is such a disservice to the American people to make this issue a political issue. It is easy to demagogue because seniors are frightened about the possibility of losing their Social Security benefits.

The facts are very clear: Thirty years ago it took 33 people to come up with the funding for every one retiree through their Social Security taxes. Today it takes three people to come up with the taxes to accommodate that Social Security benefit for every one Social Security retiree. And the estimate is in another 15 to 20 years it is only going to be two people working in the United States to have to pay enough taxes to accommodate every single one retiree.

To suggest that we should do nothing now because we might ruin the system is ridiculous. There are a lot of ways that maybe we could help cure the program. What the President has suggested, what the gentleman from Arizona (Mr. KOLBE) and others and I have suggested in the several bills we have introduced, in the last 7 years I have introduced three bills that have been scored, each of which has been scored by the Social Security Administration, to keep Social Security solvent for the next 75 years.

Every time I introduce a bill, from the first one in 1994 until the one last year, the solutions have to be more drastic because we are running out of time. We are wasting these kinds of funds that are coming in. The problem is real. The demographics are real. There are more seniors in relation to the number of people that are paying for those benefits.

If we do not do something, if we use this issue to scare people politically, we are doing a disservice to this Chamber, to the American people, and to those people on Social Security.

There are only two solutions to fix the problem, or maybe three solutions to fix the Social Security problem: Either bring in more revenues, so one can afford the payments, or reduce the amount that is going out in payments.

The real key date is not some date off in 2033, when it says the Social Security Trust Fund is becoming insolvent. The real date that we have to pay attention to, the latest estimate is 2016, when there is less money coming in from the Social Security taxes than is required to pay benefits. With the downturn in the economy, the next estimate is going to be less than that year of 2016.

Let us move ahead. Let us make sure if there are any private investments that they be limited to safe investments. Let us make it clear to the American people that we are not using any of the disability insurance funds, the disability insurance or the survivor benefit trust funds. That is off the table. That is not being considered.

How do we get a better return than the 1.7 percent that future retirees are going to get from the Social Security taxes the employees and employers have paid in?

Mr. FILNER. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in 1935, about 178 Republicans voted against establishing Social Security. One voted for it. In 1964, 30 years later, the Republican party, behind Barry Goldwater, said, ''Let us get rid of Social Security. Let us make it private.'' Thirty years later

they are right on schedule again, and they want to destroy Social Security in order to save it.

To do this, the Bush administration sets up a biased commission. They have a habit of setting up biased commissions: first, Mr. CHENEY's energy task force of oil company executives; and now this task force, composed 100 percent of people who are on record as favoring the partial or full privatization of Social Security.

We can have an honest amendment that says, do not implement the report of the Commission because we know it is going to be privatization, because they said so. They told us that. We do not have to wonder about what it is going to be. ''Let us establish a commission to investigate the problem and come up with the solution that they designed before they investigated the problem.''

We are told in 2016 Congress, in order to pay off the Social Security bonds, will either have to raise taxes, cut benefits, or borrow to pay back these bonds. Why? Why did we increase FICA taxes, Social Security taxes in 1983 and cut the benefits in order to build up a trust fund so that it would keep Social Security solvent? Now they tell us those $5 trillion in assets do not matter, they are not real assets. Well, they are real assets to the Social Security system.

True, the government is to pay it. It will cost, to pay it, $200 billion a year, starting in 2016. How are we going to pay it? For one thing, the tax cut that we approved a few weeks ago will cost about $400 billion a year starting in 2011, once it is fully phased in. Half of that tax cut would pay for all the bonds on an annual basis.

They are only part of the bonds. That is part of the national debt of the United States. They are no different than the bonds that are held by Mitsubishi or the series E bonds held by the gentleman from Michigan (Mr. SMITH). We always pay back those bonds.

We are not going to have to raise taxes or cut benefits. If we do, it is a government budget problem, not a Social Security problem.

Now we are told the solution is privatize; take a system which guarantees a person a certain benefit, a certain retirement benefit, and tell them they will only get a certain fraction of that benefit, and the rest of it will depend on their luck on the stock market.

Maybe they will do well, and maybe they will not. A lot of people will do well, but a lot of people will not do well, and we will recreate the situation we had before Social Security in which some people have good retirements and others are in abject poverty because their investments were foolish or simply unlucky.

□ 1945

We are told that the railroad retirement system is going to invest in the stock market, pension funds will invest in the stock market. Sure, the whole system does, not individuals, and that makes all the difference in the world. If the Government decided to buy private stocks and bonds with the Social Security Trust Fund to get greater returns, the Government has a budget problem if those stocks do not pan out. The individuals still are guaranteed by law their Social Security. So the fact that pension funds invest in stocks does not mean we ought to put individuals at risk of the private stock market.

We are also told by an operation, by this task force, by others, Chicken Littles, that the sky is falling, we are going to run out of money. Well, the system will have enough money to pay all benefits for the next 37 years, if we believe the trustees; and then it will have a 28 percent shortfall, if we assume that the rate of economic growth of the United States is going to plummet to a rate not seen since the Depression and going to stay there.

Mr. FILNER. Mr. Chairman, I yield 4½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me this time and for introducing this amendment.

I rise in strong support of the Filner amendment, which would prohibit the Office of Management and Budget from spending any funds to implement the final report of the President's Commission to Strengthen Social Security. People with disabilities, minorities, and women are especially hurt by Social Security privatization.

Today, there are approximately 45 million Americans receiving Social Security benefits, over 4 million of whom reside in my home State of California. Many people depend on this retirement benefit as a source of major income. Social Security is the principal source of retirement income for two-thirds of elderly Americans, representing 90 percent of the annual income for 29 percent of all seniors over the age of 65. In fact, Social Security benefits lifted approximately 13 million senior citizens out of poverty last year.

Social Security is not just a retirement program for our seniors. For millions of Americans, Social Security is the only protection against the shackles of low lifetime earnings, the financial hardships related to death or disability, the danger of poverty in old age, and the uncertainty of inflation. Privatization undermines these protections and adds one more risk that workers would have to worry about, and that is Wall Street.

Let me just bring a little diversity to this debate this evening. Elderly African Americans and Latinos rely on Social Security benefits more than white elders do. From 1994 to 1998, African American and Latino seniors and their spouses relied on Social Security for about 44 percent of their total income, while white elders and their spouses relied on the program for only 37 percent of their total income. This is because minorities, unfortunately, have a lower rate of pension coverage. Only 29 percent of elderly African Americans and 22 percent of elderly Hispanic Americans get a pension income. By comparison, 45 percent of white seniors do. Unfortunately, people of color are disproportionately represented among low-wage workers; therefore, it is much harder for them to set aside savings for retirement. Privatization of Social Security will jeopardize their retirement income.

Now, people with disabilities are also hurt significantly by privatizing their benefits. As of January 2001, over 13 million Americans, or about 30 percent of all Social Security beneficiaries, rely on Social Security disability. For the average wage earner with a family, Social Security offers the equivalent of a $200,000 disability insurance policy. The vast majority of workers would not be able to get similar coverage from the private sector. The GAO concluded in a January 2001 examination of Social Security privatization plans that the income from workers' individual accounts was not sufficient to compensate for the decline in the insurance benefits that disabled beneficiaries would receive.

The uncertainty of privatization also hits women extra hard. Poverty among American women over 65 is already twice as severe as among men in the same age group. Women are more likely to earn less than men and are more likely to live longer. Women also lose an average of 14 years of earnings due to the time out of the workforce to raise children or care for ailing parents or spouses. And since women generally have a higher incidence of part-time employment, they have less of an opportunity to save for retirement. Most privatization proposals make no provision for these differences and would thus make poverty among women even worse.

Currently, Social Security provides guaranteed lifelong benefits. No matter what the stock market does the day one retires, or in the months leading up to retirement, an individual's benefits will be unaffected.

The American people deserve the truth. Now that the Bush administration has passed a $1.6 trillion tax cut that primarily benefits the wealthy, they are trying to find another method of paying for Social Security due to the lost revenue. But the proposal to privatize Social Security does absolutely nothing to extend the life of the program or save it. It diverts money from the Social Security Trust Fund.

We must put money in to protect the trust fund, not deplete the fund. We have an obligation to strengthen Social Security, not privatize it.

Mr. ISTOOK. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 7½ minutes remaining and the time has expired for the gentleman from California (Mr. FILNER).

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I rise in strong opposition to this amendment tonight, and I am deeply troubled by some of the rhetoric that I have heard from some of my colleagues criticizing the commission report for highlighting the fiscal challenges facing the system and suggesting that reform is not necessary. If we listen carefully, we will find many of my colleagues have suggested reform, but they have a preconceived notion of what is going to be voted on ultimately on this House floor.

Now, I began to get very involved in Social Security reform about 6 years ago when the first of our two grandsons, Cindy's and mine, were born. Cole will be celebrating his sixth birthday this month; Chase will be celebrating his fourth birthday. And I resolved at that time that I did not want them, my two grandsons, to look back 67 years from their birth and say if only my granddad would have done what in his heart he knew he should have done when he was in the Congress, we would not be in the trouble we are in today.

Take a look at the commission report, the interim commission report. I want my colleagues to see if they really disagree with the numbers the gentleman from Florida did an excellent job of outlining. Everyone knows in this body that beginning in 2016 we are going to have a difficult time funding the benefits. It can be done, but it is going to take some reform.

Listen carefully to the discussion tonight. Most of the responsible rhetoric tonight has suggested that there needs to be a correction, there needs to be some corrective measures taken, but they just do not like what they believe is going to be forthcoming. Well, be careful about that, because there are some other ideas that will be circulating.

Please be careful when talking about a stacked deck. Do my colleagues really believe that Senator Pat Moynihan is going to be part of a stacked deck that is going to do something that is going to be harmful to the elderly of this country? Do my colleagues really believe that? If my colleagues really believe that, then they are perfectly willing to come to this floor and say so, but I am not. I am not.

Take a look at the numbers. Look at the numbers and, for Heaven's sake, do not be as critical of something that has not yet happened as some are being tonight and recognize that we do need to move forward in a responsible way and in a bipartisan way.

Mr. ISTOOK. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. FILNER), and just advise the Chair that I will have no further debate on this. However, I do have, on an unrelated matter, some time to yield for the purpose of a brief colloquy.

Mr. FILNER. Mr. Chairman, I wanted to thank the gentleman from Oklahoma, the gentleman from Florida, the gentleman from Arizona, and the gentleman from Michigan.

I thought this was a good debate. I think it is a debate that is most important to the American people and we will continue it on.

I agree with the gentleman from Arizona (Mr. KOLBE) that those of us who have a problem have responsibility for solutions, and that will come in the later debates. So I thank all for the high level of this debate.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did not bring this amendment before us tonight, but as long as it is here, I am going to vote for it, because I do believe that the Social Security commission staff report issued last week is a cynical effort to trash Social Security and undercut its public support in order to pave the way for cutting Social Security's guaranteed benefits and turn much of the program over to Wall Street. And I do most certainly believe that that commission is a stacked deck. Every single Democrat appointed to that commission was appointed by the President. And the last time I looked, their views do not represent very many Democrats when it comes to the issue of Social Security.

In my view, Social Security is the single best domestic program ever passed by this Congress, perhaps with the exception of the Civil Rights Act, and certainly Medicare is the next best after that. Obviously, we will need changes in the future, just as it has needed changes in the past in order to keep up with the times and remain solvent. But this report, in my view, is simply a scheme to frighten Americans into believing that we have to trash Social Security in order to save it. It is put forth by a commission that has already made up its mind to cut long-term benefits, and it ought to be recognized for what it is. And there is nothing wrong with being frank about that on the House floor. I have minimum high regard at best for that commission's makeup as well as its intended recommendations.

I would also say I do not know why we should be surprised that the Social Security System, beginning in a few years, will pay out more than it takes in for a number of years. It was designed to do that. Mr. Greenspan and the bipartisan group that made up the original commission in 1973 specifically designed it so that we would accumulate notes over a period of years and beginning in that year we would begin to pay down the assets that had been built up. That is the way it is supposed to work. And for the commission staff or its membership, be they Democrat or Republican, to suggest that that means the system is in mortal trouble is goomwah. And I think people know what goomwah is, if they come from a rural community.

So I would simply say, yes, we are going to have to take actions to strengthen Social Security, and that is why it is so tragic that the majority of this House and the White House cooperated in putting together a tax package that was so large that it took away virtually every dollar left in the surpluses that could have been used to strengthen Social Security long term, so that the tweaking that is going to be required in Social Security would have to be less than it now will have to be if we follow the misguided and misbegotten tax policies that this Congress recently imposed.

So I make no apology for voting for this amendment, and I make no apology for saying I have no confidence in the membership of that commission as presently constituted. It is a stacked deck, and it is a stacked deck full of jokers.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I wish to engage in a very brief colloquy with the gentleman from Oklahoma (Mr. ISTOOK) related to the fifth proviso under the heading ''Office of Management and Budget.''

It is my understanding that this proviso would prohibit the use of funds for the purpose of OMB calculating, preparing or approving tabular or other material that proposes the suballocation of a budget authority or outlays by the Committee on Appropriations. Is this the correct understanding of this provision?

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

Mr. TANCREDO. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I am pleased to enter into a dialogue with the gentleman regarding this and would advise him that his understanding of the provision is correct.

Mr. TANCREDO. Reclaiming my time, Mr. Chairman, would the gentleman be amenable to reviewing the need for revision during the conference deliberations on this bill?

Mr. ISTOOK. If the gentleman will continue to yield, I would certainly agree to review this provision during the conference deliberations, and I appreciate the interest of the gentleman from Colorado and his patience and understanding that some things, of course, cannot be resolved until we come to conference with the Senate.

Mr. Chairman, I yield myself such time as I may consume in closing, and I want to echo the comments of the gentleman from California (Mr. FILNER) regarding his appreciation for the constructive comments that were made during the course of this debate.

□ 2000

Social Security is an extremely important issue to all of us.

Mr. Chairman, in opposing the amendment that was offered, I think it is necessary that everyone understand that when we are trying to find a solution to a very challenging circumstance, we do not find that solution by saying before we look for a solution, we have got to put on the blindfolds, put on the handcuffs, and put in the ear plugs. If my colleagues do that, they are going to be restricted from the start in what they can do. If my colleagues do that, they are not likely to find something that will resolve the problem; and the problem is very real.

As the gentleman from Florida (Mr. SHAW) pointed out, it was officials during the former administration, the Secretary of Treasury and HHS and so forth, who made a very compelling case for the major significance of the problem and the need to address it.

We cannot address it in a satisfactory way if we say solutions are going to be taken off the table before we even consider them, including solutions put forth by one of the leading Democrats, Senator Moynihan, formerly the Senator from New York.

I think we have to understand many people want very different solutions. Sometimes that differs a great deal with age. When talking to somebody who has already retired or who is about to retire, they want to make sure that they have everything that has been promised to them and it is not in jeopardy. I do not think that any Member of this body would want to place the benefits of anyone in jeopardy. I think we all want to make sure that everybody receives what has been promised to them.

But at the same time, there are a significant number of Americans who say, I want to control more of my own destiny. For so many years, I put so much into Social Security and I am not satisfied, either with the rate of return or what they deem to be the level of security. And they want to control more of their destiny, just as those who participate as Federal employees in the Thrift Savings Plan and the 401(k) plan have different options from which to choose. It is perfectly possible that we may establish an opportunity for people to choose whether they want to continue in exactly the same thing they have now, or they want to have some choices, but without enabling either one to impose their choice on the other.

If we adopt this amendment, we are foreclosing opportunities to be flexible. We are foreclosing opportunities for Americans to have a greater level of choice in this crucially important decision in influencing their retirement. I believe this amendment should be defeated, but I believe the debate has been very healthy.

Mr. Chairman, this is the final matter of debate. We will be voting on the amendments held back, and then move on to final passage. I urge my colleagues to vote against this amendment; but certainly to vote in favor of the bill as we move towards its final passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FILNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. FILNER) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) and the amendment offered by the gentleman from California (Mr. FILNER).

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

AMENDMENT OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 24, noes 401, not voting 8, as follows:

[Roll No. 272]

AYES—24

| | | |
|---|---|---|
| Baker | Hansen | Paul |
| Bilirakis | Hilleary | Royce |
| Chambliss | Hinchey | Schaffer |
| Coble | Jones (NC) | Sessions |
| Collins | LaTourette | Tancredo |
| Duncan | Ney | Traficant |
| Gibbons | Norwood | Watson (CA) |
| Hall (TX) | Otter | Young (AK) |

NOES—401

| | | |
|---|---|---|
| Abercrombie | Barton | Bono |
| Ackerman | Bass | Borski |
| Aderholt | Becerra | Boswell |
| Akin | Bentsen | Boucher |
| Allen | Bereuter | Boyd |
| Andrews | Berkley | Brady (PA) |
| Armey | Berman | Brady (TX) |
| Baca | Berry | Brown (FL) |
| Baird | Biggert | Brown (OH) |
| Baldacci | Bishop | Brown (SC) |
| Baldwin | Blagojevich | Bryant |
| Ballenger | Blunt | Burr |
| Barcia | Boehlert | Burton |
| Barr | Boehner | Buyer |
| Barrett | Bonilla | Callahan |
| Bartlett | Bonior | Calvert |
| Camp | Hastings (FL) | Meeks (NY) |
| Cannon | Hastings (WA) | Menendez |
| Cantor | Hayes | Mica |
| Capito | Hayworth | Millender-McDonald |
| Capps | Hefley | Miller (FL) |
| Capuano | Herger | Miller, Gary |
| Cardin | Hill | Miller, George |
| Carson (IN) | Hilliard | Mink |
| Carson (OK) | Hinojosa | Mollohan |
| Castle | Hobson | Moore |
| Chabot | Hoeffel | Moran (KS) |
| Clay | Hoekstra | Moran (VA) |
| Clayton | Holden | Morella |
| Clement | Holt | Murtha |
| Clyburn | Honda | Myrick |
| Combest | Hooley | Nadler |
| Condit | Horn | Napolitano |
| Conyers | Hostettler | Neal |
| Cooksey | Houghton | Nethercutt |
| Costello | Hoyer | Northup |
| Cox | Hulshof | Nussle |
| Coyne | Hunter | Oberstar |
| Cramer | Hutchinson | Obey |
| Crane | Hyde | Olver |
| Crenshaw | Inslee | Ortiz |
| Crowley | Isakson | Osborne |
| Cubin | Israel | Ose |
| Culberson | Issa | Owens |
| Cummings | Istook | Oxley |
| Cunningham | Jackson (IL) | Pallone |
| Davis (CA) | Jackson-Lee (TX) | Pascrell |
| Davis (FL) | Jefferson | Pastor |
| Davis (IL) | Jenkins | Payne |
| Davis, Jo Ann | John | Pelosi |
| Davis, Tom | Johnson (CT) | Pence |
| Deal | Johnson (IL) | Peterson (MN) |
| DeFazio | Johnson, E. B. | Peterson (PA) |
| DeGette | Johnson, Sam | Petri |
| Delahunt | Jones (OH) | Phelps |
| DeLauro | Kanjorski | Pickering |
| DeLay | Kaptur | Pitts |
| DeMint | Keller | Platts |
| Deutsch | Kelly | Pombo |
| Diaz-Balart | Kennedy (MN) | Pomeroy |
| Dicks | Kennedy (RI) | Portman |
| Dingell | Kerns | Price (NC) |
| Doggett | Kildee | Pryce (OH) |
| Dooley | Kilpatrick | Putnam |
| Doolittle | Kind (WI) | Quinn |
| Doyle | King (NY) | Radanovich |
| Dreier | Kingston | Rahall |
| Dunn | Kirk | Ramstad |
| Edwards | Kleczka | Rangel |
| Ehlers | Knollenberg | Regula |
| Ehrlich | Kolbe | Rehberg |
| Emerson | Kucinich | Reyes |
| Engel | LaFalce | Reynolds |
| English | LaHood | Riley |
| Eshoo | Lampson | Rivers |
| Etheridge | Langevin | Rodriguez |
| Evans | Lantos | Roemer |
| Everett | Largent | Rogers (KY) |
| Farr | Larsen (WA) | Rogers (MI) |
| Fattah | Larson (CT) | Rohrabacher |
| Ferguson | Latham | Ros-Lehtinen |
| Filner | Leach | Ross |
| Flake | Lee | Rothman |
| Fletcher | Levin | Roukema |
| Foley | Lewis (CA) | Roybal-Allard |
| Forbes | Lewis (GA) | Rush |
| Ford | Lewis (KY) | Ryan (WI) |
| Fossella | Linder | Ryun (KS) |
| Frank | LoBiondo | Sabo |
| Frelinghuysen | Lofgren | Sanchez |
| Frost | Lowey | Sanders |
| Gallegly | Lucas (KY) | Sandlin |
| Ganske | Lucas (OK) | Sawyer |
| Gekas | Luther | Saxton |
| Gephardt | Maloney (CT) | Schakowsky |
| Gilchrest | Maloney (NY) | Schiff |
| Gillmor | Manzullo | Schrock |
| Gilman | Markey | Scott |
| Gonzalez | Mascara | Sensenbrenner |
| Goode | Matheson | Serrano |
| Goodlatte | Matsui | Shadegg |
| Gordon | McCarthy (MO) | Shaw |
| Goss | McCarthy (NY) | Shays |
| Graham | McCollum | Sherman |
| Granger | McCrery | Sherwood |
| Graves | McDermott | Shimkus |
| Green (TX) | McHugh | Shows |
| Green (WI) | McInnis | Shuster |
| Greenwood | McIntyre | Simmons |
| Grucci | McKeon | Simpson |
| Gutierrez | McKinney | Skeen |
| Gutknecht | McNulty | Skelton |
| Hall (OH) | Meehan | Slaughter |
| Harman | Meek (FL) | Smith (MI) |
| Hart | | |

Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—8

Bachus
Blumenauer
Lipinski
McGovern
Scarborough
Snyder
Spence
Watkins (OK)

□ 2031

Messrs. BROWN of Ohio, ROEMER, LANGEVIN, HEFLEY, WAMP, BRADY of Texas, LEWIS of Kentucky, HAYWORTH, SHIMKUS, PALLONE, WEINER, FOSSELLA, SKEEN and GREEN of Texas, Ms. KILPATRICK, Ms. McCOLLUM and Ms. RIVERS changed their vote from ''aye'' to ''no.''

Mr. CHAMBLISS and Mr. HILLEARY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY FILNER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FILNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 238, not voting 7, as follows:

[Roll No. 273]

AYES—188

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—238

Aderholt
Akin
Allen
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bachus
Blumenauer
Knollenberg
Lipinski
Scarborough
Snyder
Spence

□ 2039

Mr. HILLIARD changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Treasury and General Government Appropriations Act, 2002''.

The CHAIRMAN. There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. DREIER, 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. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 206, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 334, nays 94, not voting 5, as follows:

[Roll No. 274]

YEAS—334

| | | |
|---|---|---|
| Abercrombie | Engel | Lampson |
| Ackerman | English | Lantos |
| Aderholt | Eshoo | Largent |
| Akin | Everett | Larson (CT) |
| Allen | Farr | Latham |
| Armey | Fattah | LaTourette |
| Baca | Ferguson | Leach |
| Bachus | Filner | Lee |
| Baird | Flake | Levin |
| Baldacci | Fletcher | Lewis (CA) |
| Ballenger | Foley | Lewis (GA) |
| Barton | Forbes | Lewis (KY) |
| Bass | Ford | Linder |
| Becerra | Fossella | LoBiondo |
| Bentsen | Frank | Lofgren |
| Bereuter | Frelinghuysen | Lowey |
| Berman | Frost | Lucas (OK) |
| Biggert | Gallegly | Maloney (CT) |
| Bilirakis | Ganske | Manzullo |
| Bishop | Gekas | Markey |
| Blagojevich | Gephardt | Mascara |
| Blunt | Gibbons | Matsui |
| Boehlert | Gilchrest | McCarthy (MO) |
| Boehner | Gillmor | McCarthy (NY) |
| Bonilla | Gilman | McCollum |
| Bonior | Gonzalez | McCrery |
| Bono | Gordon | McDermott |
| Borski | Goss | McGovern |
| Boucher | Graham | McHugh |
| Boyd | Granger | McIntyre |
| Brady (PA) | Graves | McKeon |
| Brady (TX) | Green (TX) | McKinney |
| Brown (FL) | Greenwood | McNulty |
| Brown (SC) | Grucci | Meehan |
| Bryant | Gutierrez | Meek (FL) |
| Burr | Gutknecht | Meeks (NY) |
| Burton | Hall (OH) | Mica |
| Buyer | Hansen | Millender-McDonald |
| Callahan | Harman | Miller (FL) |
| Calvert | Hart | Miller, Gary |
| Camp | Hastings (FL) | Miller, George |
| Cannon | Hastings (WA) | Mink |
| Cantor | Hayes | Mollohan |
| Capito | Hilliard | Moore |
| Capps | Hinchey | Moran (VA) |
| Capuano | Hinojosa | Morella |
| Cardin | Hobson | Murtha |
| Carson (IN) | Hoeffel | Myrick |
| Castle | Holden | Nadler |
| Chambliss | Holt | Napolitano |
| Clay | Honda | Neal |
| Clayton | Hooley | Nethercutt |
| Clement | Horn | Ney |
| Clyburn | Houghton | Northup |
| Collins | Hoyer | Norwood |
| Combest | Hulshof | Nussle |
| Condit | Hunter | Oberstar |
| Cooksey | Hutchinson | Obey |
| Coyne | Hyde | Olver |
| Cramer | Isakson | Ortiz |
| Crowley | Issa | Osborne |
| Cubin | Istook | Ose |
| Culberson | Jackson (IL) | Otter |
| Cummings | Jackson-Lee (TX) | Owens |
| Cunningham | Jefferson | Oxley |
| Davis (FL) | Jenkins | Pallone |
| Davis (IL) | John | Pascrell |
| Davis, Jo Ann | Johnson (CT) | Pastor |
| Davis, Tom | Johnson, E. B. | Payne |
| Deal | Johnson, Sam | Pelosi |
| DeGette | Jones (OH) | Pence |
| Delahunt | Kanjorski | Peterson (PA) |
| DeLauro | Kaptur | Platts |
| DeLay | Keller | Pombo |
| DeMint | Kelly | Portman |
| Dicks | Kennedy (MN) | Price (NC) |
| Dingell | Kennedy (RI) | Pryce (OH) |
| Doggett | Kilpatrick | Quinn |
| Dooley | King (NY) | Radanovich |
| Doolittle | Kingston | Rahall |
| Doyle | Kirk | Rangel |
| Dreier | Kleczka | Regula |
| Dunn | Knollenberg | Rehberg |
| Edwards | Kolbe | Reyes |
| Ehlers | LaFalce | Reynolds |
| Ehrlich | LaHood | Riley |
| Emerson | Lampson | Rivers |
| Engel | Lantos | Rodriguez |
| English | Largent | Roemer |
| Eshoo | Larson (CT) | Rogers (KY) |
| Everett | Latham | Rogers (MI) |
| Farr | LaTourette | Ros-Lehtinen |
| Fattah | Leach | Rothman |
| Ferguson | Lee | Roukema |
| Filner | Levin | Roybal-Allard |
| Flake | Lewis (CA) | Rush |
| Fletcher | Lewis (GA) | Ryan (WI) |
| Foley | Lewis (KY) | Sabo |
| Forbes | Linder | Sanchez |
| Ford | LoBiondo | Sanders |
| Fossella | Lofgren | Sawyer |
| Frank | Lowey | Saxton |
| Frelinghuysen | Lucas (OK) | Schakowsky |
| Frost | Maloney (CT) | Schrock |
| Gallegly | Manzullo | Scott |
| Ganske | Markey | Serrano |
| Gekas | Mascara | Shaw |
| Gephardt | Matsui | Sherman |
| Gibbons | McCarthy (MO) | Sherwood |
| Gilchrest | McCarthy (NY) | Shuster |
| Gillmor | McCollum | Simmons |
| Gilman | McCrery | Simpson |
| Gonzalez | McDermott | Skeen |
| Gordon | McGovern | Skelton |
| Goss | McHugh | Slaughter |
| Graham | McIntyre | Smith (TX) |
| Granger | McKeon | Solis |
| Graves | McKinney | Souder |
| Green (TX) | McNulty | Spratt |
| Greenwood | Meehan | Stark |
| Grucci | Meek (FL) | Stenholm |
| Gutierrez | Meeks (NY) | Stump |
| Gutknecht | Mica | Stupak |
| Hall (OH) | Millender-McDonald | Sununu |
| Hansen | Miller (FL) | Sweeney |
| Harman | Miller, Gary | Tanner |
| Hart | Miller, George | Tauscher |
| Hastings (FL) | Mink | Tauzin |
| Hastings (WA) | Mollohan | Taylor (NC) |
| Hayes | Moore | Terry |
| Hilliard | Moran (VA) | Thomas |
| Hinchey | Morella | Thompson (CA) |
| Hinojosa | Murtha | Thompson (MS) |
| Hobson | Myrick | Thornberry |
| Hoeffel | Nadler | Tiahrt |
| Holden | Napolitano | Tiberi |
| Holt | Neal | Tierney |
| Honda | Nethercutt | Towns |
| Hooley | Ney | Traficant |
| Horn | Northup | Velazquez |
| Houghton | Norwood | Visclosky |
| Hoyer | Nussle | Vitter |
| Hulshof | Oberstar | Walsh |
| Hunter | Obey | Wamp |
| Hutchinson | Olver | Waters |
| Hyde | Ortiz | Watkins (OK) |
| Isakson | Osborne | Watson (CA) |
| Issa | Ose | Watt (NC) |
| Istook | Otter | Watts (OK) |
| Jackson (IL) | Owens | Waxman |
| Jackson-Lee (TX) | Oxley | Weiner |
| Jefferson | Pallone | Weldon (PA) |
| Jenkins | Pascrell | Weller |
| John | Pastor | Whitfield |
| Johnson (CT) | Payne | Wicker |
| Johnson, E. B. | Pelosi | Wilson |
| Johnson, Sam | Pence | Wolf |
| Jones (OH) | Peterson (PA) | Woolsey |
| Kanjorski | Platts | Wynn |
| Kaptur | Pombo | Young (AK) |
| Keller | Portman | Young (FL) |
| Kelly | Price (NC) | |
| Kennedy (MN) | Pryce (OH) | |
| Kennedy (RI) | Quinn | |
| Kilpatrick | Radanovich | |
| King (NY) | Rahall | |
| Kingston | Rangel | |
| Kirk | Regula | |
| Kleczka | Rehberg | |
| Knollenberg | Reyes | |
| Kolbe | Reynolds | |
| LaFalce | Riley | |
| LaHood | Rivers | |
| Lampson | Rodriguez | |
| Lantos | Roemer | |
| Largent | Rogers (KY) | |
| Larson (CT) | Rogers (MI) | |
| Latham | Ros-Lehtinen | |
| LaTourette | Rothman | |
| Leach | Roukema | |
| Lee | Roybal-Allard | |
| Levin | Rush | |
| Lewis (CA) | Ryan (WI) | |
| Lewis (GA) | Sabo | |
| Lewis (KY) | Sanchez | |
| Linder | Sanders | |
| LoBiondo | Sawyer | |
| Lofgren | Saxton | |
| Lowey | Schakowsky | |
| Lucas (OK) | Schrock | |
| Maloney (CT) | Scott | |
| Manzullo | Serrano | |
| Markey | Shaw | |
| Mascara | Sherman | |
| Matsui | Sherwood | |
| McCarthy (MO) | Shuster | |
| McCarthy (NY) | Simmons | |
| McCollum | Simpson | |
| McCrery | Skeen | |
| McDermott | Skelton | |
| McGovern | Slaughter | |
| McHugh | Smith (TX) | |
| McIntyre | Solis | |
| McKeon | Souder | |
| McKinney | Spratt | |
| McNulty | Stark | |
| Meehan | Stenholm | |
| Meek (FL) | Stump | |
| Meeks (NY) | Stupak | |
| Mica | Sununu | |
| Millender-McDonald | Sweeney | |
| Miller (FL) | Tanner | |
| Miller, Gary | Tauscher | |
| Miller, George | Tauzin | |
| Mink | Taylor (NC) | |
| Mollohan | Terry | |
| Moore | Thomas | |
| Moran (VA) | Thompson (CA) | |
| Morella | Thompson (MS) | |
| Murtha | Thornberry | |
| Myrick | Tiahrt | |
| Nadler | Tiberi | |
| Napolitano | Tierney | |
| Neal | Towns | |
| Nethercutt | Traficant | |
| Ney | Velazquez | |
| Northup | Visclosky | |
| Norwood | Vitter | |
| Nussle | Walsh | |
| Oberstar | Wamp | |
| Obey | Waters | |
| Olver | Watkins (OK) | |
| Ortiz | Watson (CA) | |
| Osborne | Watt (NC) | |
| Ose | Watts (OK) | |
| Otter | Waxman | |
| Owens | Weiner | |
| Oxley | Weldon (PA) | |
| Pallone | Weller | |
| Pascrell | Whitfield | |
| Pastor | Wicker | |
| Payne | Wilson | |
| Pelosi | Wolf | |
| Pence | Woolsey | |
| Peterson (PA) | Wynn | |
| Platts | Young (AK) | |
| Pombo | Young (FL) | |
| Portman | | |

NAYS—94

| | | |
|---|---|---|
| Andrews | Herger | Ross |
| Baker | Hill | Royce |
| Baldwin | Hilleary | Ryun (KS) |
| Barcia | Hoekstra | Sandlin |
| Barr | Hostettler | Schaffer |
| Barrett | Inslee | Schiff |
| Bartlett | Israel | Sensenbrenner |
| Berkley | Johnson (IL) | Sessions |
| Berry | Jones (NC) | Shadegg |
| Boswell | Kerns | Shays |
| Brown (OH) | Kildee | Shimkus |
| Carson (OK) | Kind (WI) | Shows |
| Chabot | Kucinich | Smith (MI) |
| Coble | Langevin | Smith (NJ) |
| Conyers | Larsen (WA) | Smith (WA) |
| Costello | Lucas (KY) | Stearns |
| Cox | Luther | Strickland |
| Crane | Maloney (NY) | Tancredo |
| Crenshaw | Matheson | Taylor (MS) |
| Davis (CA) | McInnis | Thune |
| DeFazio | Menendez | Thurman |
| Deutsch | Moran (KS) | Toomey |
| Diaz-Balart | Paul | Turner |
| Duncan | Peterson (MN) | Udall (CO) |
| Etheridge | Petri | Udall (NM) |
| Evans | Phelps | Upton |
| Goode | Pickering | Walden |
| Goodlatte | Pitts | Weldon (FL) |
| Green (WI) | Pomeroy | Wexler |
| Hall (TX) | Putnam | Wu |
| Hayworth | Ramstad | |
| Hefley | Rohrabacher | |

NOT VOTING—5

| | | |
|---|---|---|
| Blumenauer | Scarborough | Spence |
| Lipinski | Snyder | |

□ 2057

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

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTION OF MEMBER TO COMMITTEE ON ARMED SERVICES

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 207) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 207

*Resolved,* That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Armed Services: Mr. Larsen of Washington.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would announce that further proceedings on the motion to suspend the rules and pass H.R. 1954, as amended, originally postponed on Tuesday, July 24, 2001, will resume tomorrow.

## PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, I regret to report that on July 19 I inadvertently voted the wrong way during rollcall number 255 on House Joint Resolution 50, Disapproval of Normal Trade Relations for China.

I mistakenly recorded my vote as no. My vote should have been an aye for disapproval.

## CHINA NORMAL TRADE RELATIONS

(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, I want to build a strong relationship between the United States and China, but the normal trade relations China enjoys with the United States have done little to build a strong and mutually beneficial relationship between our two nations. It promotes few of our values or of our economic interests. China has engaged in unfair trade practices, pirated intellectual property, spread weapons and dangerous technology to rogue nations, suppressed democracy, denied its citizens religious freedom, and engaged in human rights abuses.

In so doing, China has gladly profited. Our trade deficit with China has mushroomed from $17.8 billion in 1999 to over $100 billion in 2000.

The United States should use our trade laws with China to pressure for greater access for American companies and goods. I oppose NTR for China because we need to let China know that more of the same is not acceptable. It is vital that we insist on fair and equal standards in compliance with all aspects of our trade laws. Until this happens, I cannot support NTR.

## MAKING IN ORDER ON JULY 25, 2001, OR ANY DAY THEREAFTER, CONSIDERATION OF H.J. RES. 55, DISAPPROVING EXTENSION OF WAIVER AUTHORITY CONTAINED IN SECTION 402(c) OF TRADE ACT OF 1974 WITH RESPECT TO VIETNAM

Mr. GOSS. Mr. Speaker, I ask unanimous consent that it be in order at any time on July 25, 2001, or any day thereafter to consider in the House the joint resolution, House Joint Resolution 55,

disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman of the Committee of Ways and Means (in opposition to the joint resolution) and a Member in support of the joint resolution; that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder the first session of the 107th Congress.

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

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 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 gentleman from Florida (Mr. DEUTSCH) is recognized for 5 minutes.

(Mr. DEUTSCH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## ON THE 27TH ANNIVERSARY OF THE 1974 ILLEGAL TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, it is my honor and privilege to commemorate the 27th anniversary of the 1974 illegal Turkish invasion of Cyprus. I have commemorated this day each year since I have become a Member of Congress; and, unfortunately, each year the occupation continues.

The continued presence of Turkish troops represents a gross violation of human rights and international law. Since their invasion of Cyprus in July of 1974, Turkish troops have continued to occupy 37 percent of the island. This is in direct defiance of numerous U.N. resolutions and has been a major source of instability in the eastern Mediterranean.

Recent events have created an atmosphere where there is now no valid excuse to avoid resolving this long-standing problem.

Peace in this region cannot happen without continued and sustained U.S. leadership, which is why I am heartened that President Bush, like his predecessor, President Clinton, is committed to working for reunification of Cyprus.

He recently stated, and I quote, ''I want you to know that the United States stands ready to help Greece and Turkey as they work to improve their relations. I'm also committed to a just and lasting settlement of the Cyprus dispute.''

I was also encouraged to read last week that the European Union considers the status quo in Cyprus unacceptable and has called on the Turkish Cypriot side to resume the U.N.-led peace process as soon as possible with a view toward finding a comprehensive settlement.

Now is the time for a solution. More than 20 years ago, in 1977, in 1979, the leaders of the Greek and Turkish Cypriot communities reached two high-level agreements which provided for the establishment of a bicommunal, bizonal federation.

Even though these agreements were endorsed by the U.N. Security Council, there has been no action on the Turkish side to fill in the details and reach a final agreement. Instead, for the last 27 years, there has been a Turkish Cypriot leader presiding over a regime recognized only by Turkey and condemned as ''legally invalid'' by the U.N. Security Council in Resolution 541 and 550.

Cyprus has been divided by the green line, a 113-mile barbed wire fence that runs across the island, and Greek Cypriots are prohibited from visiting the towns and communities where their families have lived for generations.

With 35,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world. This situation has also meant the financial decline of the once rich northern part of Cyprus to just one-quarter of its former earnings.

Perhaps the single most destructive element of Turkey's fiscal and foreign policy is its nearly 27-year occupation of Cyprus. We now have an atmosphere where there is no valid excuse for not resolving this long-standing problem.

Cyprus is set for movement into the European Union in 2004. I am hopeful that this reality will act as a catalyst for a lasting solution of the Cyprus challenge. EU membership for Cyprus will clearly provide important economic, political, and social benefits for all Cypriots, both Greek and Turkish alike. This is why both sides must return to the negotiating table without any conditions.

There is also a new climate of cooperation between Turkey's Ismail Cem and Greece's George Pappandreou, and this is a very positive sign. More has been achieved in a year than what has been achieved in the past 40 years, but this cooperation needs to extend to the resolution of the Cyprus occupation.

While the U.S., the EU, Greece, and Cyprus have all acted to accommodate Turkish concerns, it remains to be seen whether Turkey will put pressure on Rauf Denktash to bargain in good faith. Make no mistake about it, if Turkey wants the Cyprus problem resolved, it will not let Denktash stand in its way.

Now is the time for a solution. It will take diligent work by both sides, but with U.S. support and leadership I am hopeful that we will reach a peaceful and fair solution soon.

Twenty-seven years is too long to have a country divided. It is too long to be kept from your home. It is too long to be separated from your family.

We have seen many tremendous changes around the world. The Berlin Wall came down. There are steps towards peace in Ireland. It is now time to add Cyprus to the list of places where peace and freedom have triumphed.

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

(Mr. BILIRAKIS 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 Extension of Remarks.)

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

(Mr. KIRK 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 Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois 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. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF 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 Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## THE INTERNATIONAL SPACE STATION PROGRAM DESERVES OUR CONTINUED SUPPORT

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

Mr. LAMPSON. Mr. Speaker, I wanted to come here this evening and talk to my colleagues for a few minutes about the VA–HUD bill that is going to come up tomorrow and talk specifically about potential amendments that are going to be made.

It is important for us to lend our support to the overall NASA budget and, specifically, manned space exploration and those items that center around the International Space Station.

There has been an awful lot of talk in the last several weeks about potential cuts in the International Space Station because of the overruns that had been talked about for a long period of time. We are looking at building a facility that has never been built before and doing things that are absolutely new technology. The guesses in the expenditures of what it was going to take to create this facility have not always been right; and, unfortunately, we are facing more costs than what we originally anticipated.

Something has to be done about that. We hope we will find a way in our committees to ask the tough questions of the contractors and of NASA to make sure that we get a better handle on what is going to be spent in the future with regard to any space activity, whether it is manned or robotic.

But, right now, we are making some real serious decisions and potentially bad decisions with regard to the International Space Station. We are talking about taking parts of the International Space Station, such as the crew return vehicle, which allows a full crew of seven people to do the science necessary to get a return from our exploration in space.

If we stop the construction of the crew return vehicle, then we will only be able to accommodate three to six people on the International Space Station. If we did six, a total of two Soyuz return vehicles, one commander for each vehicle, that would dramatically reduce our ability to do the science that we have built the International Space Station for in the first place.

A lot has been done, and we have succeeded in getting significant amounts of monies put into the appropriations bill, which will be considered tomorrow in the VA–HUD and Independent Agencies appropriation bill.

Some of those amendments will be Space Station-killing amendments, so I am here to ask my colleagues to give very serious consideration to anything that would stop this huge investment that we have made and the opportunity for us to get a significant return on that investment over the next many years, an investment in knowledge of what is out beyond Earth's surface; what we might be able to gain in knowledge as we explore space that could change our health, our lives, knowledge-wise as far as why human beings are here; or perhaps something as simple as a solution to or a cure for a particular illness.

Those are the things we have gotten out of our space exploration for decades, and it is interesting to note some statistics: that in the 1960s, during the Apollo period, in the 1960s and 1970s, 4 percent of our Nation's budget went to NASA, 4 percent. Today, that amount is less than six-tenths of 1 percent.

It is also interesting that some of these amendments that may be considered tomorrow that will replace money from NASA, take money away from NASA and put it either into the VA or HUD parts of that bill, let us consider what has happened to Housing and Urban Development, as an example. They have had an increase from $16 billion to $31 billion in the last several years. The Veterans Administration has had increases from $40 billion to $50 billion, a 25 percent increase only in the last 4 or 5 years.

We want to support both of those. I will be supporting them. Both have had significant increases in this year's appropriation. The NASA budget has stayed flat, at $14 billion, for the last many years. It is time for our commitment to space to be reiterated, to be spoken of again in a way that we spoke of it in the 1960s.

I remember when President Kennedy challenged our country to send a man to the moon and return him safely within a decade, and we did it. It changed the way we educated our children, it changed the way we did business. It brought huge returns to us.

So, in wrapping this up, I ask my colleagues to pay very much attention to the VA–HUD appropriation tomorrow and to support NASA in every way they can.

□ 2115

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## COMPACT DIVISIVENESS COULD DAMAGE DAIRY INDUSTRY

The SPEAKER pro tempore (Mr. FERGUSON). Under a previous order of the House, the gentleman from New York (Mr. SWEENEY) is recognized for 5 minutes.

Mr. SWEENEY. Mr. Speaker, recently, the Fort Atkinson, Wisconsin-based national dairy farm magazine, Hoard's Dairyman, on its editorial page, expressed its support for the continuation of the Northeast Dairy Compact and allowing other regions of the country to form their own compacts. As a representative of a Congressional District with a large dairy producing population, and as a strong advocate of States' rights, I implore my fellow Members to keep an open mind on the complex interstate dairy compact issues.

I would like to read this thought-provoking editorial from the prestigious dairy magazine from the heart of dairy country, Wisconsin.

''Editorial comment: Compact Divisiveness Could Damage Our Industry. Hoard's Dairyman. Fort Atkinson, Wisconsin. July 2001.

''Dairy compacts, in the eyes of their proponents, help stabilize and boost dairy farmer incomes by flooring Class I prices. Opponents see compacts as an unconstitutional restraint of commerce, a rip-off of consumers and processors, and distortion of supply and demand. We see the compact ''cup'' as being half full rather than half empty. That is why we support continuation and extension of the compact concept. We do so for the same reasons we work together to improve and stabilize their incomes.

''To us, compact pricing is of little difference to the overorder Class I premiums negotiated across the country by the dozen or more groups of dairy co-ops working together. Compacts are different in that they are not voluntary. Rebel processors and producers cannot circumvent the system by undercutting established prices. And unlike marketing federation boards, compact commissions represent consumers, processors, as well as producers.

''The Northeast Dairy Compact has improved incomes for dairy farm families, without hurting milk consumption or adding to price support costs. There is even a provision for leaving food programs, such as Women, Infants, and Children programs, unaffected by higher milk prices. Nor has the Northeast Compact contributed to lower Class III prices, as many in the upper Midwest contend. We see no reason to prevent dairy farmers in the South or other regions from working together the same way.

''Our biggest fear about compacts is that the issue will further divide the industry that needs cohesion more than ever. Unless cooler heads prevail, we will shoot ourselves in the foot over compacts just as we have on many other issues.''

Mr. Speaker, it is a myth that upper Midwest farmers oppose dairy compacts. I urge my colleagues to pay attention to the growing support from across the country for dairy compacts. I look forward to working with my colleagues on both sides of the aisle from all States to advance this important legislation.

## 27TH ANNIVERSARY OF TURKISH INVASION OF CYPRUS

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. Mr. Speaker, tonight I join my other colleague, the gentlewoman from New York (Mrs. MALONEY), on the House floor to remember a horrific act taken by Turkey against the citizens of Cyprus 27 years ago.

On July 20, 1974, the Nation of Turkey violated international law when it brutally invaded the sovereign Republic of Cyprus. Following the Turkish invasion, 200,000 people were forcibly displaced from their homes and a large number of Cypriot people, who were captured during the invasion, including five American citizens, are still missing today.

Earlier this year, the Turkish government was rebuked by the European Court of Human Rights when the court overwhelmingly found Turkey guilty of massive human rights violations over the last 27 years in a scathing 146-page decision. In the case of Cyprus versus Turkey, the court concluded Turkey had not done enough to investigate the whereabouts of Greek-Cypriot missing persons who disappeared during life-threatening situations after the occupation.

The court also found Turkey guilty of refusing to allow the return of any Greek-Cypriot displaced persons to their homes in Northern Cyprus. Families continue to be separated by the 113-mile barbed wire fence that runs across the island. The court found this to be unacceptable.

Mr. Speaker, I was also troubled by the court's findings on the living conditions of Greek Cypriots living in the Karpas region of Northern Cyprus. Residents in this region face strict restrictions on access to religious worship, no access to appropriate secondary schools for their children, and no security that their possessions will be passed on to their families after their death.

By disregarding international law and order, and by defying democratic principles, Turkey has over the past 27 years remained an anachronistic hostage to the past rather than choosing to look to the future with renewed vitality for cooperation and development.

Since the invasion, all efforts towards finding a just, peaceful, and viable solution to the problem have been constantly met with intransigence and the lack of political will by Turkey. The United States, which is trusted by all sides in this conflict, has the ability to help move the peace process forward. We must continue to support the United Nations' framework for negotiations between the Greek-Cypriot and Turkish-Cypriot communities. But currently peace negotiations are at a standstill.

Over the years, I have become quite familiar with the Turkish side's of well-known negotiation tactics. The Turkish side agrees to peace negotiations on the Cyprus problem only for the purpose of undermining them once they begin and then blames the Greek Cypriots for their failure. Once again, face-to-face negotiations that were scheduled for January have never occurred because Turkish Cypriot leader Rauf Denktash refuses to attend.

Mr. Speaker, while the U.S. should do everything possible to restart the U.N. negotiations, it should be made crystal clear to the Turkish leadership and Mr. Denktash that their unacceptable demand for recognition of a separate state in order to return to the negotiating table are completely unacceptable. No effort should be made to appease the Turkish Cypriot leader in order to return to the negotiating table.

And not only should Mr. Denktash return to the negotiating table, but he should negotiate in good faith in order to reach a comprehensive settlement within the framework provided by the relevant United Nations Security Council's Resolutions. These resolutions establish a bizonal, bicommunal federation with a single international personality and sovereignty and a single citizenship.

Mr. Speaker, for 27 years now, the people of Cyprus have been denied their independence and freedom because of a foreign aggressor. I urge all of my colleagues to join me in remembering what the Cypriot people have suffered and continue to suffer at the hands of the Turks. I also urge my colleagues to join me in pressuring the administration to focus American efforts to move the peace process forward on the Turkish military, which has real and substantial influence on decision-making in the Turkish government.

## MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I look forward to spending this evening talking to my colleagues about an issue that I think is fundamentally important to not only this generation in America but to every future generation in America, at least as far out as we can see. It is also an issue that is absolutely critical for our friends and allies throughout the world. It is missile defense.

Now, I hope this evening to be joined by my colleague, the gentleman from Nebraska (Mr. OSBORNE), and the two of us will go through missile defense and talk a little about the necessity for it.

We have heard a lot of rhetoric here in the last few weeks about how missile defense is going to set off an arms race, about how missile defense does not make any sense, about how missile defense is not technologically feasible. But tonight I want to go to the facts, to cut through the rhetoric, and I want to get right to the meat. Because this issue is so critical for us, we cannot afford to let the substance be diluted by the rhetoric. Again, do not let the substance of missile defense for this country be diluted by rhetoric, because all of us lose.

I was at the World Forum in Vail, Colorado 2 or 3 years ago. Vail is in my district out in Colorado. And the World Forum, put on by President Gerald Ford, was a fabulous thing. Leaders from all over the world came there. Margaret Thatcher spoke. And when Margaret Thatcher spoke, you could almost hear a pin drop at this World Forum. She got up and said in response to a question on missile defense, she said to the leaders of the United States and to the leaders of the United Kingdom, you have an inherent responsibility. Now, remember, her whole sentence I am about to cite, her whole answer is maybe two or three sentences. But her response was that you have an inherent responsibility to the people that you represent to protect them, and failure to do so would be dereliction of your duty. Now, that is a summary of what she said. Failure to do so would be dereliction of your duty.

We have a known threat out there. We know there are missiles aimed at the United States of America. We know that there are other countries, and not just what used to be the Soviet Union, which was the big threat in my generation.

When I was a young child I remember my mom and dad telling me, during the Cuban missile crisis, that we were probably going to go to war in the next few hours. I remember the fallout shelters. And as I grew up, everything was Russia; the Soviet Union, the Soviet Union is going to launch an attack. And, of course, we in the mountains of Colorado were worried because we had Cheyenne Mountain, the headquarters for NORAD over in Colorado Springs.

But has the threat subsided? The threat has not subsided. I do not understand the reasoning of some of these people who are trying to convince the American people that the threat of a missile attack has subsided. In fact, I would venture to say that the threat of a missile attack has actually increased, because we now have a multitude of nations that have tested nuclear weapons. We know there are a multitude of nations out there that have missile technology.

We know, for example, that when the Soviet Union was the Soviet Union they had very strict control over their weapons. Today, we do not know what kind of control they have over their weapons. We know that we have China that is attempting to build up its military. And, frankly, I think China and Russia, as it now is, are more manageable than say a North Korea or a Pakistan or an India or over in the Middle East or some terrorist group.

And, God forbid, what if we had an accidental launch against the United

States of America? What if somebody did not want to destroy the United States, what if somebody just launched by accident a nuclear missile for New York City? How strong do my colleagues think their rhetoric would stand up the day after that missile hit, or the minute after that missile hit, after standing on this floor and saying that we should not have a missile defense; that a missile defense is going to start off an arms race; that we should not defend our people; we should stick to an old treaty, a treaty that was drafted in 1972, 30 years ago.

How many of my colleagues are driving a 30-year-old car today? How many people do that? How many of my colleagues are using 30-year-old technology in their offices? How many people use 30-year-old technology in their airplanes? We do not do that, and we should not use that kind of technology to defend this country.

Now, what am I talking about? What treaty am I talking about? It is called the Anti-ballistic Missile Treaty. Let us talk about the Anti-Ballistic Missile Treaty. First of all, let me say to my colleagues that the theory of the Anti-Ballistic Missile Treaty was about really only two countries. There were two nations in the world that were capable of any kind of significant missile launch against somebody else in the world. One, the United States of America, and, two, the Soviet Union. These two superpowers possessed not only the knowledge of nuclear weapons, but they also had the capability of delivering these weapons, and delivering these weapons in multitudes and with deadly accuracy.

So the theory of the Anti-Ballistic Missile Treaty in 1968, 1969, and 1970, was, hey, look, Russia and the United States, and by the way I do not agree with this theory, but the theory was the best way for the United States not to attack Russia and the best way for the Soviet Union not to attack the United States was for both of them to agree not to build a defense. Because if these two countries have a missile, theoretically, and each knows it could be destroyed by that missile because it cannot defend against it, then each country will be less reluctant to fire their missiles. That is the theory of what happened.

Now, what does this treaty contain? Let us take a look at a little of what the treaty says, because it is important. I will refer to my poster here to the left. Article I: Each party undertakes to limit anti-ballistic missile systems and to adopt other measures.

And I will just summarize some of these. There is no need to go through each sentence. Each party undertakes not to deploy anti-ballistic missile systems for defense of the territory.

Now, remember, as we go through this treaty and as I talk tonight, I am not talking about the development of offensive weapons. The United States has significant offensive weapons.

□ 2130

I am talking about defensive weapons. I am not talking about firing a missile against another country, I am talking about defending the United States of America. So my discussion tonight is not as an aggressor. My discussion this evening with you is as a defender. A defender of the territory of the United States of America. And by the way, we should expand that as a defender of our allies in this world.

For the purpose of this treaty, an ABM system is a system to counter strategic ballistic missiles. Each party undertakes not to develop, test or deploy a defensive system which is sea-based, air-based, space-based or mobile land-based.

So in this treaty, the United States of America agrees with the Soviet Union, which as my colleagues know, the Soviet Union no longer exists. It has been broken into a number of different countries. Each party undertakes not to develop, test, or deploy a defensive weapon system. That is what that paragraph says. To ensure assurance of effectiveness of the ABM, each party undertakes not to give missiles, launches, or radars, other than ABM interceptor missiles, et cetera, or their elements in flight trajectory, and not to test them in a mode.

That says you cannot test. If the United States determines that they want to test some type of system to defend our country, we cannot do it under this treaty. This treaty is not cloudy. It is black and white. It is very clear in its definitions. If you want to build a defensive system for your Nation, you are not allowed to under this treaty. There is no way around it. This treaty is totally incompatible with our Nation or any nation, well, our Nation or the Soviet Union because there are only two parties to this agreement, the Soviet Union and the United States.

It is totally incompatible with this treaty for the Soviet Union or the United States to build some type of defense to protect their country from an accidental launch or an intentional launch of a missile against their country as long as this treaty exists.

They understood that this treaty may not be good forever. In fact, they put provisions in the treaty. They had the foresight, they had the foresight to put provisions in this treaty which would allow the parties to the treaty, again the Soviet Union and the United States, which would allow these parties to leave the treaty. To go out of the treaty.

I have heard recently and when I have read some of the press, some of you off this floor, frankly, who have made announcements that the United States would break a treaty. What would give any Nation the desire to make a treaty with the United States if the United States broke their word and broke these treaties.

We are not breaking the treaty. The treaty has contained within its four corners, within the four corners of the document, it has contained provisions of how to withdraw from that treaty.

So any representation by anyone that the United States of America through the Bush administration, which I commend for their leadership on this issue, any representation that withdrawal from this treaty is a breaking of the treaty is incorrect. The treaty itself contains provisions that allow withdrawal from the conditions of this treaty.

Again to my left on this poster, this is the article. This treaty shall be of unlimited duration. Each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty. It is a right. It is a right we retain for ourselves. It is a right the Soviet Union retained for themselves, and that is the right to be able to withdraw from this treaty. You have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interest. It shall give notice to the other party 6 months prior to the withdrawal from the treaty. Such notice shall include a statement of the extraordinary events of the notifying party in regards as having jeopardized its supreme interest.

Do we have circumstances which would justify extraordinary events? You know something, that is the easiest question of the night to answer. Have events occurred that are extraordinary in their nature which would allow us to withdraw from a treaty which prevents the United States from defending itself against missile attacks?

Number one, the Soviet Union is not around any more.

Number two, it is called Russia, Ukraine and other nations. The Soviet Union at that time in 1968, 1970, when these treaties were being negotiated, there was only one other country that had the capability to deliver missiles to the United States of America, and it was the Soviet Union.

Let me show you today what we have got. It is no longer just Russia. Look at my poster to the left. It is no longer just Russia. No longer just the Soviet Union. Today North Korea has the capability to hit the West Coast with their nuclear missile. Pakistan has nuclear capability and missiles.

India has nuclear capability and missiles. Israel has nuclear capability and missiles. China has nuclear capability and missiles. How much further do I have to go to justify extraordinary circumstances? Just one more nation other than the Soviet Union, in my opinion, justifies extraordinary circumstances.

Let me go on. And other countries have all successfully detonated nuclear weapons, in addition, Iraq, Iran. Do those strike some kind of familiar sound? Do my colleagues remember a war not too long ago? In addition, Iran, Iran and Libya all have ballistic missile technology that they could use to

deliver either a chemical or a biological attack.

So we are not just talking about a nuclear warhead on top of one of these missiles. We are talking about the capability to deliver a biological weapon, some type of chemical weapon. These countries can destroy large portions of the United States of America; and we on this floor and our administration down the street, and the Senate on the other side, we have, as Margaret Thatcher has said, we have an inherent responsibility to protect the citizens of this country.

So how can anybody stand on this floor and say we should not have a missile defense or the President is wrong because he said this ABM treaty, you cannot have the ABM and the missile defense both. The treaty does not allow for it.

What the treaty does allow, it says in the treaty. The treaty says if you want to build a missile defense, you can withdraw from the treaty. We are not breaking the treaty, we are exercising our rights that we negotiated 30 years ago. That is to pull out of the treaty and build a defensive system for this country.

By the way, the President just recently returned from Europe, and I have seen a lot of press about how the Europeans are opposing President Bush and his missile defense. He is some kind of roving cowboy.

In Europe in the last few days, people are beginning to say, their leaders are saying, that George W. Bush is on to something. Somebody could launch a missile against Italy. Somebody could launch a missile against Spain, against London. We do not want to offend our other European brothers, but maybe we ought to look at it and see what Bush has in that bag.

The United States, by the way, is going to make it technologically feasible; and I will address that in a few minutes. The Europeans are saying, I know what everybody is saying on the podium, and I know what the European press is saying, but frankly as a leader of my country, I have an obligation to defend it.

So guess what happened last weekend? Italy's premier came out and said in a very aggressive nature, we support a missile defense system, and we encourage the United States of America to rapidly develop the technology to protect countries in this world from attack by a missile containing either biological, chemical or nuclear weapons.

Italy, the second one to jump on board. Our good friends, the United Kingdom, who have been wonderful allies, are on board. Guess who else? Spain. Spain is out there saying it is not such a bad idea. Maybe the best way, maybe the people that are most opposed to weapons in my opinion should be the strongest proponents of this.

What is the best way to make a missile ineffective? It is the capability to defend against it. Whether it is in Europe or the United States of America, those people that oppose the development of missiles that are opposed to any kind of violence, they ought to be the first ones signing on the bottom line. They should say the United States has come up with a pretty good idea.

Let me tell you that iron wall in Europe in opposition to American development of a missile defensive system, is showing significant cracks. It is my opinion, and the French usually lag behind, but it is my opinion that most of the European allies of ours and NATO over time will adopt the policy of the United States, and that is to defend their country from a missile attack.

Let us talk just for a moment about what happens if we do not, just to give you an idea.

On a Trident submarine, and the United States has Trident nuclear submarines. We have the most powerful military in the world. In fact, we have the most powerful military in the history of the world. We ought to have.

I had kind of a fun thing happen the other day. I love high school students to stop by. The 4–H students stop by. The Boy Scouts stop by. We have some leadership programs back in Washington stop by. Usually we have groups, and I open it up for questions. One of the questions was from one of the students, and these questions are bright questions. This generation coming out, they are a bright generation. I have a lot of hope for the future of this country just based on these young people I have had the opportunity to meet. But back to the question.

A high school student asked me, he said, Why do we need the CIA? Why do we need spies? My teacher, he implied his teacher thinks our country is being bad in essence because we have spies.

I said, Let us answer that question. How many of you in here play high school sports? Almost everyone raised their hands. I asked one of the young ladies what sport she played. She said, I play basketball.

I said, Tell me this. Before you play an opposing team, do you know the height of the person you are going to guard? Yes.

Do you know how many baskets that lady made in the previous games? Yes.

If it is a championship game, does somebody film them playing a prior game? Yes.

I said, That is gathering intelligence. By gathering intelligence, you are able to disarm, dispose of the threat before the threat becomes destructive. That was one point.

The second point, somebody asked why do we need such a strong military. I said it is very simple. This young man's name was John. I said John, if you were a black belt in karate and everybody in your class knew that and everybody knew if they tried to take your lunch or take something of yours, you would break their neck, how many fights do you think you would be in? John answered correctly, probably none. That is right.

By having a strong military, and my theory, by having a strong military defense for your country, by defending the citizens of your Nation, you will avoid violence. You do not bring on violence, you avoid violence because the people who decide they want to undertake a violent act against you understand that there are repercussions that have a deadly impact. Or if we put up a missile defense system, they understand that they may not be able to produce any type of weapon that could give that harm to a missile. It makes a lot of sense for the United States to have a strong military.

□ 2145

It makes a lot of sense for us to be able to defend this country. Let us take a look at what happens.

Let me step back just for a moment. The Trident submarine, nuclear launching base. We probably have 18 or so of those out there. I am not giving you anything that is classified, obviously. We probably have 10 or 12 of them at sea at any given time. Do you know that one Trident submarine, one nuclear submarine of the United States, has more firepower than all of the countries combined for all the years of World War II? That is how powerful. A nuclear submarine can launch 195 nuclear warheads. We have a powerful force out there.

But the other side has got a powerful force, too. And no matter how many submarines you have out there, you have got to have the capability not to just fire a missile if that, God forbid, ever became necessary, you have got to have the capability to stop an incoming weapon. Because if you do not, the odds of you having to fire your missiles out of one of those deadly submarines becomes much higher. If somebody shoots a missile at the United States of America and we are able to intercept it on its launching pad through a space intercept method or we can intercept it in space, we could prevent a war.

Let us say, for example, that somebody launches a missile by accident, an accidental launch. Let me tell you, it happens. We have planes that crash by accident. As we all know the tragedy, we lost a spacecraft by accident. Accidents happen. It is logical to say that, at some point in the future, there might be an accidental launch of a nuclear weapon or an accidental launch of a weapon containing chemical or biological elements that would be devastating to this country. If we knew we had an inbound missile coming in and we did not have the capabilities to stop it, we may very well go to war with that country. If that missile hit, for example, New York City or if it hit Washington, D.C., or it hit Orlando, Florida, we may very well go to war instantaneously. Our retribution would be quick, and it would be decisive.

But what if we found out later that the launch was by accident? What the missile defense system allows us is if the missile defense, if we have got that

capability and there is an accidental launch that comes over and we are able to successfully stop that missile from hitting the mainland United States, we may have an allowance of time to find out that it was not an act of war, that it was an accident and because we had a missile defense system in place, we stopped the next world war. That alone justifies what President Bush is attempting to do and that is build a missile defense system for the United States.

Do we have the technological capability? Of course we do. We do not have it all in-house today, but about 2 weeks ago, remember, we did a test. We have had four tests. Two of them have failed. Two of them have been successful. Remember that when the Wright brothers flew their airplane or when we ran the car, any other major invention, the first time, how many space missions we had to have before we could finally figure out and how much money we went through, how to land on the moon or how to fly an airplane or how to make a car.

We are going to have failures. This technology is advanced. Remember that in order to intercept a missile in the air, en route, somebody told me one time it is the equivalent of throwing a basketball from San Francisco and making it through the hoop in Washington, D.C. This is tough technology.

Two weekends ago, the United States of America fired a missile. That missile was traveling 4½ miles a second. Imagine, a bullet, 4½ miles a second inbound. We fired a missile to intercept it, and it was traveling at 4½ miles a second. 4½ miles, 4½ miles, and we have got to bring the two together, and they cannot miss by that far. They cannot miss by a foot. They have got to hit. Guess what happened? We brought the two missiles together. We intercepted.

We will have the technology. We will have the technology to make a missile defense system in this country possible. We have an obligation to put on an expedited basis the necessary resources that it is going to take to bring us that technology.

Let me give you an idea of what just a couple of missile heads would do if we do not defend, for example, and somebody fired a two-warhead attack on Philadelphia. Two warheads, one-megaton devices, detonating the results. If they fired one warhead with two heads on it, just one, with two on it, we would have 410,000 people killed like that.

Some of my colleagues and some of the scholars in this country are saying and criticizing this country for saying that it should develop a system that will stop an inbound missile, that will stop a two-headed missile from wiping out 410,000 people in Philadelphia. What do we do today? If some foreign country, just so you know where we are today, one, we have a treaty that says we cannot defend ourselves with a missile defensive system. And, two, we today have a detection unknown before in the history of the world. It is called NORAD. It is located in Colorado Springs, the district of the gentleman from Colorado (Mr. HEFLEY), Colorado Springs, Colorado. NORAD has the capability to detect a missile launch anywhere in the world, and they can detect it within a few seconds.

So our country today, within a couple of seconds, can detect a missile launch anywhere. We can tell you within a few seconds more where that missile is going, at what speed it is going, the likely type of missile it is and where its target is.

But after that today, what can our country do? We can call up Philadelphia and say, you have an inbound missile, it has got, we think, two warheads, a minimum of two warheads on it. It is going to hit in 16½ minutes. That is all we can tell you. There is not anything we can do for you. We will pray for you, and we have alerted the White House so that we can prepare to go to war immediately. The President is prepared to launch an all-out nuclear retaliatory attack.

Why should we have to go through that? Why should we have to go through what at some point in the future is not going to be a test but is going to be a realistic either accidental or an intentional missile launch against the United States of America when we do not have to do it, when we can stop it? This may very well be the secret to stopping a war in the future.

So why would any of my colleagues oppose the President's position, number one, that the treaty, the antiballistic missile treaty is not valid. You cannot have that and a missile defense system at the same time. Do not think there is a way to tiptoe around the treaty. Do not think there is a way to talk fuzzy, warm talk and pat the Russians on the back and tell our European friends that, okay, we will do this, water it down a little here and there.

The fact is very clear and simple. You cannot have the treaty and have the missile defense system. You have got to do something with the treaty. The treaty allows you to do it.

We are not breaking the treaty. I have said this three times in my comments this evening. The President is not advocating the breaking of a treaty. The President, the Vice President, the Secretary of Defense, the Secretary of State and Condolezza Rice, they are not saying break the treaty. What they are bringing to our attention, and they are absolutely correct, what they are bringing to our attention is that the treaty contained within its own four corners allows us the rights, we have rights within this treaty, the right to withdraw from this treaty so that we can properly defend our country if extraordinary circumstances occur.

As I said earlier, what more extraordinary circumstances do you need as justification other than the fact that North Korea, India, Pakistan, China, Iraq, Iran, and several other countries now have nuclear capability and have missile technology?

Mr. Speaker, the old days of only the United States and the Soviet Union having missiles are over. Our generation, my generation, worried about the Soviet Union, but that is all we had to worry about was the Soviet Union as far as a missile attack with nuclear capability. That is what we had to worry about. Unfortunately, for the generation behind us, they have a multitude of concerns that they are going to have to worry about unless we accept our responsibilities in this generation and that is the responsibility of some type of vision to defend this country so that, as this new generation comes of age in our country, they are going to be able to relax knowing that if somebody launches accidentally against the United States or intentionally against the United States we will not have to sustain casualties in the hundreds and hundreds and hundreds of thousands. We will not have to do it because we will have the capability to defend against it.

Now, some of my colleagues, interestingly, have said, and some of the press, ''Well, let's just have a very limited missile ballistic system. Let's just have a few defensive missiles in Alaska and nowhere else in the country. Let's just have a little bit.''

Give me a break. Give me a break. You cannot do it halfway. You cannot afford to be derelict in your responsibility. You cannot afford to say to the United States of America, all right, we will protect this portion of the Nation, but the rest of you, because it happens to be politically correct today, we are not going to put a missile defensive system that will help you.

By the way, the missile attacks may not necessarily come against the cities. A good place for a missile attack may be Hoover Dam, knock out 70 percent of the water in the West, knock out the power generation. Psychologically, think of what you would do to a country. You could hit a nuclear generation facility. There are a lot of different targets out there. You cannot just say we are going to defend a little tiny part of the country. That is what some of my colleagues are saying.

I think some of my colleagues have picked this issue up not because they really believe that the United States should not have a missile defense system. I think some of my colleagues have picked this issue up simply because it is a big issue for our new President, George W. Bush, and so politically they are searching for something to attack the President on and this happens to be what they have gotten.

Let me beg all of you, and I said beg. I do not like begging anybody—neither do you—but let me beg each and every one of you, do not use this as your political issue. This is the wrong issue. From a bipartisan point of view, we all

have an obligation, as fundamental as protecting our children when they were babies. We have a fundamental obligation to the people we represent to provide a defense for them, to make sure that nobody, friendly in case of an accidental launch or unfriendly in case of an intentional launch, we have an obligation to give our people the maximum protection, the maximum protection against that type of an attack.

Let us talk about the system the President has proposed.

Real briefly, before we get into that, let me just show this poster because I think this poster accurately reflects and gives you an idea. Remember, that in 1972 when the Soviet Union and the United States signed the Antiballistic Missile Treaty, this map only had two areas of blue color, over here in the Soviet Union and right here in the United States of America. Look at where we are today. Look at where we are today. These colors reflect right here countries possessing ballistic missiles.

Take a look at the number of countries that we have on this poster to my left. Let us start over in the extreme left, the Ukraine, UAE, U.S. obviously, Vietnam, Yemen, Taiwan, Syria, South Africa, Slovakia, Saudi Arabia, Russia, North Korea, South Korea, Libya, Pakistan, Poland, keep going, Iran, Iraq, Israel, Hungary, China, Croatia, Czech Republic, Egypt, France, Afghanistan, Algeria, Argentina, Bulgaria. Take a look at that.

Let me say, look to my left at this poster. How can any one of my colleagues say that with this kind of threat, and everywhere there is purple there is a threat to the United States of America, with this kind of a threat you are saying to the people of the United States of America that we should not be able to defend against this? How can you look at your constituents when you go back to your district? Or, even more importantly, how can you look at yourself in the mirror and say that under these kind of circumstances with this kind of current existing threat, not even assuming what will be in existence 10 years from now, but even under the current conditions of the threat, how can you look yourself in the mirror and say, I am not going to allow the country that I represent to build a missile defensive system?

□ 2200

You cannot do it. You cannot do it. We have that obligation. We owe it to the people of this Nation, and we have an obligation for vision to the people of the next generation and the next generation to make sure that no matter how spread over here on my left, no matter how spread this purple is, no matter how many countries in the world have missiles, we will have a missile defense system that will stop it. We will have a missile defense system that, by the way, we are willing to share with our friends. We can do it. We can do it, and we have an obligation to do it.

Now, let me shift. Earlier, as I said, I wanted to talk for a few moments about the capability of the technology that we have got. What do I envision of a missile defensive system?

Well, what we have got, we are going to have to have several elements of it. I do not have my diagram here this evening to show you, so I am going to explain it the best I can.

You do not want a missile defense system which intercepts the enemy missile or the accidental launch of a missile over the United States. That is the last resort. Why hit a missile over New York City? If it is going to hit New York City and you destroy it a mile above New York City, you may in fact have more casualties. You do not want to have to bring down a nuclear missile over the air space of the United States of America. So that is the last choice you want.

Now, that may be, under some circumstances, the only alternative you have got. But under the technology we are trying to develop, and, let me tell you, if the United States of America can put a man on the moon, if the United States of America can discover penicillin and utilize it in this country, if the United States of America can do some of the amazing accomplishments that we have done, whether it is the invention of the airplane, cars or et cetera, et cetera, et cetera, we can develop the technology to do what I envision, what the President envisions, the type of defensive system we need.

What would it include? It would have to have a space laser intercept. The advantage of being able to utilize a defensive satellite with laser intercept in space is that you can move that satellite to any trouble spot. So if, for example, and again referring to my map on the left, if, for example, we end up with a problem down in this area, and we have got a satellite defense system over here, take a look at this poster to my left, we can move the satellite so it is right over the country that is our threat.

Now, obviously if we have an accidental launch, we want to be able to pick that accidental launch up. But a lot of our threat in the future will begin with or be preceded with tensions between the countries. There will be high tensions. We will know that a conflict is approaching. So, as a defensive move, as a preemptive move, we will move our satellite over that vicinity where we think their missiles are located.

What we want to be able to do, the ideal situation is to destroy a missile that is targeted for the United States of America, to destroy that missile on its launching pad. Let the country that is going to send the missile our way, let them deal with the missile exploding on a pad right there in their own country.

How many countries do you think are going to want to fire a missile against the United States, a nuclear missile, or a biological missile, if they know that the United States has the capability of destroying that missile while it is still in their own country? There is not a lot of incentive to do that kind of thing.

So we have got a system that, upon its launch, or being able to destroy on its launching pad the missile. If the missile gets off its launching pad and begins to come across, then this is going to really be a three tier system, space, sea and land. So out over here, you are going to have to have intercept missiles based on ships that are going to be able to target and hopefully destroy that missile while it is out over the ocean, where it is going to have the minimal amount of impact.

Now, remember that any time you destroy a missile in air space, you still have air currents, so the fact that we destroy this missile out here somewhere over the Atlantic does not mean we are not going to have an impact over the continental United States. In fact, because of the air currents, we may very well.

But we do know this: We are a lot better off to destroy that missile here before it hits here in New York City or Colorado Springs or Los Angeles.

Finally, the third part of our technology, the land-based system would be our last resort, which means that our laser beam and our space defense system missed it, our ship sea defense system missed it, so we have got a final try, and that is our land-based system, as that missile comes into the final few miles before it hits its target.

My interest on discussing technology tonight is to tell you that the technology will be available; that the United States of America is leading every country in the world in the development of this technology; that this test that we had 2 weeks ago, where a missile was fired and approaching the target, 4½ miles a second, 4½ miles a second, our technology that we have right now, we were able to launch an intercept missile also going 4½ miles a second, and we were able to, in essence, bring two bullets together out there in the air space, and we stopped it. It was a successful test.

Now, we have a long ways to go, but we can accomplish this. I think one way to help us with this technology in this area is for us to give it political support.

My purpose here tonight is not to act like a scientist. I am not a scientist. I can no more tell you about nuclear physics, I am not much better at frying an egg than that. I can tell you about political support.

The President has stepped forward, I think in a very courageous manner, to say, look, somebody has to say what needs to be said, and what needs to be said is that the United States of America needs a defensive system; a defense not only against an intentional launch, but an accidental launch as well. And this President, George W. Bush, has had the courage to step forward.

All the politically correct people, the Europeans, people in our own country,

people on this House floor, jump up as an issue, not because I think they really believe in it, but as an issue, and say, how dare you talk about the United States having a defensive system, a system that would protect them from an intentional or accidental launch? How dare you do that. That is not politically correct.

But our President is determined, and our President has in his heart and has as a principle of his entire philosophy that he has inherent responsibility to the people of the Nation that he serves to protect them from a missile launch. So he said what has to be said.

We need to give that President political support. Do not take cheap shots off this floor. Do not go to your newspaper and talk about technologically it is impossible. Our former President, I heard a former President say this morning, I heard a quote about it is a technological impossibility or something similar to that.

Wake up. What happened 2 weeks ago? We do have the technology available to get us to the point we need to get that will provide a defensive system for this Nation, for this generation and for the following generations, to protect our own children, not just ourselves, but our own children and our grandchildren from a missile attack. So we will have the technology.

But we are not going to get to the technology and we are not going to get to the point where we can protect the citizens of this country if we do not have enough guts to stand up and do what is necessary, and that is give the political support to the President and to the administration with a green light to go ahead, and say, Mr. President, build a system that will protect your and our country. Mr. President, you have an obligation to defend this country. You are on the right track.

Every one of us in these chambers, to the person, ought to be willing to stand strong against political correctness and say to the world, Look, world: No matter how much you criticize, the United States is not going to make itself a target for many multitudes of countries in the future to launch a missile attack against us.

The United States will not allow itself to get into a position where some small country, or some large country, or any country, can intimidate, threaten, or force the United States to take an action they do not want to take, simply because they have the capability to launch a missile into a city in the United States of America. We owe this to the people. We owe it to them.

So let me in my remaining moments, these last 12 minutes, kind of reiterate the importance of the issue that we are talking about tonight.

Obviously Social Security is critical for us. Health care is an important issue for us. Education, I could tell you about that. I would love to talk about education. To me in the West, public lands, water issues. There are a lot of important issues for us. So I am not meaning to discount any other issue. I am not meaning to dilute your own personal platform as far as what you think is important.

But I can tell you this: I sincerely believe that if we lay out all the issues, we put them on this table, I cannot believe of an issue that is more important nor a threat more impending than missiles, and that issue of missile defense is something important for every one of us on a bipartisan basis.

Unfortunately, what I am sensing is that my colleagues, a good number, not all of my colleagues, but some on the liberal side of the Democratic Party, the liberal aspects of the Democratic Party, have decided that a missile defense is not good for this country; that this country should not defend itself from a missile attack.

More than that, I think the real thing that is driving the liberal side of some of these thinkers is that it is President Bush really pushing it. He might get it done. We certainly cannot allow him to accomplish this kind of thing.

So I am asking all of you, and I asked in my previous comments, set the partisanship aside. Set it aside and think about the vision that we owe for future generations. Think about what we need to do to assure that people even 10 years from now will not be intimidated or have the entire future of this country at risk because somebody launches, accidentally, not even intentionally, somebody launches accidentally a missile against the United States of America.

We can all stand together. This is an issue that is not Republican, not Democrat. It is an issue that we can join with the administration, with George W. Bush, to take to the American people, and we can deliver to the American people a security net; a security net that is as important to the American people as a seat belt is to you in a car. We can deliver a security net that will assure the American people, and our allies, and our allies, that no other country in the world can threaten or launch a missile successfully against the United States of America.

Now, earlier in my comments I mentioned about political courage, and it is very interesting to hear all the bashing that has gone on about President George W. Bush's position of missile defense in Europe, that the Europeans, the way you read the media, you would think the Europeans are entirely unified in opposition to this; they are aghast; they are astounded that a Nation like the United States would think of building a system that would defend themselves from a missile attack.

But, do you know what? That wall has cracked. Do you know what? There are countries over there in Europe saying, wait a minute. You know, I think it is nice to bash the United States of America, but, you know, they got a point here. This missile defensive system, you know, it might work. In fact, after this test 2 weeks ago that they did, this thing is going to work, and the United States is going to have a system that defends their citizens from attack. Maybe we ought to do the same thing.

Who is saying that? Look at the United Kingdom, the Brits. They are saying, hey, we support the United States.

Take a look at Italy this last weekend. Take a look at the comments from Italy. Their leader has said in Italy, we strongly support and strongly advocate the United States of America building a defensive missile system.

Take a look at Spain. They are not far behind.

Do you know what is going to happen? As the rest of the world has in the past, as they are amazed by American technology, they are going to come on board. My prediction is 15 years from now, almost every Nation in the world will have some type of missile defensive system. And what happens when that happens? What happens when that happens? You know what? It takes that very deadly, lethal weapon, the missile; it significantly lowers the risk of impact, negative impact, from that missile. Because what good are missiles, especially in any kind of volume, if a defensive missile system will stop them from being effective, or, even more importantly, if you have a defensive missile system that will destroy the missile on its launching pad in the country that wants to fire it, so it does devastating damage to that country?

You know, there is not a lot of incentive to fire a missile against the United States, if you know the United States can pick it up, fire a laser, and stop that missile on its launching pad. It kind of makes short history of the people around your launching pad.

There are so many things that are essentially common sense in missile defense. Common sense in missile defense. Think about it. Go out and talk to your constituents this weekend. First of all, ask your constituents, find out how many of them today think we have some type of protection. It is surprising. A lot of our constituents think that today we can defend ourselves against a missile defense attack.

□ 2215

We cannot. Once you get by that with your constituents this week, sit down, put your partisanship aside, and for the liberal segment here, for the liberal people, put that aside, just for a few moments and ask the people, person-to-person, all politics aside, person-to-person, do you think it would be a good idea for this Nation to defend itself against an intentional or accidental launch against our citizens?

Guess what? You will get a resounding yes and probably followed by a comment, why have we not done it already? What are you guys doing? I thought we had a defensive system in place.

That is what the American people are saying to us. We are their leaders. We

are not kings. We have been elected by these people in a representative government to come up here. We have fiduciary duties. That is the highest responsibility of duty to our Nation and to its people, to do what will protect the public interest and will protect our country and allow our country to remain strong into the future.

Right now, the number one issue at the very front is a missile defense system.

In conclusion, I ask every one of my colleagues, regardless of what State you are from, whether you are from Massachusetts or Florida or Oregon or Colorado, that you step forward and start giving political support so that we can then advance the technological support to implement, as President George W. Bush has asked, a missile defensive system to protect the citizens and future generations of this country. It is our responsibility. It is not our neighbor's responsibility. It is our responsibility. I hope each and every one of us carries it out to the fullest extent.

## REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–163) on the resolution (H. Res. 290) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUMENAUER (at the request of Mr. GEPHARDT) for after 4 p.m. today and the balance of the week on account of emergency family business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. DEUTSCH, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. DEFAZIO for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. SWEENEY, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

## ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, July 26, 2001, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3053. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Blueberry Promotion, Research, and Information Order; Amendment No. 1 [FV–00–706–FR] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3054. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues Derived Through Conventional Breeding From Sexually Compatible Plants of Plant Incorporated Protectants (Formerly Plant-Pesticides) [OPP–300368B; FRL–6057–6] (RIN 2070–AC02) received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3055. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues of Nucleic Acids that are Part of Plant Incorporated Protectants (Formerly Plant-Pesticides [OPP–300371B; FRL–6057–5] (RIN 2070–AC02) received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3056. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regulations Under the Federal Insecticide, Fungicide, and Rodenticide Act for Plant Incorporated Protectants (Formerly Plant-Pesticides [OPP–300369B; FRL–6057–7] (RIN: 2070–AC02) received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3057. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination and a memorandum of justification pursuant to Section 2(b)(6) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3058. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule—Risk-Based Capital Regulation—received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3059. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Policy Statement on the Establishment and Improvement of Standards Related to Auditor Independence [Release Nos. 33–7993; 34–44557; IC–25066; FR–50 A] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3060. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Assuring Access to Health Insurance Coverage in the Large Group Market''; to the Committee on Energy and Commerce.

3061. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 130–1130a; FRL–7016–4] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3062. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of VOC's from Wood Furniture Manufacturing, Surface Coating Processes and Other Miscellaneous Revisions [PA 168–4109a; FRL–7013–7] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3063. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Organic Chemical Production [MD 118–3073a; FRL–7014–1] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3064. 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 (West Rutland, Vermont) [MM Docket No. 00–12; RM–9706] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3065. 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), FM Table of Allotments, FM Broadcast Stations (Caro and Cass City, Michigan) [MM Docket No. 01–33; RM–10060] (Warsaw and Windsor, Missouri) [MM Docket No. 01–34; RM–10061] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3066. 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 (Steubenville, Ohio and Burgettstown, Pennsylvania) [MM Docket No. 01–6; RM–10009] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3067. 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 (Pana, Taylorville and Macon, Illinois) [MM Docket

No. 00–160; RM–9928] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3068. 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 (Thermopolis and Story, Wyoming) [MM Docket No. 00–159; RM–9889] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3069. 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 (Quartzsite, Arizona) [MM Docket No. 01–70; RM–10082] (Leesville, Louisiana) [MM Docket No. 01–71; RM–10083] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3070. 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 (Abingdon and Canton, Illinois) [MM Docket No. 01–67; RM–10084] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3071. A letter from the Chair, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report on the District of Columbia Fiscal Year 2002 Budget and Fiscal Year 2002–2005 Financial Plan Review; to the Committee on Government Reform.

3072. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International, S.A. CFM56–3, –3B, and –3C Series Turbofan Engines, Correction [Docket No. 98–ANE–57; Amendment 39–12124; AD 2001–04–06] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3073. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited, Areo Division-Bristol, S.N.E.C.M.A. Olympus 593 Mk. 610–14–28 Turbofan Engines [Docket No. 2000–NE–07–AD; Amendment 39–12310; AD 2001–13–28] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3074. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7 Series Airplanes [Docket No. 2000–NM–272–AD; Amendment 39–12266; AD 2001–12–11] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3075. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2001–SW–02–AD; Amendment 39–12272; AD 2001–01–52 R1] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3076. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 2000–NM–323–AD; Amendment 39–12270; AD 2001–12–15] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3077. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes [Docket No. 2000–NM–320–AD; Amendment 39–12269; AD 2001–12–14] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3078. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN–235 Series Airplanes [Docket No. 2000–NM–262–AD; Amendment 39–12274; AD 2001–12–18] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3079. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 800XP Series Airplanes [Docket No. 2000–NM–176–AD; Amendment 39–12273; AD 2001–12–17] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3080. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–158–AD; Amendment 39–12277; AD 2001–12–21] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3081. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2001–NM–33–AD; Amendment 39–12280; AD 2001–12–24] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and Model A300 B4–600, A300 B4–600R, and A300 F4–600R (Collectively Called A300–600) Series Airplanes [Docket No. 2000–NM–261–AD; Amendment 39–12297; AD 2001–13–16] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped with Rolls Royce Engines [Docket No. 98–NM–271–AD; Amendment 39–12296; AD 2001–13–15] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, and G–V Series Airplanes [Docket No. 2001–NM–83–AD; Amendment 39–12191; AD 2001–08–13] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4–601, B4–603, B4–620, B4–605R, B4–622R, and F4–605R (Collectively Called A300–600) Series Airplanes [Docket No. 2000–NM–306–AD; Amendment 39–12298; AD 2000–03–20 R1] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–313–AD; Amendment 39–12292; AD 2001–13–12] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 45 (YT–34), A45 (T–34A, B–45) and D45 (T–34B) Airplanes [Docket No. 2000–CE–09–AD; Amendment 39–12300; AD 2001–13–18] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 2000–NM–273–AD; Amendment 39–12267; AD 2001–12–12] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aircraft Operator Security [Docket No. FAA–2001–8725; formerly Docket No. 28978; Amendment No. 108–18] (RIN: 2120–AD45) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3090. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airport Security [Docket No. FAA–2001–8724; formerly Docket No. 28979; Amendment No. 107–13, 139–23] (RIN: 2120–AD46) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3091. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Rules of Practice: Medical Opinions from the Veterans Health Administration (RIN: 2900–AK52) received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3092. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Relief Relating to Application of Nondiscrimination Rules for Certain Church Plans and Governmental Plans [Notice 2001–46] received July 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3093. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress by May 1, pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALSH: Committee on Appropriations. H.R. 2620. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–159). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2436. A bill to provide secure energy supplies for the people of the United States, and for other purposes; with an amendment (Rept. 107–160 Pt. 1).

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107–161). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2587. A bill to enhance energy conservation, provide for security and diversity in the energy supply for the American people, and for other purposes; with an amendment (Rept. 107–162 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Ways and Means, Science, Transportation and Infrastructure, the Budget and Education and the Workforce discharged from further consideration of H.R. 2587.

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 2436 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2436. Referred to the Committee on Energy and Commerce extended for a period ending not later than July 25, 2001.

H.R. 2587. Referral to the Committees on Ways and Means, Science, Transportation and Infrastructure, the Budget, and Education and the Workforce for a period ending not later than July 25, 2001.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HART (for herself and Ms. BALDWIN):

H.R. 2621. A bill to amend title 18, United States Code, with respect to consumer product protection; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 2622. A bill to prohibit the interstate transport of horses for the purpose of slaughter or horse flesh intended for human consumption, and for other purposes; to the Committee on Agriculture.

By Mr. MEEHAN (for himself, Mr. MCGOVERN, and Mr. FRANK):

H.R. 2623. A bill to extend the deadline for granting posthumous citizenship to individuals who die while on active-duty service in the Armed Forces; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. TOM DAVIS of Virginia, Mr. STUPAK, Mr. SOUDER, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Ms. MCKINNEY, and Ms. ROYBAL-ALLARD):

H.R. 2624. A bill to authorize the Attorney General to make grants to honor, through permanent tributes, men and women of the United States who were killed or disabled while serving as law enforcement or public safety officers; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. FILNER, Mr. HONDA, and Ms. WATERS):

H.R. 2625. A bill to amend the Higher Education Act of 1965 to eliminate consideration of the amount of a student's tuition in determining the amount of a student's basic grant; to the Committee on Education and the Workforce.

By Mr. BOEHLERT:

H.R. 2626. A bill to authorize research, development, demonstration, and commercial application activities relating to clean coal technologies, and for other purposes; to the Committee on Science.

By Mr. CONYERS (for himself, Mrs. CHRISTENSEN, Mr. BONIOR, Mrs. JONES of Ohio, Ms. SOLIS, Mr. DAVIS of Illinois, Ms. LEE, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, and Mr. RUSH):

H.R. 2627. A bill to amend title XIX of the Social Security Act to permit uninsured families and individuals to obtain coverage under the Medicaid Program, to assure coverage of doctor's visits, prescription drugs, mental health services, long-term care services, alcohol and drug abuse treatment services, and all other medically necessary services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CRAMER:

H.R. 2628. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes; to the Committee on Resources.

By Mr. CRANE (for himself, Mrs. ROUKEMA, Mr. SNYDER, Mr. FERGUSON, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mrs. MORELLA, Ms. HARMAN, Mr. GREENWOOD, Mr. SHIMKUS, Mr. HALL of Ohio, Mr. RUSH, and Ms. SLAUGHTER):

H.R. 2629. A bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. STARK, Mr. GEPHARDT, Mr. ALLEN, Mr. BALDACCI, Mr. DOYLE, Mr. FRANK, Mr. FROST, Mr. GREEN of Texas, Mr. MORAN of Virginia, Mr. MOORE, Mr. PALLONE, Ms. SCHAKOWSKY, Ms. NORTON, Mr. BLAGOJEVICH, Mr. RUSH, Mr. TOWNS, Mr. STRICKLAND, Mr. KLECZKA, Mr. BOUCHER, Mrs. CHRISTENSEN, Mrs. THURMAN, Mr. ENGEL, Mr. TIERNEY, Mr. JOHN, Mr. MARKEY, Mr. WATT of North Carolina, Mr. OWENS, Mr. WYNN, Mr. NADLER, Mrs. CAPPS, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. JEFFERSON):

H.R. 2630. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DUNN (for herself and Mr. CRAMER):

H.R. 2631. A bill to accelerate the repeal of the estate and generation-skipping transfer taxes and the reduction in the maximum gift tax rate; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mrs. CAPITO, and Mr. TERRY):

H.R. 2632. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to affordable outpatient prescription drugs; 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. FRELINGHUYSEN (for himself, Mr. GRUCCI, Mrs. KELLY, Mr. HINCHEY, Mr. GILMAN, Mr. ACKERMAN, Mr. KING, Mr. SANDERS, Mr. PALLONE, Mrs. ROUKEMA, Mrs. MCCARTHY of New York, Mr. LAFALCE, Ms. DELAURO, Mr. MCHUGH, Mr. FOSSELLA, Mr. CROWLEY, Mr. WEINER, Mr. BASS, Mr. PASCRELL, Mr. LARSON of Connecticut, Mr. PAYNE, Mr. HOLT, Mr. SWEENEY, Mr. MCNULTY, Mr. FERGUSON, Mr. MENENDEZ, Mr. ROTHMAN, and Ms. VELAZQUEZ):

H.R. 2633. A bill to require the Secretary of Veterans Affairs to replace with a more equitable formula the current formula, known as the Veterans Equitable Resource Allocation (VERA), for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN (for himself, Mr. GRUCCI, Mrs. KELLY, Mr. HINCHEY, Mr. GILMAN, Mr. ACKERMAN, Mr. KING, Mr. SANDERS, Mr. PALLONE, Mrs. ROUKEMA, Mrs. MCCARTHY of New York, Mr. LAFALCE, Ms. DELAURO, Mr. MCHUGH, Mr. FOSSELLA, Mr. CROWLEY, Mr. WEINER, Mr. BASS, Mr. PASCRELL, Mr. LARSON of Connecticut, Mr. PAYNE, Mr. HOLT, Mr. SWEENEY, Mr. MCNULTY, Mr. FERGUSON, Mr. MENENDEZ, Mr. ROTHMAN, Ms. VELAZQUEZ, Mrs. MALONEY of New York, and Mr. SAXTON):

H.R. 2634. A bill to require the Secretary of Veterans Affairs to modify the formula, known as the Veterans Equitable Resource Allocation (VERA) system, for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 2635. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself, Mr. GILMAN, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. STRICKLAND, Mr. STARK, Mr. DEFAZIO, Mr. SANDERS, Mr. UDALL of New Mexico, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. NORTON, Ms. MCKINNEY, Mr. MCGOVERN, Mr. BONIOR, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. HILLIARD, Mr. FORD, Mrs. JONES of Ohio, Mr. CRAMER, Mr. LANGEVIN, Mr. TOM DAVIS of Virginia, Mr. FOLEY, Mr. CUMMINGS, Mr. SANDLIN, Mr. ABERCROMBIE, Mr. SCOTT, Mrs. MINK of Hawaii, Mr. BLAGOJEVICH, Mr. MEEKS of New York, Mr. ALLEN, Mr. KUCINICH, Mr. REYES, Mr. CONYERS, Mr. FATTAH, and Ms. WATSON):

H.R. 2636. A bill to establish a grant program to promote emotional and social development and school readiness; to the Committee on Education and the Workforce.

By Mr. LOBIONDO (for himself, Mr. CAPUANO, Mrs. BONO, Mr. BALDACCI, Mr. SPRATT, Mr. REYES, Mr. DUNCAN, and Mr. SPENCE):

H.R. 2637. A bill to correct inequities in the second round of empowerment zones and enterprise communities; to the Committee on Financial Services, 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. MCKEON (for himself, Mr. BERMAN, Mr. PETERSON of Pennsylvania, Mr. SANDLIN, Mrs. MORELLA, Mr. FRANK, Mr. BOEHLERT, Mr. PAUL, Mr. MATSUI, Mr. STARK, Mrs. DAVIS of California, Ms. LEE, Mr. BALDACCI, Mr. RUSH, Mr. ALLEN, Mr. FILNER, Mr. LANTOS, Ms. LOFGREN, Mr. FROST, Mr. SHERMAN, Mr. BACA, Mr. SCHIFF, Mr. WAXMAN, Ms. WATERS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Ms. SOLIS, Ms. WATSON, and Ms. ESHOO):

H.R. 2638. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Mr. PITTS (for himself, Mr. SOUDER, Mr. KIND, Mr. PETERSON of Pennsylvania, Mr. FATTAH, Mr. ENGLISH, Mr. GEKAS, and Mr. REGULA):

H.R. 2639. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Education and the Workforce.

By Mr. SERRANO (for himself and Mr. LEWIS of Georgia):

H.R. 2640. A bill to establish the Elie Wiesel Youth Leadership Congressional Fellowship Program in the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. STARK:

H.R. 2641. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain gifts and benefits provided to physicians by prescription drug manufacturers; to the Committee on Ways and Means.

By Mr. UPTON (for himself and Mr. STUPAK):

H.R. 2642. A bill to establish a National Commission on Farmworkers and Federal Health Coverage to study the problems of farmworkers under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. BAIRD, and Mr. SOUDER):

H.R. 2643. A bill to authorize the aquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. HAYWORTH, Mr. CAMP, and Mr. CANNON):

H.R. 2644. A bill to make technical amendments to the Indian Child Welfare Act of 1978; to the Committee on Resources.

By Mr. BOSWELL:

H.R. 2645. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry that works in conjunction with State organ and tissue donor registries, to create a public-private partnership to launch an aggressive outreach and education campaign about organ and tissue donation and the Registry, and for other purposes; 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. PLATTS:

H.J. Res. 58. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. STEARNS (for himself and Mr. LEWIS of Georgia):

H. Con. Res. 197. Concurrent resolution expressing the sense of Congress regarding the establishment of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Government Reform.

By Mr. MEEKS of New York (for himself, Mr. MENENDEZ, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. HINCHEY, Mrs. CLAYTON, Mr. TOWNS, Mr. JACKSON of Illinois, Ms. MCKINNEY, Mr. CLAY, Ms. BROWN of Florida, Mrs. MEEK of Florida, Mr. RUSH, Mrs. JONES of Ohio, Mr. PAYNE, Mr. WYNN, Mr. OWENS, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. ENGEL, Mr. FALEOMAVAEGA, Mrs. MALONEY of New York, and Mr. QUINN):

H. Con. Res. 198. Concurrent resolution expressing the sense of Congress regarding civil unrest in Jamaica; to the Committee on International Relations.

By Mr. RANGEL:

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress regarding the national nutrition program for the elderly, on the occasion of the 30th anniversary of its establishment; to the Committee on Education and the Workforce.

By Mr. TIAHRT (for himself and Mr. CHAMBLISS):

H. Con. Res. 200. Concurrent resolution expressing the sense of Congress in opposition to the retirement of 33 B–1 Lancer aircraft as proposed by the Air Force; to the Committee on Armed Services.

By Mr. FROST:

H. Res. 207. A resolution designating minority memebership on certain standing committees of the House; considered and agreed to.

By Ms. BROWN of Florida:

H. Res. 208. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in honor of Zora Neale Hurston; to the Committee on Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mrs. MALONEY of New York.
H.R. 133: Mr. ABERCROMBIE.
H.R. 134: Mr. UNDERWOOD and Mr. EVANS.
H.R. 179: Mr. BURTON of Indiana.
H.R. 292: Ms. MILLENDER-MCDONALD, Mr. ACKERMAN, Mr. FROST, Mr. MCNULTY, and Ms. WOOLSEY.
H.R. 293: Mr. UDALL of Colorado.
H.R. 303: Mr. ISSA.
H.R. 326: Mr. KIRK.
H.R. 331: Mr. SCHAFFER and Mr. BROWN of South Carolina.
H.R. 397: Mr. PLATTS, Mr. LOBIONDO, Mr. HONDA, Mr. RUSH, Mr. CLYBURN, Mrs. DAVIS of California, Mr. BOSWELL, Ms. BROWN of Florida, Mr. DAVIS of Illinois, and Ms. KAPTUR.
H.R. 481: Mr. NADLER.
H.R. 490: Mr. THOMPSON of Mississippi, Mr. HYDE, Mr. GREENWOOD, Mr. TAYLOR of Mississippi, and Mr. SNYDER.
H.R. 491: Mr. BROWN of South Carolina, Ms. MILLENDER-MCDONALD, Ms. LEE, and Mrs. NAPOLITANO.
H.R. 527: Mr. FORBES, Mr. GRAHAM, and Mr. HALL of Texas.
H.R. 534: Mr. MOORE, Mr. WELLER, and Mr. BEREUTER.
H.R. 632: Mr. TRAFICANT.
H.R. 638: Mr. LEWIS of Georgia.
H.R. 664: Mr. BOSWELL and Mr. PETERSON of Minnesota.
H.R. 677: Ms. KAPTUR, Ms. HART, and Mr. HOSTETTLER.
H.R. 742: Mr. BOUCHER, Ms. ESHOO, and Mr. LEACH.
H.R. 747: Mr. SHERMAN.
H.R. 781: Mr. DINGELL.
H.R. 836: Mr. SMITH of Washington.
H.R. 902: Mr. KUCINICH.
H.R. 912: Mr. PLATTS.
H.R. 917: Mr. SANDERS.
H.R. 975: Mr. KENNEDY of Rhode Island.
H.R. 1051: Mr. ISRAEL.
H.R. 1089: Mr. SHAW.
H.R. 1090: Mr. PRICE of North Carolina, Mr. PASTOR, Mr. LATOURETTE, and Ms. ROYBAL-ALLARD.
H.R. 1097: Mr. FILNER.
H.R. 1143: Mr. ANDREWS and Mr. HALL of Ohio.
H.R. 1155: Mrs. DAVIS of California, Mr. REHBERG, Mr. SAWYER, Mr. THOMPSON of Mississippi, Mr. SIMMONS, and Mr. LANGEVIN.
H.R. 1170: Mr. TIERNEY.
H.R. 1254: Mr. BEREUTER.
H.R. 1331: Mr. CLEMENT and Mr. SIMMONS.
H.R. 1361: Mr. BONIOR, Mr. FILNER, and Mr. GONZALEZ.
H.R. 1382: Mr. PRICE of North Carolina.
H.R. 1388: Mr. GILCHREST.
H.R. 1408: Mrs. NORTHUP and Ms. PRYCE of Ohio.
H.R. 1464: Mr. HASTINGS of Florida.
H.R. 1465: Mr. SIMMONS.
H.R. 1487: Mr. ROHRABACHER.
H.R. 1597: Mr. WAMP.
H.R. 1645: Mr. MOLLOHAN, Mr. SMITH of Washington, and Ms. MCCARTHY of Missouri.
H.R. 1700: Ms. WOOLSEY, Mr. FATTAH, and Mr. COOKSEY.
H.R. 1707: Mr. BLUMENAUER.
H.R. 1718: Mr. MOLLOHAN, Mr. ROTHMAN, Mr. KANJORSKI, Ms. BERKLEY, Mr. JOHN, Mr. BERRY, and Mr. DICKS.
H.R. 1733: Mr. MOLLOHAN and Mr. PASCRELL.
H.R. 1774: Ms. ROS-LEHTINEN.
H.R. 1822: Mr. STRICKLAND and Mr. LAHOOD.
H.R. 1891: Mr. NETHERCUTT.
H.R. 1895: Mr. WHITFIELD.
H.R. 1975: Mr. INSLEE, Mr. DEMINT, and Mr. GILLMOR.
H.R. 1990: Ms. ESHOO.
H.R. 1997: Mr. HOYER.
H.R. 2001: Mr. YOUNG of Alaska.
H.R. 2081: Ms. HART.
H.R. 2096: Mr. GARY G. MILLER of California, Mr. CHABOT, Mr. WELLER, and Mr. KERNS.
H.R. 2117: Mr. FORD, Mr. GRAHAM, and Mrs. LOWEY.
H.R. 2122: Mr. BEREUTER.
H.R. 2123: Mr. EHRLICH and Mr. GRAVES.
H.R. 2125: Mrs. MINK of Hawaii.
H.R. 2138: Ms. WATSON.
H.R. 2158: Ms. BERKELY.
H.R. 2164: Ms. HART.
H.R. 2166: Mr. MCDERMOTT.
H.R. 2174: Mr. SNYDER and Mr. KUCINICH.
H.R. 2175: Mr. KERNS, Mr. PLATTS, and Mr. KILDEE.
H.R. 2177: Mr. CARSON of Oklahoma, Mr. ISTOOK, and Mr. ROHRABACHER.
H.R. 2181: Mrs. MINK of Hawaii, Mr. LARSEN of Washington, and Mr. BACA.

H.R. 2220: Mr. HEFLEY and Mr. FRANK.
H.R. 2263: Ms. ESHOO.
H.R. 2281: Mr. RANGEL, Mr. WATT of North Carolina, Mr. MATSUI, and Mr. THOMPSON of Mississippi.
H.R. 2294: Mr. PRICE of North Carolina and Mr. ABERCROMBIE.
H.R. 2302: Mrs. MINK of Hawaii.
H.R. 2308: Mr. HUTCHINSON.
H.R. 2315: Mr. BURTON of Indiana.
H.R. 2354: Mr. GILMAN.
H.R. 2364: Mr. KENNEDY of Rhode Island, Mr. MOLLOHAN, and Mr. MATSUI.
H.R. 2375: Ms. SLAUGHTER, Mr. MCGOVERN, Mr. PASCRELL, Mr. FORD, Mr. MARKEY, Mr. TIERNEY, and Mr. SAWYER.
H.R. 2410 : Mr. STEARNS.
H.R. 2417: Mrs. BONO.
H.R. 2453: Mr. EHRLICH.
H.R. 2487: Mr. DAVIS of Ilinois.
H.R. 2550: Mr. KNOLLENBERG, Mr. MCDERMOTT, and Mrs. THURMAN.
H.R. 2558: Mr. GUTKNECHT.
H.R. 2560: Mr. COSTELLO and Mr. RUSH.
H.R. 2563: Mr. SCHIFF, Mr. RAHALL, and Mrs. LOWEY.
H.R. 2592: Ms. BALDWIN.
H.R. 2605: Mr. ABERCROMBIE.
H.J. Res. 6: Mr. GRUCCI.
H. Con. Res. 17: Mr. WEINER.
H. Con. Res. 77: Ms. SCHAKOWKY, Mr. BROWN of Ohio, Ms. ESCHOO, Mr. GUTIERREZ, Mr. KUCINICH, Mr. HINCHEY, and Mr. SCOTT.
H. Con. Res. 131: Mr. GILMAN, Mr. SHIMKUS, Mr. BLAGOJEVICH, Mr. TERRY, Ms. SLAUGHTER, Mr. HOEFFEL, Mr. KNOLLENBERG, and Mr. MCGOVERN.
H. Con. Res. 164: Mr. FILNER.
H. Con. Res. 178: Ms. ROS-LEHTINEN.
H. Con. Res. 188: Mr. KILDEE, Ms. ROYBAL-ALLARD, Mr. ANDREWS, Mr. BOSWELL, Mr. PETRI, Mr. ALLEN, Mr. UDALL of New Mexico, Mr. BONIOR, Mr. TERRY, Mr. DEFAZIO, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 195: Mr. SMITH of New Jersey, and Ms. ESHOO.
H. Res. 132: Mr. TIERNEY and Mr. FRANK.
H. Res. 133: Mrs. TAUSCHER, Mr. SHAYS, Mr. FROST, Mr. STRICKLAND, Mr. LEACH, Ms. LOFGREN, Mrs. KELLY, Ms. KILPATRICK, Mr. CONYERS, Mr. ENGEL, and Mr. UDALL of Colorado.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2620

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. ____. For an additional amount for the Environmental Protection Agency for grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for State expenses of formulating source water assessment programs under section 1453 of such Act, and the amount otherwise provided in this Act for ''Department of Housing and Urban Development—Management and Administration—Salaries and Expenses'' is hereby reduced by, $85,000,000.

H.R. 2620

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 2: In title III, in the item relating to ''CONSUMER PRODUCT SAFETY COMMISSION—SALARIES AND EXPENSES'', insert before the period at the end the following:

: *Provided,* That, of the amount provided under this heading for nonsalary expenses, $2,500,000 shall not be available for obligation until June 1, 2002

H.R. 2620

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 3: At the end of title I, insert the following new section:

SEC. ____. (a) AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS PHARMACIES TO DISPENSE MEDICATIONS TO VETERANS ON PRESCRIPTIONS WRITTEN BY PRIVATE PRACTITIONERS.—Subsection (d) of section 1712 of title 38, United States Code, is amended to read as follows:

''(d) Subject to section 1722A of this title, the Secretary shall furnish to a veteran such drugs and medicines as may be ordered on prescription of a duly licensed physician in the treatment of any illness or injury of the veteran.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended by striking the sixth through ninth words.

(2) The item relating to that section in the table of sections at the beginning of chapter 17 of that title is amended by striking the sixth through ninth words.

H.R. 2620

OFFERED BY: MR. ROEMER

AMENDMENT NO. 4: In the item relating to ''DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH'', after the aggregate dollar amount, insert the following: ''(increased by $10,000,000)''.

In the item relating to ''DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES'', after the aggregate dollar amount, insert the following: ''(increased by $56,000,000)''.

In the item relating to ''DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MINOR PROJECTS'', after the aggregate dollar amount, insert the following: ''(increased by $10,000,000)''.

In the item relating to ''DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES'', after the aggregate dollar amount, insert the following: ''(increased by $30,000,000)''.

In the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT'', after the aggregate dollar amount in the first paragraph, insert the following: ''(reduced by ❲$1,831,300,000,00❳) (increased by $300,000,000)''.

In the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT'', after the aggregate dollar amount specified in the second paragraph for the development of a crew return vehicle, insert the following: ''(reduced by ❲$275,000,000❳)''.

In the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—SCIENCE, AERONAUTICS AND TECHNOLOGY'', after the aggregate dollar amount, insert the following: ''❲(reduced by $343,600,000)❳ (increased by $290,000,000) (increased by $20,000,000) (increased by $6,000,000) (increased by $49,000,000)''.

In the item relating to ''NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES'', after the aggregate dollar amount, insert the following: ''(increased by $405,000,000)''.

In the item relating to ''NATIONAL SCIENCE FOUNDATION—MAJOR RESEARCH FACILITIES CONSTRUCTION AND EQUIPMENT'', after the aggregate dollar amount, insert the following: ''(increased by $62,000,000)''.

In the item relating to ''NATIONAL SCIENCE FOUNDATION—EDUCATION AND HUMAN RESOURCES'', after the aggregate dollar amount, insert the following: ''(increased by $34,700,000)''.

In the item relating to ''NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(increased by $5,900,000)''.

H.R. 2620

OFFERED BY: MR. ROEMER

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the National Aeronautics and Space Administration—

(1) to obligate amounts for the International Space Station in contravention of the cost limitations established by section 202 of the National Aeronautics and Space Administration Authorization Act of 2000 (Pub. L. 106–391; 42 U.S.C. 2451 note); or

(2) to defer or cancel construction of the Habitation Module, Crew Return Vehicle, or Propulsion Module elements of the International Space Station.

H.R. 2620

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 6: In title III, in the item relating to ''FEDERAL EMERGENCY MANAGEMENT AGENCY—EMERGENCY PLANNING AND ASSISTANCE'', strike the period at the end and insert the following:

: *Provided,* That of the funds made available under this heading, $25,000,000 shall be available for purposes of predisaster hazard mitigation pursuant to section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133).

H.R. 2620

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 7: In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the last dollar amount, insert the following: ''(reduced by $7,200,000)''.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—LEAKING UNDERGROUND STORAGE TANK TRUST FUND'', after the last dollar amount, insert the following: ''(increased by $7,200,000)''.

H.R. 2620

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 8: In title II, in the item relating to ''PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING CAPITAL FUND'', after the aggregate dollar amount insert the following: ''(reduced by $1,265,000)''.

In title II, in the item relating to ''PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)'', after the aggregate dollar amount insert the following: ''(increased by $100,000,000)''.

H.R. 2620

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 9: At the end of title II, insert the following new section:

SEC. 2____. For carrying out the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.), and the aggregate amount otherwise provided in by this title for ''PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING CAPITAL FUND'' is hereby reduced by, $100,000,000.

H.R. 2620

OFFERED BY: MR. EVANS

AMENDMENT NO. 10: In title I, in the paragraph under the heading ''VETERANS HEALTH ADMINISTRATION—MEDICAL CARE'', after the first dollar amount, insert the following: ''(increased by $1,200,000,000)''.

In title III, under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT'', after the dollar amount, insert the following: ''(reduced by $1,520,000,000)''.

H.R. 2620

OFFERED BY: MR. EVANS

AMENDMENT NO. 11: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds provided by this Act may be used for the purpose of implementing any administrative proposal that would require military retirees to make an ''irrevocable choice'' for any specified period of time between Department of Veterans Affairs or military health care under the new TRICARE for Life plan authorized in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public 106–398).

H.R. 2620

OFFERED BY: MR. FRELINGHUYSEN

AMENDMENT NO. 12: At the end of the bill, after the last section (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

H.R. 2620

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 13: In title I, in the paragraph under the heading ''VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH'', after the dollar amount, insert the following: ''(increased by $24,000,000)''.

In title III, under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT'', after the dollar amount, insert the following: ''(reduced by $24,000,000)''.

H.R. 2620

OFFERED BY: MR. HOLT

AMENDMENT NO. 14: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. The Director of the Federal Emergency Management Agency may hereafter provide assistance under section 33 of the Federal Fire Prevention and Control Act of 1974, as added by Public Law 106–398 (15 U.S.C. 2229) to non-profit emergency medical service units and non-profit ambulance services, even if such units and services are independent and do not fall organizationally under the auspices of fire departments.

H.R. 2620

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 15: In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM'', after the aggregate dollar amount, insert the following: ''(reduced by $100,000,000)''.

In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM'', after the dollar amount specified for the Downpayment Assistance Initiative, insert the following: ''(reduced by $100,000,000)''.

In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE GRANTS'', after the aggregate dollar amount, insert the following: ''(increased by $122,600,000)''.

In title II, in the item relating to ''MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(reduced by $22,600,000)''.

H.R. 2620

OFFERED BY: MR. MENENDEZ

AMENDMENT NO. 16: In the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $25,000,000) (increased by $25,000,000)''.

H.R. 2620

OFFERED BY: MR. NADLER

AMENDMENT NO. 17: In title I, in the item relating to ''DEPARTMENTAL ADMINISTRATION—GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES'', after the first dollar amount insert the following: ''(increased by $4,806,000)''.

In title II, in the item relating to ''PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND'', after the aggregate dollar amount insert the following: ''(increased by $195,194,000)''.

In title II, in the item relating to ''PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND'', after the seventh dollar amount (relating to incremental vouchers), insert the following: ''(increased by $195,194,000)''.

In title II, in the item relating to ''PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND'', after the eighth dollar amount (relating to amounts made available on a fair share basis), insert the following: ''(increased by $144,762,000)''.

In title II, in the item relating to ''PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND'', after the ninth dollar amount (relating to amounts made available to nonelderly disabled families), insert the following: ''(increased by $50,432,000)''.

In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM'', after the aggregate dollar amount insert the following: ''(reduced by $200,000,000)''.

In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM'', after the second dollar amount (relating to the Downpayment Assistance Initiative) insert the following: ''(reduced by $200,000,000)''.

H.R. 2620

OFFERED BY: MR. OBEY

AMENDMENT NO. 18. At the end of the bill, insert the following new section:

''SEC. 427. Paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001), is amended by adding after the table the following:

''In the case of taxable years beginning during calendar year 2002, the preceding table shall be applied by substituting '39.1%' for '38.6%'.''

In Title I, ''DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH ADMINISTRATION'':

In the paragraph ''Medical Care'', strike ''$21,281,587,000'' and insert ''$21,581,587,000'' in lieu thereof.

In Title II, ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, PUBLIC HOUSING CAPITAL FUND'':

In the paragraph entitled ''Public Housing Capital Fund'', strike ''$2,555,000,000'' and insert ''$2,822,000,000'' in lieu thereof.

In Title II, ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, RURAL HOUSING'':

After the paragraph entitled ''Housing Opportunities for Persons with AIDS'' insert the following new paragraph:

''RURAL HOUSING AND ECONOMIC DEVELOPMENT

''For the Office of Rural Housing and Economic Development, $25,000,000.''

In Title II, ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:''

After the paragraph entitled ''Homeless Assistance Grants: insert the following new section:

''SHELTER PLUS CARE RENEWALS

''For the renewal on an annual basis or amendment of contracts funded under the Shelter Plus Care program, as authorized under subtitle F of Title IV of the McKinney-Vento Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: *Provided*, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.''

In Title III, ''ENVIRONMENTAL PROTECTION AGENCY, ENVIRONMENTAL PROGRAMS AND MANAGEMENT'':

In the paragraph entitled ''Environmental Programs and Management'', strike ''$2,014,799,000'' and insert ''$2,021,799,000 in lieu thereof''.

At the end of the paragraph entitled ''Environmental Programs and Management'', insert:

'': *Provided further*, That the on-board staffing level of the Office of Enforcement and Compliance Assistance shall be maintained at not less than the level authorized for this Office as of December 31, 2000''.

In Title III, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE'':

Strike the paragraph following the center head entitled ''National and Community Service Programs, Operating Expenses'' and insert the following new section:

''(INCLUDING TRANSFER OF FUNDS)

''For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $311,000,000, to remain available until September 30, 2003: *Provided*, That not more than 450,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.).''.

H.R. 2620

OFFERED BY: MR. PALLONE

AMENDMENT NO. 19: In the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $3,000,000)''.

In the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—STATE AND TRIBAL ASSISTANCE GRANTS'', after the 1st and 7th dollar amounts, insert the following: ''(increased by $3,000,000)''.

H.R. 2620

OFFERED BY: MR. ROEMER

AMENDMENT NO. 20: In title III, under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'', before the item relating to ''OFFICE OF INSPECTOR GENERAL'', insert the following:

REDUCTION OF AMOUNTS FOR INTERNATIONAL SPACE STATION

The amounts otherwise provided in this title for the following accounts and activities are hereby reduced by the following amounts:

(1) ''Human Space Flight'', the aggregate amount specified in the first paragraph of such account, $1,531,300,000.

(2) ''Human Space Flight'', the amount specified in the second paragraph of such account for the development of a crew return vehicle, $275,000,000.

(3) ''Science, Aeronautics and Technology'', the aggregate amount, $343,600,000.

H.R. 2620

OFFERED BY: MR. SMITH

AMENDMENT NO. 21: In the item relating to ''NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES'', insert before the proviso the following:

, of which not less than $580,000 shall be available for experienced scientific construction management professionals

H.R. 2620

OFFERED BY: MS. VELAZQUEZ

AMENDMENT NO. 22: In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND'', after the aggregate dollar amount, insert the following: ''(increased by $10,000,000)''.

In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND'', after the dollar amount specified for Youthbuild program activities, insert the following: ''(increased by $10,000,000)''.

In title II, in the item relating to ''MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(reduced by $10,000,000)''.

H.R. 2620

OFFERED BY: MR. WALDEN OF OREGON

AMENDMENT NO. 23: Insert before the undesignated paragraph at the end of the bill that contains the short title for the bill the following:

**SEC. 427. DISASTER RELIEF FOR ECONOMIC HARDSHIPS CAUSED BY APPLICATION OF ENDANGERED SPECIES ACT.**

Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended by adding at the end the following: ''Such term also includes any application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) which, in determination of the President, causes economic hardship of sufficient severity and magnitude to warrant major disaster assistance under this Act.''.

United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, FIRST SESSION

*Vol. 147* WASHINGTON, WEDNESDAY, JULY 25, 2001 *No. 105*

# *Senate*

The Senate met at 9 a.m. and was called to order by the Presiding Officer, the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of Hope, fill us with Your Spirit of hope so that we may be positive communicators of hope to the people around us and in the ongoing business of the Senate. Bless the Senators with a fresh draught of dynamic hope. May their hope be more than wishing, yearning, or surface optimism but hope that has its source and strength in Your faithfulness. You gave birth to the American dream, You watched over our growth as a nation with Your providential care, and You intervened in crises and strife to turn our struggles into stepping stones toward Your vision of a nation of righteousness, justice, and opportunity. We have every reason to be hopeful as we deal with the momentous and mundane issues this day will dish out. Give the Senators the zest, verve, and vitality of authentic hope today. For them and all of us who work with or for them, we pray that You will hope through us, God of Hope. Only then can we experience the deep wells and living streams of true hope for everyone and every problem, every circumstance and every situation. With vibrant hope we press on with expectation and enthusiasm. 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 read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, July 25, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable 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.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The Senator from Nevada is recognized.

## ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the minority have their full 30 minutes this morning and that the majority also have their full 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SCHEDULE

Mr. REID. Madam President, there will be 1 hour of morning business today, with the first 30 minutes under the control of Senator HUTCHISON. For the second 30 minutes, Senator DURBIN will speak from 9:30 to approximately 9:45. The final 15 minutes of the majority's time will be consumed by Senator WELLSTONE.

Shortly after 10 a.m., the Senate will resume consideration of the Transportation Appropriations Act. The majority leader has indicated there will be rollcall votes on amendments or other matters throughout the day.

In addition, as the leader announced last night, the Senate will likely consider several Executive Calendar nominations and S. 1218, the Iran-Libya sanctions bill. As a foundation from the prayer of the Chaplain where he said we should go forward with zest, verve, and vitality, I am not sure I can define each of those, but they sound really good. I hope we can move forward expeditiously and complete our work prior to the target adjournment next Friday—a week from this Friday.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 30 minutes.

## TAX REBATES

Mrs. HUTCHISON. Madam President, I rise today to talk about the tax rebate checks that started going in the mail this very week. In fact, I have already talked to someone who has received a tax rebate. It made me feel so good to know that something we have worked so long to do and so hard to do is now beginning to reach the American people.

I think it is a very timely opportunity for the American people to have



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a little extra money in their pocketbooks, to be able to do some of the things that maybe they weren't going to be able to do, and also, hopefully, to help spur this economy that is certainly in a stagnant phase.

We are very excited that July 23 is the week that the first set of checks go out. They will be going out between now and the end of September. And everyone who paid taxes last year will receive a rebate. If you paid taxes and you are a single person, you will receive $300. If you paid $300, you will receive $300 back. If you are a single person who is the head of a household—a single mom or dad—you will receive $500 in the mail. If you are a married couple, you will receive $600 in the mail if you paid taxes and if you filed your taxes for 2000. Starting July 23, those checks will be in the mail during the course of the next 2 months.

Now, we are very hopeful that people will be able to take this money and do something that they might not have been able to do otherwise. It might be just helping buy the children back-to-school supplies or clothes or shoes; it might be a little added something for a vacation—if you are getting your check in time for vacation, or maybe you are planning on doing it. It could be investing for your pension. It could be that little added bonus of $300 or $600 that you would put into retirement. Whatever a person does with their money will help the economy because it will be an investment—an investment in something for use today or an investment in something for use over the next few years. All of that will be helpful. We are looking at layoffs being advertised in the newspaper now, so people are needing that little extra boost in many ways.

I think it is just a great opportunity to say that we do have a surplus in our Government. We are doing the job that we were elected to do in a responsible way by covering the expenses that we know we must cover—expenses such as a strong national defense, expenses for Medicare and Social Security, expenses for the welfare needs for our country. A lot of money is going into education. We are increasing education spending by 14 percent.

But there is still money left over because we have been careful with our taxpayer dollars, and we thought that the people should share in that surplus. They created that surplus and they should share in it. They pay for it. The taxpayers of our country fund the Government, and when we are efficient, we think the taxpayers who pay the bills should get the return.

We are very proud of the fact that the checks are starting to come in the mail today and people will start seeing they have money coming.

I am proud all of us in Congress have come together to do this, and I am very pleased this rebate is just the beginning. In fact, we are going to see rate cuts. Many people who have taxes withheld will see their withholding has gone down 1 percent. So less is being taken out of their paycheck. They will be paying fewer taxes next year and every year for the next 10 years.

Over the next 10 years, we will gradually decrease the marriage tax penalty. This is a tax that hits married couples where there are two working spouses and they pay more in taxes because of a quirk in the Tax Code, and we are eliminating that quirk or at least we are whittling it away. We have not totally eliminated it, but hopefully we will get to do that someday as well.

We are lowering the marriage tax penalty. We are going to eliminate the death tax, a tax that I think is the wrong approach. If one is seeking the American dream, we want them to keep the money they earn and we want them to be able to pass it to their children if they choose to do that. We certainly do not think Uncle Sam should tax a person's death, and we especially do not want people to have to sell assets—small business assets or property—in order to pay the death tax.

There is more coming. The downpayment is in the mail today, and we are very proud to be able to talk about it.

I thank the Chair. I yield the floor to the Senator from Missouri.

Mr. BOND. Madam President, my sincere thanks to my colleague from Texas for giving us that fine overview of what is happening this week. I am very happy to report I had the pleasure last Friday of joining my colleague from Kansas, Senator BROWNBACK, and several Members of the House, in a trip to Kansas City, MO, with the Vice President and the Secretary of the Treasury, Paul O'Neill.

We went out to see a fascinating operation, not well-known, the Federal Financial Management Service branch of the Treasury in Clay County, North Kansas City. There the men and women who work for the Treasury Department's FMS are turning out 1.2 million checks a day. They print the checks, they put them in envelopes, they sort them by ZIP Code, and they are ready to go out the door. They do the whole process there. There are 1.2 million checks a day going out.

I do not happen to have the lowest last two digits in my Social Security number, so mine will not be coming for several weeks, but it was thrilling to see a promise made and a promise kept.

That is one of the things the Vice President talked about, and the President joined us by videotape to emphasize the fact that last year he said we needed a tax reduction, and he delivered. He delivered with help from a Republican Congress, and we also thank those on the other side of the aisle who joined with us to make it a bipartisan push to get the bill passed ultimately, and three Members from the other side of the aisle who stayed with us on the very difficult votes to make sure we did not lose any more from the amount promised by the President.

The President signed the Economic Growth and Tax Relief Reconciliation Act of 2001 on June 7, and we are seeing literally the checks in the mail. It is a change from the old laugh lines from the Federal Government: I am here to help you, and the check is in the mail. This time we are from the Federal Government, the checks are in the mail, but we are returning your money. This is not somebody else's money you are getting.

This act provides the largest tax cut to the American people since 1981, and not a moment too soon given the economic slump we are currently enduring.

There has been a lot of talk about how maybe, with the economy slowing down, we cannot afford a tax cut. Let me tell my colleagues and anyone else who is interested that whether you are a supply-sider or a Keynesian, there is no better time for tax relief to get the economy moving by leaving money in the hands of those who earned it and allowing them to spend it and invest it. My colleague from Texas told us about the many different uses these tax rebates can be put to, but putting that money back in the hands of the hard-working Americans who earned it is the very best thing we can do to get the economy growing again.

We saw what happened when the Republican Congress pushed through a capital gains reduction about 4 or 5 years ago. No. 1, despite the gloomy predictions of many old-line liberal economists, receipts to the Federal Government did not go down. In fact, they went up because more people unlocked the investments they had locked away with large capital gains built up and they sold those assets, generating revenue for the Federal Government. More important, they invested in the economy, in the information technology that kept the economy growing through much of the remainder of the 1990s.

Alan Greenspan, who is no wild-side, born-again, anti-government conservative, had been preaching to us on the Budget Committee, the Banking Committee, and anybody who would listen to him that we needed to start reducing the debt.

With the Republican takeover of Congress in 1994, we did force through a balanced budget. We did bring spending under control. We are starting to bring the debt down. We have provided the incentive for the economy to grow with a capital gains tax reduction, and we generated more revenue with that tax reduction.

Late last fall, when Alan Greenspan came before us, he said: The time has come to start giving money back to those who earned it. Tax rates are too high. We need to continue to move to reduce the debt, but we have threatened to build up such a surplus, because of the excessive taxation imposed on this economy in 1993, that we are going to be in a position where we will put a stranglehold on the economy and potentially have the Federal Government buying up private assets, i.e.,

nationalism or socialism, if we do not start leaving more money in the pockets of hard-working Americans. So we began the process promised by President Bush of reducing taxes.

It turns out that not the recession officially but the downturn that was forecast by the stock market in March of last year, and which really began to take effect this quarter a year ago, which really accelerated during the winter, was getting worse, and the tax relief that President Bush promised was not only a matter of fairness for American taxpayers but it was a vitally needed boost for the economy.

When there is an economic downturn, the worst thing that can be done is to raise taxes. Herbert Hoover had a depression named after him because when he saw the economy turn down, he said: We have to maintain the surplus. So he jacked up taxes and tariffs, and he led the United States to take the world down into a worldwide depression.

I hope we have learned. I hope we have learned we can tell those naysayers who say, oh, my gosh, we have an economic downturn so we have to raise taxes, that is the dumbest thing we can do. There is very rarely a time when we will see fiscal policy being an accurate, effective countercyclical measure.

This is the time to put money back in the pockets of hard-working Americans who have earned it. I am very proud to have been one to support that tax cut all the way.

The rebate checks are going out, the child tax credit will increase, the marriage penalty will be reduced, educational savings improvements will be made. For Missouri small businesses, the devastating impact of the death tax will be reduced, and there will be incentives for helping people fund their retirement.

There is more to be done. I look forward to working with my colleagues to assure that permanent tax relief, that this measure is made permanent, and that we have a more fair, simpler, and flatter Tax Code. We are working to fulfill the promise that President Bush made. I am proud to have been part of it. I look forward to continuing to work on that team.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Missouri for talking about his trip with the Vice President, and once again emphasizing a promise made is a promise kept. I thank the Senator from Missouri.

I yield up to 5 minutes to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank my colleague from Texas for bringing this issue to the floor this morning and allowing time to talk about what is going on in the mailboxes of Americans today. The rebate checks are coming home.

A week and a half ago I was in Idaho walking across a street in a small town. A lady yelled across the street at me: When am I getting my check?

True story. It happened. I said: They will be mailed out in a week and a half. What are you going to do with your check?

She says: I have four kids and we are going to Wal-Mart to buy school clothes.

That is the message that is coming home to America today. President Bush recognized that hard-working Americans were being taxed at the highest level ever in our country's history. He worked with us, we supported him, and as a result, when someone says today ''the check is in the mail,'' literally it is happening.

This week, America's taxpayers began to receive the rebate check we promised them, that President Bush promised them, that began to pull down the surplus and keep money out of the hands of Government and return tax dollars to the hard-working American families who sent them here in the first place.

In Idaho households, over 380,000 checks will arrive between now and September 24. That represents $167 million to Idaho. That is a lot of money in our State. We are a small State. We have 1.2 million citizens. That is going to have a phenomenal impact on the Idaho economy. Nationally, that is 91.6 million taxpayers and about $39 billion.

This time, I am proud of what we have done as a Congress. Congress did it right. Tax relief is reaching the people at the right time. It will boost their confidence in the economy and their Government. I think it will restore a little financial freedom when they need it. I think you must always recognize with hard-working families, mom and dad both working, if they have children, and of course they want children, that is a very important but very real expense.

Just like that lady in Blackfoot the other day who said, ''I'm going to Wal-Mart and buy clothes for my kids,'' Americans will spend it; they will save it. I don't care about all the great speculation and debate that Americans are not going to save it and it isn't going to help the economy. Speculators, frankly, I don't care. It is the citizens' money that is being returned to them and they will do a little bit of both with it. I think it is important we recognize once the money is in the hands of the American working family, politicians can't direct it or, more importantly, misdirect it.

The moms will go to Wal-Mart and buy clothes for their kids. It may pick up a good number of tankfuls of gas. It may well put food on the table or it might go into someone's savings account. That is what it is all about.

I heard some critics try to disparage or make fun of the rebate, saying it is only $300 or $500 or $600. To some families, getting a $600 check in the mail can make all the difference in the world about some of the choices they will make this late summer or fall. It may well be the price they pay for a little additional vacation they had cut short because of the energy bills and the higher gas prices that they were going to be paying this year. That is what a tax rebate is all about. Anyone who ridicules the rebate, my guess is they have lost touch with the American people and the hard-working men and women who get up every day and go to work and spend 8 or 10 or 12 hours at work and pay their taxes because they think that is the way good Americans ought to function. Many do it, and thank goodness they do it. Now we are able to reward them just a little bit.

My advice to the naysayer: If you don't need the rebate, give it back to the Treasury. Give it to a charity. Do something with it other than spend it on your family or save it because it is your money and we have guaranteed you the freedom to make that choice.

By the way, the Treasury Department has always had a fund to receive contributions. So those who do not like the tax cut, give it back. Those who find it valuable, spend it and enjoy it. It is your money. The check is in the mail.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Idaho. I appreciate all the work he has done to make this tax relief package a reality. He has been working on it for a long time. He is one of our leaders and we appreciate his keeping the promises he made to the people of Idaho in helping every American have a little more money in the next 2 months to spend on the needs that he described, such as the mom of four children going to Wal-Mart to buy the clothes for her children to start school.

Now, Madam President, I yield up to 5 minutes to Senator Thomas from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Madam President, I thank my friend, the Senator from Texas, for this time.

It is important we talk a little bit about some of the things that have been done and the impact we will see immediately. This is unique. I cannot recall it ever happening this way before, where there were excessive dollars available that came in, and more taxes than were necessary to carry out the essential elements of Government. There was a need for an economic boost and there is. So we took this opportunity to return some of this excess money to the people who have paid it.

That is a basic issue and one we deal with quite often. That is a difference of philosophy in terms of how we handle money. Obviously, everyone agrees there has to be a sufficient amount of money to take care of the necessary functioning of Government, although there is a difference in view of what the

functions would be. There is also a philosophical difference among those who would say we have money, so let's increase the role of Government; let's spend more and have more programs. Others say, wait a minute, let's try to keep the role of Government limited and return this excess money to the people who paid it. That is what this is.

It is a very basic issue, one that is philosophical but it is the right thing to do.

I hear this business, from time to time, about millionaires are going to get $300 a day. How many people do you think, of all the taxpayers who are going to get a check in the mail, are millionaires? The people I have seen are not millionaires, the people who are going to get some of the money they paid. All taxpayers who have paid their dollars will reap some benefits from this distribution.

That is what it is all about. Further, I think it is necessary at the same time to recognize that on June 7 of this year, this Republican Congress and the White House kept a commitment to the American people and delivered the most significant tax relief in 20 years. Not only will we have this distribution, of course, which is designed to give some immediate impact to it, both for the taxpayers themselves and for the economy—$300 for single filers, $500 for single moms, $600 for families, and that is very important—but following that, of course, is a new tax law that goes a long way to restore fairness in the Tax Code.

It reduces the marriage penalty, which my friend from Texas was obviously almost the singular leader in causing that to happen, and we appreciate it, the death tax, doubles the child credit and child care enhancements. We need to recognize that over a period of time we are going to do a great deal to increase fairness and return dollars via the Tax Code, although that doesn't happen for several years. That is why this is very important, this immediate impact. I think it is one of the greatest things that can happen. And, in addition, it should happen.

We now hear people talking about raising taxes, for heavens' sake, when we are facing difficulties in the economy. When we find ourselves with real surpluses, to talk about raising taxes —give me a break. I cannot imagine anything more unlikely to happen than that.

I think we should feel very good about what has happened. I am hopeful all these checks will be out very soon. They are now in the mail. Beyond this, I want to emphasize again we have had a significant change in the tax culture and the Tax Code over time. This is the most important thing. I am happy to have had a chance to participate in it and recognize it today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I thank the Senator from Wyoming for working on this ever since he has been in the Senate, for being committed to tax relief for every hard-working American, and for being one of our leaders, speaking out on this issue and talking about how important it is that we not only give tax relief right now, but also hopefully will have another tax relief package in the near future. We want to have all the surplus used wisely. That means part of it should go back to the taxpayers who have worked so hard to earn it.

I am pleased to yield the remainder of our time to the Senator from Pennsylvania, Mr. SANTORUM.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania has 3 minutes 20 seconds.

Mr. SANTORUM. Madam President, I thank the Senator from Texas and the Senator from Wyoming for being here this morning to talk about what I think is one of the most important issues we can talk about in the Senate, and that is what we are going to do to strengthen our economy. Why is it I put it in that context? The right medicine at this time is to put more resources into the economy to get this rather flat-line economy right now jump started.

Over the past year now, we have been going through a fairly substantial economic slowdown. The right medicine is exactly what the Congress did. We worked very hard with the President of the United States to pass a tax relief measure that got an infusion of money out into the public just in the nick of time, I hope—I hope just in the nick of time to help get this economy up and going and churning again. Checks are in the mail and being received by people all across America in amounts that are substantial, in amounts that are meaningful to people, to families who are preparing for their children to go back to school and need to buy school clothes and books and school supplies. Those are the kinds of expenditures that I know, with the number of children I have, can put a real pinch in your budget because they are one-time expenditures, mostly at end of the summer, the beginning of the fall, and they are very difficult to budget.

This check coming at this time can provide some help to middle-class and lower income families who really do need this help and help the economy at the same time. It gets that infusion of money into our economy.

I am proud that we were able to work in a bipartisan way in the Senate. Twenty-five percent of the Senate Democrats along with the Republicans voted for this proposal. It showed that with good leadership we can get bipartisan work done to meet the needs of the American people, to help the average American. At the same time, we can strengthen our economy at a time when we are going through a very difficult slowdown.

I know there are other things we need to do. We need a national energy policy because at least in my State, in Pennsylvania, we have some real problems in our manufacturing sector, driven principally by high energy prices over the past 18 months. We need to have a national energy policy so we do not have these spikes that cause economic downturns and difficult times in our manufacturing sector, which is still, from my perspective, a very important sector of our economy.

We need to do something on trade. We need to open up new opportunities to trade around the world, which by doing so will create better jobs in America. The economy is important. We need to be aware here in the Senate of what we can do at a time of economic slowdown to get this economy up and running.

The first and most important thing is to reduce the tax burden on the American public to get more money in the economy. The second thing is to develop a national energy policy to make sure we have stable, long-term, affordable, clean energy for America's future so we are not relying on foreign energy and that problem. The third thing is to increase trade.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the next 30 minutes shall be under the control of the Senator from Illinois.

## THE TAX CUT

Mr. DURBIN. Madam President, historians and political scientists will find this a very interesting morning debate in the Senate. Over the next few months, they ought to take a look at what primarily Republican politicians and the President are saying and mark it as a special part of American history because the American people really have been lobbied by the President and by his supporters to support a tax cut. They have been lobbied to support a tax cut.

This morning we have had an array of Republican Senators coming to the floor to explain why a tax cut is a good thing.

Think about it. The average person in Illinois would think a $300 check for a person or a $600 check for a family is obviously a good thing. That is going to help pay for school expenses, as the Senator from Pennsylvania said. It is going to be around if you need it for whatever the cause—paying off last winter's heating bill or taking care of some expenses around the house. These are real things that families face, and $300 from the Government or $600 from the Government, of course, is a good thing.

But, of course, the reason the Republicans are spending so much time trying to convince us it is a good thing is because there is some doubt as to whether, on a long-term basis, the President's tax cut is really the right thing for America. Do we need an economic stimulus right now? You bet we do. This economy apparently is continuing to go down.

Yesterday the stock market took quite a hit. I hope it recovers soon. Everyone does—anyone who has a pension fund or IRA or 401(k) or any kind of investment. But we do need a stimulus for this economy. Alan Greenspan is desperately looking for the right stimulus. He has reduced the prime rate from time to time to try to stimulate the economy. It doesn't seem to be working as he hoped because long-term interest rates have not come down, and that is kind of an indicator as to whether or not we are going to be moving forward and the people who make investments believe we are so they can have some confidence in our future.

To say we need some kind of tax cut now for economic stimulus for families, you bet; I think it is a good idea. This would have been an easy thing to vote for—$300 for individuals, $600 for a family. But that is not what President Bush proposed. That is not what passed the Senate.

What he passed was a package of tax cuts that span 10 years. How do you get to a point where you can say what America's economy is going to look like 2 years from now, 5 years from now, or 10 years from now? That is where a lot of us think this tax cut proposed by the President went too far. He should have come in with a tax cut as a stimulus for this economy now. The Democrats and Republicans both support that kind of a tax cut. But when you expand it to a 10-year program, when you cannot say with any certainty what this economy is going to look like, you run some real risk.

The fact is, the truth is, in a very short period of time, in a matter of just weeks since the President had his bill signing, we have received some economic information about the current state of the economy that shows that all the economists who painted the rosiest picture in the world to justify a tax cut may have been wrong about this year, let alone 10 years from now.

This morning, KENT CONRAD, chairman of the Senate Budget Committee, brought in Members to talk about some of the problems they can foresee. If you look at them, they are already very troubling. Even this year it will be necessary, because of President Bush's budget and tax cut, for us to take $17 billion out of the Medicare trust fund—the trust fund for the elderly and disabled that is clearly under siege because of the number of people who need it and the increasing cost of medical care. Already this year, because of the Bush tax cut, we are going to have to start raiding the Medicare trust fund.

I can tell you that Republican and Democratic Senators alike said that would never happen; we are going to protect these trust funds. Yet already we can see that is on the horizon. Sadly, it gets worse.

In a very short period of time, we are not only raiding the Medicare trust fund but also the Social Security trust fund. For what? Because the surplus is not adequate to cover the Bush budget and tax cut. That is what it boils down to.

Those who come to the floor and take great pride in having voted for this Bush tax cut and this Bush budget also have to acknowledge that they were wrong in the economic forecast. There are already revisions that we are receiving showing that America's economy is not growing as fast as they said it would. We find ourselves in a perilous position.

It has not been that long ago; I can remember when I was first elected to Congress when we had deficit after deficit. We piled up a national debt of $5.7 trillion. That is our national mortgage. When people receive a $300 check from the Federal Government, I hope they don't think we have paid off the mortgage before we sent the check. No. The mortgage is still out there for all the folks receiving the check and their children and their children. It is still there.

What does our national debt cost Americans? One billion dollars a day in interest. How do we raise the money to pay the interest on the national debt? You will see it in your payroll tax. You will see it in your income tax. We continue to collect $1 billion a day to pay the old debt—the mortgage—of Americans at a time when we are sending out a refund of $300 for individuals and $600 for families.

You say to yourself: What would have been the more prudent and careful thing to do, the conservative thing to do, if you want? Certainly, from my point of view, it would have been to pay down this national debt as fast as possible; get this off the books as quickly as you can so our children don't have to carry that burden and so we don't have to collect over $350 billion a year to pay interest on our old mortgage, our national debt. That should have been our first priority. It was not the first priority of the Bush budget.

Second, if you are going to have a tax cut, let's have a tax cut to stimulate the economy. But let's focus it on families who really need the money. Many families who will receive $300 or $600 really need the money.

When you look at the Bush tax cut, it isn't a tax cut that is directed toward working families or those who are struggling to make ends meet. It is a tax cut where 40 percent of the benefits go to people making over $300,000 a year.

I find it incredible that the President and his friends in Congress believe that people making over $300,000 a year desperately need a tax cut. In fact, they get 40 percent of all the tax breaks. That is what the Bush tax plan proposed.

As individuals receive $300 with this tax cut, keep in mind that if your income is over $1 million a year you will receive a $300 tax cut check every other day under the Bush tax cut plan. That is the unfairness of this.

For us to really put ourselves on the line and to imperil our economic future by enacting a tax cut based on economic assumptions that have already proven to be wrong because we didn't pay down the national debt as we should have when we had the chance to do it but instead declared a bank holiday with $300 checks for everybody is where we missed the boat.

It is not popular to say pay down the national debt. People do not rise, cheer, applaud, and say they really love that Senator who wants to pay down the debt. No. As you go down the parade route, they say: Cut my taxes. I heard it before the July break, and I have heard it as long as I have been in this business.

What is the responsible thing to do for this country? As we see now, it isn't enacting the Bush budget, which has us this year already raiding the Medicare trust fund to pay for the tax cut and soon to be raiding the Social Security trust fund to do the same.

What else is at risk? Secretary of Defense Donald Rumsfeld, who has been doing a review of the Department of Defense, has said we need to make some significant changes in the way we defend our country. All of us, I hope, agree that is our highest single priority—the common defense of America. Yet when Secretary Rumsfeld is put on the spot, when people ask, How will you pay for this, he is at a loss. He can't answer it. The money has already been spent. The money has been spent on a tax cut projected for the next 10 years.

I think that is shortsighted. Instead of focusing on paying down the national debt and on the defense of America as our highest priority, we have decided that a tax cut primarily for the wealthiest people in America is a much higher priority.

I don't think history is going to judge us well for that. The men and women in uniform who put their lives on the line for the country expect us to do the very best we can for them. They expect that equipment works. They expect to be well armed and trained so they can defend America and its interests.

For us to have to shortchange that or cut back on that because of this Bush budget and tax cut I don't think makes much sense.

Let me add another thing. If you ask American families, What is the highest priority issue in your life that you think the Government can deal with time and again, whether it is a State poll or a Federal poll or a local poll, the answer always comes back: education. The answer is education. People believe education is really what America is all about. That has been our ladder of opportunity in this country.

The President came forward with a bipartisan education bill supported by Democrats and Republicans. I supported it, too. I thought it was a good piece of legislation. I might have made some changes here and there, but on

balance I thought it really moved us in the right direction. It said for the first time in a long time that the President's party was committed to investing in education.

It wasn't that long ago that the President's party and its party platform wanted to eliminate the Department of Education in Washington. They said this is a State and local issue; it shouldn't be Federal. They have changed. Thank goodness they have. I think it is a wise course they have taken now—to say that the Federal Government should make strategic investments in education for the good of our country.

That is what the bill said—include accountability for teachers and tests for students. It included a lot of incentives to deal with afterschool programs and to improve the quality-of-reading programs, mathematics and science programs. These are all great ideas and great investments. But the sad news is, because of the Bush budget, the money is not going to be there to invest in education. We will pass legislation saying this is a good thing to do. We will authorize it. We will approve it as a concept. But when it comes to appropriating the money and actually spending the money, we are going to find that it is not there. That is the difficulty, too.

Again, as we receive these tax cut checks in the mail, we have to put it in perspective. Life is a tradeoff. Politics is a tradeoff. In this tradeoff, we have decided that a tax cut plan by President Bush that is primarily loaded for the rich is far more important than paying down the national debt, improving America's national defense, and investing in education. In the long run, I think that is going to be viewed as very shortsighted. I think we should have been more careful and more prudent in the approach that we took.

When you look at the long-term outlook for the amount of money that will be taken from the Social Security trust fund and the Medicare trust fund, next year we will have to raid the Social Security trust fund by some $24 billion and the Medicare trust fund by $38 billion. That means people who are paying payroll taxes today to sustain today's Social Security retirees have to understand that the trust fund they are counting on to be there when they retire is going to be diminished because of the Bush budget and because of the Bush tax plan. This is something that is a reality. It is a reality that we have to face in Congress. It is not one we are happy to face but one we must face.

Let me also say that when it comes to other economic assumptions in the President's budget, there are some real weaknesses, too. The President's budget did not include appropriate contingencies for natural disasters. I hope there will never be another one. I know there will be. When there is a disaster, we will rise to the occasion—whether it is a flood in Illinois or a hurricane or a tornado. All of these things cause problems, and the Federal Government rallies to help families solve them. It costs money. The Bush budget, sadly, does not have enough money for that help.

Tax extenders are programs such as investment in research for corporations that come up with new and innovative and creative products. These need to be reextended. They cost money. The Bush budget didn't provide that.

The alternative minimum tax, which was established to try to catch the high rollers who might escape some tax liability, has really been ignored, and it should not be. Yet the Bush budget does not take into account that is something that obviously has to be done or we will end up penalizing middle-income families who thought they were receiving a tax cut, on the one hand, from the President and, on the other hand, get nailed with the alternative minimum tax.

So what we have here, sadly, is a budget proposed by the President that already has us raiding the Medicare and Social Security trust funds that already imperils our ability to deal with priorities, such as national defense and education and paying down the national debt.

I see my colleague from Minnesota is in the Chamber.

## THE PRESIDENT'S COMMISSION TO STRENGTHEN SOCIAL SECURITY

Mr. DURBIN. Madam President, I want to say a word or two, in closing, about the effort that has been made by the President's commission to strengthen Social Security. I hope this commission is going to be more objective in the way they deal with the Social Security Program. All of us understand that Social Security cannot go on indefinitely, that it needs help, and that we need to make the appropriate investments to make sure that Social Security is there for generations to come.

It is the most broadly based and most successful social program in the United States. Social Security gives to retirees the safety net they need to live a life of comfort. Along with Medicare, these are the two things that retirees really count on in America.

I am concerned about the draft interim report by President Bush's commission which is supposed to look to the future of Social Security. The report makes many misleading assertions in an attempt to convince the public that Social Security is on the verge of collapse. I hope that any commission entrusted with the challenge of strengthening Social Security will carefully consider all options for reform. Unfortunately, this commission has been charged only with the task of how to convert Social Security into a system of private accounts, not with the careful study of whether or not this is the right thing to do.

Let me give you an example. If you wanted to invest in a mutual fund today, you would generally find there is a minimum investment. Why is there a minimum investment? Because there is an administrative overhead cost to that investment. Unless you put in $500 or $1,000 or $2,000, it really does not warrant the administrative cost. Think about it in terms of individuals who decide they want to invest $100 a month, let's say, of their Social Security check into a private investment. Administrative costs come with each of those investments, and that has to be taken into account in the real world.

Secondly, we have seen yesterday—and we have seen over the last year—that although the stock market can be very generous to those who invest in it, it can also be very cruel. And any who happen to have invested in the last year, making retirement dependent on their investments, will have to think twice about it because things have not gone well in a lot of indices, whether it is the Dow Jones or the S&P 500.

So those who think the stock market will always go up, historically they are right, it has always gone up, but there are peaks and valleys. If you should happen to make the investment of your Social Security retirement fund at a point when we are in an economic valley in the stock market, you may find all you counted on is not there when you need it. That is an important consideration.

There has also been a consideration that some 2 percent of Social Security would be invested in these private investments. Because it is a pay-as-you-go system, that could require cuts of up to 40 percent in the benefits under Social Security or increases in Social Security payroll taxes.

So what I would say to the President's commission is: Give us your alternative in its entirety, give us your program, get beyond the principles and the theories. Tell us how you are going to pay for this. If we are going to move to private investment and private accounts, show us how this will work.

This program of Social Security, created in the days of Franklin Delano Roosevelt, was one many people branded as socialism. Many predecessors of the folks on the other side of the aisle voted against it because they thought it was an experiment in which America should not be involved. History has proven them wrong. Social Security is important. But those of us who serve today in the Senate and the House have an important responsibility to serve that legacy well, to make certain that Social Security and Medicare are here for many years to come.

We can make Social Security stronger, and we can guarantee to successive generations that safety net will be there, but we have to be prudent and careful in the way we approach it.

Madam President, I yield the floor.

(Mrs. CARNAHAN assumed the chair.)

TRANSPORTATION APPROPRIATIONS AND LONG-HAUL TRUCKERS

Mr. WELLSTONE. Madam President, just in the time we have remaining, I really would like for us to move forward on this legislation and, indeed, on other legislation that is important to people's lives.

I want to speak to three different questions.

First of all, on the Murray amendment—and presumably we will have more time for debate; I do not know whether or not we have a filibuster that is going to be sustained or whether or not there is going to be some agreement, but I want to thank Senator MURRAY for her good work.

I tell you, people in Minnesota, as we look at I–35 coming from the south, are interested in safe drivers and safe trucks and safe highways. They are interested in their own safety. Frankly, I think it is terribly important that all of us support Senator MURRAY's amendment.

For my own part, I also want to give a lot of credit to what Congressman SABO from our State of Minnesota has done on the House side. He basically has said, we are not going to have the funding to grant the permits because there is just simply no way that right now we are going to be able to have any assurance that the safety standards are going to be there.

I want to make one point that perhaps was brought up yesterday in the debate but which I think is really important as well. As a Senator, I do not really make any apology for also being concerned about—above and beyond safety—the impact this is going to have on jobs in our country, frankly, the impact of NAFTA on jobs in our country.

In particular, I think the very powerful implications of all this are as we see more and more subcontractors crossing the border at maquilas, it is far better, from the point of view of people in Minnesota, that the subcontractors to our auto plants or to other parts of our economy are located in the United States. With a lot of the transportation being done by American trucks, that is what happens.

The Bush administration is pushing this full force, and they are not even interested in respect for the safety standards.

The other thing that is going to happen is, you are going to have more and more subcontractors basically located in Mexico because Mexican trucks take whatever is produced there right to wherever it needs to go in the United States, thus eliminating a lot of other jobs.

So I think this is not just about truckdrivers, not just about Teamsters, not just about safety—all of which I think is very important—I think it is also about living-wage jobs in our own country. It is also about our economy. Frankly, in some ways, though I support the Murray amendment, I really appreciate Mr. SABO's effort. And we will see what happens on the floor of the Senate, whether or not we will have an amendment similar to Mr. SABO's amendment in this Chamber.

But I think, at the very minimum, we have to insist on the safety standards, and, at a maximum, eventually we are also going to have to have yet more honest discussion about this new global economy and where people fit into it. All that happened in Italy and all that happened in Seattle I would not defend—not all of it, by any means, but what I will tell you is that there are an awful lot of people in our country and throughout the world who are raising very important justice questions. They are not arguing that we are in a national economy alone. They are not arguing that we ought to put up walls on the borders. But they are arguing, if we are going to have a new global economy and we are in an international time, then above and beyond it working for large financial institutions and multinational corporations; it ought to work for working people; it ought to work for human rights; it ought to work for consumer protection; it ought to work for small producers; and it ought to work for the environment.

Frankly, I think that is part of what is being debated in this Chamber. We have a very, what I would call incremental, pragmatic amendment, which Senator MURRAY has done an admirable job of defending. I am amazed other Senators believe this goes too far by way of assuring basic safety on our highways. I think we need to defend Senator MURRAY's effort.

Above and beyond that, I have some real questions about whether or not all of this will be enforced and then properly certified. Then above and beyond that, I have some real questions about these trade agreements and the impact they have on whether or not we will have living-wage jobs for the people in our country to enable people to earn a decent standard of living so they can support their families.

And above and beyond all that, eventually, I am telling you —it may not be this year; it may be 5 years from now; it may be 10 years from now—we are going to design some new rules for this international economy, so that rather than driving environmental standards down, or wages down, with a complete lack of respect for human rights, we can have the kind of standards that lift up people's lives.

A PRESCRIPTION DRUG BENEFIT

Mr. WELLSTONE. Madam President, since we are, for the moment, stalemated here, I rise to express my strong commitment to our moving forward on a prescription drug benefit. Obviously, we will not be able to do it now, but people in the country are certainly interested in the politics that speak to the center of their lives.

I want to see us eventually pass a bill that calls for health security for all citizens. Before we do that, we ought to have a decent prescription drug benefit. I recommend to my colleagues a Sunday story in the New York Times, front-page story by Robert Perrin. I forget the name of the coauthor; I apologize.

The gist of the piece was that it is going to be very difficult, within the $300 billion allowance over the next 10 years because of the tax cuts, to have a benefit that is going to work for a lot of elderly people. If the premiums are too high and the copays are too high and the deductibles are too high, many people can't afford it. Quite to the contrary of the stereotype of greedy geezers traveling all over the country playing at the most swank golf courses, the income profile of elderly people is not high at all. Disproportionately, it is really low- and moderate-income people.

So, A, people will not be able to afford the benefit. And then, B, if we don't deal with the catastrophic expenses—that is to say, after $2,000 a year, people should not be paying any more additional expenses—then it is going to be a proposal or a piece of legislation that is going to invite mutiny. People are going to say: We thought when you campaigned that you made a commitment to us. We thought you made a commitment to affordable prescription drugs. But you are not willing to do it.

I have introduced a piece of legislation called MEDS. At a very minimum, we are going to have to understand $300 billion over 10 years will not do the job. We have to understand that this tax cut that has boxed us all in is a huge mistake. We are going to have to be intellectually honest with the people in the country, and we are going to have to find our courage. Frankly, I predict we will revisit—the sooner, the better—this tax cut proposal. It is too much Robin Hood in reverse, too much going to the very top of the population. And now we are without the revenue and the resources to do well for people with an affordable prescription drug. ''Affordable,'' that is what everyone campaigned on.

In addition, yesterday Senator ROCKEFELLER, chairing the Veterans' Affairs Committee, had Secretary Principi come in. He is a good man. I have a great deal of respect for him. I think he cares deeply about veterans. He was talking about prescription drug benefits within the VA. I asked him several times whether or not he felt that their global budget and the discount they insist on has enabled them to hold down the cost. The copay for veterans for prescription drugs right now is $2. He said: Absolutely.

Maybe what we are going to have to do—there are Republicans who will agree; I hope all the Democrats agree—is also have some cost containment. We have 40 million Medicare recipients. I suppose we might be able to say that 40

million Medicare recipients represent a bargaining unit and we want a discount from these pharmaceutical companies that are making excessive, obscene profits.

There are a lot of issues people care about. There are many issues on which we need to move forward. In particular, in order to do well by people, we are going to have to be not only intellectually honest, but we will have to have some political courage—political courage to talk about the ways in which this tax cut bill puts us in a straitjacket and amounts to a miserable failure from the point of view of our being able to do well for people and from the point of view of our being willing to live up to our promises. Everybody who ran for office talked about an affordable prescription drug benefit.

In addition, we are going to have to challenge some of the profits of the pharmaceutical industry and have some cost containment so this works.

## VICTIMS ECONOMIC SECURITY AND SAFETY ACT

Mr. WELLSTONE. Madam President, today I am going to introduce legislation, the Victims Economic Security and Safety Act, with Senator MURRAY—she probably will not be able to be at the press conference because she is doing such an admirable job of standing her proper ground for safety—Senator SCHUMER and Senator DODD; and Representatives CAROLYN MALONEY and LUCILLE ROYBAL-ALLARD on the House side.

Basically, this legislation deals with what is a huge problem; that is to say, estimates are that as many as 50 percent of the victims of domestic violence have lost jobs in part due to their struggle. The same thing holds true for victims of sexual assault.

The legislation addresses three or four issues. No. 1, it would provide emergency leave for those women—sometimes men, almost always women—who are having to deal with the battering and with the violence, be it in the home, be it sexual assault, be it stalking. It will allow them to take some time off from work to see a lawyer, to see a doctor, to do what they need to do.

No. 2, it would extend unemployment compensation to people who are forced to leave their jobs in order to provide for their own safety and their children's safety. Amazingly, this happens in about 50 percent of the cases: Quite often for these women, the man—be it the former husband, a stalker, somebody who has assaulted them sexually—will come to their workplace and constantly be there. And in order to be safe, in order sometimes literally to save their lives, in order for their children to be safe, they then have to leave work. We want to, with documentation, be able to provide some unemployment compensation.

No. 3, it would prohibit discrimination against victims of domestic and sexual assault. This is critically important. What happens is the employer—and some of the employers are great—sometimes says: This is creating a lot of trouble. Therefore, we fire you.

That is the last thing in the world you want to do.

It also provides protection from insurance company discrimination. There is no reason why women should be battered again by an insurance company that says: We understand that this guy has come to work, is threatening you, that you have this problem. We don't think you are a good bet for health insurance.

Finally, it provides tax credits to companies that will provide the programs and the help.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada.

## EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended for another 10 minutes.

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

## STALKING AND DOMESTIC VIOLENCE

Mr. REID. Madam President, before the Senator from Minnesota leaves the floor, I wish to say was not able to hear all of his statement but most of it. He mentioned what we need around here is political courage. That is something that is not lacking in the service of the Senator from Minnesota.

I appreciate his legislation regarding stalking and domestic violence. Stalking is a very evil thing, for lack of a better way to put it. I can't imagine how difficult it is for people who are stalked.

Senator ENSIGN and I had the misfortune of having somebody who was stalking us. It was very serious. He felt he had been aggrieved in Mexico and that we should do something about it. Of course, there was nothing we could do about it. It became a very big burden on my staff. He wouldn't leave my office. Finally, in an effort to get attention, rather than shoot one of my staff members or me, he shot himself in front of my office. He survived the gunshot wound and proceeded to continue to harass us. He was convicted and sent to prison. I only say that because if people of our stature and in the public awareness have difficulties, I can't imagine people who don't have the U.S. marshals and other people protecting them. So we need to do more. It is a very insidious thing. We need to do a better job of training law enforcement, although they are trained much better than they were regarding domestic violence. We need to have judges who better understand domestic violence.

I am anxious to look at the Senator's legislation. It sounds as if it is heading toward the correct destination. We need to focus more attention on this national problem.

Mr. WELLSTONE. Madam President, I thank my colleague from Nevada and tell him that, as we move forward, we will talk about some companies that have put together model programs. Again, unfortunately, what a bitter irony that for too many of these women—part of what this is all about is control. They have had the courage to move out of the home because the home is very dangerous for them and very dangerous for their children. Still, about every 15 seconds a woman is battered in the United States. Maybe this guy will come to work—and basically he doesn't want her to be working, so that is part of her independence. He will stalk her and make threats. Then all too often the employer will basically let her go, saying it is too much trouble. Then where is she? Quite often, she is forced back into a horrible situation. In about 50 percent of the cases, it happens where the guy or woman comes to work and the threats are made.

We are saying there has to be a way we can provide additional help and support. So we do a number of different things for those who have been victims of violence in homes, sexual assault, and stalking. A number of things are in this legislation. I think it would make a huge difference. I thank my colleague for his comments.

Mr. REID. I will say one more thing to the Senator. There are more animal shelters than there are domestic crisis shelters in America. In Nevada, a rapidly growing community, we are so understaffed. We have a lack of facilities. These brave women are willing to break away from this domestic violence, and we are having trouble finding a place for them to go. It is a really difficult situation, not only in Nevada but all over the country. It is a national problem. We have helped with some national moneys but not nearly enough.

Mr. WELLSTONE. I thank my colleague.

In addition, even if women have been in shelters, there is no affordable housing.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2299, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, we are this morning discussing the Transportation appropriations bill. As Members know, this bill contains many, many important infrastructure projects across this country for Members' airports, the Coast Guard, roads, infrastructure, bridges. We are trying diligently to move this bill forward so we can make progress and move to the House for a conference so we can do our duty in terms of the transportation infrastructure in this country and getting those projects funded.

I know many Members have priority projects in here they want to make sure are included. Senator SHELBY and I have been working extremely hard together in a bipartisan manner to ensure those projects move forward in a timely fashion.

We implore all of our colleagues who have amendments to come to the floor this morning. It is 10:30 on Wednesday morning. We are here. We are ready. We are waiting for those amendments to be offered. I understand Senator GRAHAM of Florida will be here shortly to offer his. I let all Members know, postcloture their amendments may fall, and we are going to be moving to that very quickly. Members have this morning, the next hour and a half, to offer any amendments they would like to have considered, either to be included in a voice vote that we hope to have or to be offered as amendments. Otherwise, they may not get their project debated on the floor and included in our bill.

Senator SHELBY and I are ready to consider any amendments that Members bring. We let them know that if they don't bring them shortly, they will probably not be allowed to be offered or included in the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I come to the floor to speak again about the issue of highway safety and the issue of allowing Mexican long-haul truckers to come in beyond the 20-mile limit in this country because, as the President suggests, that is part of what NAFTA requires. I disagree with that.

Before I talk about that issue, I will talk about something that happened yesterday and has been happening day after day on the floor of the House. A colleague stood up yesterday and said: Is this a way to run the Senate? He was upset at the end of the day that not much had happened on this appropriations bill. What is happening on these appropriations bills is, we are working in the Appropriations Committee to get these bills out. The chairman of the committee, Senator BYRD, and the ranking member, Senator STEVENS, have done a wonderful job working with all of the subcommittees. We are getting the bills out of the Senate Appropriations Committee. We are getting them to the floor of the Senate. What we see is a slow-motion action by people in the Senate who decide they really don't want the Senate to act. They don't want the Senate to move.

I don't think it is in the Senate's interest and I don't think it is in the country's interest to slow this process down. We have very limited time. We on the Appropriations Committee have tried to do a serious job of putting together good appropriations bills that we can consider, to move forward, so we can have conferences and get the spending bills in place and signed into law before October 1.

Senator MURRAY and Senator SHELBY have worked on this piece of legislation. While I have differences on the issue of Mexican trucking with not only the chairman and the ranking member, I also have differences, very substantial differences, with others who want to offer amendments from the other side. We ought to be able to resolve it, have the amendments and have the votes and move on, finish whatever other amendments are available to be offered to this bill, go to third reading, and pass this appropriations bill.

I bet Senator MURRAY and Senator SHELBY, who have exhibited enormous patience sitting on the floor waiting for people to offer amendments, would like nothing better than to have this Senate dispatch this bill. Today. Move the amendments. Get this bill out of here.

While someone stands on the floor and says, is this any way to run the Senate, the way Senator DASCHLE and other leaders are trying to run the Senate, bringing bills to the floor, offering amendments, and getting the bills passed, others are sitting on the back seat of the bicycle built for two with the brakes on, peddling up hill.

The message is either lead or get out of the way for those who want to stall the business. Senator DASCHLE has come to the floor and said that these are the pieces of legislation we have to finish before the end of next week. He is serious about that. He should be. He understands what the Senate has to accomplish. We have some who don't care much; they want to stall and stall and stall.

We have a number of appropriations bills that are waiting. Let's get this bill done and then move on. It seems to me it serves no national purpose to hold up appropriations bills for any great length of time.

Having said that—which I said because I was nonplused by someone standing up being critical of the way the Senate is being run when we are doing the right thing but we are not getting the cooperation; we need the cooperation to get these things done—we ask for more cooperation today to see if we cannot get this appropriations bill moving and through the Senate.

This morning's Washington Post says ''Battle on Mexican Trucking Heats Up.'' It describes two positions on the issue of Mexican trucking. Really, there are three positions. I want to describe the one the Washington Post forgot to mention. There is the position that is offered in this legislation by Senator MURRAY and Senator SHELBY. They have negotiated and reached a position that describes certain conditions that must be met before Mexican long-haul trucks move into this country. The other position is the position adopted by the House by a nearly 2–1 vote which says we cannot spend money; we are prohibited from spending money to approve the licenses or approve the permits to allow Mexican trucks to come into this country beyond the 20-mile limit during the coming fiscal year. I happen to favor the House approach because I think that is the only way to stop what otherwise inevitably will happen.

The approach taken by the Chair of the subcommittee and the ranking member is one that I think has merit, but one that I think requires certifications that certain things are met. My experience with certifications is that if an administration wants to do something, it will certify anything. I worry very much it will not stop what I don't want to happen. What I don't want to happen is this: I don't want Mexican long-haul truckers to be doing long hauls into the United States of America until and unless we are sure they are going to meet the same safety requirements our trucking industry has to meet: the same safety requirements with respect to equipment, and the same safety requirements with respect to drivers.

As I did yesterday, I refer to a wonderful piece written in the San Francisco Chronicle by a reporter who went to Mexico and rode with a Mexican long-haul trucker. This is what he discovered. He rode 3 days in a Mexican truck with a truckdriver. During the 3 days, they traveled 1,800 miles and that truckdriver slept 7 hours in 3 days, driving a truck that would not have passed inspection in this country, driving a truck for $7 a day, driving a truck that if it comes to the border in this country under today's circumstances would likely not be inspected for safety, and if it were allowed to continue into this country on a long haul, one

would expect that some American driver in his or her rearview mirror would see a truck with 80,000 pounds on an 18-wheel truck moving down America's highways without an assurance it has brakes, without assurance it has the kind of safety equipment that we require in this country. I don't think that is what we ought to allow.

I will not speak at great length because I think there are a couple others who wish to offer amendments this morning. Let me compare the safety regulations between the United States and Mexico. The free trade agreement between our two countries, one which I voted against, has in my judgment, not been a good trade agreement for our country. Prior to the trade agreement, we had a slight trade surplus with Mexico; now we have turned that into a very large deficit. Now we are told by President Bush that because of that trade agreement, we must allow Mexican trucks into our country beyond the 20-mile border. In other words, we must allow Mexican trucks without the same safety requirements—because those safety requirements do not exist in Mexico—to come in with drivers making $7 a day and do long hauls in the United States. That is not a trade agreement that seems, in my judgment, to represent this country's best interests.

Here are the differences between the United States and Mexico with respect to safety regulations: Vehicle safety standards in the United States, comprehensive standards for components such as anti-lock brakes, underride guards, nice visibility, front brakes: Mexico, far less rigorous and, in fact, in some places no inspection. Maximum weight: 80,000 pounds in the United States; 135,000 pounds in Mexico.

Hazardous materials rules: Very strict standards, training, licensure and an inspection regime in this country that is very strict. In Mexico, fewer identified chemicals and substances and fewer licensure requirements.

Roadside inspections: In this country, yes; in Mexico, no.

Hours of service: In the United States you can drive up to 10 hours consecutively in the trucking industry. You can work up to 15 consecutive hours with a mandatory 8 hours of rest. You cannot drive more than 70 hours during each 8-day period. In Mexico, none.

I described the driver who drives for 3 days and has 7 hours of sleep, driving with a reporter from the San Francisco Chronicle riding beside him—3 days, 7 hours. Do you want you or your family to have that truck in your rearview mirror? I don't think so. Hours of service in Mexico, none.

Random drug testing: In Mexico, none. In the United States, yes, for all drivers.

Medical condition disqualification: In the United States, yes, we do disqualify them for medical conditions if they cannot meet medical conditions. In Mexico, no.

Logbooks: In Mexico they say, yes, we require logbooks. There is a requirement in law. But, in fact, no driver carries a logbook. It is very much like the Mexican contention that they have very strict environmental rules. When we had American manufacturing plants moving to the maquiladora border, at the border between the United States and Mexico, we had people worrying about environmental rules. Mexico said: Yes, we have very strict environmental laws. Yes, they do and they do not enforce any of them. Strict laws, no enforcement. The same is true with logbooks.

Finally, here is a picture. GAO, the Government Accounting Office, did the investigation. Overweight trucks from Mexico hauling steel rolls at Brownsville, TX, a gross weight of 134,000 pounds. The U.S. limit is 80,000 pounds. The Department of Transportation's Inspector General said, when we talked about lack of parking spaces at inspection stations in this country as trucks enter—and, incidentally, there are very few inspection stations; only two of them on all of that border are open during all commercial operating hours. Most of them have one or two parking spaces. In response to one of the problems with parking spaces, when we said, why don't they just turn the trucks around if they are unsafe, he said: Let me give an example. We have a truck come in from Mexico and we inspect it and it has no brakes. We cannot turn it around and send it back to Mexico with no brakes, an 18-wheel truck with no brakes.

Is that what you want in your rearview mirror? I don't think so.

We have 27 inspection sites, two of them have permanent facilities. Most of them have no access to telephone lines to be able to check drivers' licenses on some sort of database. The fact is, this is a colossal failure. It would be a serious mistake for our country to embrace a policy suggested by the President to allow Mexican long-haul trucks to come into this country beyond the 20-mile border and haul all across this country with an industry that nowhere near matches the safety requirements that we insist on in this country for trucks and truckdrivers.

All of us understand the consequences. I understand there are people who believe very strongly that we ought to just allow this to happen because it is part of our trade agreement. No trade agreement in this country, none, should ever compromise safety in this country—not with respect to food safety, not with respect to highway safety. No trade agreement has the right to compromise safety for the American people at any time, period.

We have a disagreement about this issue. We will resolve it, I assume, soon. The sooner the better as far as I am concerned. My hope is that we will see people come to the floor of the Senate and offer whatever amendments exist on not only this issue but other issues today. Then we can finish this bill.

Senator DASCHLE, the majority leader of the Senate, has made it quite clear we have work to do. It does not serve this Senate's interests to decide to stay away from the floor of the Senate but try to hold up the work of the Senate. Let's come to the floor. Let's hash these amendments out, decide what we want to do with them, vote on them and pass this piece of legislation. The Senate owes that to the appropriators and the Appropriations Committee. We owe it to Senator DASCHLE and Senator LOTT, who are trying to make this Senate do its work on time.

I hope today we can see real progress on this bill. I hope especially one way or another, with one strategy or another, we can find a way to represent this country's best interests on the subject of stopping or preventing the long-haul Mexican trucks from coming into this country because they do not have anywhere near the equivalent safety standards on which we must insist they have, before we allow them to be on American roads.

I yield the floor. 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. GRAHAM. 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 Senator from Florida is recognized.

AMENDMENT NO. 1064 TO AMENDMENT NO. 1025

Mr. GRAHAM. Madam President, in October of last year I spoke to the Senate about a specific part of the Transportation appropriations, and that was the earmarking of intelligent transportation systems, or ITS, funds. At that time I expressed my concern that intelligent transportation funds had been earmarked over the last several appropriations cycles, and that earmarking was inconsistent with the purposes and objectives of the underlying legislation which authorized ITS funds which was TEA–21, the current Surface Transportation Act.

The Surface Transportation Act clearly stated the money was to be allocated on a competitive solicitation process overseen by the Secretary of Transportation. I discussed this in the last few months with both Senator MURRAY and Senator SHELBY, and raised my concerns. Therefore, I am pleased to say that, while there are still earmarks of ITS funds in this legislation, they, in my opinion, are noticeably less onerous than those earmarks to which I objected last October. I thank Senator MURRAY and Senator SHELBY for their efforts in that direction.

Let me give a little history and also point out some of the improvements which have given me encouragement from last year's Transportation appropriations bill.

In March of 1998, Congress overwhelmingly approved groundbreaking transportation legislation, TEA–21. This was not only intended to revamp distribution of Federal highway funds but was also to usher America into the completed interstate period of our highway history. We had spent the better part of a half century building the interstate system. By the 1990s, that mammoth national effort, at least as it had originally been conceived, has largely been accomplished. So the question was, Where do we go in the ''after interstate construction'' period?

One of the areas in which the Congress clearly believes we needed to go is to make the interstate and our other national highway systems as efficient as possible. As the Presiding Officer, who comes from a large and growing State, I can appreciate the number of interstate lanes you can build through a city such as St. Louis or Kansas City is just about limited unless you are prepared to do very significant demolition of an urban environment.

We increasingly are asking ourselves how we make these systems that are already in place operate as efficiently as possible. The 1998 TEA–21 legislation set aside money for research and development and also for the deployment of components of intelligent transportation systems. The goal was to accelerate our knowledge of how we make these systems more efficient and then to develop sound national policy for dealing with traffic congestion in the 21st century.

The Intelligent Transportation Program works to solve congestion and safety problems, improve operating efficiencies in vehicles and in mass transit, in individual automobiles and commercial vehicles, and reduces the environmental impact of growing travel demand. Intelligent transportation systems use modern computers, management techniques, and information technology to improve the flow of traffic.

ITS applications range from electronic highway signs that direct drivers away from congested roadways, to advanced radio advisories, to more efficient public transit.

This plan, developed by the Environment and Public Works Committee, was thoughtful and had a specific purpose in mind: to foster the growth of ITS, and, in a scientific manner, gather results from new ITS programs so that we could make wise decisions when the next transportation bill is authorized.

We might make the decision that ITS has been a failure and we should abandon attempts to improve the efficiencies of our highways. I personally doubt that will be the answer. It is more likely, I hope, that the answer will be that the practical necessities and limitations of other alternatives require us to try to make our existing highways as efficient as possible and that there are some means of doing that.

One of my concerns from last year's bill was the small dollar amount allocated to most of the earmarks. If you looked at last year's Transportation appropriations bill under the provision of ITS, you saw almost a mind-numbing list of specific communities with dollar amounts behind them. I know from personal experience that ITS, while a very potentially valuable component of any transportation plan, is not inexpensive. The plan I am most familiar with is Orlando, FL, which is a plan that combines many of the components of a modern ITS system and has had a pricetag in excess of $15 million. Therefore, when I saw many earmarks that were in the range of $500,000, I wondered where they were going to get the ''critical mass'' of funds needed to do an effective ITS system, where there was going to be a critical mass of the various components of ITS that would give us the kind of information we are going to need to make the judgment as to how far we can push this technology and these management systems as an increasingly significant part of our national transportation policy.

This year's Senate bill has earmarks. But many of them seem to reach the level of critical mass. That gives me encouragement that we are going to actually learn something from these projects because there are enough resources for a community to do a serious ITS program.

A second concern is that there has been little correlation between what we have identified as the Nation's most congested communities and where we have sent our ITS money. In the legislation of last year, as I pointed out in my October statement, almost no money went to the cities that had been designated as among the 70 most congested cities in America. There has been some improvement this year.

The source of information the Federal Government looks to to determine where the greatest congestion on the highway exists is a study which is produced annually by the Texas Transportation Institute located at Texas A&M University. They published their annual report for this year in May. The 10 most congested cities in America, based on this analysis, are, in order:

Los Angeles; San Francisco-Oakland; Chicago; Seattle; Washington, DC, and suburbs; San Diego; Boston; Atlanta; Denver; and the Portland, OR, area.

Unlike last year's appropriations bill, actually some money was allocated this year to these most congested cities: $3.75 million is going to the State of Illinois, assuming some of that will be directed towards the third most congested city in America; $4 million to the Washington, DC, area, the fifth most congested area; $1 million to Atlanta, the eighth most congested area; and $6 million to the State of Washington, again assuming that some will go to the fourth most congested area of Seattle.

Having said that, I point out that 6 of the 10 most congested areas did not receive any of the funds. Of the 44 earmarked areas in the Senate bill, 23 are directed towards cities or localities that are in the top 70 most congested areas in America, according to the Texas Transportation Institute study.

Even though I personally believe that there should be no earmarks and that we should fully comply with the prospects laid out in TEA–21, I am encouraged to see that the money seems to be directed, more so than in the past, to where the need is the greatest. I again commend Senator MURRAY and Senator SHELBY for that.

As I mentioned last year, I am not categorically opposed to earmarks. There may be appropriate areas within a mature transportation program where it is appropriate for Congress to indicate a national priority. As a former Governor, my preference is to allocate these funds to the States so that the States which have the responsibility for managing the transportation systems for all of their citizens can make intelligent judgments as to priorities, and then to oversee to determine that the actual results which led to the appropriations were accomplished.

I have grave concerns about where we are earmarking funds in a program that is evolving, where the stated purpose is to be able to enhance our knowledge of how this system operates, so that in the future we can make more informed judgments as to whether it is a program that deserves continued specific Federal support or whether it should be abandoned or whether it should be accelerated because of its demonstrated contribution. I am concerned about the relationship of earmarks to the legislative structure which led to the establishment of these creative and evolving programs.

In an effort to allay those concerns about earmarks, I have presented to the managers of this legislation—I am pleased to state that they have accepted—an amendment that I will soon offer. This amendment states that all of the earmarked projects will have to meet the authorization standards that were included in TEA–21 as to their significance and the contribution they will make towards our better understanding of the potential for intelligent transportation. I thank again Senators MURRAY and SHELBY for having indicated their acceptance of this amendment.

Let me conclude with a few words of caution. There is a role for the National Government beyond just redistribution of highway funds to the States and territories and the District of Columbia which benefit from those funds. We also have the opportunity, from time to time, to be a national laboratory for new, innovative ideas. There were several of those in TEA–21.

There was a new idea about innovative financing, how we could better put national, State, and, in some cases, private funds together in order to finance transportation projects. There was a new idea about streamlining and coordinating the permitting of transportation projects so some of the long

delays that we are all familiar with could be avoided in the future. There was the innovative idea of enhancing our knowledge of intelligent transportation systems in order to make our highways more efficient.

Most of those involve a specific program, with specific funding authorizations. Most of those were intended to use a competitive process so that the best of the best ideas could be given a chance to be demonstrated in real life, that our knowledge would be accelerated.

However, if we proceed in a manner that every time we try to use a national laboratory of innovation, what happens is, the funds that were provided for that end up being earmarked in an unsystematic, I would say in some cases, irrational manner, then what is the point? Why should we try to be a laboratory of innovation if that goal will be frustrated by the manner in which the funds are distributed, that rather than being distributed on a competitive basis, where merit and contribution to the national store of knowledge will be the primary objective, we distribute the money based on who happens to have the most influence within the appropriations process?

If that is going to be the pattern, then I, for one, would say, let's abandon the concept of the U.S. National Government as a laboratory, and let's just put all those moneys back into the pool to be redistributed to the States under an established formula.

I would personally hope we would not abandon that objective and that important role the Federal Government can play as a laboratory, but it is going to require the kind of discipline that we have made between October of 2000 and now into July of 2001, where there has been progress made in the Senate. We are going to have to continue that discipline as we go into conference with the House of Representatives, which, unfortunately, from my examination, has continued most of the practices that I bemoaned back in the fall of last year—a long list of small projects that do not seem to have the critical mass or the direction towards where congestion has been demonstrated to be the greatest and, therefore, where the opportunities to learn most about these ITS projects is the greatest.

So I will hope our conferees will stand strong for the principles they have already adopted and the principles which are represented in the amendment which I offer and ask for adoption.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1064 to amendment No. 1025.

Mr. GRAHAM. Madam 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 ensure that the funds set aside for Intelligent Transportation System projects are dedicated to the achievement of the goals and purposes set forth in the Intelligent Transportation Systems Act of 1998)

On page 17, line 11, insert after ''projects'' the following: ''that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note)''.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, Senator SHELBY and I have both seen the amendment. It is a good amendment, and I think it will be accepted on both sides.

Mr. SHELBY. That is right. I have no objection.

Mrs. MURRAY. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to amendment No. 1064.

The amendment (No. 1064) was agreed to.

Mr. GRAHAM. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Thank you, Madam President. And I thank Senator MURRAY and Senator SHELBY for their consideration.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from Florida and would, again, let all Members know that Senator SHELBY and I are in the Chamber. We say to all Senators, one more time, Members have just a short timeframe to come to us with any of their amendments.

I understand the Senator from Georgia is on his way. We have heard from several other Senators who may have amendments. I remind all Members that they just have a short time this morning to get their amendments here if they want to speak on them or they will probably not be able to speak to their issue.

We want to move this bill forward. We are here. We are ready. We are working. And we would appreciate it if Members would let us know what amendments they have so we can move this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes, with the proviso that if someone comes to offer an amendment on the underlying bill, I will relinquish the floor.

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

(The remarks of Mr. DORGAN and Mr. REID are printed in today's RECORD under ''Morning Business.'')

Mr. REID. Mr. President, the manager of this bill and I have spoken on a number of occasions. We have some down time here. The Senator from Georgia is on his way and should be here momentarily to offer an amendment. We look forward to him offering that amendment.

We have work that has to be done. We have to work on this bill. The Senator from Washington and the Senator from Alabama have spent weeks of their lives working on this bill. For me, in the State of Nevada, the Transportation bill is very important. It is one of the ways that we in Nevada—especially the rapidly growing Las Vegas area—are able to keep up with the growth—or try to. We need this.

Not only is this an important bill—immediately when we think about transportation, we think of highways—but also the innovations in this bill are tremendous.

Mrs. MURRAY. If the Senator from Nevada will yield for a moment.

Mr. REID. I am happy to yield to the Senator from Washington.

Mrs. MURRAY. Mr. President, we are here on the floor talking about the Transportation appropriations bill, as the Senator from Nevada has stated. We have taken some time to hear about the Patients' Bill of Rights because no Members have come to the floor to offer their amendments.

I can share with you, as chairman of the Transportation Appropriations Subcommittee, many Members on the floor, Republicans and Democrats, have come to me over the last 5 weeks to tell me how critical an airport is in their State, or a road, a bridge, or a highway. Many Members have thanked me for the money for the Coast Guard and for pipeline safety. Many Members have mentioned to me the critical issues facing their States, their infrastructure needs that have piled up. We have done a good job—Senator SHELBY and I—in putting a lot of money into these projects that will help families in every State in this country to be better able to get to work quickly, to take care of their kids and get to a babysitter and pick them up before they go home, to go to an airport that has improvements so they don't have long waits. Those issues are critical.

One amendment on our side is from the Senator from Georgia. He will be here shortly. I have heard rumors of several Members on the Republican side who have amendments. So far, none of them has come to the floor. I tell all of our Members that we cannot get this to conference and advocate for

those needs that you have impressed upon us unless we move this bill off the floor. We are here, and we want to work with you on amendments. But unless somebody comes and offers an amendment, we are unable to move forward.

I remind everybody again that we are moving to a cloture vote tomorrow. Your amendments will not likely be in order after that, and we will not be able to help you with that. Again, I plead with our colleagues on both sides, if you have amendments, come to the floor now. Let us know. We are happy to work with you. Otherwise, your project will not be part of the bill that is going to move out of here.

I thank my colleague from Nevada.

Mr. REID. If I may say to the manager of this bill, I believe that cloture will be invoked. This legislation is so important to this Senator and my colleague, the junior Senator from Nevada.

We know how this bill helps us. The Senator mentioned surface transportation. One of the things the Senator is helping us with on this bill, which we needed so badly, is a fixed-rail system, the monorail we have to take from the airport. McCarran Field now gets almost 40 million visitors a year in that little airport, and we need some way to bring those people into the strip and the downtown.

I say to my friend, having managed a number of appropriation bills over the years, if by some chance this bill does not pass and whoever is responsible for defeating this bill, either directly or indirectly, when this bill goes on some big omnibus bill, many of these projects, many of these programs which Senator MURRAY and Senator SHELBY have worked so hard on will just be gone. Is that a fair statement?

Mrs. MURRAY. The Senator from Nevada is absolutely correct. We can fight for these projects in the conference bill with the House committee that has spoken on many of these issues as well. If cloture is not invoked and this bill ends up in an omnibus bill, we will be subject to whatever small amount of money we have left to deal with, and we do not know what that will be, depending on some of the other appropriations bills that go through here.

I tell my colleague from Nevada that I have worked very hard to fund the President's priorities within this bill. In fact, we did much better in the Senate bill than the House did for the President's priorities. Those may well not be part of the final package if we move to an omnibus bill on this.

I agree with the Senator from Nevada; we will likely invoke cloture tomorrow because so many Members have such critical projects that may not be there if we do not move on this bill.

I say to my colleague from Nevada, and to the Presiding Officer of the Senate, it is clear there is one issue that is hanging up this bill at this point, and that is the issue of safety on American highways, that is the issue of whether or not we are going to implement strong safety protections for our constituents across this country in this bill.

Senator SHELBY and I have worked very hard in a bipartisan manner to put together strong safety requirements that we believe will ensure that the Mexican trucks under NAFTA that are crossing our border have drivers who are licensed, that have been inspected at their sites, that are not overweight, and we can assure our constituents we have safe roads. We believe the unanimous consent of the Appropriations Committee allowed us to move forward on that.

We believe a number of Members of the Senate agree with those safety provisions and are not willing to doom their projects on a cloture vote over the safety provisions that have been included in this bill. Again, that vote will occur tomorrow and we will see where the votes are. We want to move this bill forward.

I see the Senator from Georgia is here. I do know he has an amendment, and we will hear from him shortly on that, and we will be able to move to a vote on that amendment. I again remind all of our colleagues, if they have amendments, get them to the floor.

Mr. REID. It is my understanding—and I say to my friend from Washington, she and her staff have spent a lot of time trying to work something out with Senators MCCAIN and GRAMM—that as we speak there are negotiations in progress; Is that true?

Mrs. MURRAY. The Senator from Nevada is correct.

We met late last night with the staffs from a number of Republican offices. We believe we are able to talk to them about some issues on which we can possibly agree, but as many Members of the Senate on both sides agree, we cannot compromise on some key safety provisions we believe are essential. We are continuing to talk to Senator MCCAIN, Senator GRAMM, and other Senators on the other side who do not want to see provisions in this bill regarding safety.

We will continue to have those discussions up to and including the vote tomorrow, but I tell all of our colleagues I think the provisions in this bill regarding safety are absolutely imperative. I think a majority of the Members of the Senate agree with us. That does not preclude us from talking. We have given our full faith to do that.

We will be meeting with those Members again this afternoon and with the Department of Transportation to see if we can come to some agreements on that, but meanwhile we are ready and willing to work.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 1033 TO AMENDMENT NO. 1025

Mr. CLELAND. Mr. President, I ask unanimous consent to temporarily lay aside the pending amendment and call up amendment No. 1033 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 1033 to amendment No. 1025.

Mr. CLELAND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To direct the State of Georgia, in expending certain funds, to give priority consideration to certain projects)

On page 81, between lines 13 and 14, insert the following:

**SEC. 3___. PRIORITY HIGHWAY PROJECTS, GEORGIA.**

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Georgia shall give priority consideration to the following projects:

(1) Improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the bridge over the Chattahoochee River.

(2) Widening Abernathy Road from 2 to 4 lanes from Johnson Ferry Road to Roswell Road.

Mr. CLELAND. Mr. President, this amendment addresses a critical issue of safety in my State of Georgia, and I want to thank the distinguished chairman of the subcommittee, Senator MURRAY, and the ranking member, Senator SHELBY, from the great State of Alabama, for all their work on this tremendous issue of transportation, which is the cornerstone and building block really of our economic development in this country.

Recently, State Farm Insurance ranked the most deadly intersections in the Nation, and five intersections in Georgia made that list. Georgia actually is the fastest growing State east of the Mississippi, and we are in many ways suffering the aftereffects in terms of our traffic problems.

Today I am offering an amendment to improve one of the five most dangerous intersections in my State. Specifically, my amendment would require the State of Georgia to give priority consideration to improvements that would impact the killer intersection of Abernathy Road and Roswell Road in Sandy Springs, just north of Atlanta. This deadly intersection is located in Metropolitan Atlanta which now has the longest average vehicle miles traveled in the Nation. It has, sadly, become the Nation's poster child for pollution, gridlock, and sprawl—not a pretty sight.

There are 85,000 automobiles which travel this particular corridor every day, and to make matters worse this artery narrows from four lanes to two lanes at the historic Chattahoochee River, as one crosses from Cobb County into Fulton County. The result is a bottleneck of historic proportions,

which has continued to be a problem for 25 years. According to an article recently appearing in the Atlanta Journal-Constitution newspaper, ''Fender benders never stop,'' at Abernathy and Roswell Road intersection and the four other killer intersections in Georgia which made State Farm's list.

Specifically, my amendment calls for Georgia to give priority consideration to improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the heavily traveled bridge over the Chattahoochee River. It also calls for priority consideration in widening Abernathy Road from two to four lanes from Johnson Ferry Road to Roswell Road. These improvements enjoy widespread bipartisan support in my State, from the Governor of Georgia to the Georgia Department of Transportation, to Cobb County and Fulton County and their elected commissioners.

I stress that my amendment calls for no new money—no new money. The improvements to this deadly intersection would come from formula funds already guaranteed to Georgia.

As the AJC article points out, this is not a new issue. The streets named by State Farm ''have had their reputations for some time.'' In fact, my distinguished colleague in the House, Representative JOHNNY ISAKSON, has waged this important battle for 25 years. Congress now has an opportunity to do something which will be critically important to metro Atlanta, the State of Georgia, and the safety of their citizens. I call on my colleagues to support this amendment.

I thank the distinguished chairman of the subcommittee and ranking member from Alabama for this opportunity to talk about this important amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. REID. Madam President, I ask unanimous consent the Cleland amendment be laid aside and Senator GRAMM of Texas be recognized to offer a first-degree amendment; further, that the time until 12:20 be under the control of Senator GRAMM and that the time from 12:20 to 12:25 be under the control of Senator MURRAY; that immediately following the expiration of her time, we would move to a vote in relation to the Cleland amendment; that there would be no second-degree amendments in order prior to the vote; further, that following the disposition of the Cleland amendment, the Senate resume consideration of the Gramm amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, I just ask for one clarification. My amendment would be a second-degree amendment to the pending Murray amendment. With that change, I would have no objection.

Mr. REID. Although I did not understand that, I do now and so I move to amend my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request as so modified? Hearing none, it is so ordered. The Senator from Texas.

Mr. GRAMM. Madam President, I thank the distinguished Democratic floor leader for working with me as he so often does in helping the Senate move forward in an efficient fashion.

Mr. REID. I thank the Senator.

AMENDMENT NO. 1065 TO AMENDMENT NO. 1030

(Purpose: To prevent discrimination in the application of truck safety standards)

Mr. GRAMM. Madam President, I send an amendment to the desk on behalf of myself, Senator MCCAIN, and Senator DOMENICI and I ask for its immediate consideration and I ask it be read.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM] for himself, Mr. MCCAIN and Mr. DOMENICI, proposes an amendment numbered 1065:

At the end of the amendment, insert the following: ''*Provided*, That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.''.

Mr. GRAMM. Madam President, I think the amendment is fairly self-explanatory. But since this is somewhat of a complicated issue in that it has to do with a Transportation appropriations bill and a rider which is now pending to it, which I am trying to amend, and in that it relates to NAFTA, what I would like to do in the next few minutes is try to go back to the beginning and explain what the NAFTA agreement said, what the obligations are that we have undertaken—the President signing NAFTA, cosigning it with the President of Mexico and the Prime Minister of Canada—and what obligations we undertook as a Congress when we ratified that agreement by adopting enabling legislation, thereby committing not only the executive branch but the American Government to NAFTA.

Much has been said about truck safety. I want to make it clear to my colleagues and anybody who is following this debate that so far as I am concerned there is no disagreement about safety. In fact, I would argue that I am more concerned and with better reason about truck safety than any other Member of the Senate except my colleague from Texas, Mrs. HUTCHISON, since we have more Mexican trucks operating in Texas than any other State in the Union and the implementation of NAFTA will in and of itself assure that more Mexican trucks transit highways in Texas than in any other State in the Union.

What I want and what NAFTA calls for—and I believe that I will show convincingly what it calls for—is that Mexican trucks under NAFTA have to be subject to the same safety standards that we apply to our own trucks and to Canadian trucks, no more and no less.

There are some circumstances where the inspection regime and the enforcement regime might be different, but the standards and the impact cannot be different. Let me begin with a document. This thick, brown document I have here is the North American Free Trade Agreement. This is the agreement that was signed by the President of the United States, the President of Mexico, and the Prime Minister of Canada. It is the agreement through legislation that we ratified. I want to read from this agreement as it relates to cross-border trade in services. Transportation is a service. The basic two commitments we made under this NAFTA trade agreement are embodied in the following two articles: Article 1202, national treatment, says:

Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances, to its own service providers.

Let me read that again ''each party''—obviously that is the United States, Mexico, and Canada—''shall accord the service providers of another party''—that is our trading partners, so ''we'' are the United States, that is Mexico and Canada—''treatment no less favorable than that it accords in like circumstances to its own service providers.''

The second provision is a most-favored-nation treatment, and it says basically the same thing, but for completeness let me read both:

Each party shall accord the service providers of another party treatment no less favorable than that it accords, in like circumstances, to the service providers of any other party or nonparty.

What is our obligation under this trade agreement that the President signed and we ratified by passing legislation which was signed into law, making this agreement the law of the land?

Our obligation is with regard to cross-border trade in services and, in this particular case, trucks. We are going to treat Mexican trucks the same as we treat our own trucks, and we are going to treat our own trucks the same as we treat Canadian trucks.

The basic commitment we made when we ratified this agreement was

that we were going to treat Mexican trucks no less favorably than we treated trucks in the United States. We were going to allow in a free trade agreement the free provision of trucking services in North America, whether those trucking services were provided by an American company, a Mexican company, or a Canadian company. Each of those companies would be subject to safety standards, but the safety standards would have to be the same. They would not have to be implemented identically, but the standards would have to be the same.

There is a proviso. I want to be sure that I talk about this proviso. The United States has a proviso in the agreement. That proviso is on page 1,631. It consists basically of three provisions. The first provision says that 3 years after the date of signatory of this agreement, cross-border truck services to or from the border States of California, Arizona, New Mexico, and Texas, such persons will be permitted to enter and depart the territory of the United States through different ports of entry.

In other words, the first reservation or proviso was that for 3 years we were going to allow Mexican trucks only in these border States. Three years after we entered into the agreement and it was in force, we were going to allow cross-border scheduled bus services. That was the second reservation or proviso.

The third was that 6 years after the date of entry into force of this agreement we would have cross-border trucking services provided on a nationwide basis.

What does the treaty say that the President signed and that we ratified with an act of Congress? It says, subject to phasing in a policy for 3 years where the trucks operate only in border areas, after the treaty was in force for 6 years we would have free trade in trucking.

Those are the only provisos. We had no other reservations in this trade agreement.

The basic principle of the trade agreement was that we would have national treatment for Mexican trucks. Converted into simple, understandable words, that means Mexican trucks would be treated for regulatory purposes as if they were American trucks—no better, no worse. That is the law of the land. This is a ratified trade agreement which is now the law of the United States of America.

Let me try to explain what would be allowed under this law and what would not be allowed under this law.

There has been a lot of discussion about whether or not the pending Murray amendment violates NAFTA. Let me go over, within the provisions of what I have just read, what constitutes a violation.

First of all, the provision makes it very clear that you have to have the same standards. You cannot have discriminatory standards. But, obviously, it also makes it clear that you don't have to enforce them in exactly the same way. For example, it would not be a violation of NAFTA for us to begin our new relationship with Mexico by inspecting Mexican trucks that come into the United States.

I note that would be substantially different than what we do now. Currently, in the year 2000, 28 percent of all American trucks operating in our country were inspected. Forty-eight percent of all Canadian trucks operating in America were inspected. Seventy-three percent of all Mexican trucks were inspected.

It would not be a violation of NAFTA in admitting Mexican trucks to operate nationwide, for the first time for us to inspect every truck until standards were established and until a pattern was developed where it became clear that Mexican trucks were meeting American standards.

After the point where the disqualification rate was similar on American trucks, Canadian trucks, and Mexican trucks, then continuing to require an inspection of all Mexican trucks without any evidence that such inspection was required to meet the standards, at some point that would become a violation of NAFTA, but it would not be a violation in the implementation phases.

Senator MCCAIN has proposed—and I support—a safety regime that initially would inspect every truck coming into the United States from Mexico. If the way the Mexican Government keeps its records is different than the way the Canadian Government keeps its records or the way the United States Government keeps its records, it would not be a violation of NAFTA for us to set up a separate regime in how we interface with the Mexican Government to enforce uniform standards. That would not be a violation. But where violations come is not in enforcing under different circumstances. Where violations come is when the standard is different.

It is perfectly within the bounds of NAFTA that you can have a different inspection regime because of the difference in circumstance. But it is a violation of NAFTA, a violation of the law, and a violation of the letter and the spirit of an international obligation that we undertook and we willingly ratified when you have different standards for Mexican trucks as compared to American trucks and Canadian trucks.

Let me give you four examples of provisions in the Murray amendment that violate NAFTA.

Again, why do they violate NAFTA? It is not a violation of NAFTA if you have a different inspection regime to achieve the same result. That is contemplated in NAFTA. In fact, the North American Free Trade Agreement arbitration panel has noted that there is nothing wrong with enforcing the same standards differently depending on the circumstances.

Let me cite four violations. Under the Murray amendment, it is illegal for Mexican trucks to operate in the United States unless they have purchased American insurance. That is a flat-out violation of NAFTA. Why do I say that? Because it is not required in the United States that Canadian trucks purchase American insurance. In fact, the great majority of trucks that operate in the United States from Canada—100,685 trucks last year—the great preponderance of those trucks had either Canadian insurance or British insurance. Many of them are insured by Lloyd's of London.

Requiring that Mexican trucks have American insurance is a violation of NAFTA because we do not require that our own trucks have American insurance. We require that they have insurance, but we do not require that the insurance company be domiciled in the United States of America. We require that Canadian trucks have insurance, but we don't require that the insurance company be domiciled in the United States of America. But the Murray amendment requires that Mexican trucks have insurance from insurance companies that are domiciled in the United States of America. And that is as clear a violation of NAFTA as you can have a violation of NAFTA. It violates the basic principle of national treatment.

Let me give you a second example.

We have regulations related to companies leasing their trucks. We have laws and regulations in the United States. We enforce those laws on American trucks. We enforce those laws as they relate to Canadian trucks. But the Murray amendment has a special provision that applies only to Mexican trucking companies. That provision is that Mexican trucking companies, if they are under suspension or restriction or limitations, cannot lease their trucks to another company.

I am not arguing that we should not have such a provision in the United States. Quite frankly, I would be opposed to it. Why would we force a trucking company that cannot provide a certain service to simply let its trucks sit idle when the trucks can pass a safety standard and some other trucking company might use them?

For our own trucks, we have deemed that to be inefficient. For our own trucking companies, we have deemed that to be destructive of their economic welfare. We have the same standard for Canadian trucks. But under the Murray amendment, we do not have the same provision with regard to Mexican trucks. Therefore, the Murray amendment violates NAFTA. It violates NAFTA because you cannot say that an American company that is subject to suspension, restriction, or limitation can lease its trucks, that a Canadian company that is subject to the same restrictions can lease its trucks, but that a Mexican company, that is subject to the same restrictions, cannot lease its trucks. You can

treat Mexican trucks any way you treat your own trucks, but you cannot, under NAFTA, treat them any differently. I made that clear when I read the two provisions directly related to trucking.

Another clear violation is a violation with regard to penalties. We have penalties in the United States. If you are a bad actor, if you do not maintain your trucks, if you do not operate them safely, if you violate other provisions, we, in the name of public safety, do—and we should—impose penalties. But the penalties that we apply to our own truckers and we apply to Canadian truckers, under this bill we would have a different penalty regime, and that penalty regime would prohibit foreign carriers from operating—reading the language—apparently, permanently, based on violations.

Look, we would have every right, under NAFTA, to say, if you violate the law, you are permanently banned from ever being in the trucking business again. We very quickly would have nobody in the trucking business. But we can do that. If we did that to our own trucking companies, we could do it to Mexican trucking companies; we could do it to Canadian trucking companies. But what we cannot do—the line over which we cannot step, and which this pending measure, the Murray amendment, does step—is treat Mexican trucks and Mexican trucking companies differently than you treat American trucking companies and than you treat Canadian trucking companies.

Let me give one more example, and then I will sum up, because I see my dear colleague, Senator MCCAIN, is in the Chamber.

Another provision of the pending Murray amendment makes reference to the Motor Carrier Safety Improvement Act of 1999. This was a provision of law adopted by the Congress, signed by the President, in 1999, that made revisions relative to safety.

This bill was adopted, and it applies to every American trucking company, and it applies to every Canadian trucking company. And it can apply to every Mexican trucking company. But that is not what the provision in the Murray amendment does.

The Murray amendment says, until the regulations that are contained in this 1999 law are written, and fully implemented, Mexican trucks cannot operate in the United States. If the bill said, American trucks cannot operate until it is implemented and Canadian trucks cannot operate until it is implemented, we might all go hungry, but that would not violate NAFTA.

What violates NAFTA is, while we have not written the regulations and implemented this act, we have 100,000 Canadian trucks operating in the United States. And by singling out Mexican trucks and saying they cannot come in until these regulations are written and implemented—which probably cannot be done for 2 years, according to the administration; and I am for the implementation of this law; I am for the regulations—but you cannot say, under a national treatment standard, which we entered into—signed and ratified—you cannot say, American trucks can operate without this law being implemented, Canadian trucks can operate without this law being implemented, but Mexican trucks cannot operate without this law being implemented. That violates NAFTA. And it is clearly illegal under the treaty.

Let me sum up by saying I have a letter from the Secretary of the Economy in Mexico. Let me conclude by reading just a couple sentences, and then I want to yield to Senator MCCAIN.

I quote the letter:

> Mexico expects nondiscriminatory treatment from the U.S. as stipulated under the NAFTA. . . . Each and every truck company from Mexico ought to be given the opportunity to show it complies fully with U.S. standards at the state and federal levels. . . .
>
> We are very concerned after regarding—
>
> I am sure they mean ''looking at''—
>
> the Murray amendment and the Administration's position regarding it that the legislative outcome may . . . constitute a violation of the agreement.

This amendment would guarantee that we do not discriminate against Mexico. That is what this issue is about. This is not about safety; this is about the question of whether or not Mexican trucks, in a free trade agreement, where we committed to equal treatment, will in fact be treated equally.

Madam President, it is my understanding that we have the floor for another 6 minutes, and then the Senator from Washington will be recognized. Didn't the unanimous consent agreement say 12:25?

Mrs. MURRAY. The unanimous consent agreement gives the Senator until 12:20. I have 5 minutes, and then we go to a vote.

Mr. GRAMM. Was it 12:20?

Let me ask unanimous consent that Senator MCCAIN have 5 minutes and then Senator MURRAY have as much time as she would like.

Mr. REID. The only problem with that is one of the Senators has a personal situation. What we can do is have Senator MCCAIN speak until 12:25, and then Senator MURRAY speak from 12:25 until 12:30, and the vote will be put over by 5 minutes.

Mr. GRAMM. We thank the Senator.

Mr. REID. Madam President, I ask unanimous consent that that be the order.

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

The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank my friend from Nevada for his usual courtesy and consideration. I may not even take the 5 minutes because I think we will be debating this amendment for some period of time.

Let me assure my colleagues, we are not seeking to hold up the appropriations process, as was alleged earlier today. Nor is it acceptable for us to be told to go ahead and pass this legislation and hope that it is worked out in a conference where neither the Senator from Texas nor I will be present.

I won't sit idly by on this issue just because I don't happen to be serving on the Appropriations Committee.

Let me remind my colleagues, the jurisdiction of truck and bus safety is under the Senate Committee on Commerce, Science, and Transportation. I can assure the Senate, I was not consulted in advance regarding the Appropriations Committee's truck provisions. This is my opportunity to express my views and seek what I believe are reasonable modifications to certain provisions that are simply not workable.

The amendment would take an important first step to ensure the intent of any of the provisions ultimately approved by the Congress is not allowed to discriminate against Mexico. This does not say they can't be different. It says they can't discriminate.

Later on I will go through various provisions that clearly discriminate. I believe our disagreement is really about the question of whether the Murray provisions are simply different methods or if, in their totality, the 22 requirements result in an indefinite blanket ban. The panel ruled that a blanket ban was a violation of our NAFTA obligation, and the senior advisers to the President of the United States have clearly indicated they will recommend the President veto this bill if it includes either the House-passed or pending Senate language.

As the Statement of Administration Policy said yesterday: The Senate committee has adopted provisions that could cause the United States to violate our commitments under NAFTA, et cetera.

This is a very serious issue. The lesson here should be, No. 1, we should not be doing this on an appropriations bill. That is the first lesson. Members of the committee of jurisdiction were neither consulted nor involved in any of this process. Then once we were told it was there, we should ignore it because it is already in there and leave it to the appropriators. I will not do that. I will not do that on this issue or any other issue, including one that is viewed, at least by the President of the United States, as a violation of the North American Free Trade Agreement, a solemn treaty entered into by three nations.

This is a very serious issue. That is why we may spend a long, long time on it.

A suggestion has been made that the language be dropped. It was made by a member of the Appropriations Committee. I fully support that. Let the language be dropped. We understand there is onerous language in the House. We will proceed because we can't do anything about what the other body does.

Another suggestion has been to negotiate. I have to tell my colleagues again, there has not been negotiations. Thankfully, there has been a meeting. I have negotiated perhaps 200 pieces of legislation since I have been in this body, some of them fairly serious issues such as campaign finance reform, a Patients' Bill of Rights, the line-item veto, and others. I am used to negotiating. I want us to at least come to some agreement. In many respects, on the 22 requirements as imposed by this legislation, we could have some workout language. So far there has not been one comma, not one period, not one word changed in the present language of the bill.

That is why Senator GRAMM and I are required to at least see that we do not discriminate against our neighbor to the south, and we will have other amendments to make sure that it doesn't happen, not to mention a violation of a treaty in wording that is contained in an appropriations bill.

Later this year I am going to propose a rule change on which I am sure I will only get a handful of votes. We ought to abolish the Appropriations Committee. The Appropriations Committee has taken on so much power and so much authority. It was never envisioned that we would be here debating language in an appropriations bill that violates a treaty, a solemn treaty between three nations.

If I seem exercised about it, I am because we are not giving every Senator the voice that they deserve in representing the people of their State when, on appropriations bills, language of this nature is added which has such profound impact not only on domestic but international relations.

I will discuss much further this important amendment by the Senator from Texas.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, clearly, as the Senator from Arizona knows, our staffs met until a little after midnight last night. We stand ready to continue to talk with him about any way that we can find that allows him and other colleagues on the other side to believe we have moved.

We also have to deal with a number of colleagues, both Republicans and Democrats, who believe as strongly as I do in safety. And we will continue to have those discussions and negotiations as long as possible.

The amendment sent forward by the Senator from Texas is about whether or not we can put provisions into legislation that require safety on our highways regarding Mexican trucks. Any effort by the Senator from Texas to change that and try to talk about other issues simply is not fact. This is an issue of safety. The provisions under the bill do, in fact, subject Mexican trucks to stricter provisions than do Canadian trucks, but there is a very good reason for that. It is shown on this chart.

Of the trucks that are inspected, 36 percent found in violation are Mexican trucks; 24 percent, American; only 14 percent, Canadian. It is very clear that Mexican trucks crossing the border have safety violations. That is why a number of our constituents across this country are telling us that, in order to move forward the NAFTA provisions, we need to ensure that our people who are driving on the highway, who see Mexican trucks or Canadian trucks or American trucks, know they are in fact safe.

This isn't discriminating against Mexico. It is ensuring the safety of the American public is something that this Congress and this Senate stands behind.

I am a supporter of NAFTA. I am a supporter of free trade. But I am not a supporter of allowing the American public traveling our highways to be unsafe. The provisions in the underlying bill do not violate NAFTA, no matter what the Senator from Texas says. That is not just my opinion. It is the opinion of the arbitration panel under NAFTA that said in their document:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . . U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian or Mexican.

Clearly, they tell us that we have the right in this country to ensure that trucks coming across our borders are safe. That is what the Murray-Shelby amendment does. It is not just my opinion. It is the opinion of the NAFTA arbitration panel that is very clear about that.

The Senator from Texas is trying to say we are violating provisions of NAFTA. We are not. We are assuring, as we have a right to under the treaty, that people who travel in this country, families who are on vacation, traveling to work, dropping their kids off at school, know that the trucks on the highway with them follow specific safety provisions. That is what the underlying amendment does.

The amendment before us clearly is an attempt to gut those safety provisions and will mean that families in this country cannot be assured of their safety.

We have a right under NAFTA to do that. As a supporter of NAFTA, I will fight with everything I have to assure that the American public is safe under any treaty obligation we have.

I thank the Chair.

VOTE ON AMENDMENT NO. 1033

Mrs. MURRAY. Madam President, I ask for the yeas and nays on the Cleland amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1033. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON) is necessarily absent.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—90

| | | |
|---|---|---|
| Akaka | Dodd | Lincoln |
| Allard | Domenici | Lott |
| Allen | Dorgan | Lugar |
| Baucus | Durbin | McConnell |
| Bayh | Edwards | Mikulski |
| Bennett | Ensign | Miller |
| Biden | Feingold | Murkowski |
| Bingaman | Feinstein | Murray |
| Bond | Fitzgerald | Nelson (FL) |
| Boxer | Frist | Nelson (NE) |
| Breaux | Graham | Nickles |
| Brownback | Grassley | Reed |
| Burns | Gregg | Reid |
| Byrd | Hagel | Roberts |
| Campbell | Harkin | Rockefeller |
| Cantwell | Hatch | Santorum |
| Carnahan | Helms | Sarbanes |
| Carper | Hollings | Schumer |
| Chafee | Hutchinson | Sessions |
| Cleland | Inhofe | Shelby |
| Clinton | Inouye | Smith (NH) |
| Cochran | Johnson | Smith (OR) |
| Collins | Kennedy | Snowe |
| Conrad | Kerry | Stabenow |
| Corzine | Kohl | Stevens |
| Craig | Kyl | Thurmond |
| Crapo | Landrieu | Torricelli |
| Daschle | Leahy | Warner |
| Dayton | Levin | Wellstone |
| DeWine | Lieberman | Wyden |

NAYS—8

| | | |
|---|---|---|
| Bunning | Hutchison | Thomas |
| Enzi | McCain | Voinovich |
| Gramm | Specter | |

NOT VOTING—2

| | |
|---|---|
| Jeffords | Thompson |

The amendment (No. 1033) was agreed to.

Mr. DASCHLE. I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Madam President, we have been consulting on both sides of the aisle over the last several moments. The authors of the Gramm-McCain amendment have agreed to a vote on that amendment at 1:45. It is my expectation we will have a vote at 1:45 on the McCain-Gramm amendment and then we will at that point entertain the possibility of moving to the Iranian-Libyan Sanctions Act if we can reach a unanimous consent agreement with regard to time.

So far, one of our colleagues is still contemplating what his legislative options might be, and we have not been able to reach that agreement. If we are not able to reach that agreement, we will proceed with additional amendments to the transportation bill.

I yield the floor.

AMENDMENT NO. 1065

The PRESIDING OFFICER (Mrs. BOXER). The Senator from North Dakota.

Mr. DORGAN. Are we on the Gramm-McCain amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Madam President, I rise in opposition to the amendment. Some of us think the Murray-Shelby amendment that is in the bill is not strong enough. I certainly would oppose attempts to weaken it. The issue here is not that we are singling out one country versus another country. The issue is safety on American highways. The fact is that we have a trade agreement that links the United States, Canada, and Mexico. I happen to have voted against that agreement because I think it is very hard to link two economies as dissimilar as the economies of the United States and Mexico.

Notwithstanding my vote against the trade agreement, I don't think anyone who voted in favor of it ever would have contemplated, when they were voting, that we would be required to compromise safety on America's highways as part of the trade agreement. That is not logical at all.

I indicated earlier this morning that we and Mexico have very different standards with respect to long-haul trucking. The proposition by the President and by the NAFTA arbitration panel that ruled on this is that we should allow Mexican long-haul trucks to operate within this country beyond the 20-miles in which they are currently permitted.

The logical question to ask is, What should we expect from the Mexican trucking industry? Can we expect them to meet the same safety requirements that are imposed on American trucking firms and drivers? The answer clearly is no. They have no minimum standard hours of service in Mexico. They do not carry logbooks in their truck. They, by and large, do not have inspections for safety on their vehicles. They have no random drug testing for their truckdrivers. You can just go on and on. All of us understand they do not have anywhere near the kind of safety inspections and regulatory requirements that we impose on our trucking industry in this country.

Let me refer again to the San Francisco Chronicle that I thought did a wonderful piece. I know it is just anecdotal but still it is, in my judgment, representative of what we find with the Mexican trucking industry.

A reporter went to Mexico and spent 3 days riding with a Mexican trucker. They had a long-haul truck carrying freight from Mexico City to Tijuana. They drove 1,800 miles in 3 days. The truckdriver slept 7 hours in 3 days. This is a truckdriver sleeps 7 hours in 3 days and drives a truck that could not pass a safety inspection in this country. And we are told that a trade agreement requires us to allow Mexican trucks into this country for long hauls, notwithstanding other issues.

It is illogical, in my judgment, to do that. This is not about singling Mexico out. It is about protecting our people on our highways.

Do you want or do you want your loved one to look in a rearview mirror and see an 18-wheel truck bearing down on you with a 80,000-pound load, wondering whether it has been inspected, whether it has brakes, whether the driver has driven for 2 days and slept for 6 hours? Do you want that for yourself or your family or your neighbor? I don't, nor do I think would most Americans want that to be the case.

I know one might say: You are being pejorative here about Mexican truckers and the Mexican trucking industry. All I can tell you is it is a very different industry than the U.S. trucking industry. They drive a much older fleet of trucks than we do. They do not have the same requirements that we have imposed on our drivers. They don't have the same inspection regime that we impose on American trucks.

The question for this Senate is, What kind of safety requirements are we going to require and impose on our highways with respect to foreign trucks that are coming into this country hauling foreign goods? I have said before, let me just say it again, the ultimate perversity, in my judgment, of this terrible trade agreement will be to have Mexican long-haul truckers driving unsafe trucks, hauling unfairly subsidized Canadian grain into American cities. You talk about a hood ornament to foolishness, that is it.

With respect to the amendment, the amendment on the floor now is to weaken the Murray-Shelby language. I have spent time on the floor saying, frankly, the Murray-Shelby language is not bulletproof as far as I am concerned, in terms of preventing unsafe vehicles from coming onto American highways. I would much prefer the House version, the so-called Sabo language, which the House passed 2–1, which simply said no funds can be expended to approve applications to allow long-haul Mexican trucks into this country in the next fiscal year.

It will take some time to integrate the trucking requirements and regulations between our countries. Perhaps it can be done, but there is not a ghost of a chance it can be done by January 1 of next year, which is when President Bush says we ought to allow this to happen. There is not a ghost of a chance for that to occur.

We had a hearing in the Commerce Committee on which I serve, and the Secretary of Transportation and the Inspector General for the Department of Transportation testified. The testimony was fascinating. We have 27 border stations through which Mexican trucks now move into this country. They are only allowed to go 20 miles into this country because of safety concerns. Yet we have found truckdrivers operating Mexican trucks in 26 States in our country, including the State of North Dakota. So we know that the current 20-mile limit is being violated.

At the hearing we held in the Commerce Committee, we were told of the 27 border stations through which trucks enter this country. Only two of them have inspection facilities that are open during all commercial hours of operations. Even in those circumstances there are a very limited number of inspectors. In most cases where they have inspectors, they work only a few hours a day, and they have one or two parking spaces for a truck.

We asked the Secretary and Inspector General of the Department of Transportation: Why do you need a parking space? They said: We just can't turn them back. For example, if a truck comes and has no brakes, we can't turn that truck back to Mexico. Let's not forget that 36 percent of the Mexican trucks inspected are placed out of service for serious safety violations.

Think about this for a moment. A truck shows up at the border with a driver who has been driving for 3 days and has had 7 hours of sleep. They discover it has no brakes. They don't have a parking space to park it. They know they cannot turn it back. Here we in the Senate are debating about allowing trucks into this country unimpeded.

The other side says that Mexican trucks face a serious inspection regime. Show me. Show me the money. Show me the money you are going to commit to have a rigorous regime of inspection at every single U.S.-Mexico border crossing. Show me the money because it doesn't exist.

Even if you show me the money, show me the compliance regime by which you send investigators down to Mexico to investigate the trucking companies before they give them the Good Housekeeping Seal of Approval so we know when someone shows up with a logbook that it hasn't been filled 10 minutes before they reached the border; that it is not somebody who has been up for 20 hours. Show me the money by which you will be able to show the American people they should have confidence these trucks and drivers belong on America's highways.

You cannot do it because that money does not exist in our appropriations bills to accomplish that task, and everybody here knows it. Yet we are debating the conditions under which we allow these trucks into this country.

The issue before us is the amendment offered by my colleagues, Senators GRAMM and MCCAIN. I do not support it. In fact, I do not support at all allowing Mexican trucks to enter this country during the next fiscal year. What I do support is to have our people seriously begin discussions on how you could create reasonably similar inspection opportunities and investigations of the trucking companies and their drivers so at some point when we do this, that we have some certainty of safety on America's roads.

We are nowhere near that time frame. It is not going to happen in 6 months. And, in my judgment, it is not

going to happen in 18 months. But we have to start working on it now. The best way to work on it, in my judgment, is to do what the House of Representatives did. The worst possible thing to do at this moment is to water down the Murray-Shelby language, which is too weak. This amendment waters down language that I think is not sufficient.

The worst possible moment for this Senate would be to support an amendment that carves out the foundation or weakens the foundation of a protection that, in my judgment, still does not meet efficiency.

I am going to oppose the amendment offered today by my two colleagues. I have great respect for both of them.

In my judgment, the Senate will do this country no favor if it rushes to say that the NAFTA trade agreement allows us to compromise safety on America's roads. A trade agreement, should never, under any circumstance, ask any of us to cast a vote that jeopardizes the safety of America's highways. No trade agreement has that right. No trade agreement that anyone votes for, in my judgment, should allow that to happen to this country.

I yield the floor.

Mr. BINGAMAN. Madam President, I would like to address the Gramm amendment and the underlying issue of cross-border trucking.

First, I compliment Chairman MURRAY and Senator SHELBY for their fine work on this Transportation Appropriations bill and to thank them for the funding provided for a number of important projects in New Mexico.

At the outset, let me say that I supported NAFTA, and I continue to support free trade. I do believe NAFTA is good for the country and good for New Mexico. However, it is not inconsistent with NAFTA to ensure that trucks and buses crossing the border from Mexico meet all of our safety standards.

I do believe the American people expect Congress to ensure that our highways are safe to all users. The fact is safety standards in Mexico for trucks and buses are not the same as in our country. NAFTA doesn't require that they be consistent. Under NAFTA, domestic trucks and buses operating in Mexico must comply with Mexican standards and Mexican vehicles operating in our country must comply with our standards. The Mexican Government has never sought reduced safety or security standards for its trucks and buses.

The regulatory structure and systems currently in place of ensuring the safety of trucks and buses in Mexico, including driver safety records, licenses, insurance records, hours of service logs, and so forth, are not as sophisticated as ours or those used in Canada.

In recognition of the differences in standards and regulatory regimes, the NAFTA Arbitration Panel concluded the United States did not have to consider applications from Mexican vehicles exactly the same as we treat U.S. vehicles. The certification process for Mexican trucks and buses needs to be adapted to the different forms and availability of safety information used by government officials in Mexico. The Gramm amendment would have forbidden any adaption of our certification process to the safety and regulatory situation in Mexico.

Let me be clear, the Senate bill does not discriminate against Mexico. The Murray language in this bill does not establish different safety standards for Mexican-owned trucks and buses. Rather, the Senate language will ensure that Mexican trucks and buses meet the same safety standards that U.S. and Canadian trucks are required to meet, before they are allowed free access to our highways.

There is another point I would like to make. The State of New Mexico is not ready to deal with a dramatic increase in cross-border trucks. The New Mexico Department of Public Safety has not completed the truck inspection facility at Santa Teresa—our largest border crossing—because the Governor vetoed $1 million he had requested for the project. Another facility at Orogrande, on U.S. Highway 54 in Otero County, has not been built. Both of these facilities were to include both weigh-in-motion and static scales to ensure all cross-border trucks comply with New Mexico's weight-distance road-use fees. They will also be equipped to perform full level-one safety inspections.

For years Congress has failed to provide the additional funds needed for border States to prepare for the additional truck traffic that we all know would result from NAFTA. This year, the Senate bill has provided an additional $103.2 million—$13.9 for 80 additional Federal safety inspectors, $18 million in safety grants to States, and $71.3 million for construction and improvement of inspection facilities such as those at Santa Teresa and Orogrande in my State. The House bill, unfortunately, does not contain this additional funding.

I applaud Senator MURRAY and the members of the Senate Committee for providing this important additional funding. I urge the House to accept the Senate funding levels. When the additional inspectors are in place and our inspection facilities are completed, I believe we will be in much better position to begin opening our borders fully to cross-border trucking.

Again, I compliment Chairman MURRAY and Senator SHELBY for their work on this bill.

Mr. BAUCUS. Madam President, I rise today to discuss the issue of Mexican trucks. I want to applaud Senator MURRAY and Senator SHELBY for their efforts to craft a common-sense solution on this issue. Their provision would ensure strong safety requirements and would be consistent with our obligations under NAFTA.

As most people are well aware, the last Administration delayed opening the border to Mexican trucks because of serious safety concerns. Indeed, numerous reports have documented these concerns failing brakes, overweight trucks, and uninsured, unlicensed drivers to name just a few.

The Department of Transportation's most recent figures indicate that Mexican trucks are much more likely to be ordered off the road for severe safety deficiencies than either U.S. or Canadian trucks.

While a NAFTA arbitration panel has ruled that the United States must initiate efforts to open the border to these trucks, we need to be clear about what the panel has said.

The panel indicated, and I quote: ''the United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . . U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.''

Moreover, U.S. compliance with its NAFTA obligations—and again to quote the panel: ''would not necessarily require providing favorable consideration to all or to any specific number of applications'' for Mexican trucks so long as these applications are reviewed ''on a case-by-case basis.''

In other words, the U.S. government is well within its rights to impose standards it considers necessary to ensure that our highways are safe.

The Administration has suggested that it is seeking to treat U.S., Mexican, and Canadian trucks in the same way—but we are not required to treat them in the same way. That's what the NAFTA panel said.

With Mexican trucks, there are greater safety risks. And where there are greater safety risks, we can impose stricter safety standards.

In addition to safety, we must also be concerned about the effect on our environment. I am co-sponsoring an amendment by Senator KERRY to ensure that—consistent with the NAFTA—opening our border to Mexican trucks does not result in environmental damage.

Mr. REID. Madam President, I ask unanimous consent that the time between now and 2:15 p.m. be equally divided between Senators GRAMM and MURRAY, or their designees, and that at 2:15 either Senators MURRAY or SHELBY be recognized to move to table the Gramm amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wanted to add my voice to the Senator from North Dakota. It is just beyond me that in the name of free trade we would be for sacrificing the safety of Americans on American highways.

I had occasion to rise on the floor yesterday to point out with a chart all

of the huge differences between the safety standards for trucks in Mexico and trucks in America. If there is one consistent complaint I have had in a lifetime of public service to my constituents, it is about safety on our roadways. How many times over the course of three decades have the people of Florida said to me as their elected representative that they saw this or that safety violation or they were concerned about how the truck suddenly cut them off or that they saw a truck spewing all kinds of emissions.

If we then allow new lower standard Mexican trucks on American roadways, not even to speak of the lower safety standards that have been articulated by the Senator from North Dakota, what about the environmental standards? What about all of the emissions that will be coming from these trucks that we don't allow from our own trucks? Are we not concerned about our environment? Are we not concerned about global warming? Are we not getting ready to seriously address the mileage standards of automobiles and SUVs in order to try to reduce the emissions into the atmosphere to try to do something about global warming?

Here we are about to address an amendment that is going to allow for lower emission standards for Mexican trucks.

It is, as we say in the South, just beyond me that we would seriously allow, in the name of free trade, this safety-jeopardizing situation for our American motorists on our American highways.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Madam President, I ask unanimous consent that under the quorum, the time be equally divided.

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

Mrs. MURRAY. 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, how much time is on each side?

The PRESIDING OFFICER. On Senator GRAMM's side, 31 minutes 15 seconds; on the side of the Senator from Washington, 27 minutes 45 seconds.

Mrs. MURRAY. Thank you, Madam President.

Madam President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, I thank the Senator from Washington not only for yielding me the time but for leading this effort in what has been a difficult and important moment for the Senate.

Madam President, it is fairly said that in an institution such as the Senate, every interest is ultimately represented; in an enormous country of varied industries and peoples, there is someone who will represent every cause.

The cause that Senator MCCAIN brings to the Senate today is fair trade. Indeed, this is a cause in which we have all participated in recent years. I voted for the Canadian-American Free Trade Agreement. I have come to this Chamber in favor of the World Trade Organization. We have all understood that open, free, and fair trade is a foundation of our prosperity. But, ultimately, Senator MCCAIN makes the point not for free trade, but that any good cause can be taken to its illogical conclusion. This is the limit of common sense, and it is a collision between our fundamental belief in free trade and our belief in a variety of other causes for more than a generation.

We believe in free trade, but we also believe in a number of other things I want to outline for the Senate today.

We believe in protecting American citizens on our highways. We believe in the highest standards of automotive construction. We believe in emissions controls. We believe in safety from hazardous cargo. We believe in licensing and training drivers. We believe in all of these things.

We believe in free trade, to be certain, but not to the exclusion of everything else. That is the issue before the Senate.

For 50 years, we have looked, in horror, at the death toll on American highways. Every year, 100,000 Americans are injured on our American highways with large trucks hauling cargo. Not hundreds but thousands of Americans lose their lives.

Democrats and Republicans and State legislatures and the American Congress have responded through the years by insisting on weight limitations, training, and better engineering. It has been a struggle of generations to reduce these numbers, even as our economy grew.

The Senator from Arizona would bring to this Senate Chamber today a proposal that on January 1 the United States will allow Mexican trucks to come across the borders on to the highways of every State in the Nation, recognizing that at the 27 crossing points from Mexico to America there are inspectors, 24 hours a day, at 2. Every other road, during all those hours of the day, is without inspection for weight or qualifications or licenses. Those trucks will traverse our highways.

Would the Senator from Arizona come to this Senate Chamber and ask that we repeal weight limitations on American trucks? I think not.

Would he come to this Senate Chamber and ask that we repeal emissions controls? I doubt it.

Would he like to offer a requirement that we reduce licensing requirements from the age of 21 to 18 years old? How about the licensing of the trucks themselves? How about background checks for criminal activity for those who will haul hazardous cargo? I doubt it.

The Senator from Arizona is a reasonable man. He cares about his constituents and, obviously, his country. No Member of this Senate would propose any of those things. Yet that is the practical effect of exactly what he offers.

Mexico, until recently, has had no restrictions on hazardous cargo—no warnings, no signs, no background checks. Those cargoes will flow into America.

Mexico does not have the emissions controls of the United States that have been so important in my State and other urban areas around the country. Those trucks will come into the United States.

Ten years ago, Senators rose in this Chamber—to the man and woman—as we witnessed hazardous cargoes being dumped into our rivers and along our highways, as people dumped these dangerous cargoes. We did background checks to ensure the highest integrity of those hauling such cargoes. Mexico does not. One day it might. Today, it does not. Those trucks will enter America.

Why would we do indirectly—by allowing unlicensed, uninspected Mexican trucks into the United States—that which no logical person would do directly in repealing our own laws? This is the effect.

And here is the further reality: One day, if NAFTA succeeds, the regulatory systems between Mexico and the United States will be similar as they are between the United States and Canada. One day, respect for environmental protection, hazardous cargoes, and labor rights will be similar. That will be a good day for all nations. And in that equalization, this border can truly be liberalized and opened fully and fairly, for the movement of peoples and cargoes as we now want it, for trade under NAFTA.

We have not reached that point. These are fundamentally different transportation systems. The average Mexican truck is 15 years old. That means Mexican highways have trucks that may be 20, 25, and 30 years old. The average truck on the interstate highway system in the United States is 4 years old—with modern emissions controls, modern braking systems, antilock braking systems, and equipment for foul weather, with proper communications.

I respect my colleagues on the other side of the aisle. But as they rise to defend NAFTA, who will rise in this Senate Chamber and defend the average American family, who rides the interstate highway system, with their children strapped in the back seat, to go out for the afternoon, already sharing our interstate highway system with

massive 18-wheel trucks, sometimes two and three trucks long, a necessity of a modern economy, now sharing that road with 18-year-old drivers, potentially in 15-, 20-, and 25-year-old trucks, hauling massive cargo while unlicensed, uninspected, potentially harzardous cargo? It is not a theoretical threat.

Of those Mexican trucks that now are inspected, theoretically, arguably the best of the Mexican trucks, since they are subjecting themselves to inspection, 40 percent are failing. The most common element: their brakes don't work; second, inadequate stoplights. Who in this Senate wants to be responsible for telling the first American family to lose a wife or a child that this was at the alter of free trade? Free trade to be sure, but have we become so blinded in our faith in free trade that we have lost our commitment to all other principles, including the safety of our own constituents?

I have seen causes without merit in the Chamber of the Senate before, but never a cause that so little deserved advocacy. To be intellectually honest, the authors of this amendment that would strike Senator MURRAY's language in the bill should come to the floor with the following proposal: The United States has a limit of 85,000 pounds for trucks because heavier trucks destroy our roads and cost the taxpayers billions of dollars in repair. Mexican trucks are 135,000 pounds. Come to the Senate floor and repeal the American limit and make it identical with Mexico, if that is what you believe.

American drivers are 21 years old. In Mexico, they are 18. Come to the Senate floor and repeal the 21-year-old limit. We are licensing these drivers to ensure they can handle hazardous cargo and toxic waste. Come to the Senate floor and repeal that background requirement.

I do not believe Senator MURRAY's language is perfect. I do not believe in a year or in 18 months we can reconcile differences between the trucking industry in Mexico and the United States. Indeed, I do not believe we can do so in a decade.

I am certain of this: There is no chance of having an inspection regime in place by January 1—none. This is not only wrong; this is irresponsible. I, for one, if I were the only Member of this institution, would not have my fingerprints on the loss of life that will follow.

Yes, there is an advocate for every cause in the Senate. Perhaps every cause should be heard, every voice should be recognized. This cause does not deserve advocacy. Free trade, yes, but to the exclusion of the safety and interests of our citizens, never.

I rise in support of Senator MURRAY's language and urge the Senate to reject the amendment offered by the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that the last 5 minutes of the debate be reserved for Senator SHELBY.

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

Mrs. MURRAY. I ask unanimous consent that time spent under the quorum call be equally divided and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mrs. MURRAY assumed the chair.)

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I ask unanimous consent to be told when I have used up to 6 minutes.

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

Mrs. BOXER. Then I will end my remarks and the Senator from Arizona can have the floor at that time.

Madam President, I have listened to this debate, and I have participated in it. I believe, in light of Senator TORRICELLI's remarks, that if he was the only one in the Senate who felt strongly about this issue and how right you were on the issue, Madam President, he would stand and be proud.

I want to make it clear that a lot of us do agree with you about the importance of passing your underlying language and your amendment that you offered to strengthen the safety of NAFTA trucks.

As a member of the Commerce Committee—I am a new member—I had the honor of sitting through the hearing that I actually had requested that Senator HOLLINGS hold on the issue of NAFTA trucks. I have nothing but the highest regard for former Congressman Mineta, now the Secretary of Transportation, but I believe very much—and this is with great respect—that he is not really ready to make January 1 the deadline to allow these trucks into the interior of the country.

One of the things that happened at that hearing was one of the witnesses said something to the effect that those of us who were concerned on the safety issue were really against Mexico. I remember at the time Senator DORGAN, in a sense, chastised that particular witness and said: This is ridiculous.

I said at the time, and I want to repeat now, that the reason I feel so strongly that the trucks coming through our country should be safe is to protect the people that I represent in California, 30 to 40 percent of whom are Mexican Americans.

I want to protect all the people. I want to make sure, as Senator TORRICELLI says, truckdrivers who come through the border are rested; that they don't have any medical condition that might prevent them from driving for hours; that in fact we can test them for drugs as we do with our own truckdrivers. Your decal amendment that is so important would say that the truck companies in Mexico would have to comply with our safety standards, and they would be inspected in Mexico and not have situations that we have now where the trucks are stopped at the border and, by the way, 2 percent of the trucks coming in are stopped because we don't have enough enforcement. And as Senator TORRICELLI said, 40 percent of them fail; my figure is about 36 percent, but it is somewhere in that vicinity.

And then I asked the inspector general, who appeared at the Commerce Committee hearing, why it was that we didn't send these trucks back. He simply said, ''because they have no brakes.'' I would not want to be the Senator in this Chamber who votes against Senator MURRAY's safety language and has to face the parent of a child who is killed, or a family of survivors of someone who is hurt or killed.

I was at a press conference about a year ago where I was calling for tougher standards for our own trucks, our own drivers. We still have far too many injuries on our own highways, and we need to even tighten those up. What we are ready to do here with this loophole amendment offered by Senator GRAMM is to dilute your provision and Senator SHELBY's provision that would, in fact, simply ensure that we are ready for this phase of NAFTA. We cannot be so ideological, bow down at the altar of free trade, and blind ourselves to reality. If it means somebody makes a complaint against us, I want to be there, I say to my friend from Arizona. I will defend us. I will say to those folks sitting in judgment of us that we want our people safe on the roads.

When I asked former Congressman Mineta, now Secretary Mineta, about this, he said the law says we cannot allow trucks on our roads that don't meet the standards. That is right, but if we can't enforce it, what good is it? If we can't enforce the law, what good is it?

If we have a law, and we do, which says you can't walk into a supermarket and pull out a lethal weapon and threaten someone, but we never enforce it, and there are robberies going on all over the country and nobody is enforcing it and going after the bad guys, what good is it?

So until we have enforcement mechanisms in place where all trucks are inspected either at the border or they have a decal before they cross, I am not afraid to fight for our right in a court that is looking at NAFTA. Senator MURRAY and Senator SHELBY say very clearly that their provision does not violate NAFTA—does not violate NAFTA. The fact is, I happen to know that Senator MURRAY supports many free trade agreements. The Senator's State depends on free trade. Yet you are the one who has taken a considered approach to this. You have made sure

your language doesn't interfere with NAFTA. You are simply saying that we want to make sure before these provisions go into effect, where these long-haul trucks can come in, that they, in essence, are compatible with our laws. What a straightforward, commonsense idea. I can't imagine how the American people could understand it if we would do anything less. We have to have the same standards, and we have to enforce the same standards.

Therefore, I strongly support Senator MURRAY's amendment in the underlying bill, the decal amendment.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. MCCAIN. Madam President, I could not help but be entertained by the remarks of the Senator from California who says—I guess she feels if she says it often enough, it will be true—that it doesn't violate NAFTA; it doesn't violate NAFTA; it doesn't violate NAFTA.

Well, although she may not agree with the results of the last election, the fact is that the President of the United States happens to be an individual who believes that it is in violation of NAFTA, and his senior advisers have said the Murray language is in violation of NAFTA, and the President has said he may have to veto because of NAFTA. So with all consideration for the views that the Murray language is not in violation of NAFTA, the fact is, according to the President's senior advisers, it is.

This morning at 11:15, the President said:

I also am aware that there are some foreign policy matters in the Congress. And I urge Congress to deal fairly with Mexico and to not treat the Mexican truck industry in an unfair fashion; that I believe strongly we can have safety measures in place that will make sure our highways are safe. But we should not single out Mexico. Mexico is our close friend and ally and we must treat them with respect and uphold NAFTA and the spirit of NAFTA.

So every Senator is entitled to their views; I view them with great respect. But the reality is that the President of the United States and his senior advisers—unless changes are made, the President's senior advisers will recommend that the President veto the bill. So that is the situation on the ground, as we say.

This amendment that is pending, however, really has everything to do with discrimination, and this amendment is very simple in its language because all it says is:

Nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.

We need to talk about some facts for a minute. These are the numbers of trucks and inspections in the United States. There are 8 million registered trucks in the United States; 2.3 million of them have been inspected. That is 28 percent. Now, 100,685 Canadian trucks have been in the United States, of which 48,000, or 48 percent have been inspected. There have been 63,000 trucks from Mexico operating in the United States, of which 46,000, or 73 percent of them have been inspected.

According to the McCain-Gramm-Domenici amendment, which the administration agrees with, we would make sure that every Mexican truck is inspected—every single one.

This chart says ''inspection results/out-of-service rates.'' It says 8 percent in the United States, 9.5 in Canada, and 6 percent in Mexico. The vehicle out-of-service rate for Mexico is 36 percent. The problem is that it has been 36 percent, as opposed to 14 percent for Canada, and 24 percent for the United States. That is why we have in our substitute some very detailed, important, and very stringent requirements, including:

The Department of Transportation must conduct a safety review of Mexican carriers before the carrier is granted conditional operating authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border.

The safety review must include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with U.S. motor carrier safety rules and regulations.

It requires every vehicle operating beyond the commercial zones of a motor carrier with authority to do so to display a Commercial Vehicle Safety Alliance decal obtained as a result of a level 1 North American standard inspection or level V vehicle-only inspection, and imposes fines on motor carriers operating a vehicle in violation of this requirement to pay a fine of up to $10,000.

It requires the DOT to establish a policy that any safety review of a motor carrier seeking operating authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border should be conducted onsite at the motor carrier's facilities when warranted by safety considerations or the availability of safety performance data.

It requires Federal and State inspectors, in conjunction with a level 1 North American standard inspection, to verify electrotonically or otherwise, the license of each driver of such a motor carrier commercial vehicle crossing the border, and for DOT to institute a policy for random electronic verification of the license of drivers of commercial vehicles at U.S.-Mexico border crossings.

There are two pages in the McCain-Gramm-Domenici substitute that require additional inspections, verification, insurance, rulemakings, et cetera. But all of those are not in violation of NAFTA. One reason why they are not is because of this information here. Federal motor carrier safety laws and regulations apply to all commercial motor vehicles operating in the United States.

When the United States-Mexico border is open, all Mexican carriers that have authority to operate beyond the commercial zones must comply with all Federal motor carrier safety laws and regulations and all other applicable laws and regulations.

Mexican carriers will be subject to the same Federal and State regulations and procedures which apply to all other carriers that operate in the United States. These include all applicable laws and regulations administered by the U.S. Customs Service, the Immigration and Naturalization Service, the Department of Labor, and the Department of Transportation. All of these Federal motor carrier safety requirements have to be complied with by any carrier that comes up from Mexico.

For the illumination of my colleagues, this is what is required for a Canadian carrier to operate within the United States of America. This is off the Federal Motor Carrier Safety Administration's Web site.

Basically, what is required is, over the Internet, to verify under penalty of perjury, under the laws of the United States of America, that all information supplied on the form or anything relating to the information is true and correct. Then $300 is sent in and the carrier operates in the United States of America. That is what is required as far as Canadian vehicles are concerned.

I hope someday carriers from Mexico will be able to exercise exactly that same procedure. We all know that is not possible now, and that is why we need very much to have additional requirements until such time as Mexican carriers meet the standards that prevail in the United States of America.

I have a number of comments about section 343, the so-called Murray language, and I will not go through them right now because the subject of discussion is the pending Gramm amendment. The pending Gramm amendment basically says that we cannot discriminate against Mexico. This amendment was carefully crafted.

In all candor, so that everybody knows what they are voting on, some of the language in the so-called Murray language would be negated by this because in the view of the President, in the view of this Senator, in the view of the Department of Transportation, and in the view of the country of Mexico, the language contained is discriminatory. This is a very important issue to our neighbors to the south. This is a very important issue in our relations with Mexico.

It is a very important issue for those who purport to be a friend of the country of Mexico. This is a very important issue. The fact that we are going to vote on whether we choose to or choose not to discriminate against the country of Mexico, and we are taking a recorded vote on that issue, is one of significant importance.

I hope all of my colleagues will vote, no matter how they feel about the Gramm-McCain amendment or the substitute on which Senator GRAMM, Senator DOMENICI and I will seek a vote at the appropriate time.

We intend to stay on this issue. We intend to do whatever we can in the future to make sure the Appropriations Committee does not legislate on an appropriations bill, particularly where it affects trade agreements between sovereign nations, and we intend to see this issue through. We are heartened by the support and commitment of the President of the United States as expressed as recently as a couple of hours ago.

Madam President, I reserve the remainder of my time.

Mr. SHELBY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from Washington.

Mrs. MURRAY. Madam President, it is my understanding that quorum calls will be equally divided. Is that correct?

The PRESIDING OFFICER. The Senator needs to make that request.

Mrs. MURRAY. I ask unanimous consent that the quorum call be equally divided.

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

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, how much time remains on our side?

The PRESIDING OFFICER. Six minutes.

Mrs. MURRAY. Madam President, I know the last 5 minutes of our time is yielded to Senator SHELBY, so I ask unanimous consent to use 1 minute of that time.

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

Mrs. MURRAY. Madam President, I rise to make a very simple point. The Senator from Arizona listed a series of provisions contained in his proposed substitute. Those provisions, such as the requirement to inspect every truck, would apply to Mexico, not to Canada, and that really is the point. We can and should impose strict requirements on Mexico.

The Senator cited inspection statistics. These are the results of those inspections. We believe very clearly, as the NAFTA arbitration panel has stated, that the underlying provisions are not a violation of NAFTA, and we think the Senate should uphold the NAFTA arbitration panel by voting to table the Gramm amendment.

I know Senator SHELBY has 5 minutes remaining on his side. How much time is left on the other side?

The PRESIDING OFFICER. Senator MCCAIN has 17½ minutes left, and there is 5 minutes left on the side of the opponents of the Gramm amendment.

Mrs. MURRAY. Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, first of all, we do not disagree over the fact that the February report of the NAFTA Dispute Resolution Panel does not prevent the United States from imposing different requirements on foreign carriers. In fact, let me quote from the report:

It is important to note what the Panel is not determining. It is not making a determination that the Parties of NAFTA could not set the level of protection that they consider appropriate in pursuit of legitimate regulatory objectives. It is not disagreeing that the safety of trucking services is a legitimate regulatory objective.

I agree with that.

The panel goes on to say:

The United States may not be required to treat applications from Mexican trucking firms exactly the same as applications from the U.S. or Canadian firms, as long as they are reviewed on a case by case basis.

That is why I pointed out the difference between how a Canadian carrier can enter the United States, basically filing over the Internet, as opposed to the provisions we have in our substitute which are very stringent and detailed.

However, in order to satisfy its own legitimate safety concerns the United States decides, exceptionally, to impose requirements on Mexican carriers that differ from those imposed on U.S. or Canadian Carriers, then any such decision must (a) be made in good faith with respect to a legitimate safety concern and (b) implement differing requirements that fully conform with all relevant NAFTA provisions.

I believe that what our disagreement is really all about is the question of whether the Murray provisions are simply ''different methods'' or, if in their totality, the 22 requirements —there are 22 requirements in the Murray language—result in an indefinite blanket ban. The panel ruled that a blanket ban was a violation of our NAFTA obligations.

As I have already mentioned on several occasions, the administration estimates that the Senate provisions under section 343 would result in a further delay in opening the border for another 2 years or more. This would be a direct violation of NAFTA. It effectively provides a blanket prohibition on allowing any Mexican motor carrier from operating beyond the commercial zones. Does that permit a case-by-case review of a carrier? I do not believe so.

I would like to find one objective observer who does not view the Murray language as delaying implementation of NAFTA by 2 or 3 years. I do not see how in the world any objective observer could believe that the requirements, including onsite inspections and the inspector general going down into Mexico, could possibly do anything but delay the implementation of NAFTA, and that is what it is all about. This view is shared by a number of us, as well as the President's senior advisers.

Let me give an example of a provision that could be viewed as more than simply different. It concerns how a Mexican carrier would receive authority to operate in the United States under the Murray provision.

The Murray provision requires the Federal Motor Carrier Safety Administration to conduct a full safety compliance review before granting conditional operating authority and again before granting permanent authority to assign a safety rating to the carrier. The reviews must be conducted onsite in Mexico.

The problem with that requirement is that a ''compliance review'' assesses carrier performance while operating in the United States. It is conducted when a carrier's performance indicates a problem—that it is ''at risk.'' As a technical matter, a full-fledged compliance review of a Mexican carrier would be meaningless since that carrier would not have been operating in this country and would not have the type of performance data that is audited during a compliance review. If the Department of Transportation is forced to conduct what would largely be a meaningless compliance review, every carrier will receive a satisfactory rating because there will be no records or data on which to find violations of the Federal Motor Carrier Safety Regulations.

There are, three more important provisions that clearly would delay the implementation of NAFTA, and that is clearly a violation of NAFTA.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER). The Senator reserves the remainder of his time. Who yields time?

Mr. SHELBY. 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. SHELBY. 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. SHELBY. Mr. President, we have heard a lot about this debate in the last few days, what it is about and

what it is not about. I believe the Senator from Texas, Mr. GRAMM, my good friend, continues to define this issue as one about identical treatment of Mexican trucks, U.S. trucks, and Canadian trucks.

Unfortunately, for my good friend from Texas, this is not about creating a rubber-stamp approach to trucks entering our country and driving on our highways. This is about providing an approach tailored to the out-of-service rates we see in Mexican trucks.

Unfortunately, for the position put forth by my good friends from Texas and Arizona, under NAFTA, we have the right and we have the obligation to provide for safety on our highways in the United States and to regulate Mexican trucks entering this country as long as such regulations are ''no greater than necessary for legitimate regulatory reasons such as safety.'' This language came from the arbitration panel.

The Murray-Shelby provision is clearly within the legitimate safety interests that we have an obligation to regulate in this country. Also, unfortunately, I believe, for my colleague from Texas, his argument that the Murray-Shelby provision violates NAFTA, violations of NAFTA are not judged by the Senate or even the administration. Alleged violations of NAFTA are ruled on by an arbitration panel. That is part of the agreement. His contention that NAFTA would be violated does not make it so.

If you want to talk about discrimination, let's talk about discrimination against the American driver. Nothing in NAFTA should be misread to require that we give Mexican drivers a pass on safety standards while we strip our drivers of their licenses for infractions that may be honored in Mexico or which the Senator's amendment tells us that we should ignore because to do otherwise would violate a treaty that I never supported.

This is about enforcing the safety regulations of the United States of America. That is within the purview of NAFTA, as it would be for the Mexican Government to do likewise.

At the proper time, I will move to table the Gramm-McCain amendment.

The PRESIDING OFFICER. The Senator from Alabama and the Senator from Washington have 2 minutes remaining. The supporters have 13 minutes remaining.

Mr. SHELBY. Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Thirteen minutes.

Mr. GRAMM. Mr. President, first, I want to read a statement made earlier today by the President related to this issue. This is what the President said:

I urge Congress to deal fairly with Mexico and to not treat the Mexican truck industry in an unfair fashion. I believe strongly we can have safety measures in place that will make sure our highways are safe. Mexico is our close friend and ally, and we must treat them with respect and uphold NAFTA and the spirit of NAFTA.

The issue before us is not safety. There is agreement in the Senate that we want to inspect Mexican trucks, and there is a commitment to inspect every single Mexican truck. We only inspect 36 percent of the Canadian trucks. No one disagrees that in starting up a new system with Mexico it is proper, to begin with, to inspect every single truck. The issue is not safety; the issue is discrimination.

Basically, when we signed NAFTA, the President made the commitment and we ratified it, and that commitment said with regard to trucks coming across the border, going in both directions, all three nations committed that ''each party shall accord the service providers of another party treatment no less favorable than that it accords, in like circumstances, with its own service providers.''

That is what we committed. Convert it into simple English, we committed to treat Mexican trucking companies operating in the United States exactly as we treat American trucking companies, and exactly as we treat Canadian trucking companies. The issue before us is not safety. The issue before us is discrimination and protectionism.

We have every right to inspect Mexican trucks. If you look at the agreement, we do not have to—in implementing uniform standards, we can implement them differently with regard to Mexican trucks if circumstances are different. Senator MCCAIN and I, and the President, have said in our initial implementation it is proper to inspect every Mexican truck, whereas we inspect only one out of three Canadian trucks and only one out of four American trucks each year.

But what we cannot do and what the Murray amendment does is set different standards for Mexican trucks than it sets for American trucks and for Canadian trucks.

It is one thing to say we are going to have safety standards and Mexican trucks have to live up to those standards, but it is quite another thing to set totally different standards. Let me give four examples. It is very simple.

Today we have trucks operating all over America, 100,000 of them from Canada, and virtually none of those trucks are insured by American insurance companies. We have American trucks operating in the United States that are not insured by American insurance companies. Many Canadian trucks are insured by Canadian companies, or by Lloyd's of London. American trucks in some cases are insured by Canadian companies and by British companies. But the Murray amendment puts a requirement on Mexico that we do not put on ourselves, that we do not put on Canada. That requirement is having to have insurance from companies domiciled in America. That is a flatout violation of NAFTA. No denial can change that fact. That is a clear violation of the treaty into which we entered. It is illegal and it is unfair.

We have, in the Murray amendment, three other provisions that clearly violate NAFTA. It is one thing to say we are going to have penalties and that those penalties are going to apply to anybody operating a truck in the United States of America. I want penalties because I want safe roads and highways. We have more Mexican trucks operating in Texas than any other State in the Union. I want safety.

But to say that while we have various penalties for American trucks and truckers, for Canadian trucks and truckers, that we are going to have an entirely different penalty regime for Mexican truckers, so that a violation can forever ban a Mexican trucking company from operating in the United States is discrimination. It is illegal, it violates NAFTA. If we wanted to say if you are an American trucking company and a Canadian trucking company and you have a single violation that you are forever banned from being in the trucking business, that would be GATT legal. It would be crazy because you can not operate a big trucking company without some violations. But we could do it, and it would be legal.

But what you cannot do under NAFTA is you cannot say we are going to have one set of penalties with regard to American trucks and Canadian trucks, and a totally different set of penalties with regard to Mexican trucks.

Under our current trade agreements, United States companies and Canadian companies can lease trucks to each other. In fact, that is necessary for good business. If you do not have the business, you own the trucks, they are sitting there, they meet safety requirements, you lease them to somebody else. If you do not have that right, you do not stay in the trucking business long.

But the Murray amendment has a unique provision that relates only to Mexico. Only Mexican truck operators are forbidden the right to lease trucks if they are in violation in any way.

We might want to say, if you have any violation, you cannot lease trucks. If we apply that to Americans and to Canadians, we can apply it to Mexicans. But what you cannot do is have different standards in a free trade agreement, where we committed to treat Mexican producers exactly the way we do our own.

Finally, on safety standards, we passed a law in 1999 changing safety standards with regard to trucks. I want to implement that bill. The regulations have not been written and it has not been implemented. The Murray amendment says because it has not been implemented, that Mexican trucks cannot come into the United States even though we have entered into a treaty, which has been ratified, saying they can.

If the Murray amendment had said because we have not promulgated regulations, because we have not implemented these new rules, that Canadian trucks cannot operate in the United States, that American trucks cannot operate in the United States, and Mexican trucks cannot operate, we would all go hungry tonight, but that would be legal with regard to the agreement that we entered into called NAFTA. But to say that because we have not promulgated the rules and because we are not at this point therefore enforcing these rules, that Canadian trucks can operate and American trucks can operate but Mexican trucks cannot operate, is a clear, irrefutable, indisputable violation of NAFTA.

Basically what we are seeing here is a choice between special interest groups and high on the list is the Teamsters Union. They don't want Mexican trucks because they don't want competition.

My point is we should have thought about that when we approved this trade agreement because we made a solemn national commitment to allow Mexican trucks to operate in the United States, American trucks and Canadian trucks to operate in Mexico. Our credibility all over the world in hundreds of trade agreements is on the line. If we go back on the commitment we made to our neighbor, if we discriminate against Mexico, how are we going to have any moral standing in asking other countries to comply with the agreements they negotiated with the United States?

It is my understanding, while I think we should have more time to debate this—one of the authors of the amendment, Senator DOMENICI, has not had an opportunity to speak—and while I would like to have more time, it is my understanding there is going to be a motion to table. It is also my understanding that there may be a cloture motion tomorrow.

I want to assure my colleagues that I am not sure where the votes are, but I am sure what my rights as a Senator are. I want to assure you that I am going to use every power that I have as a Member of the U.S. Senate to see that we do not discriminate against a country that has a 1,200-mile border with my State. I am going to use every power I have as a United States Senator to see that we do not violate NAFTA, to see that we do not destroy the credibility of the United States in trade relations around the world.

What that means is we will have, not one cloture vote, we will have five cloture votes. At some point here people are going to want to go on to other business. I want to assure my colleagues if there is not some compromise here that produces a bill the President can sign, we are not going to other business.

Finally, let me conclude by saying this bill is not going to become law until we comply with the treaty. The President is not going to sign the bill. We can fool around and have five cloture votes and hold up all other business until we get back from Labor Day. We can stay in August. We are going to see the full rules and protections of the Senate here because this is a critically important agreement.

When you start not living up to agreements that you made with your neighbor, you start to get into trouble, whether you are a person or whether you are the greatest nation in the history of the world.

I think the Murray amendment is wrong. Senator MCCAIN and I have been willing to compromise. The President is willing to compromise. But we are not going to compromise on violating NAFTA. That is a compromise that is not going to occur. We can come up with a safety regime. It doesn't have to be identical with Canada and Mexico, but the requirements have to be identical. That is what the trade agreement says.

The Murray amendment in four different areas violates NAFTA. This has to be fixed if we are going to go forward.

I urge my colleagues to vote for the pending amendment, which I have offered with Senator MCCAIN and Senator DOMENICI. I urge them to oppose a motion to table. I assure them that this issue is not going to go away. The Senate may vote to discriminate against Mexico, but they are going to get to vote on it on many occasions.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes 1 second.

Mrs. MURRAY. Mr. President, this amendment that is before us, no matter what we hear, is about safety, is about our ability as a country to ensure that our constituents—whether they are traveling to work, taking their kids to daycare, going on vacation, or traveling down the highway—are safe. We have a right in this country to ensure the safety of our constituents.

I hear our opponents saying this is a violation of NAFTA. Do not take my word for it. Take the word of the NAFTA arbitration panel. They have clearly told us that the United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. United States authorities, in their words, are responsible for the safe operation of trucks within United States territory, whether ownership is United States, Canadian, or Mexican.

We have a right under treaties right now to ensure the safety of our citizens on our highways. That is what this amendment is about. That is what this vote is about—whether or not we will undermine that safety all on our own here in the Senate and go beyond what the NAFTA panel has told us we can do and undermine the NAFTA panel, or whether we are going to stand up for safety. That is what this amendment is about.

I urge all of our colleagues to vote on the side of families and safety.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I move to table the Gramm-McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—65

| | | |
|---|---|---|
| Akaka | Edwards | Murray |
| Baucus | Feingold | Nelson (FL) |
| Bayh | Feinstein | Nelson (NE) |
| Biden | Graham | Reed |
| Bingaman | Harkin | Reid |
| Boxer | Hollings | Rockefeller |
| Breaux | Hutchinson | Santorum |
| Byrd | Inhofe | Sarbanes |
| Campbell | Inouye | Schumer |
| Cantwell | Jeffords | Sessions |
| Carnahan | Johnson | Shelby |
| Carper | Kennedy | Smith (NH) |
| Cleland | Kerry | Smith (OR) |
| Clinton | Kohl | Snowe |
| Collins | Landrieu | Specter |
| Conrad | Leahy | Stabenow |
| Corzine | Levin | Stevens |
| Daschle | Lieberman | Torricelli |
| Dayton | Lincoln | Warner |
| Dodd | Mikulski | Wellstone |
| Dorgan | Miller | Wyden |
| Durbin | Murkowski | |

NAYS—35

| | | |
|---|---|---|
| Allard | Domenici | Kyl |
| Allen | Ensign | Lott |
| Bennett | Enzi | Lugar |
| Bond | Fitzgerald | McCain |
| Brownback | Frist | McConnell |
| Bunning | Gramm | Nickles |
| Burns | Grassley | Roberts |
| Chafee | Gregg | Thomas |
| Cochran | Hagel | Thompson |
| Craig | Hatch | Thurmond |
| Crapo | Helms | Voinovich |
| DeWine | Hutchison | |

The motion was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

## ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I want to thank a number of my colleagues, especially Senator GRAMM and Senator MCCAIN. I also especially thank the distinguished Republican leader for his help in getting us to this point.

We have been discussing throughout the day the schedule for the balance of the day. I will propound a unanimous

consent request for the moment that will allow us now to take up the Iran-Libya Sanctions Act. Following that, it will be my intention to move to a couple of the nominations that we agreed yesterday we would take up. There are time requests for debate on both nominees, and we will accommodate those requests as the unanimous consent provided for last night.

With that understanding, I will propound the request.

I ask unanimous consent that following the vote with respect to the Gramm amendment, regardless of the outcome, the Senate proceed to the consideration of Calendar No. 98, S. 1218, the Iran-Libya sanctions bill, and that the bill be considered under the following limitations: that there be a time limitation of 60 minutes for debate on the bill, with the time equally divided and controlled between the chairman and ranking member, or their designees; that the only first-degree amendment in order to the bill be a Murkowski amendment regarding Iraq's oil; that there be 90 minutes for debate with the time divided as follows: 60 minutes under the control of Senator MURKOWSKI, 30 minutes under the control of the chairman and ranking member, or their designees; that upon the use or yielding back of time on the amendment, the amendment be withdrawn; that upon the use or yielding back of all time, the bill be read the third time, and the Senate proceed to vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Reserving the right to object, Mr. President, from the standpoint of clarification, the amendment that I am prepared to offer, according to the statement by the majority leader, would be withdrawn. It had been my request of both leaderships that the condition on withdrawing the amendment would be the assurance that I would have an opportunity for an up-or-down vote at a future time on the issue of oil imports from Iraq. I request consideration, if indeed the leadership will consider that, associated with the appropriate opportunity—maybe on one of our trade agreements that will come before this body—that I would be allowed at least not more than an hour and a half or 2 hours to debate that and have the assurance of an up-or-down vote. I ask the leadership for that consideration.

Mr. DASCHLE. Mr. President, if I may respond, Senator Murkowski has reiterated the understanding we have on both sides of the aisle with regard to his offering an amendment at a later date on Iraq oil on another bill. I will certainly provide him with a vote in relation to that amendment when that time comes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, are the intentions, after disposition of the nominations, to return to the pending legislation?

Mr. DASCHLE. In answer to my colleague from Arizona, the intention would be that we go right back to the Transportation appropriations bill. What I am hoping, frankly, is that over the course of the next several hours we can continue our discussions. Our staff has indicated again that they are willing to begin the discussions in earnest, with the hope that we might proceed with some expectation that we find some resolution. It is our hope that while our colleagues debate these other matters, that will free up those people who have been involved in this issue to talk, and it would be our intention to come back to this.

Mr. MCCAIN. Further reserving my right to object, we have just established 35 votes, which is sufficient to sustain a Presidential veto, which has been threatened on this bill. I hope it will motivate the other side to engage in a meaningful negotiation, which has not happened so far, so that we can resolve the situation.

I reiterate my commitment to remain through a series of cloture votes, if necessary, until we get this issue resolved to the satisfaction of those who are concerned about it, including the President of the United States.

Mr. MURKOWSKI. Reserving the right to object, just for clarification from the leader, the Senator from Alaska requested specifically the assurance of an up-or-down vote, and I believe the majority leader indicated a reference ''in relation to.'' I don't want to mischaracterize the intent. I wanted to have an understanding I would be afforded an opportunity for an up-or-down vote.

Mr. DASCHLE. I will have no objection to an up-or-down vote.

Mr. LOTT. Reserving the right to object, and I will not object, I want to say that I appreciate the majority leader's comments about the need for us to have a serious effort to find a compromise on this issue that is still pending on the Transportation bill. I thank him for the assurances given to Senator MURKOWSKI.

As I understand it now, we will go to the Iran-Libya Sanctions Act and have 60 minutes on that bill. Senator MURKOWSKI will have his time, and we will go to final passage. Then after some debate time, we will have one or two votes on nominees. Did the Senator clarify that?

Mr. DASCHLE. Mr. President, in answer to the Republican leader's question, the answer is, we would provide for the debate allotted under the unanimous consent that we were able to arrive at last night. In regard to the Horn nomination and the nomination for the Administrator of the SBA, in both cases, as I understand it, rollcalls have been requested. So it is my intention that we would have debate on the two nominees and then the votes on those yet tonight. Then we will revert back to Transportation.

Mr. LOTT. I thank the Senator. Further reserving the right to object, I know there are strong feelings on the question of the U.S.-Mexican truck crossing at the border, a lot of ramifications, and making sure it is NAFTA compliant, and making sure the trucks come into the country in a safe way after being inspected. I understand all of that.

This is an appropriations bill and this language should not even be on this bill. Clearly, though, this can be resolved.

While everybody is in a position of wanting to get dug in, let me point out that this issue could go on for days. It is really not necessary. I have never seen an issue that is more clearly in the realm of having an agreement worked out. We ought to do it. I urge both sides to do their very best to accomplish that.

I thank Senator DASCHLE for giving these answers. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, and I shall not, I wanted to inform the majority leader that the proposition of discussions about the Murray language, in my judgment, should not just be among those who support the language and those who wish to weaken it. Others wish to strengthen it. While there is a disagreement on this issue, it is not just on one side. I hope if discussions ensue in the coming hours on this subject, they include those of us who believe the Murray language is not strong enough.

Mr. DASCHLE. Mr. President, I say to Senator DORGAN that I don't think we ought to exclude anybody. Clearly, no one has devoted more time to the issue and has been more eloquent on the floor with regard to safety and the importance of recognizing the issue of safety than Senator DORGAN. Senator MURRAY has accommodated everybody, and I know in these discussions that would be her intent as well. I appreciate the Senator's interest in being involved in these discussions. I want to say that we hope to include anybody that has an interest in it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## ILSA EXTENSION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill, S. 1218, by title.

The assistant legislative clerk read as follows:

A bill (S. 1218) to extend the authorities of the Iran and Libya Sanctions Act 1996 until 2006.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is beginning consideration of S. 1218. The Senator from Maryland controls 30 minutes; the Senator from Texas controls another 30 minutes.

Mr. SARBANES. Mr. President, I thought I would make a very short opening statement. Senator MURKOWSKI is here and wants to launch into the debate of his amendment. We want to move along, and I am hopeful we will be able to yield back a considerable amount of time on the bill itself and time with respect to the Murkowski amendment. Altogether, there is 2½ hours allotted for all of that: 1 hour on the bill and 1½ hours on the Murkowski amendment.

Mr. SCHUMER. Will the Senator yield?

Mr. SARBANES. I yield.

Mr. SCHUMER. Mr. President, I ask that after the Senator speaks, I be recognized for a short period of time before we begin the discussion of Senator MURKOWSKI's amendment.

Mr. SARBANES. Fine. I will hold my time down because I do want to get to the Murkowski amendment and the Senator from Alaska is in the vicinity.

Mr. President, I rise in strong support of S. 1218, the renewal authorization legislation for the Iran-Libya Sanctions Act, commonly known as ILSA. This legislation was reported favorably out of the Committee on Banking, Housing, and Urban Affairs by a vote of 19–2. We made some modifications. Therefore, a committee print served as the vehicle for the committee markup, but this committee print paralleled closely with the renewal legislation introduced by Senator SCHUMER of New York and Senator SMITH of Oregon which garnered 79 cosponsors.

I am including in the RECORD the full list of the 79 cosponsors. I ask unanimous consent that the list be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. SARBANES. Mr. President, I especially thank Senators SCHUMER and SMITH for their leadership on this issue. We are very appreciative of the very vigorous effort they mounted with respect to this issue. The existing ILSA legislation expires on August 5 of this year. Therefore, we need to move quickly to approve this legislation. This will extend ILSA for another 5 years. It will lower the threshold for foreign investment in the Libyan energy sector from $40 million to $20 million to trigger sanctions. That puts Libya on a par with Iran at the existing requirement, and it closes a loophole in the existing legislation making it clear that modification or addition to an existing contract would be treated as a new contract for purposes of evaluating whether such amendment or modification would invoke the sanctions. There has been a loophole with respect to companies operating in Libya, and we need to address that.

With respect to the Iran portion of ILSA I wish I could come to the Chamber and report there has been a significant change in Iranian conduct that warrants a response from the Congress in terms of when we consider whether to extend these sanctions forward. Unfortunately, Iran's support for terrorism continues unabated. The latest State Department Report on Patterns of Global Terrorism 2000 states:

> Iran remains the most active state sponsor of terrorism in 2000. Its revolutionary guard corps, the IRGC, and the Ministry of Intelligence and Security, MOIS, continue to be involved in the planning and execution of terrorist acts and continue to support a variety of groups that use terrorism to pursue their goals.

Iran is also stepping up efforts to acquire weapons of mass destruction. The latest unclassified CIA report to Congress on worldwide weapons of mass destruction acquisition notes:

> Iran remains one of the most active countries seeking to acquire weapons of mass destruction and advanced chemical weapons technology from abroad. In doing so, Iran is attempting to develop an indigenous capability to produce various types of weapons—chemical, biological, and nuclear—and their delivery systems.

In June of this year, when the Justice Department handed down indictments in the Khobar Towers bombing case, a case in which 19 of our airmen in Saudi Arabia were killed in 1996, the Attorney General stated publicly that Iranian officials ''inspired, supported, and supervised members of Saudi Hezbollah,'' which is the group that carried out the attack.

As for Libya, very briefly, it has fulfilled only one aspect of the U.N. Security Council resolutions relating to the Pan Am 103 bombing; namely, the handing over of the suspects for trial. Libya has not fulfilled the requirement to pay compensation to the families of the victims, to accept responsibility for the actions of its intelligence officers, and to renounce fully international terrorism.

In fact, President Bush on April 19 of this year stated:

> We have made it clear to the Libyans that sanctions will remain until such time as they not only compensate for the bombing of the aircraft, but also admit their guilt and express remorse.

Because Iran and Libya have not clearly fulfilled the requirements of ILSA, I believe that not to extend ILSA for a full 5 years would send the wrong signal. Failure to do so would be seen as a sign of lack of resolve on the part of the United States.

I also believe that placing Libya on a par with Iran with regard to ILSA's conditions sends a strong signal to Libyan leader Qadhafi that the pressure will be kept on until he fulfills all relevant U.N. Security Council resolutions concerning the bombing of Pan Am flight 103, which I remind my colleagues killed 270 people, including 189 Americans.

This legislation had overwhelming support in the committee in being brought before the Senate. It has been endorsed by a clear majority—a very substantial majority—of Members of this body, and I urge my colleagues to support the legislation.

I yield the floor.

EXHIBIT 1

ILSA COSPONSORS

Senators Schumer, Smith (OR), Hollings, Rockefeller, Reed, Levin, Durbin, Carnahan, Johnson, Gregg, Cleland, Campbell, Murray, Allard, Mikulski, Ensign, Collins, Bob Smith, Lieberman, Harry Reid.

Senators Corzine, Sessions, Kyl, McConnell, Boxer, Santorum, Shelby, Voinovich, Breaux, Torricelli, Clinton, Stabenow, Harkin, Kohl, Daschle, Bob Graham, Inouye, Thomas, Helms, Brownback.

Senators Feinstein, Kennedy, Grassley, Craig, Warner, Biden, Bingaman, McCain, Sarbanes, Bennett, Wyden, Hutchinson, Bunning, Dorgan, Crapo, Bill Nelson, Edwards, Kerry, Hatch, Lott.

Senators Cochran, Frist, Akaka, Conrad, Bayh, Dayton, Allen, Snowe, Miller, Wellstone, Landrieu, Dodd, Cantwell, Ben Nelson, Leahy, Bond, Lincoln, DeWine, and Murkowski.

Mr. SARBANES. I yield 7 minutes to the Senator from New York, after which it is the intention we go to the amendment of the Senator from Alaska.

The PRESIDING OFFICER (Mr. REED). The Senator from New York is recognized.

Mr. SCHUMER. I thank the Chair, and I thank the chairman of our Banking Committee, the Senator from Maryland, for bringing this matter to the Chamber with such alacrity. I thank him on behalf of Senator SMITH and myself who have been the lead sponsors of this legislation, as well as the 78, now 79, cosponsors.

As has been said, time is of the essence. With the original ILSA law set to expire on August 5, the Senate needs to swiftly pass this bill to get our version approved by the House and then over to the President for his signature within the next 10 days. I again thank Senator SMITH for working so hard with me on bringing this bill forward so quickly. It is a bipartisan bill. We have garnered 79 cosponsors and the support of both the chairman of the Banking Committee, as you just heard, and most of the membership of the Banking Committee as well.

Mr. President, I rise today to urge my colleagues to support the Iran and Libya Sanctions Extension Act of 2001, a bill originally introduced by Senator GORDON SMITH and me, currently supported by 79 cosponsors.

Time is of the essence. With the original ILSA law set to expire on August 5, the Senate needs to swiftly pass this bill, get our version approved by the House, and then over to President Bush for his signature within the next 10 days.

I know time for debate is limited, but I just want to say a few words in support of this important bill which extends U.S. sanctions against foreign companies which invest in Iran and Libya's oil sector for five more years.

First, I would like to thank Senator SMITH for his invaluable leadership on

this bill. I would also like to thank Senator SARBANES for giving this bill his utmost consideration and following through with a hearings and markup schedule which got the bill reported out of the Banking Committee last week on a 19–2 vote.

Everyone in Congress is well acquainted with ILSA; it passed unanimously in both Houses in 1996.

And today it is vitally important for Congress to once again speak out loudly and strongly in support of maintaining a hard line on two of the world's most dangerous outlaw states.

In fact, the argument in support of reauthorizing ILSA for another five years is a very simple one: over the past five years, Iran and Libya have done nothing to show they should be welcomed into the community of nations and benefit from better relationships with the United States and our allies.

Quite the contrary.

Despite the election of so-called ''moderate'' President Mohammad Khatami in 1997, Iran remains the world's most active state sponsor of terrorism, and has been feverishly seeking to develop weapons of mass destruction.

Just last month, a U.S. Federal grand jury found that Iranian government officials ''supported and directed'' the Hezbollah terrorists who blew up Khobar Towers in Saudi Arabia in 1996, an act which killed 19 brave American servicemen.

And Iran proudly supports the Hamas terrorist group, whose most recent claim to fame was sending a suicide bomber into a crowded disco in Tel Aviv killing 21 Israeli teenagers.

As far as Libya is concerned, we recently learned beyond a doubt that the Libyan government was directly involved in the bombing of Pan Am 103—one of the most heinous acts of terrorism in history.

Yet Libya still refuses to abide by U.N. resolutions requiring it to renounce terrorism, accept responsibility for the Libyan officials convicted of masterminding the bombing, and compensate the victims' families.

These actions by Iran and Libya are not actions worthy of American concessions. They are actions worthy of America's most supreme outrage, and worthy of U.S. policy that does everything possible to isolate these nations in hopes of preventing them from doing further harm to America and our allies.

Some in the Administration argue that the United States should lift or ease sanctions on rogue states like Iran and Libya first, and decent, moral, internationally-acceptable behavior will follow.

I say that is twisted logic.

If these states are serious about entering the community of nations, and seeing their economies benefit from global integration, they must change their behavior first.

They must adapt to the world community, the world community should not adapt to them.

I have spoken to people on all sides of the issue of sanctions, particularly with respect to sanctions on Iran. And even those most opposed to sanctions on Iran cannot tell me any viable alternative to ILSA.

The idea that United States concessions to Iran through ending or watering down ILSA would bring about change for the better in Iran, and moderation in its foreign policies, is not simply misplaced speculation, it would be prohibitively dangerous policy.

An Iran emboldened and enabled by billions more in foreign investment leading to hundreds of millions more in oil profits would simply mean a more potent threat to America and our allies. Plain and simple.

The truth is ILSA has been very harmful to Iran—over the past five years, the threat of sanctions has successfully dissuaded billions in foreign investment, causing the Iranian government to invest in its own oil fields rather than in terrorism and weapons programs.

In fact, since ILSA was enacted, Iran has promoted more than 55 foreign investment opportunities in its energy sector and landed only eight contracts worth a total of roughly $2.5 billion—earning Iran barely half of what its tiny Persian Gulf neighbor, Qatar, netted in foreign investment during the same period.

With ILSA firmly in place, Iran cannot hope to fulfill its goal of attaining $60 billion in foreign investment over the next decade which it needs to rehabilitate and modernize its oil sector.

But ILSA is not simply about harming Iran and Libya's ability to do business and accrue greater oil revenues. It is about American leadership in the world in doing what's right.

Mr. President, the United Sates stands in the international community as a beacon of freedom—a beacon of what's right. Our great nation is about much more than economic might. It is about moral leadership, and combating those who wish to vanquish the principles of liberty and freedom which Americans have fought and died over the centuries to uphold.

An overwhelming vote today in support of ILSA reauthorization will send a strong signal that the United States is not prepared to relinquish the moral high ground when it comes to dealing with the worst renegade states—those who wish to disrupt our way of life.

Although some of the administration would like to water down ILSA, a veto-proof vote here in the Senate today would say to the Administration and the world that sanctions against the world's worst rogue states will remain firmly in place.

After all, the alternative is unthinkable: What would the international community think should the world's greatest power relax sanctions on two rogue states that have shown themselves to be so outside the family of nations, and engaged in some of the most dastardly acts the world has ever seen?

Mr. President, don't get me wrong, I fully support the Bush administration's desire to review U.S. sanctions policies to make sure they are working effectively.

But ILSA is as close as we have come to a perfect sanctions regime. First, it is highly flexible: It grants the President full waiver authority on a case-by-case basis, and it contains a menu of sanctions options ranging form a slap on the wrist, to more serious economic retaliation.

Second, its sunset provisions are profoundly reasonable: Libya needs to simply own up to its responsibility for Pan Am 103; Iran simply needs to stop its support for international terrorism and end its obsessive quest for weapons of mass destruction.

So for those who argue for eliminating or weakening ILSA, I say this: Only two states can eliminate the need for ILSA, Iran and Libya.

For Iran that means an unconditional end to its support of international terrorism, and its dangerous quest for catastrophic weapons. Let Iran prove it is moderate before America rewards it.

For Libya, it means full acceptance of responsibility for the Pan Am 103 bombing, and full compensation for the families of the victims.

If the day arrives that Iran and Libya fulfill these reasonable international obligations, ILSA will no longer be needed and it will be terminated.

Unfortunately, that day is not yet in sight.

I urge my colleagues, in the strongest possible terms, to vote yes for ILSA reauthorization.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. Mr. President, I will yield 5 minutes to the Senator from Massachusetts. I thank the Senator from Alaska for his courtesy. I say to other colleagues who want to speak on the bill itself, we will still reserve some time and they can speak later, but Senator MURKOWSKI has been waiting for quite a while to bring up his amendment. I yield 5 minutes to Senator KENNEDY, and then I assure the Senator from Alaska, we will go to his amendment.

Mr. MURKOWSKI. I am happy to accommodate Senator KENNEDY.

Mr. KENNEDY. Mr. President, I thank the Senator from Alaska for his courtesy. I will take just a moment. I know I speak for the 13 families from Massachusetts who lost loved ones; and they continue to be strongly supportive of this legislation. I thank the Senator from Maryland for all of his work and for his timeless energetic leadership on this extremely important issue.

We are reminded every day that we live in a dangerous world. As a member of the Committee on Armed Services, we have been listening to the proposal of the administration about anti-ballistic missile systems. We have been

watching the leaders of the great industrial nations meeting in Europe. We have seen President Bush and President Putin meeting to talk about nuclear weapons.

As a member of the Committee on Armed Services, all of us are convinced the great threat to the United States is in the form of terrorism: nuclear proliferation, bioterrorism, computer terrorism, but it is terrorism. That is the principal threat to the safety and security of the people of the United States and our allies.

We are relentless in dealing with the state of terrorism around the world. We spend a great deal of money doing that. The best way we can deal with the issue of terrorism is to show persistence, consistency, and as much tough-mindedness as the terrorists. The way to do that is to not forget and not forgive the brutal attacks and killings and assassinations of the Americans and citizens of 22 other countries in the Pan Am 103 disaster.

Members of Congress, and those who talk about wanting to deal with terrorism, ought to be here every single day. Unless we are going to be persistent and unless we are going to be tough-minded and unless we are going to deal with this and demonstrate to the world we are serious about dealing with the problems of state-sponsored terrorism, no matter how much we are going to spend on ballistic systems, no matter how much we will spend on the nonproliferation of weapons, how much we spend on intelligence, it will undermine our effectiveness.

The matter before the Senate sends a clear message, that we have not forgotten about state-sponsored terrorism in Libya. It is as clear as that.

According to the State Department, Iran continues to be ''the most active state sponsor of terrorism.'' Sanctions should continue on that nation.

There is also a compelling foreign policy rationale for extending sanctions on Libya. Easing sanctions on Libya by allowing the law to expire would have a far-reaching negative effect on the battle against international terrorism and the 12-year pursuit of justice for the 270 victims of the bombing of Pan Am flight 103.

Current law requires the President to impose at least two out of six sanctions on foreign companies that invest more than $40 million in one year in Libya's energy sector. The President may waive the sanctions on the ground that doing so is important to the U.S. national interest. For Libya, the law terminates if the President determines that Libya has fulfilled the requirements of all U.N. resolutions relating to the 1988 bombing of Pan Am flight 103. Those conditions, which were imposed by the international community, require the Government of Libya to accept responsibility for the actions of its intelligence officer, disclose information about its involvement in the bombing, provide appropriate compensation for the families of the victims of Pan Am flight 103, and fully renounce international terrorism.

President Bush has emphasized his support for these conditions. As he stated on April 19, ''We've made it clear to the Libyans that sanctions will remain until such time as they not only compensate for the bombing of the aircraft, but also admit their guilt and express remorse.'' Yet the Government of Libya continues to refuse to meet the conditions of the international community. Until it does, both the United States and the international community should continue to impose sanctions on the regime.

Despite the conventional wisdom that economic sanctions do not work, they have been effective in the case of Libya. As a result of the United Nations sanctions, the U.S. sanctions, and diplomatic pressure, the Libyan Government finally agreed in 1999 to a trial by a Scottish court sitting in the Netherlands of two Libyans indicted for the bombing. Last January 31, one of the defendants, a Libyan intelligence agent, was convicted of murder for that atrocity.

The court's decision clearly implicated the Libyan Government. The conviction was a significant diplomatic and legal victory for the world community, for our nation, which was the real target of the terrorist attack, and for the families of the victims of Pan Am flight 103.

The Iran Libya Sanctions Act is also intended to help level the playing field for American companies, which have been prohibited from investing in Libya by a Presidential order issued by President Reagan in 1986. The statute enacted in 1996 imposed sanctions on foreign companies that invest more than $40 million in any year in the Libyan energy sector. The objective of the 1996 law is to create a disincentive for foreign companies to invest in Libya and help ensure that Amercian firms are not disadvantaged by the U.S. sanctions. Since the sanctions on U.S. firms will continue, it is essential to extend the sanctions on foreign firms as well.

The administration has indicated that it has no evidence of violations of the law by foreign companies. But some foreign companies are clearly poised to invest substantially in the Libyan petroleum sector, in violation of the law. A German company, Wintershall, is reportedly considering investing hundreds of millions of dollars in the Libyan oil industry in violation of the law.

Allowing current law to lapse before the conditions specified by the international community are met would give a green light to foreign companies to invest in Libya, putting American companies at a clear disadvantage. It would reward the leader of Libya, Colonel Qadhafi, for his continuing refusal to comply with the U.N. resolutions. It would set an unwise precedent of disregard for U.N. Security Council Resolutions. It would undermine our ongoing diplomatic efforts in the Security Council to prevent the international sanctions from being permanently lifted until Libya complies with the U.N. conditions. And it would prematurely signal a warming in U.S.-Libyan relations.

Our European allies would undoubtedly welcome the expiration of the U.S. sanctions. European companies are eager to increase their investments in Libya, but they do not want to be sanctioned by the United States. They are ready to close the book on the bombing of Pan Am flight 103, and open a new chapter in relations with Libya.

But the pursuit of justice is not only for American citizens. Citizens of 22 countries were murdered on Pan Am flight 103, including citizens of many of our allies. The current sanctions were enacted on behalf of these citizens as well. Our government should be actively working to persuade European countries that it is premature to rehabilitate Libya.

I am especially pleased that two modifications to the Libya section make by the House International Relations Committee are included in this legislation. I commend Chairman SARBANES for his leadership by including these provisions in his mark.

The first modification reduces the threshold for a violation in Libya from $40 million to $20 million. Under current law, a foreign company can invest $40 million in Libya before sanctions kick in, but it can only invest $20 million in Iran. When the law was originally drafted, the threshold for both Iran and Libya was $40 million. When it was reduced for Iran, it was not reduced for Libya. It should have been. The threshold for a violation should be $20 million for both Iran and Libya.

The other modification closes a loophole in the law that allows oil companies to expand upon contracts that were signed before the current law was enacted. A number of companies which signed contracts before ILSA became law are expanding their operations, such as by developing fields adjacent to those in which they made their original investment, and calling this expansion a part of the original contract.

The law should cover modifications to existing contracts and agreements. Even if the original contract pre-dates ILSA, subsequent investments that expand operations should be treated as a new contract. This point should be clarified in the law, and the administration should aggressively seek the information necessary to enforce it.

I ask unanimous consent that a letter written by the President of the Victims of Pan Am flight 103, Inc. asking the Congress to make these modifications to existing law be printed in the RECORD.

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

VICTIMS OF PAN AM FLIGHT 103, INC.,
*Cherry Hill, NJ, 23 May, 2001.*

Subject: Iran-Libya Sanctions Act.

Hon. EDWARD M. KENNEDY,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR KENNEDY: The members of our organization, the Victims of Pan Am Flight 103, Inc. urge you to vote to extend the Iran-Libya Sanctions Act

The Scottish court in the Netherlands convicted a Libyan intelligence agent, Abdel Basset al-Megrahi, of the murder of 270 innocents on Pan Am flight 103. The judges also found that Megrahi was acting ''in furtherance of the purposes of Libyan Intelligence''. Within a few hours, President Bush declared on CNN, to the world, that the Scottish Court's decision proved the Libyan government was responsible for the murders of our loved ones.

U.N. Security Council resolutions 731 and 748 require that Libya turn over the suspects for trial, cooperate in the international investigation, pay appropriate compensation to the families and end support of international terrorism. The Libyan Regime must be made to comply fully with the UN Resolutions.

Allowing ILSA to lapse would undermine President Bush's statements the day of the verdict, the intent of the UN. Security Council's resolutions and give tacit approval to Quadhafi's flagrant disregard for international law and human life. It would, in effect, reward Libya's murderous actions and stonewalling. It would declare open season on Americans.

We ask that you support two changes to the law. The first would reduce the threshold for a violation from $40 million to $20 million. The threshold for a violation for investment in Iran is $20 million. There is no compelling reason why the threshold for investment in Libya should not be the same.

The second change would close a loophole in the law that enables oil companies to expand existing contracts and avoid being examined for violations. We understand that a number of European companies which signed pre-ILSA contracts are expanding operations by, for example, developing fields adjacent to the fields in which they had their original investment and portraying this expansion as part of the original contract. Our organization believes such investment should always be investigated for ILSA violations. Even if the original contract pre-dates ILSA, any post-ILSA investment, no matter how large or remote form the original contract, should be treated as the entry of a new contract and investigated for an ILSA violation.

We respectfully suggest that if ILSA is not renewed, the United States will have failed in one of the most important challenges it faced in the 2nd half of the twentieth century.

Our organization strongly supports an extension of ILSA, which has worked well to deter significant new investment in the Libyan oil sector and look forward to working with you toward that extension.

Sincerely,

ROBERT G. MONETTI,
*President.*

Mr. KENNEDY. These families, as all families, are enormously important. Many have been out there at Arlington and had Presidents of the United States meet with them. Many have followed closely the developments that have taken place regarding the trial. Many of us have spent a good deal of time with these families. If we are going to keep faith with these families, if we are going to be serious about dealing with State-sponsored terrorism, if we are going to at least be able to have some impact on countries that may be thinking a little bit about sponsoring some terrorism around—if they know the United States is going to continue to lead the world in not forgetting and not forgiving State-sponsored terrorism, it may make some difference and it may result in the saving of American lives. It certainly can help move us so hopefully someday we get a sense of justice out of the loss of lives as we know them in the Pan Am 103 tragedy.

Extending the law that requires sanctions on foreign companies that invest in Libya for another five years is in both the security interest of the United States and the security interest of the international community. Profits in Libya should not come at the expense of progress against international terrorism and justice for the families of the victims of Pan Am flight 103.

Seventy-eight Members of the Senate have cosponsored legislation to extend the Iran Libya Sanctions Act for five years, and S. 1218 was approved by a vote of 19–2 by the Senate Banking Committee.

I urge my colleagues to approve this legislation without delay.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the floor manager, my good friend, Senator SARBANES, and Senator KENNEDY.

First, let me speak to the underlying bill. I very much appreciate the leadership bringing it up at this time. The bill before the Senate, as I understand it, has only one cosponsor, Senator SARBANES, the chairman of the Banking Committee, which reported this as an original bill. However, there are 79 cosponsors of the underlying bill sponsored by Senators SMITH and SCHUMER. I want the record to note I am on that bill.

Mr. SARBANES. Will the Senator yield on that point?

Mr. MURKOWSKI. It is of no consequence to me, but I think it is——

Mr. SARBANES. It is important. The list of cosponsors was sent to the desk and the Senator is included in the list. The reason the bill came out of the committee this way, when you do a committee print, is that is how it had to be presented. We did a committee print instead of the original bill that was introduced because there were some relatively minor changes that were made, and we laid down a committee bill, as it were, for markup purposes.

Mr. MURKOWSKI. I certainly understand and appreciate that. I just wanted the record to note why I was not seen as a cosponsor on it. Obviously, not being a member of the committee, and understanding the intention of the chairman—as former chairman, I understand the procedure and I do not take issue with it. But I wanted the record to note, as the floor manager indicated, my support of the bill.

Mr. SARBANES. I thank the Senator.

AMENDMENT NO. 1154

Mr. MURKOWSKI. I rise on an issue of grave concern. Clearly, I stand with my colleagues and those who have spoken on the justification of extending the sanctions timeframe for another 5 years on both Iran and Libya.

I hope the Chair will notice that there is another country that is excluded from this list, and that is Iraq. The presumption is that it is taken care of under the U.N. sanctions.

I have come to this floor to speak of inconsistencies before in our foreign and energy policy. I come today to address an inconsistency in relationship to what this particular bill addresses. It addresses the attitude prevailing in the Senate that we are going to stand against terrorism.

Clearly and appropriately that attitude should be directed to Iran and Libya. But the same moral question is applicable to our relationship with Iraq. I am not going to go into great detail on the prevailing attitude in Iraq with regard to terrorists, but I think the prevailing attitude of Saddam Hussein is known to all Members—his continued criticism of Israel. I think it is fair to say he concludes almost every address with the words ''death to Israel,'' or quotes to that effect.

I am not going to stand here and take a contrary position on the issue of condemning those that foster terrorism, Iran and Libya, which this amendment addresses, and an extension of the sanctions for another five years. But I do want to raise awareness of an inconsistency here. I am referring, of course, to our growing dependence on imported petroleum from Iraq.

Let me show the reality of what is happening in this country. I know many Members have, since the price of gasoline has gone down, an indifferent attitude that the question of our national security has had little impact on this debate. But I think it has every relevance to this debate because our national security is threatened by our escalating dependence on foreign imports. You have to separate energy sources. You have to separate the energy that comes from our conventional sources, whether they be nuclear, hydro, natural gas, wind alternative—from oil because oil moves America. Oil moves the world. You do not generate much electricity with oil, but you move everything and everybody. We are becoming more dependent on imported oil, particularly from disturbing sources.

Many in this body will remember in 1973 we had the Yom Kippur war. We had gas lines around the block in this country. We were 37-percent dependent on imported oil.

The public was outraged. How could this happen? We created a Strategic Petroleum Reserve. We said this country will never ever approach or exceed 50-percent dependence on imported oil.

We are 56-percent dependent now. The Department of Energy has indicated we are going to be 66-percent dependent by the year 2010, approximately 65-percent dependent in the year 2008.

This dependence is very real and there is no relief in sight. I want to make it again clear I support this underlying bill. There is no justification in my mind for allowing the Iran-Libya Sanction Act to lapse. I have talked to many people, many interest groups on this subject. But I want to go on record to recognize that we have not imported more than a drop of oil from Iran in 20 years or, for that matter, Libya.

On the other hand, do you have any idea what we are importing from Iraq today? You should, because it is a million barrels a day. Yet Iraq is not included in these sanctions.

I am not going to go into the reason, but I am going to point out the obvious. This chart was made not so very long ago, when we were importing 750,000 barrels a day. Now this figure should read 1 million barrels a day; the Persian Gulf, 2.3 million; OPEC, 5 million barrels a day.

Make no mistake about it, OPEC is a cartel. Cartels are illegal in the United States. They are antitrust violations. But we have become addicted to oil. We don't produce enough in this country. We are increasing our dependence and also, if you will, compromising our national security. What did we see as late as 3½ weeks ago? Our friend Saddam Hussein, in a beef with the United Nations, decided to curtail his production. He took 2½ million barrels a day off the world market. We were led to believe OPEC would increase production 2½ million barrels a day and there would be no shortage. That didn't happen. Saddam Hussein curtailed for a month 2½ million barrels a day. A little over 60 million barrels didn't get to the market. OPEC didn't increase the production. The price stabilized. It went up a little bit.

Make no mistake about it, blood is thicker than water, if I can use that expression, in the sense of OPEC making a determination that while the United States is one of their largest customers, they also had an obligation to respond to what Saddam Hussein was attempting to do; that was to get more flexibility from the U.N.

I go into this in some detail because I don't think my colleagues or the American public really understand the significance of what this means to the national security of this country.

When we take his oil, he takes our money. We gave Saddam Hussein $6 billion last year alone for the purchase of oil. What does he do with that money? He pays his Republican Guard to take care of his safety and other personal needs. He develops a missile capability, a delivery capability, and a biological capability. At whom does he aim it? He aims it at our ally, Israel.

I don't know about you, Mr. President, but that bothers me. It shows a grave inconsistency in our foreign policy.

Mr. President, my amendment attempts to address that by requiring that we terminate our purchase of oil from Iraq.

What does that mean? If I were to spill this water on this desk, it would spill to all four corners of the desk. That is the way the oil market works. There is so much oil out in the world, and there is so much consumption. If we choose not to buy —when I say ''we,'' I am talking about America's oil companies—from Iraq, that will relieve Iraq of oil to be purchased by somebody else, and that somebody else can relieve their purchaser. So we can basically purchase the oil from someone other than Iraq. But obviously Iraq has it for sale. The terms are probably favorable in the competitive market.

I am not going to go too far down that pipeline other than to suggest that we don't necessarily short ourselves a million barrels a day if we don't buy our oil from Iraq. There are other places to buy that oil.

But I want to remind the American people that since the end of the Gulf War in 1991 we have enforced a no-fly zone, flying over 250,000 sorties. Those sorties have specifically been initiated to prevent Saddam Hussein from threatening our allies in the region. Every time we fly a sortie, we are putting American men and women in harm's way, because he attempts to take down our aircraft.

It is pretty hard to get an estimate of how much we have expended to keep Saddam Hussein in his box since the 1990 invasion of Kuwait. It has been estimated, as near as we can determine, that it is some $50 billion.

That war was in early 1991. Saddam invaded Kuwait in the summer of 1990. What was his objective? We know the war was, at least in part, over oil. His objective was to go through Kuwait, and then on into Saudi Arabia, and control the world's supply of oil—the life's-blood of the world.

Every day we place our service men and women in harm's way. We lost 147 American lives, we had 450 American wounded and 23 American prisoners of war in the 1991 Gulf War.

I said this before on this floor. I think I have it right. We take Iraqi oil, we put it in our airplanes, and send our pilots to go after Iraqi artillery and return to fill up with Iraqi oil again.

Mind you, there is a sanctions bill on the floor against Iran, and sanctions against Libya. Where is Iraq? Some say that is covered by the U.N. sanctions. Come on, let's not kid each other. We know he is black-marketing a significant amount of oil outside the sanctions because we have no enforcement of the sanctions. The U.N. doesn't have ready access to his country, and only limited control over what he does with the money. We know he is not taking care of the needs of his people with the money he gets from oil sales.

Again, through this entire presentation, I appeal as we consider the bill before us, where is Iraq? Why aren't we initiating meaningful sanctions against Iraq at the same time?

Last week, Iraq fired a surface-to-air missile into Kuwait airspace for the first time since the 1991 Gulf War. The missile was aimed at a United States unarmed surveillance aircraft on routine patrol several miles inside the Kuwait border with Iraq. That is reality. But it is hardly makes the newspaper. It is not news anymore. We take it for granted.

Saddam Hussein is heating our homes in the winter, gets our kids to school each day, gets our food from the farm to the dinner table, and of course we pay him to do that.

What does he do with the money he gets for the oil? As I indicated, he pays his Republican Guard to keep him alive. He also supports international terrorist activities. We have heard from our colleagues regarding Iran and Libya. I agree with them. This issue on Iran and Libya is a moral stance against those countries that foster terrorism. But again, where do we stand on Iraq? Saddam funds a military campaign against American service men and women and against those of our allies. He builds an arsenal of weapons of mass destruction. The threat is real to our men and women and our allies in the Persian Gulf.

You may recall, as I do, the hundreds of Kuwaitis who remain unaccounted for since the Gulf War and who were kidnapped from Kuwait on Saddam's retreat in 1991. Hundreds of thousands of Iraqi lives have been lost. Countless Iraqis are suffering due to Saddam's continuing tyranny.

I find this extraordinary. I find it outrageous that the Senate has been silent. We seem to have our heads buried in the sand. We are all for extending unilateral sanctions against Iran and Libya, but where is Iraq? What is different here? Is it because of our increased dependence on his oil? How did we allow ourselves to get into such a situation?

For a number of years the United States has worked closely with the United Nations on the Oil for Food Program.

The program allows Iraq to export petroleum in exchange for funds which can be used for food, medicine, and other humanitarian products. But despite more than $15 billion available for these purposes, Iraq has spent only a fraction of that amount for the people's needs. Instead, the Iraqi Government spends the money on items of questionable and often suspicious purposes. Why?

Why, when billions are available to care for the Iraqi people, who are malnourished—some of them are sick; some of them have inadequate health care—would Saddam Hussein withhold the money available and choose, instead, to blame the United States for the plight of his people? He does.

Why is Iraq reducing the amount it spends on nutrition and prenatal care when millions of dollars are available from the sale of oil?

Why does $200 million worth of medicine from the U.N. sit undistributed in Iraqi warehouses?

Why, given the urgent state of humanitarian conditions in Iraq, does Saddam Hussein insist that the country's highest priority is the development of sophisticated telecommunications and transportation infrastructure?

Why, if there are billions available, and his people are starving, is Iraq only buying $8 million worth of food from American farmers each year?

I do not personally have a quarrel with the Oil For Food Program. It is well-intentioned. I do, however, have a problem with letting Saddam Hussein manipulate our growing dependency on Iraqi oil.

Where are we on this issue? We are silent. Three times since the beginning of the Oil For Food Program, Saddam Hussein has threatened or actually halted oil production, disrupting energy markets, and sending oil prices skyrocketing. Why?

Why does he do this? He does it to send a message to the United States. Do you know what the message is? The message is: I have leverage over you. And by the indication of our increased imports, as I indicated, the figure is one million barrels a day now. It seems he is pretty much right on target there.

Every time he has done this, he has had his way. We have proven ourselves addicted to Iraqi oil. Saddam has been proven right: He does have leverage over us.

Last month, in a display of displeasure over U.S. attempts to revise the sanctions regime, as I indicated, he withdrew 2.5 million barrels a day from the market for 30 days. OPEC did not make it up. Now we are importing over a million barrels a day. Ten percent of our oil imports come directly from Saddam Hussein.

Am I missing something? Is this really acceptable to this body? We have placed our energy security in the hands of this individual.

The administration has valiantly attempted to reconstruct a sensible, multilateral policy towards Iraq. Attempts have, unfortunately, not been successful. I think that before we can construct a sensible U.S. policy towards Iraq, we need to end the blatant inconsistency between our energy policy and our foreign policy. We need to get our heads out of the sand. We need to end our addiction to Iraqi oil. We need to basically find another alternative.

To that end, in the amendment that I have at the desk, I am offering language to prohibit imports from Iraq, whether or not under the Oil For Food Program, until it is no longer inconsistent with our national security to resume those imports.

I have had a colloquy with the leadership and the floor manager, and I agreed to submit my amendment to the desk, to speak on it, and withdraw it, with the proviso that I would receive an up-or-down vote at a later time on my amendment which would prohibit the purchase of Iraqi oil into the United States until certain conditions have been filled. And that is my intention. But I think it important to point out we simply cannot ignore this inconsistency in foreign policy.

We simply cannot turn our heads and say, on one hand, we stand firm against terrorism associated with Iran and Libya and simply not mention Iraq, turn a blind eye towards our increased dependence on Iraqi sources as a supply of oil, and not make a connection somehow that if there is justification for sanctions against Iran and Libya, there certainly is justification for equivalent sanctions against Iraq.

The bill that my good friend, the senior Senator from Maryland, has proposed addresses, obviously, the issue of extending the sanctions on Iran and Libya. I support that, as I have indicated. I recognize the various interests and the number of Members who are already in favor of the underlying bill. I respect that. But I would implore our colleagues to recognize that we are on a very dangerous, slippery slope with Iraq as we simply take for granted their willingness to sell us oil, and we take for granted our continuing dependence—an increasing dependence—on that source and seem to be totally unconcerned about it.

We are legitimately concerned about Iran and Libya, but Iraq sanctions terrorism as well. Is it because we have allowed ourselves to become more dependent on Iraq? This is almost like an examination of conscience—the conscience of our country, the recognition of our national security imperatives.

My good friend from Maryland may expect me to go into a long-winded explanation of other alternatives for our increased dependence on oil. I believe that many alternatives can come domestically from the United States. However, America's environmental community that suggests we cannot do it here at home.

But that environmental community isn't concerned with the national security consequences of our increased dependence on Iraq. I think the American people are inclined to take for granted that they can go to the gas station and simply pick up the hose and put it in their automobiles. We have had occasions where individuals have said: I thought that is the way it came. I forgot all about the reality that somebody had to find it, recover it, refine it, ship it, and make it available. Do we care about the fact that so much of it is coming from Iraq—a place with which we are in a virtual state of war?

We stand against terrorism from Iran and Libya. But where do we stand on the imminent threat from Iraq?

As we again address the reality of whether Americans should care where their oil comes from, it is fair to state there seems to be little concern about how environmentally compatible the development of Saddam Hussein's oil fields are. We do not seem to care about that. It is too far away. We want his oil. We will pay for it. End of discussion.

But should we care where it comes from? Yes, we should, just as we should care very much about allowing terrorism to flourish in Iran and Libya. We should care about how we are contributing through our addiction to Iraqi oil to Saddam Hussein's campaign of terror.

We should stand against the environmental degradation that is associated with some of the exploitation of resources in other countries that ultimately are bound for the United States.

What about our economy? The greatest single contributor to the deficit balance of payments is the price of imported oil. We send our dollars overseas; we send our jobs overseas. We have the resources here at home, not to totally relieve but to a degree lessen our dependence. Do we have the fortitude to recognize the alternatives are here?

This is a message that I don't think is very complex. It is a message based on simple but indisputable facts. That reality is, we move America and we move the world on oil. We are becoming more and more committed to that oil coming from Iraq, and Iraq has more and more leverage on the United States as a consequence of that. Again, I ask myself: Where is Iraq in the bill that is before this body?

I have agreed to withdraw my amendment with the provision that the floor leadership has assured me of an up-or-down vote on my amendment at a later time. I want the administration, the State Department, and the domestic oil industry in this country that imports this oil from Iraq to get the message that I mean business. We are going to have in this body an up-or-down vote to either terminate our imports from Iraq and find our oil someplace else until such time as the administration and the President satisfies us that the inconsistencies associated with our relationship with Iraq are adequately addressed.

Iraq should be part of this bill before us. However, in accordance with my agreement with the Leadership, I will withdraw the amendment, and unless there are other Members who want to speak on this on my time, it would be my intention, if there are no others, with the agreement of the floor manager, I would consider yielding back the time.

The PRESIDING OFFICER. The clerk will report the amendment for the information of the Senate.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1154.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make the United States' energy policy toward Iraq consistent with the national security policies of the United States)

At the appropriate place, insert the following:

**SECTION 1. SHORT TITLE AND FINDINGS.**

(a) SHORT TITLE.—This Act can be cited as the ''Iraq Petroleum Import Restriction Act of 2001''.

(b) FINDINGS.—Congress finds that—

(1) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced ''No-Fly Zones'' in effect in the Republic of Iraq.

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(2) Further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

**SEC. 2. PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.**

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, nothwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

**SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.**

This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that:

(1) the United States is not engaged in active military operations in enforcing ''No-Fly-Zones'' in Iraq, supporting United Nations sanctions against Iraq, preventing the smuggling by of Iraqi-origin petroleum and petroleum products in violation of UNSC Resolution 986, complying with United Nations Security Council Resolution 687 by eliminating weapons of mass destruction, or otherwise preventing threatening action by Iraq against the United States or its allies; and

(2) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

**SEC. 4. HUMANITARIAN INTERESTS.**

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

**SEC. 5. DEFINITIONS.**

(a) 661 COMMITTEE.—The term ''661 Committee'' means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) UNSC RESOLUTION 661.—The term ''UNSC Resolution 661'' means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) UNSC RESOLUTION 986.—The term ''UNSC Resolution 986'' means United Nations Security Council Resolution 986, adopted April 14, 1995.

**SEC. 6. EFFECTIVE DATE.**

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

AMENDMENT NO. 1154, WITHDRAWN

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I wanted to take a few minutes to address some of the comments of the Senator from Alaska. We have time on the amendment. Then I would be happy to yield back the time. I assume the Senator would yield back his time on the amendment. Then we would just be left with completing the bill. If I may now be recognized to speak on the time allotted with respect to the amendment.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I say to the Senator from Alaska, there is much in what he said. I certainly agree with his condemnation of Saddam Hussein. He asked, why isn't Iraq in this bill?

I think there are two reasons. One is, the bill was addressed to do a very simple, straightforward thing, and that was to extend the Iran-Libya sanctions. We did not undertake, either with hearings or in any other way, to examine the Iraqi situation.

Secondly, the Senator has given Members of this body a lot of food for thought with respect to the Iraq situation. Let me add a couple of observations which Members should keep in mind. This goes back to the administration's efforts now to tighten sanctions at the United Nations with respect to Iraq and the fact that the United States is part of an effort, through the U.N., to constrain Saddam Hussein.

Iraq is able to sell oil to foreign companies, including American companies, but legally only under the guidelines of the U.N. Oil For Food Program.

It is true they are bootlegging oil, and they have some middlemen at work. Of course, they are trying to tighten the regime in order to preclude those two possibilities. But the money that is being paid for the oil under the U.N. Oil For Food Program goes into a U.N.-controlled escrow account. The expenditures of that money out of the escrow account, the disbursement is subject to our review and our veto.

This is all an effort to try to ensure that the money goes in for humanitarian purposes involving the Iraqi people and not for Saddam Hussein's purposes.

The fact that we have been able to work through U.N. Security Council resolutions means that there is a program in place barring companies from making energy investments in Iraq. That is now being followed by the United States and by other countries as well. We are trying to monitor this program to alleviate the humanitarian situation and to ensure that the moneys do not go into the coffers of Saddam Hussein.

We are in a sensitive situation at the United Nations because we just got the existing sanctions regime extended. We were unable to get the sanctions regime altered, as we ran into difficulties in the end from Russia. We have to be very careful how we move on this situation so we don't risk losing the existing multilateral sanctions regime which, although not perfect, is serving a very useful purpose.

Obviously, if the U.S. companies are barred under the U.N. Oil For Food Program, other companies will fill the gap. I am more concerned about the fact that if we start playing this unilateral game on Iraq where we have multilateral sanctions in place, we may erode and undermine the multilateral sanctions.

As we consider this proposal, and as the Senator from Alaska has indicated, he anticipates it will be back before us at some future time, we have to keep in mind this very difficult situation we have at the U.N.—Secretary Powell's efforts to sharpen the sanctions and to focus them in a more direct way. I don't think we want to jeopardize that.

I think Members need to keep that in mind as we consider the Iraqi situation.

Mr. MURKOWSKI. If I may respond to the floor manager.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. I yield myself a minute or so.

It is not the intention nor the wording of my amendment to in any way alter the Oil For Food Program. That stays. My amendment does not jeopardize that. Let me make a couple of points in response.

What I wish to emphasize is our increasing dependence on this source. It is now 10 percent of the total oil that we import. The significance of that is that, as the Senator from Maryland pointed out, is that the Oil-for-food program is kind of like a sieve. There are these sanctions, but as the Senator from Maryland noted, the oil seeps out through other routes than the U.N. Unfortunately, it doesn't have an adequate safeguard.

So he is able to fund a significant amount of oil outside of the U.N. sanctions. And then the last point I want to make is that this is a unique situation. We should remind people that we are flying sorties, enforcing a no-fly zone over a country that we are allowing ourselves to become more dependent upon. I think that is very dangerous from the standpoint of national security.

Obviously, Saddam Hussein himself and his record of terrorism speaks for itself. We rightly condemn Iran and Libya for harboring and sponsoring terrorists. I think Saddam Hussein fits into that category as well. In addition, we should not forget that have a growing dependence on an individual who, at virtually every opportunity, concludes major speeches with ''death to Israel.''

Clearly, we are almost at war with this individual. These are the inconsistencies that need to be brought out and recognized for what they are and addressed in some responsible manner. The efforts by the Senator from Alaska to address this—first, to bring it to the body, which I have done today, and I have a commitment for an up-or-down vote from leadership, and I hope that the conscience of America reflects to some degree on each of our colleagues the fact that this is not, by any means, the best situation we could have in our foreign policy, nor our national security, by increasing dependence on this particular source. I would feel much better getting it from the OPEC nations rather than Saddam Hussein. That concludes my remarks. I thank my friend for his courtesies.

Mr. SARBANES. Has the amendment been withdrawn?

The PRESIDING OFFICER. Yes.

Mr. SARBANES. I yield back the time we had on the amendment.

Mr. MURKOWSKI. I yield back my time, too.

Mr. GRAMM. Will the Senator yield 3 minutes?

Mr. SARBANES. I think the Senator from Texas has time.

The PRESIDING OFFICER. Yes.

Mr. GRAMM. I yield myself such time as I might consume.

Mr. President, first of all, I congratulate Chairman SARBANES on this bill. This is a bipartisan bill. I think it is a good bill. I think it is justified. I am not unaware of the fact that things are happening in Iran. I continue to hope that a great country with a very proud history, with 67 million people, will have an awakening of freedom, and that Iran will rejoin the community of nations at some point. But while our committee is not unaware of the fact that there are some promising signs in Iran, the policy of the Government is still a policy that we find objectionable. Therefore, I support this bill.

If something changes in Iran, if there is a change in policy, produced either by a change in the Government or a change in the policy of the Government, I think there is strong support in our committee, in the Congress, and in the country to change the current policy. But it is up to Iran and its people as to what course they are going to follow, whether they are going to be one of the responsible nations in the world or whether they are going to support terrorism.

Let me also say that I see no sign that any similar hope is present in Libya. The bottom line is that we have to judge nations as we judge people, based on how they behave. When they behave irresponsibly, we can take note of it if we want to discourage that behavior.

I hope we will get a strong vote. I have to say that when our committee debated this issue, while there was an overwhelming vote of support, we had a very good debate. Many important points were raised, and I was quite proud of how seriously we took this issue.

I don't have any intention to use my 30 minutes. I don't know if anyone else on my side wishes to speak, so maybe for the time being I will reserve my time and see if anybody comes over. Let me conclude my remarks and see if there is anyone on the Democrat side who wants to speak. I hope my colleagues will vote for the Iran-Libya Sanctions Act. I believe that, unfortunately, it is needed. I hope things will change so that we can lift these sanctions some day, and I hope it is soon. But something has to change to make that happen.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. I will yield the Senator from Oregon as much time as he might require.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. I thank Senator GRAMM. I will be brief. Mr. President, I compliment the ranking member and the chairman of the Banking Committee for bringing this legislation to the floor. It has been my privilege to introduce it to their committee with Senator SCHUMER, the Senator from New York—a Republican and a Democrat.

Senator SCHUMER and I came together on this bill in the belief that, as America pursues its national interests abroad, we should not forget our national values at home. One of the national values that I believe we have is our commitment to the State of Israel to defend it in its existence. This is a commitment that continues today in some very troubled waters. But the truth is, if you examine the globe and try to evaluate where America could be drawn into a conflict, surely the Middle East is one of those.

Some of the actors in the Middle East, it seems to me, have made it clear in recent days that their intention is not to make peace with Israel but to eliminate Israel from the map. To that end, we see in Iran a nation that is pursuing its petroleum business in order to buy its munitions, its weapons business, to build weapons of mass destruction and the rocketry to deliver them, to engage in this deadly trade—all aimed at the State of Israel.

What can we do about that? Well, one of the things this Congress and the American people have done as an expression of our commitment is to establish the Iran-Libya Sanctions Act. We need to renew that before August 5 or it will lapse. It will now be renewed, I believe, for an additional 5 years. It is very important that we do this because, currently, Iran is giving $100 million a year to finance the activities of Hezbollah, Islamic Jihad, and Hamas. They are supplying them with the deadliest of munitions, and we are seeing their work played out on the streets of Jerusalem.

Further, now we know that Iran is proliferating all kinds of weapons of the deadliest kind. So the only peaceful means we have to respond is with our dollars and with these sanctions, which try to thwart the development of petroleum projects in Iran—by the way, they have been very effective in that interruption—the profits from which can be spent on weapons of mass destruction.

Where does Libya come in? Libya still refuses to abide by U.N. Security Council resolutions regarding Pan Am flight 103, which require that Tripoli formally renounce terrorism, accept responsibility for the actions of its Government officials convicted of masterminding the bombing, provide information about the bombing, and pay appropriate compensation to the families of the victims. Further, Libya is a prime suspect of many of the past terrorist actions that have rocked the Middle East.

ILSA threatens the imposition of economic sanctions against foreign entities investing in Iran and Libya. Again, as we look at how effective it has been, of the 55 major petroleum projects in Iran that have sought foreign investment, I am only aware of a half dozen or so that have received foreign investment. This is the best and most peaceful way we have to respond to a buildup of weaponry that could threaten Israel's existence and draw the United States into conflict as well.

I believe ILSA has proven it works. I believe it reflects our national values,

and I believe it restates in the clearest of terms our commitment to the security of Israel and its place in the world.

I am pleased over 78 of our colleagues have signed on as original cosponsors of this bill.

I thank the chairman of the committee and the ranking member for bringing it to the floor today and to a vote, I assume, very soon.

I yield back the remainder of my time.

Mr. SARBANES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 10 minutes remaining, and the Senator from Texas has 21½ minutes remaining.

Mr. SARBANES. There is a total of 31 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. Mr. President, I am going to put in a quorum call and alert my colleagues if there is anyone else who wishes to speak on this bill, they should let us know and come to the floor promptly. Otherwise, we will yield back all of our time and schedule this matter to go to a vote at 6:30 this evening. I will get further guidance on that, but for the moment I will put in a quorum call with the alert to other colleagues, if there is anyone else who wishes to speak on this bill, they should let us know and come at once. Otherwise, we are going to draw this debate to a close.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LINCOLN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Madam President, I join my colleagues in support of renewing the Iran-Libya Sanctions Act to protect American interests in the Middle East. Despite promising changes within Iranian society, Iran's external behavior remains provocative and destabilizing. Iran continues to aggressively foment terrorism beyond its borders and develop weapons of mass destruction as a matter of national policy. Consistent calls from its leaders for Israel's destruction, and the Iranian government's bankrolling of murderous behavior by Hezbollah, Hamas, and other terrorist groups, should make clear to all friends of peace where Iran stands, and what role it has played, in the conflagration that threatens to consume an entire region.

Nor has Iranian-sponsored terrorism targeted only our Israeli ally. According to Attorney General Ashcroft, Iranian government officials ''inspired, supported, and supervised members of Saudi Hezbollah'' responsible for the 1996 terrorist attack on Khobar Towers, which took the lives of 19 U.S. service men. According to former FBI Director Freeh, that chain of responsibility extends to Iran's most senior leadership.

Critics of our Iran sanctions policy make two arguments. The first is that these sanctions are ineffective. But according to the Iranian government itself, in a 1998 report to the United Nations, ILSA caused ''the disruption of the country's economic system,'' a ''decline in its gross national product,'' and a ''reduction in international investment.'' As Lawrence Kaplan points out in this week's edition of The New Republic, since ILSA was enacted in 1996, Iran has promoted over 50 investment opportunities in its energy sector but has secured only eight oil contracts. Sanctions have a deterrent effect on international investors, notwithstanding the foreign policies some of their national governments pursue.

The second argument of sanctions critics is that ILSA renewal would stifle American-Iranian rapprochement, in which we hold a strategic interest. This argument would carry weight had our government not repeatedly sought to initiate an official dialogue on normalization with Iran. But our highest leaders have extended the olive branch on several occasions. Each time, the Iranian government has rejected it. In June 1998, then-Secretary of State Albright called for mutual confidence-building measures that could lead to a ''road map'' for normalization. The Iranian government rejected this unprecedented overture. In March 2000, Secretary Albright gave another speech in which she expressed regret for American policy towards Iran in the past, called for easing sanctions on some Iranian imports, and pledged to work to resolve outstanding claims disputes dating to the revolution. Iran's government deemed this offer insufficient to form the basis for a new dialogue. In September 2000, then-President Clinton and Secretary Albright went out of their way to attend President Khatami's speech at the United Nations an important diplomatic symbol of our interest in a new relationship. But the Iranians again balked. I ask: whose policy is static and immovable America's, with our repeated diplomatic entreaties for a more normal relationship, or Iran's, which rejects all such overtures even as it steps up the very behavior we find unacceptable?

Nor is it time for the United States to lift sanctions on Libya. The successful conclusion of the Lockerbie trial, which explicitly implicated Libya's intelligence services in the attack, does not absolve Libya of its obligations to meet fully the terms of the U.N. Security Council resolutions governing the multilateral sanctions regime against it. Libya has not done so. Libya's support for state terrorism, as certified again this year by our State Department, and its aggressive efforts to develop chemical and potentially nuclear weapons, exclude Libya from the ranks of law-abiding nations.

Lifting sanctions now on Iran and Libya would be premature and would unjustly reward their continuing hostility to basic international norms of behavior. I support extension of ILSA in the knowledge that it is not American sanctions policy but unacceptable behavior by these rogue regimes that precludes a new policy toward them at this time.

Mr. ENZI. Madam President, I rise to express my concerns about the lack of review and reporting requirements for S.1218, the reauthorization of the Iran-Libya Sanctions Act, known as, ILSA. I believe that a renewal of any sanctions law should accompany a full review and report to the Congress on the effectiveness of the sanctions policy it imposes.

First, I want to express my support for the goals of ILSA. All of us want to prevent terrorist organizations from carrying out their terrible activities and we want to stop the dangerous proliferation of weapons of mass destruction, (WMD), technology. We must work with our allies and friends to use multilateral means and pressure these entities and countries to depart from these dangerous activities and work to encourage them to behave in a manner consistent with international norms. In the case of Libya, multilateral agreement on the course of action has been largely reached. Libya must take full responsibility for the despicable terrorist act resulting in the downing of Pan Am flight 103. In the case of Iran, however, the level of multilateral agreement is less consistent, in part because Iran has made some changes, albeit very small.

The Banking Committee recently reported, by a 19 to 2 margin, the Iran-Libya Sanctions Act. I was one of those who could not support the bill at the time because it failed to require a report on the results of ILSA. I believe that this Congress has neither taken adequate time to examine the effectiveness of ILSA, nor the consequences of renewing ILSA for 5 years.

At the Banking Committee markup, I supported Senator HAGEL's amendment, which would have reauthorized ILSA for two years, and more importantly, required the President to report to the Congress on the effectiveness of the Iran-Libya Sanctions Act. The administration also requested a 2-year reauthorization so it could have a better opportunity to review its effectiveness. It is reasonable and prudent policy to review sanctions laws on a periodic basis. It would help ensure that the administration and Congress work together to forge an effective, commonsense policy which promotes our national security and foreign policy goals. We are living in a complex and more globalized world, so periodic review is necessary to keep pace with new developments. I also encourage a review of all of our sanctions statutes specifically relating to Iran to ensure a simplified approach to U.S. sanctions policy toward Iran.

The current ILSA does not sanction Iran and Libya. Instead, it sanctions those who engage in certain levels of investment in Iran's and Libya's petroleum sectors. In addition, it does not

appear to me that the Congress fully considered the few positive developments that have occurred in Iran since the 1996 when ILSA was first passed. I fully understand that the hard-line clerics still control many of Iran's policies. However, we must not turn a blind eye toward Iran's election of Khatemi and the desire of young Iranian people to liberalize Iran's policies. Instead of showing some willingness to work with Iran, we are demonstrating our own inflexibility.

The United States has direct national security interests in maintaining the stability of the Middle East. Israel is an island of stability within this turbulent region. It deserves the support of the United States. In doing so, however, we must do everything possible to avoid making enemies for both the United States and Israel in that region. The U.S. must remain strong, but willing to revisit issues of such importance to the security of both the United States and Israel. It is my hope that despite the lack of a reporting requirement in S.1218, the Bush administration will conduct a thorough review of the effectiveness of ILSA and other sanctions laws.

Mrs. CLINTON. Madam President, I rise today to speak in support of S. 1218, the Iran Libya Sanctions Extension Act of 2001. This legislation will extend for another five years the Iran Libya Sanctions Act of 1996, which would otherwise expire on August 5, 2001.

In 1996 Congress unanimously enacted ILSA in response to Iran's emergence as the leading state sponsor of international terrorism, its accelerated campaign to develop weapons of mass destruction, its denial of Israel's right to exist, and its efforts to undermine peace and stability in the Middle East.

Five years later, the U.S. State Department's ''Patterns and Global Terrorism,'' reported that Iran still remains ''the most active state-sponsor of terrorism'' in the world, by providing assistance to terrorist organizations such as Hezbollah, Hamas, and the Islamic Jihad.

Eleven short days from now, ILSA is set to expire. That is why we must act today to renew this important legislation to deter foreign investment in Iran's energy sector—its major source of income. By doing so we can continue to undermine Iran's ability to fund the development of weapons of mass destruction and its support of international terrorist groups.

In February of this year, I met with families of the American victims of the bombing of Pam Am Flight 103 in 1988. Brian Flynn, from New York City, recalled driving to John F. Kennedy airport to retrieve the body of his brother, J.P. Flynn, who had perished in the bombing. Brian remembered: ''There was no flag, no ceremony, no recognition that he was killed simply for being an American.''

Earlier this year, once again Brian drove to John F. Kennedy airport, this time, to go to the Netherlands to listen to the verdict against two Libyan nationals indicted for the bombing. A Libyan intelligence officer was found guilty of murder in the bombing, in the words of the court, ''in furtherance of the purposes of . . . Libyan Intelligence Services.'' Yet Libya continues to refuse to acknowledge its role and to compensate the family members of 270 victims of the bombing. The State Department reports that Libya also remains the primary suspect in several other past terrorist operations. Brian and so many family members of the dozens of New Yorkers killed in the bombing, have written to me and conveyed how important it is for the United States to continue to hold Libya accountable for its support of international terrorism.

By acting now to renew ILSA, the Senate is sending a clear message to Iran and Libya that their dangerous support for terrorism and efforts to develop weapons of mass destruction are unacceptable and will not be tolerated.

Mr. SARBANES. Madam President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Madam President, I ask unanimous consent that the vote on final passage of S. 1218, the Iran-Libya sanctions bill, occur this evening at 6:30.

Mr. REID. Madam President, reserving the right to object, and I will not object other than to indicate to all of the Senators within the sound of my voice, we are going to attempt to have two, maybe three, votes at 6:30. Senator WELLSTONE will be here at 4:30 to begin the dialogue, the debate on the Horn nomination, and then after that we are going to go to the nominee for the Small Business Administration, Mr. Barreto. We hope we can have those votes also at 6:30.

I appreciate the usual good work of my friend from Maryland.

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

Mr. SARBANES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Madam President, I want to make it clear to colleagues that I am ready to speak on the nomination of Wade Horn to be HHS Assistant Secretary for Family Support. We are moving forward and are trying to get some work done. I am ready to speak. I think there are other Senators who want to speak in favor of the nomination. My guess is that it is a relatively noncontroversial nomination and there will be strong support. It can be a voice vote. It doesn't matter to me. But I want to speak and get this work done now. I am ready to do so.

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. DASCHLE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

## EXECUTIVE SESSION

Mr. DASCHLE. Madam President, pursuant to the order of July 24, I now ask that the Senate proceed to executive session to consider the nominations of Wade Horn and Hector Barreto. I believe the time allotted for Mr. Horn is 2 hours and the time for Mr. Barreto is a half hour.

Mr. WELLSTONE. Madam President, will the majority leader yield?

Mr. DASCHLE. I am happy to yield.

Mr. WELLSTONE. I do want to say to the majority leader, I do not think we will need anywhere near that much time. So I say it can probably be done in an hour with people speaking on both sides.

Mr. DASCHLE. Madam President, for the information of our colleagues, it may be that we will have one rollcall vote on the Iran-Libyan Sanctions Act at some point. Currently, it is scheduled for 6:30. I understand that vote has been scheduled for 6:30 to accommodate some Senators who are attending a memorial service. I would suggest we proceed now to the nomination of Mr. Horn. And we will provide our colleagues with more information as it is made available to us. I yield the floor.

## NOMINATION OF WADE F. HORN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Wade F. Horn, of Maryland, to be Assistant Secretary for Family Support, Department of Health and Human Services.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, again, for the sake of my colleagues' schedules, I do not think this will take that much time. I know there are some Senators who want to speak. I think it is a relatively noncontroversial nomination. I certainly do not need 2 hours.

I do want to speak on the nomination of Dr. Wade Horn to the position of Assistant Secretary for Family Support at the Department of Health and Human Services.

This is a very important position. Once confirmed for this position, Dr.

Horn is going to have authority over the administration of the Federal welfare, child care, child welfare, foster care, and adoption programs. He is going to have considerable influence in the upcoming reauthorization of the so-called welfare reform legislation.

These are issues that all of us care about. But, as my colleagues know, much of my own background, in addition to teaching, was community organizing. Most of that was with poor people. And much of that was with single-parent families, almost always women, sometimes men. Unfortunately, when marriages dissolve, or when it comes to the responsibility of raising children, it disproportionately falls on the shoulders of women.

I have devoted a lot of time to these issues. I really believe that, for me, if I have a passion, it is around the central idea that every child in our country should have the same opportunity to reach her or his full potential. That is what I believe. I suppose all of us do. Maybe people have different ideas how we realize that goal, but, for me, that is the core value that informs me as a Senator. And I am for everything—public sector, private sector—that makes that more likely, more possible, and I am opposed to whatever makes it less possible.

In my opinion, Dr. Horn's views about the causes of the circumstances of these families—especially single-parent families, almost always headed by women—as well as a number of his stated proposals as to how to address these circumstances make him not the right choice to serve in this position. I do not think he is the right person for this job.

I hasten to add that I have met with him. I am sure that this discussion in the Senate Chamber is of great interest to Dr. Horn. As I say, I have met with him. He was more than obliging to come by. I thought we had a very good discussion. And I do not say that as a cliche. He responded in writing to a number of questions I sent to him following the conversation.

I think he feels just as strongly about these issues as I do. I think he would fight against any policy he thought would be harmful to low-income families, especially poor children. I do not want to caricature him. We have an honest but fundamental disagreement about the best way to move families in this country from poverty to self-sufficiency.

I ask unanimous consent to have printed in the RECORD a letter and the signatures of more than 90 organizations that oppose this nomination.

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

JUNE 14, 2001.

DEAR SENATOR: We are writing to urge your opposition to the nomination of Wade Horn as Assistant Secretary for Family Support at the Department of Health and Human Services. We ask that you investigate the writings and philosophy of Mr. Horn and that you question him thoroughly when he comes before the Senate Finance Committee for confirmation.

The HHS Assistant Secretary for Family Support, the country's top family policy post, will be making important decisions and recommendations on many critical public programs which serve predominantly lower income children and families, including welfare, childcare, child welfare, child support, adoption, foster care, child abuse and domestic violence. The person who holds this job will also influence the Administration's positions and activities dealing with next year's reauthorization of the Temporary Assistance to Needy Families (TANF) programs. This person must be able to understand and promote the needs of ALL families in our society.

Wade Horn wants the government to promote marriage by penalizing families where the parents divorce, separate, or do not marry. He also wants the government to tell unmarried mothers to surrender their children for adoption. There is very little ''support'' for families in these sentiments.

With Wade Horn as Assistant Secretary for Family Support, we fear a Department of Health and Human Services that will penalize, and promote discrimination against, families headed by a divorced. Separated, or never-married parent or where both parents live in the home but are not married. Horn has written that single parent families should be denied public benefits whose supply is limited—such as public housing, Head Start, and child care—unless all married couples have been served first. Horn has written that cohabiting parent families should be denied any welfare benefits at all, and kept at the end of the waiting list for other benefit programs.

Due to divorce, separation, death, abandonment or their parent's never-married status, more than half the children growing up today will spend some of their childhood in a single-parent family. An increasing number of children live in two parent families where the parents delay marriage, choose not to marry or are prevented by law from marrying. Horn advocates penalizing all these children.

By supporting Wade Horn's nomination as Assistant Secretary for Family Support at the Department of health and Human Services, president Bush's campaign call to ''Leave No Child Behind'' rings hollow. If the President's true intention is to support all of America's families and children, rather than judging and penalizing many, he should appoint an individual who can work with Congress, our states and our own dedicated organizations to ensure that we will be more—not less—compassionate when dealing with our children and families living at or near poverty.

Sincerely,

Abortion Access Project
ACORN
AIDS Action Committee
Alternatives to Marriage Project
American Ethical Union
Applied Research Center
Arizona Coalition Against domestic Violence
Association of Reproductive Health Professionals
Boston Coalition of Black Women
Boston Women's Health Book Collective
Business and Professional Women/USA
Center for Community Change
Center for Reproductive Law and Policy
Center for Third World Organizing
Center for Women Policy Studies
Center on Fathers, Families and Public Policy
Chicago Jobs Council
Chicago Metropolitan Battered Women's Network
Children's Foundation
Choice USA
Coalition Against Poverty
Coalition for Ethical Welfare Reform
Coalition for Humane Immigrant Rights
Coalition of Labor Union Women
Colorado Center on Law and Policy
Communications Workers of America
Community Voices Heard
Democrats.com
Displaced Homemakers Network of New Jersey
Empire State Pride Agenda
EMPOWER,
Family Economic Initiative
Family Planning Advocates of New York State
Feminist Majority
Finding Common Ground Project at Columbia University
Grassroots Organizing for Welfare Leadership (GROWL)
Hawaii Coalition for the Prevention of Sexual Assault
Hawaii State Coalition Against Domestic Violence
Hesed House
inMotion, Inc.
Institute for Wisconsin's Future
Iowa Coalition Against Domestic Violence
Jewish Women International
Los Angeles Coalition to End Hunger & Homelessness
Make the Road by Walking
Massachusetts Welfare Rights Union
McAuley Institute
Men for Gender Justice
MOTHERS Now
National Association for the Advancement of Colored People (NAACP)
National Association of Commissions for Women
National Black Women's Health Project
National Center on Poverty Law
National Coalition of Anti-Violence Programs
National Employment Law Project
National Family Planning and Reproductive Health Association
National Gay and Lesbian Task Force
National Organization for Women (NOW)
National Women's Conference
National Women's Political Caucus
New York City Gay & Lesbian Anti-Violence Project
9to5, National Association of Working Women
Nontraditional Employment For Women
North Carolina Coalition Against Domestic Violence
Northeast Missouri Client Council for Human Needs
Northeast Washington Rural Resources Dev. Assoc
NOW Legal Defense and Education Fund
PADS, Inc
Pennsylvania Lesbian and Gay Task Force
People United for Families
Planned Parenthood of New York City
Poor People's United Front
Progressive Challenge Project, Institute for Policy Studies
Public Justice Center
Rural Law Center
Sociologists for Women in Society
Survivors Inc.
Texas Council on Family Violence
Unitarian Universalist Service Committee
Voters For Choice Action Fund
WEEL (Working for Equality and Economic Liberation)
Welfare, Education, Training Access Coalition
Welfare Law Center
Welfare Made a Difference Campaign
Welfare Rights Organizing Coalition
Welfare Warriors
Women's Center at the University of Oregon

Women's Committee Of 100
Women Employed
Women's Environment and Development Organization
Women's Housing and Economic Development
Women's Institute for Freedom of the Press
Women's Institute for Leadership Development
Women's Law Project

Mr. WELLSTONE. A lot of the organizations listed include women and children organizations and, in particular, organizations that do the down-in-the-trenches work dealing with domestic violence. That is what I want to talk about. It does not get discussed enough.

In this disagreement, I want to address, in particular, Dr. Horn's focus on ''marriage promotion and responsible fatherhood policies.'' He is a prominent advocate of ''marriage promotion and responsible fatherhood.'' Some of these ideas are going to be central to the reauthorization of welfare ''reform'' next year.

Again, I always put ''reform'' in quotes. Just as single moms were the focus in 1996, single dads could very well be in the spotlight next year. I do not think that, in itself, is a bad thing. I doubt whether there is anyone among us who would argue against the importance of where fathers fit in with families, about the importance of investing in the needs of low-income men, just as we should be concerned about the needs of low-income women.

The question is, what kind of investments we should make, and how can we best serve the needs of low-income adults, men and women, and also their children?

Dr. Horn most recently was president of the National Fatherhood Institute which was created in 1994 ''to counter the growing problem of fatherlessness by stimulating a broad-based social movement to restore responsible fatherhood as a national priority.''

I believe in the importance of responsible fatherhood. Having three grown children and six grandchildren, I certainly believe in it. I am not here to speak against responsible fatherhood.

He also sat on the board of Marriage Savers, which is a Maryland-based group promoting community marriage covenants that are designed to make divorces more difficult to obtain. Dr. Horn has in the past urged States to take advantage of opportunities created by welfare reform to address what many cultural conservatives consider to be the root of society's social ills today, the decline of the traditional family.

In 1997, he wrote a report, along with Andrew Bush, director of the Hudson Institute's Welfare Policy Center. Dr. Horn recommended that States basically—I have to use this word— ''discriminate'' against single-parent families by establishing ''explicit preferential treatment for marriage in the distribution of discretionary benefits such as public housing and Head Start slots.''

Now, although he has distanced himself from this suggestion, as recently as June of this year, Dr. Horn has continued to advocate for policies that would provide financial incentives for marriage.

Let me go back to 1997. I know this is not the issue that carries the most weight in the Senate Chamber. I am not trying to be self-righteous. There is a reason why so many organizations and so many people around the country work in this area. The notion of women being battered at home and what the children see, that is just not so much on our radar screen, although a woman is battered every 15 seconds of every day in America. When you start making an argument that for Head Start or public housing the way that you are going to encourage marriage is to give preferential treatment to those who are married, what you do is you put poor women in a situation where they dare not leave a home which is so dangerous for them and their children because then they may not have any Head Start benefits for their child or they may not be in line to get the housing they need. Why in the world would anyone ever want to advocate such policies?

I am sorry. A lot of this discussion today on my part will be low key for me, but not this part of the discussion. I know that Senators don't think about this, but just think about the harshness of these kinds of proposals. Dr. Horn, I hope, is going through some rethinking on this question as well. I think he is, from the discussion we had. But it concerns me for anyone as recently as 4 years ago to advocate that for low-income families, you give preferential treatment to those who are married so that single-parent homes headed by women, almost always, are put at a disadvantage. Then we are going to make it hard for this woman to get out of this situation. Sometimes you don't want women to stay in the homes. Sometimes you don't want them to stay in the marriages because they are hellish situations. Somebody has to say that in the Senate.

The only reason I am speaking today, after having already testified to the goodwill of Dr. Horn as a person, is because I am going to stay so close to his work, and I am going to insist that not one proposal come from this administration that puts some of these women and these children in jeopardy. This problem of violence in homes is a real problem in our country.

In a recent article, entitled ''Wedding Bell Blues, Marriage and Welfare Reform,'' Dr. Horn suggested that Congress could mandate that States implement policies such as West Virginia's current practice. That is, you provide a cash bonus to single mothers on welfare who marry their child's biological father, or perhaps, he has suggested, Congress could provide a $5,000 cash payment to a woman at risk of bearing a child out of wedlock, if she bears her first child within marriage, to be disbursed in $1,000 annual payments over 5 years as long as she remains married.

Again, I know if these proposals are made within the framework of promoting responsible fatherhood or promoting intact families or being opposed to divorce, it may sound attractive. But again, think about the ways in which these proposals can be in some circumstances actually dangerous to the well-being of many low-income women and children. Somebody in the Senate has to advocate this position.

My wife Sheila—more Sheila than I—has spent years now working on domestic violence issues. There is no doubt in my mind, none, that policies that tie financial incentives to getting married or staying married will result in increased incidents of domestic violence. Think about it for a moment. If a low-income woman is faced with a choice of receiving $1,000 a year, especially a woman who with her children is living in extreme poverty, or leaving a situation where she has been abused, what is she likely to do? What kind of incentive have you built into public policy?

You have built in an incentive which says to this woman: You need to stay at home. You need to marry this man. You need to stay married to this man. What if this man has battered her over and over and over again?

How can so many Senators who supported the Violence Against Women Act, where we finally have begun to address this issue, now not express concern about these kinds of proposals?

By the way, if we can afford to give families with children an extra thousand dollars a year, then by what logic can we possibly suggest that other families with children should be made poor simply because their parents are unmarried? Think about it for a moment. Why should a child, no fault of his own or her own, just because that child is the daughter or son, little daughter or son, of a single parent, a family where the parents are not together, be penalized? This is nonsensical. These are rather perverse priorities or incentives built into public policy.

When considering marriage as a solution for poverty, we need to face the reality that violence against women is a significant cause of women's poverty. Domestic violence makes women poor, and it keeps them poor. The majority of battered women attempt to flee their abusers, but many of them end up on welfare or they end up homeless. Study after study demonstrates that a large proportion of the welfare caseload, consistently between 15 and 25 percent, consists of current victims of serious domestic violence. Between one-half and two-thirds of the women on welfare have suffered domestic violence or abuse at some time in their adult lives. Over 50 percent of homeless women and children cite domestic violence as the reason they are homeless.

Please understand, whether it be preferential treatment for Head Start

or affordable housing, or whether it be bonuses that reward women for staying in a marriage, let's not put low-income women in a position where they are in a very dangerous home, they are being battered, and quite often their children are battered as well.

Their children witness the violence not in the movie, not on television, but in their own living rooms. The children can't do as well in school. Don't create a set of financial incentives that are going to make it harder for these women and these children to be able to leave these circumstances. That is what I am saying today. These are my concerns. That is why you have close to 90 organizations—by the way, hardly any of them would have any clout—that have real concerns about this. For these women and children, the cost of freedom and safety has been poverty. Marriage is not the solution to their economic insecurity.

By the way, do you know that one of the problems is, even if these women leave and they go to shelters—as my colleague from Nevada said earlier today, in many of our States we have more animal shelters than we have shelters for women and children who experience violence. How about that? Then, if they are in a shelter, there is no affordable housing to go to. As opposed to making proposals, which Dr. Horn has made, that talk about all these bonuses and ways of promoting marriage, why don't we, instead, put the emphasis on responsible fathers?

Don Frazier, who was mayor and a great representative of the House of Representatives, did a lot of that in Minnesota. We should do more. But if we have this kind of money, why don't we put it into affordable housing?

Marriage is not the solution to their economic insecurity. For some of these women—can I say this one time in this Chamber? For some of these women, marriage could even mean death. I am sorry. I am going to say it again. That is true. I feel strongly about this. I know what the reality is, from what I have seen with my own eyes from the work Sheila and I have done with women who have been faced with violence in their homes. For some of these women, not only is marriage not the answer to their economic insecurity, for some of them marriage could even mean death. It will undoubtedly mean economic dependence on the abuser. Many battered women are economically dependent on their abusers. Between one-third and almost 50 percent of abused women, surveyed in five studies, said their partner prevented them from working entirely. In fact, we introduced legislation today—Senator MURRAY, Senator DODD, Senator SCHUMER were a part of this—in which we said—and we had people from the business community and the labor community testify—part of the problem is a lot of women, when they try to leave and work, the abuser, the stalker, comes to work, threatens them, comes into the office and makes a scene, and guess what happens. The employers let the women go. They say we can't take this any longer, and then she loses her job.

Of the 96 percent of women who report they experienced problems due to domestic violence, 70 percent have been harassed at work, 50 percent have lost 3 days of work a month as a result of abuse, and 25 percent have lost at least 1 job due to domestic violence.

Do you want to put these women in a situation where they have to stay in these marriages? Marriage is not always the answer, colleagues. I have been married 37 years—maybe closer to 38 years. It has been the best thing that ever happened to me. God, I will sound corny. I am most religious in my thinking about having met Sheila when we were 16. It is the best thing that ever could have happened to me. I am not just saying some trumped up thing on the floor of the Senate. But marriage is not always the answer or the alternative to poverty for many of these women and children.

Dr. Horn has not shown the understanding and sensitivity to these questions he needs to show. He is a good person. He will be nominated. I already said that. But I at least want to speak about my concerns.

The Congress has recently recognized that domestic violence is a serious national problem. We have the Violence Against Women Act and other legislation, and it seems to me that we ought to at least be very sensitive to these concerns.

Dr. Horn and others in the responsible fatherhood movement argue that many of our most pressing social problems—school violence, teen pregnancy, and substance abuse, to name a few—can be directly related to the absence of fathers in the lives of their children.

David Blankenhorn of the Institute for American Values has gone so far as to suggest that fatherlessness is ''the engine that drives our most pressing social problems.'' And topping the list of concerns, of course, is child poverty. For many of these advocates, the solution to ending child poverty is clear: marriage. They argue that what we really need to do is to teach low-income men to properly value marriage and family, based on the presumption that low-income men don't.

Can I also say this at the risk of annoying some colleagues? You know what. I am over and over again struck by the fact that too many Senators seem to know so much about the values of poor people, but they have never spent any time with any of them. It is like I don't know where our understanding of the values of people and how they live their lives comes from. It is certainly not based upon a lot of experience. I believe it is incorrect to presume that low-income men somehow value marriage and fatherhood less than other men. In fact, there is considerable evidence that low-income men value marriage and fatherhood just as much as you do, Mr. President, and as much as I do. But these advocates look at the data indicating a correlation between child poverty and single parenthood, and rather than consider the fact that all too often it is the poverty that leads to the single parenthood, not single parenthood that leads to the poverty, they argue that marriage is the way to eliminate the poverty. That is what I am worried about with Dr. Horn because he is going to be in a key position.

Here is the way one low-income mother put it to me, and thank God for her wisdom:

> They can marry off everybody in my neighborhood, but then all we'll have is two poor people married to each other.

This is what is really at the heart of the matter. You don't end poverty by simply promoting marriage. In fact, you probably promote more successful marriages if that is your goal. And do you know what. I think that is our goal. Let me state as a given that every Senator, or almost every Senator wants to promote more successful marriages. One of the ways is by ending poverty.

My colleague from Indiana will speak for Dr. Horn. I made it clear that I met him. He cares as much as I do. It is an honest disagreement. I made the argument, I say to Senator BAYH from Indiana—and we will voice vote this with overwhelming support. I needed to come to the floor because some of Dr. Horn's advocacy of preferential treatment for Head Start and affordable housing for two-parent, married households, and arguments that you want to have bonuses for people to get married and stay married—I made the argument that the implications of this, when it comes to violence in homes, is grim and harsh. You don't want some of these women to be in a position of feeling as if they can't leave a home where they are being battered and their children are being battered. That is what some of these proposals do.

As to some of his ideas, he said, ''I no longer necessarily believe all of this.'' But I have said some of these arguments about promoting marriage are fine; I am for it. But for some women this is not the answer.

You don't want to have financial incentives, or disincentives, if you will, that put women in a position where the choice is, Do I stay in this home where I am being battered, my child can be battered, or my child witnesses this violence, or if I leave then no longer will I get a Head Start benefit, or I will lose my bonus I have received for being in this marriage or I will not be able to get affordable housing.

That is one of the things that concerns me the most, I say to two good colleagues. One of the reasons we have so many of these organizations in the trenches working in domestic violence expressing this concern is because of this argument. Someone needs to say it because Dr. Horn will be in this position, and then we will work with him.

I am all for promoting responsible fatherhood and marriage, but I do not

want to do it in such a way that we end up—I said this before my colleagues came—for some of these women, marriage is death. That is right. For some of these women, staying in a marriage means they will lose their lives. I do not want public policy or social policy that makes it more difficult for them to leave these homes which are not safe homes, where they should leave these homes. That is part of what this debate is about.

In just the few minutes I have left, the other part of the argument I want to make is if, in fact, you want to promote successful marriages, especially if you are talking about the low- and moderate-income community, one of the ways to do it is to focus on some of these economic issues. There is a whole world of problems out there, such as unemployment, not having a living-wage job, drug and alcohol addiction, depression and mental illness, poor education, jail time, hunger and homelessness, and, in all due respect, quite often these are the reasons that marriages do break up.

Unless we talk about marriages and responsible fatherhood in the context of also dealing with these very tough problems that rip families apart, I do not think we go very far, and I will insist all of them be considered.

Frankly, it is not necessarily his fault, but I do not hear much from this administration in terms of being willing to invest some of the resources in any number of these different areas.

We had a proposal in Minnesota. I said ''had.'' It was the Minnesota Family Investment Program. It was a pilot program. Too bad, because from my point of view, this is welfare reform. Two former Governors did a great job saying we are going to put a lot of money into childcare, into job training skills development, into making sure these families do not lose their medical care, and we are going to put a lot of money into significant income to disregard when they made more money, they then lost, dollar for dollar, what they were making.

Studies compared former AFDC recipients to those on MFIP and found MFIP individuals were 40 percent more likely to stay married and 50 percent less likely to be divorced after 5 years. There you have it. That is part of what we need to do.

Mr. President, do you know what. That is not what we are doing in a lot of this so-called welfare reform. As a matter of fact, finally I got the Food and Nutrition Service study the other day. I said to them: Tell me what is going on with food stamps. Why have we had a 30-percent-plus decline in food stamp participation post 1996? They said: In some cases, people are working and maker better income. In most cases, they are not, but they do not know they are eligible any longer.

There were cuts in food stamp benefits, massive cuts in benefits to legal immigrants. Frankly, Families USA points out there are some 660,000 people who no longer have medical assistance because of the welfare bill. In too many cases, people have dropped out.

Berkeley and Harvard did a study of the childcare situation and found that many of these kids were in dangerous situations or in front of a TV, and it would not surprise anyone if they came to kindergarten way behind.

I am for promoting families, responsible fatherhood, and I want these children to have as much a chance as other children, and I want to know from where the commitment comes.

Marriage is not, in and of itself, the way to address the root causes of poverty, and it is no reliable long-term solution to poverty, particularly poverty among women and children, and, in general, two incomes are better than one. It is far better to have two parents in the household, but that fact is not sufficient to support an argument that marriage will lead to an end of family poverty.

There are many reasons that women, more often than men, experience an economic downfall outside of marriage: Discrimination in the labor market; lack of quality, affordable accessible childcare; domestic violence; and I also say to my colleagues—Senator REID said it earlier—in many States there are more animal shelters than shelters for women who come out of these very dangerous homes.

Moreover, the tragedy of it is, after they get out of shelters, there is no affordable housing. As a matter of fact, this is going to become a front-burner issue for us because we are not doing anything by way of getting resources back to State and local communities, and it is a huge crisis. It is not surprising that the other day there was a report that came out in the Washington Post pointing out the issue really is not poverty, the issue is we have to double the official definition of poverty, which is around $17,000. If you want to be realistic of what it takes for a family to make it, there are many families with incomes under $40,000 who are having a heck of a time making it, and one of the reasons is the cost of housing.

If you do not address these factors that keep women from being economically self-sufficient, then your marriage and family formation advocates are merely proposing to shift the woman's dependence from the welfare system to marriage. You see what I am saying? There is a missing piece here, I say to Dr. Horn and others.

Some women should not be dependent on their marriage. They should get out of their marriage. They should not be there. They should get out of these homes with their children because if they stay, they are going to be murdered and their children—talk about posttraumatic stress syndrome. What do my colleagues think it would be like to be a little child? I have been with them. I met with some of these families and have seen a mother who has been beaten up over and over, day after day. What do my colleagues think that does to children?

With domestic violence and divorce at the current rates, marriage will never be the sole answer. The solution is not, as Dr. Horn and others suggest, to interfere with the privacy rights of poor women but, rather, let's focus on economic self-sufficiency.

Congress should not use women's economic vulnerability as an opportunity to control their decisions regarding their marriage or, for that matter, childbearing. Fighting poverty and promoting family well-being will depend on positive Government support, for policies that support low-income parents in their struggle to obtain good jobs so that they can have a decent standard of living, so they can give their children the care they know their children need and deserve. That is what it ought to be about.

I disagree with Dr. Horn on this policy, but colleagues and the public should be further aware that certain recent statements and writings by the nominee signal that basic views which underlie his policy positions I think are a little bit over the top.

I have already talked about how I like him, I say to both colleagues because I know they know him. I will give a couple examples.

Dr. Horn has recently written, for example, that females raised by single mothers ''have a tendency toward early and promiscuous sexual activity.'' That material was given to me by advocate organizations. That is in direct quotes. From where in the world does that come? Where is the evidence for that?

He recently wrote that males raised by single mothers have ''an obsessive need to prove their masculinity.'' He reportedly has linked single mothering or father absence to acts of violence carried out by males, such as the shootings at Columbine High, although, by the way, in that case, the families were intact. These were not single-parent families. This is not an attack on character.

I want Dr. Horn to know he is going to be nominated on a voice vote. He will be supported. That is fine. But I want to be on record saying I don't think he is the right choice. I certainly want to question some of the statements he has made and, more importantly, some of the positions he has taken. He will be the one in the middle of the welfare reform. He will be the one dealing with a lot of the policy that affects low- and moderate-income families.

Ninety organizations have urged the Senate Committee on Finance to oppose his nomination. A majority of them are organizations that deal with domestic violence. That is where the real fear is. I have heard from too many people whose opinions I respect and whose judgments I value, starting with my wife Sheila, to allow the nomination to pass silently. Dr. Horn will be confirmed, but I felt compelled to

raise these issues and concerns about some of the policies I think he is likely to promote as Assistant Secretary for Family Support. I hope he proves me wrong; he may very well.

I hope he will use the occasion of this appointment to reconsider some of his views—not all; he is entitled to many of his views. The issues are too important and too many lives are affected to not speak out. I hope Dr. Horn and others at Health and Human Services, as well as colleagues in the Senate, will carefully consider the implications of policies that we all propose that affect low-income families.

I said earlier, and I meant it as a criticism of Senators on both sides of the aisle, although we cannot generalize, I am always amazed we infer the values of people. We seem to know so much about the values of people and how they live their lives, especially low-income people—that fathers do not respect fatherhood or the pathology of their lives—when hardly any Members spend any time with them. Dr. Horn is an example of someone who has inferred people's values, which can be downright dangerous, especially when we are talking about violence in homes today.

What we really need to do is to support these women and children. Therefore, I hope the Senators, as we go forward with the welfare reauthorization bill and we make policy that affects directly the lives of poor people in this country, will make it our business to be very careful. They are not on the Senate floor, they have very little clout, and in too many ways they are right out of Michael Harrington's ''The Other America.'' They are invisible and without a very strong voice. There are helpful organizations, thank God, such as the Children's Defense Fund, but not enough.

I wish Dr. Horn the very best. We will work together. But I want Dr. Horn to know I have a lot of concerns which I have discussed today. I am not speaking for myself, but for a lot of people in the country, especially those down in the trenches doing the work, dealing with the violence in families, trying to protect women and children, to make sure they can rebuild their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Before my colleague from Minnesota leaves the floor, I express my appreciation to him and compliment him for the passion he brings to the cause of helping those less fortunate in our society. There is no Member of this body who feels more strongly about empowering those who need opportunity in our country than Senator WELLSTONE. For that, I compliment the Senator and thank him for being such a valuable Member of this body.

I also say, before the Senator leaves the floor, I find myself in strong agreement with his sentiments about the rights of women, particularly that they are not given incentives to stay out of relationships that are abusive, or assisting or providing incentives for men with a proven record of abuse from entering family relationships where they do not belong.

I am not familiar with all of the statements he has made, but I can say from my own experience with Dr. Horn that it is my understanding he has distanced himself from several of these controversial statements. I can say from my personal experience with him in working on the Responsible Fatherhood Act that he has shown a great willingness to ensure that abusive men are not reinserted into family situations and, in fact, women are protected, as they should be. We should insist upon this, even as we try to promote men living up to their responsibility and doing right by not only their children but the mothers of their children.

We had a recent conference at the Thurgood Marshall Center in Washington, DC, a lower income area, and we were heartened to see representatives from many organizations representing low-income America. I am glad the Responsible Fatherhood Act has been advocated by the Black Caucus.

From my experience, Dr. Horn has shown great empathy toward the cause of helping children with a less fortunate background. I know it is entirely appropriate that the Senator comes to the floor and expresses his concerns. I thank him, before he gets on with his busy schedule, for his championing of the cause of the less fortunate, to express strong support for his dedication, particularly ensuring that women are not placed in abusive situations but, in fact, are protected from abusive men who would do them or their children harm. I express those sentiments before the Senator has to leave.

Mr. WELLSTONE. I thank the Senator from Indiana for his graciousness. I think the statement he just made, especially dealing with violence in homes, is extremely important. I thank the Senator.

Mr. BAYH. Mr. President, I rise to express my strong support for the nomination of Wade Horn to be Assistant Secretary of HHS for Family Support. I am confident that he will do an outstanding job in discharging his duties for all Americans.

I have known Dr. Horn personally since 1996 when I had the privilege as Governor of our State of holding one of the first conferences in the country on the importance of promoting more responsible fatherhood on the part of many men.

The vast majority of men in our society, when they bring children into the world, do the right thing by supporting children economically, emotionally and economically, and supporting the mothers. Regrettably, in recent years, in the last decade or so, we began the alarming trend of many men walking away from responsibilities, financial and otherwise, with great detriment to the children and the mothers of those children and, because of that, the society and taxpayers, as well.

Wade Horn worked with us not only in that conference but in fashioning legislation in the Halls of Congress to do something about this epidemic of fatherlessness that harms our society in so many important ways. He understands that a child growing up without the involvement of a father, emotionally or financially, is five times more likely to live in poverty, twice as likely to be involved with drugs or alcohol abuse, twice as likely to commit a crime of violence, twice as likely for a young girl to be involved with teen pregnancy, and much more likely to get involved in a variety of situations that will harm a youngster throughout the course of his or her lifetime.

Wade Horn is committed to doing something about this phenomenon, and thereby strengthening families and helping children. He understands this effort is not only good for America's children; it is good for taxpayers, as well.

Many of the issues we debate in this Chamber, many of the initiatives we pursue to try to help America really deal with the manifestations of what are actually deeper underlying problems. If we are going to get at the root causes of the problems that afflict too many of America's children, we have to deal with them where they begin, the breakdown of the American family, and, in particular, too many men bringing children into the world and walking away, leaving women and taxpayers to try to pick up the pieces by themselves. That is not right. We spend hundreds of billions of dollars each and every year to try to overcome the consequences of irresponsible fathers not living up to their obligations.

Wade Horn understands that if we are going to do right by those kids and do right by our citizens who are picking up the tab, we need to do something about this problem. So he has committed much of his life to doing exactly that.

He also understands that this effort will be good for women. Women are doing heroic work, particularly single mothers, to try to pick up the pieces when men bring kids in the world and walk away.

It is not right that those women should labor without the emotional support and the financial support to which they are entitled. Our responsible fatherhood initiative is designed to help children, help taxpayers, and help women as well.

As I mentioned before our colleague, Senator WELLSTONE, had to leave the floor, we reached out to many women's organizations to make sure this effort is done in a way that is sensitive to the concerns of women who have experienced the horror of being battered or abused by a spouse or male companion. We want to make sure that is not the case; that, in fact, we protect women

and children from the consequences of that type of behavior.

Wade Horn has been involved in that effort to make sure we pursue strengthening families to help women and children with legitimate and important concerns and take into account the scourge of domestic violence that is unfortunately all too frequent in society today.

Mr. Horn, when he is confirmed, will be in a position to be intimately involved in the next generation of welfare reform that we will undertake this year and next. Because of his lengthy experience laboring in these vineyards, I think he is ideally suited to this task.

Let me offer a very brief recitation of some of Dr. Horn's experience. From 1989 to 1993, Dr. Horn was Commissioner for Children, Youth and Families, and Chief of the Children's Bureau within the U.S. Department of Health and Human Services. Dr. Horn also served as a Presidential appointee to the National Commission on Children from 1990 to 1993, a member of the National Commission on Childhood Disability from 1994 to 1995, and a member of the U.S. Advisory Board on Welfare Indicators from 1996 to 1997.

Prior to these appointments, Dr. Horn was the director of outpatient psychological services at the Children's Hospital, National Medical Center here in Washington, DC, and an associate professor of psychiatry and behavioral sciences at George Washington University.

Currently, Dr. Horn is also an adjunct faculty at Georgetown University's Public Policy Institute, and an affiliate scholar with the Hudson Institute.

Simply put, if I could just summarize, I have known Dr. Horn now for several years. I know of no more decent, more compassionate individual. I know of no one who cares about the cause of helping children more than Wade Horn, or the cause of strengthening America's families and that is what this really comes down to. Whether it is within the bonds of marriage or outside, this all comes down to the cause of helping children, and in so doing not only helping those little ones but helping society as a whole.

In conclusion, let me just say among his many other attributes, Wade Horn is an author. He authored a book after his own experience with cancer and wrote very eloquently in that book about the emotions that he experienced when he was sick, fighting cancer, seeing his own little girls come to his bedside.

I know, based upon that personal experience and his many years of efforts in the vineyards of good public policy, there is no one who will bring a deeper, more heartfelt conviction to the cause of helping children, helping women, strengthening families, and strengthening America than Dr. Horn. I respectfully urge my colleagues to vote in support of his confirmation.

Before, I yield the floor, I would also like to say how much I respect my colleague from Delaware. I thank Senator CARPER for his efforts on behalf of the Responsible Fatherhood Act. Perhaps it is not a coincidence that Senator CARPER and I are both former Governors and have personally been in a position of actually implementing welfare reform, not simply enacting it into law.

For that reason, I salute my dear friend and colleague, Senator CARPER, and thank him for his presence as well today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, let me say while Senator BAYH is still here, we have not only been Senators together, as he said, we have been Governors together. We were also fathers of young boys, his a few years younger than mine.

He believes, as I believe, and certainly as Wade Horn believes, while emphasizing the importance of fathers and fatherhood, we have no intention, no need, no interest in diminishing the importance of the role of mothers. Every child deserves not just one loving, nurturing, caring parent but two. To the extent that we as a society can encourage men to live up to the responsibilities of the children they father and bring into this world, those children will be better for it and so will our country.

I say a special thanks to Senator BAYH, for his leadership on this issue. I am delighted to be able to support these efforts.

Senator BAYH has known Wade Horn for a half dozen or so years. So have I. I have known him through our work with the National Governors' Association where he came from time to time, at our invitation, to speak on fatherhood. I have known him through his role in cohosting the National Summit on Fatherhood, where I have had the opportunity to participate. I have invited him to my home State of Delaware to speak at our Governor's prayer breakfast, to focus on fatherhood and the importance of fathers in our lives.

I also know him, having hosted him in our Governors house, having spent time with him and his wife there. I met his children, his daughters. I have some idea, not just what the author is like, not just what the speaker is like, not just what the policymaker is like, but I feel as if I know him a little bit as a human being. I have seen him in the role of devoted husband and loving father as well.

Senator WELLSTONE said, before he finished his remarks—and I appreciated the concerns he expressed—and I think this is a quote, ''Dr. Horn will be in this position and we will have the opportunity to work with him.'' I hope he is right. I believe Senator WELLSTONE is right in that.

Based on my experience from the last 6 years of knowing Wade Horn and his family, I believe we will appreciate the opportunity to work with him. I feel confident those who question his nomination will come, in the end, to be glad that he was nominated and that we voted to confirm him.

I know others have gone back and looked at the words that have been attributed to Dr. Horn in the past. They could do that for me or the Presiding Officer or for any of us and have it appear we say things that, taken out of context, we may not have really said or intended to say. I have never heard Wade Horn speak about compelling women to remain in an abusive relationship or threatening relationships. I have heard him say that too many men fall short in meeting their obligations to the children they father and to the women who bear those children.

I have never heard Wade Horn disparage single moms for the work that they do in raising children. I have heard him speak of the need for young girls to see, in their own lives, a father who treats a mother in a way that that young girl herself would want to be treated by her husband someday. I have heard him say there are young boys in this country who need to see how a man treats his wife so that young boy will know how he should treat his wife someday, when he has grown.

I have never heard Wade Horn say that children raised by single moms routinely turn out badly. I have heard him say that all children deserve to be raised by two loving, caring, nurturing parents, and that includes their fathers.

I have heard it said that as to 16-year-old girls who become pregnant, drop out of school, never marry the father of the children that they bear, 80 percent of them—80 percent of those women and their families will live in poverty at some point in time. As to the 16-year-old girl who does not become pregnant, does not drop out of school, graduates from school, waits until the age of 20 to have a child and marries the father of that child, there is an 8-percent likelihood that family will live in poverty—80 percent on the one hand, 8 percent on the other hand.

I cannot stand here today and vouch for those numbers. But if they are even close, I think they serve to underscore for us the need for fathers, for men who father children, to take seriously their obligation to the children they father and to the women who bear them.

I believe Wade Horn will serve in this capacity doing a number of good things for the families of our country, men and women, boys and girls. But I think he is going to be a good voice, a recurring voice, one we need to hear, that says: Fathers are not dispensable. They are as important today as they were 100 years ago or 200 years ago. We need to remember that, those of us who are fathers and those of us who someday will be.

I am pleased to rise today in support of this nomination, and I hope it will receive ringing endorsement from this body.

I yield the floor.

Mr. KOHL. Madam President, I rise today to add my voice in support of the nomination of Wade Horn to serve as Assistant Secretary for Family Support at the Department of Health and Human Services.

I have had the pleasure of working with Wade Horn over the past few years on an issue that is vitally important to both of us—making sure that children receive the child support money they are owed. This has been a very positive and productive working experience. Dr. Horn and I share the goal of changing the current child support distribution system, which harms children by allowing States and the Federal Government to keep their child support money instead of distributing it to the kids who need it. Through his experience, Wade Horn recognizes that fathers pay more child support when they know their children will actually receive their money and benefit from it. He understands that the route to responsible fatherhood means we have to remove government-created barriers that actually discourage fathers from paying child support, and create more incentives for fathers to become actively involved in their children's lives.

I have greatly appreciated Wade Horn's commitment to changing the child support distribution system. His suggestions, input and advocacy have helped move this issue forward during the past several years, and I look forward to working with him to pass this vital legislation once he is confirmed. Together, I am hopeful that he and Secretary Thompson, who is also a tremendous advocate of child support distribution reform in his own right, will make this a top priority in the Bush Administration so that children get the support they are owed and need.

As President of the National Fatherhood Initiative, Dr. Horn understands that fathers, mothers and children often need support and help to maintain a strong and stable family life. His organization's goal has been to encourage fathers to become positive role models for their children and become fully involved in their lives. He has worked to encourage greater support services and assistance for low-income fathers so they can actively and responsibly participate in their children's upbringing. Not only do their children benefit from their support and involvement, but all of society reaps the benefits of having stronger families.

I realize that some have raised concerns about views Dr. Horn has expressed in the past regarding government support for single-parent families. It is my understanding that he has reconsidered many of those views and has committed to serving all families who need support and assistance. I believe this is critical; our nation must address a variety of issues to help working families of all shapes and sizes, and I look forward to working with him on a range of issues important to families—including increasing funding for Child Care, Head Start, and continuing to provide support for families making the transition from welfare to work. These will not be easy tasks, but I am hopeful that Wade Horn will take a thoughtful, balanced approach to addressing these matters. I urge my colleagues to support his nomination.

Mr. ROCKEFELLER. Madam President, I am proud to support the nomination of Dr. Wade Horn to be the Assistant Secretary for Family Support at the Department of Health and Human Services. As chairman of the National Commission on Children, I had a unique opportunity to work closely with Wade Horn. From that experience, I know how deeply Wade cares about children and families. I know that Wade is willing to listen to diverse views and find common ground, which will be key to his success in this important position.

On the Children's Commission, committed advocates representing both the liberal and conservative policy views came together to learn about child development and we struggled to find bipartisan policy initiatives to help children and their families. Our process was intense, but it led to a bold, bipartisan report full of recommendations to change policy to support children. Throughout that process, I witnessed how Wade Horn was willing to take risks for the right reasons.

I am proud to say that the Children's Commission report has been a guidebook for my legislative initiatives on children's policy. While there is much more to do on children's issues, we are making real progress. The Children Commission that Dr. Horn and I supported in 1991 called for a refundable child tax credit and an improved Earned Income Tax Credit. Our report recommended changing the welfare system, then known as Aid to Families with Dependent Children. It stressed the importance of child support enforcement. It called for education reform with a greater emphasis on local schools. And it even had a controversial chapter called ''Creating a Moral Climate for Children,'' which challenged public officials, the media, the entertainment industry, and individuals to serve as role models for children.

Many of our recommendations from the Children's Commission have become public policy, and I continue to build on this foundation.

While Dr. Horn and I do not agree on every issue, we do strongly agree about the importance of supporting children and families. We agree on the importance of bipartisanship on children's issues, especially in the area of child welfare and adoption. We agree about the importance of direct and honest communication and cooperation between Congress and the Department of Health and Human Services.

Because I have worked with Dr. Wade Horn on the Children's Commission and during his previous position in the first Bush administration, I am confident that he will be a committed leader on children's issues in this administration. I look forward to working with him, including on the reauthorization of the Safe and Stable Families Program this year.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the nomination of Wade Horn.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak on the pending business for up to 10 minutes.

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

Mr. BROWNBACK. Mr. President, I want to speak on behalf of the nominee to be Assistant Secretary for Children and Families at the Department of Health and Human Services, Dr. Wade Horn.

I got to know Dr. Horn while working with him on several fatherhood initiatives. He has been an outstanding leader in the fatherhood movement. And I am confident that he will serve with distinction in the position to which he has been nominated.

Dr. Horn is a dedicated public servant, a distinguished child psychologist, a skilled administrator, and an excellent choice to lead the Administration for Children and Families—a key and critical position for the administration.

Dr. Horn is a highly respected child psychiatrist, with a proven record of both competence and integrity. He has consistently demonstrated his deep commitment to increasing the well-being, strength, and stability of families and children in general, and at-risk children in particular.

It bears mention that Dr. Horn was previously confirmed by the Senate 11 years ago for the position of commissioner of the Administration for Children, Youth and Families. As the Commissioner for the Children, Youth and Families Administration, Dr. Horn administered numerous programs serving children and families, including Head Start, foster care and adoption assistance, the National Center on Child Abuse and Neglect, runaway and homeless youth shelters, and various anti-drug programs.

Since leaving the Department of Health and Human Services, Dr. Horn has served as the President of the National Fatherhood Initiative—where I really got to know him—a nonpartisan initiative which has drawn the support and involvement of several Senators

from both sides of the aisle, including myself, Senator LIEBERMAN, Senator CARPER, and Senator BAYH. As the President of the Fatherhood Initiative, Dr. Horn has been at the forefront of the effort to encourages fathers to become more involved in the lives of their children and families. The Fatherhood Initiative has conducted both national forums and targeted outreach programs to at-risk families to encourage increased responsibility, affection, support, and involvement of fathers something we desperately need in their country. He has also authored regular columns dispensing advice to parents on how to raise healthier, happier, and more secure children, which have helped and encouraged literally thousands of families across the country.

One of the criticisms leveled against Dr. Horn is that he has sat on the board of Marriage Savers, and has been involved in marriage promotion programs. Why this is a criticism, I am not sure. Dr. Horn would never, has never advocated that anyone stay in an abusive marriage. No one believes this, despite inferences to the contrary on the floor of this Senate. What he has done is worked with groups that work with couples who want to strengthen their marriage and their family. And I would think that working towards strengthening marriage in our country—which has, let me note, a divorce rate near 50 percent—would be regarded as a positive qualification, not grounds for criticism.

We have Marriage Savers programs in Kansas. In two counties in the State of Kansas, Marriage Savers programs have helped to reduce divorce rates by over thirty percent in that area. This is a great achievement, not a questionable activity. That Dr. Horn's involvement with Marriage Savers—a group dedicated to working with individuals who have requested assistance in strengthening their marriage—would somehow be cited as a red flag in Dr. Horn's record is utterly baffling.

Dr. Horn has never advocated that women stay in abusive situations. He is saying that in marriages where children are involved, it is a good thing for a married couple to try to work through their problems.

With the background, temperment, and record that Dr. Horn has, it is difficult to understand why this nomination should have generated any debate at all. I don't think that anyone can credibly raise a question about Dr. Horn's qualifications for the job. I look forward to the confirmation of Dr. Horn to the position of Assistant Secretary for Children and Families at the Department of Health and Human Services, and I wish him the best in this capacity.

Finally, I note that this is an extraordinarily qualified nominee to this position. He is a person who has worked in this field virtually his entire life, who has worked successfully in this field and in an area of endeavor in which we need a lot of help. Our children and families are suffering in this country. Dr. Horn has worked himself, personally and directly, to put families back together. That is something we should be applauding, not questioning or condemning.

I strongly support the nomination of Dr. Wade Horn to this position within the Department of Health and Human Services.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. REID. Madam President, on behalf of Senator WELLSTONE, I yield back his time on the Horn nomination.

Madam President, is there further time on the other side?

The PRESIDING OFFICER. There are 2½ minutes remaining.

## NOMINATION OF HECTOR V. BARRETO, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION

Mr. REID. Madam President, I ask unanimous consent, under the direction and authority of the majority leader, that we now move, pursuant to an order entered on July 24, to the Barreto nomination, for the Small Business Administration.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Hector V. Barreto, Jr., of California, to be Administrator of the Small Business Administration.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me request 5 minutes of the time allotted to our side for my presentation.

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

Mr. DORGAN. Madam President, I rise to briefly discuss the nomination of Hector Barreto to head the Small Business Administration. I note that Senator KERRY, the chairman of the Committee on Small Business and Entrepreneurship, supports this nomination. I plan to support the nomination as well. I think he is a good appointment. He will serve our country well. I look forward to working with him in his new role as Administrator of the Small Business Administration.

As he begins his tenure at the SBA, I did not want this moment to go by without pointing out to him, and to the SBA, that we face, in my judgment, a rather severe challenge about an issue that concerns me greatly. Let me describe the issue.

The SBA has packaged up a series of loans that it has made, including disaster loans, and sold them with deep discounts to financial companies around the country. The representation to the American people was that this would not impact their loans at all, and it is just a matter of selling them so that the SBA does not have to do loan servicing.

That sounded benign enough, I guess, to almost everybody in the country. It sounded benign enough to Congress. And so the SBA sold loans, including disaster loans.

Let me describe the impact of what has happened as a result of the sale of those loans.

Most Americans will remember the great flood in the Red River Valley in 1997, when the city of Grand Forks, ND, with nearly 50,000 residents, had to evacuate the entire city. The city was inundated with floodwaters from the Red River. In the middle of the flood, after the entire city had been evacuated, a fire started in the downtown area of the city. So we had the spectacle of nearly 3 years worth of snow falling in 3 months and when the snow melted, it caused a dramatic flood along the Red River, inundating the city of Grand Forks. Then a fire started in the middle of the city, and firetrucks tried to get into the evacuated city on flatbeds and various devices to fight a fire in the center of downtown Grand Forks.

It was a devastating time for the people of Grand Forks. When the waters receded, most homeowners and business men and women of Grand Forks, came back to their homes and businesses to find severe damage. They found massive damage in buildings all across this city.

The city, of course, was helped by FEMA, the SBA and other agencies of the Federal Government. President Clinton came to Grand Forks and said: You're not alone. The American people are with you. The American people want to help you. And, indeed, the American people did.

This Congress was generous to the communities along the Red River Valley and to Grand Forks especially. Grand Forks and East Grand Forks were hit very hard, and they required a substantial amount of help.

So many of these businesses and families, in order to get back on their feet, took a low-interest SBA loan, often a 4-percent loan with a rather lengthy term. We provide disaster loans in law so that the SBA can help these families and businesses get back on their feet after a natural disaster.

Then, after these businesses and homeowners were able to get the loans to help them get back on their feet, the SBA sold the loans, including disaster loans, to private companies. These are private financial companies that come in and buy a batch of loans and often pay about 70 cents on the dollar and then assume the responsibility for servicing the loans.

That is a long story to tell you where we are at the moment. We have discovered that homeowners and businesses in Grand Forks, ND, that were hit with one disaster—that is, a disaster coming from a river that inundated their community—are in the middle of another disaster. These people have discovered that their disaster loans were sold to private companies. These loans are now being serviced by private companies who have put many of these families and businesses right smack in a pair of handcuffs when it comes to trying to sell their home and buy another home or sell an asset in a business in order to buy another asset to make the business more efficient.

The companies that bought these loans are now saying: No, you can't substitute collateral. If you do that, you are going to have to pay a very substantial fee. We will not allow you to transfer the lien. In other words, the company is sticking to the terms of the SBA loan with respect to the interest rate and time but is not nearly as flexible as the SBA has always been with these homeowners and businesses. The SBA would tell borrowers: We understand, we will allow you to transfer the lien to the next home you are going to buy, or, we understand, you can purchase these additional assets your business needs to become more efficient and transfer the lien from the other asset you are going to sell.

What homeowners and small business owners are discovering now is that no such flexibility exists with private companies. Instead, they are told: No dice. That is a very serious problem. People hit with a disaster are now given a pair of handcuffs when a private company buys their disaster loan. That is wrong. That ought not happen.

Let me just mention a couple people. There is a woman named Marie from Grand Forks, ND, who wrote me and said: I'm another flood victim trying to find a way to transfer the current loan I have from the SBA to another property. My SBA loan was sold to Aurora Loan Services, and I have been told by Aurora they don't transfer loans, period. So essentially I'm out of luck. Personal circumstances made it necessary for me to sell my property, and I need this low interest rate in order to be able to afford another property and get back on my feet.

A man named Steven also wrote to me. He is a businessman in Grand Forks, ND. He said: I'm an optometrist. In the flood of 1997, our office received 5 feet of water. Pretty much a total loss.

Madam President, I ask unanimous consent for 3 additional minutes.

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

Mr. DORGAN. I will not read all of this letter, but Steven goes on to say: We see the opportunity to borrow money at 4 percent for 30 years as a gift from the American people.

These people were inundated with water, in deep trouble, and the Federal Government said: We are here to help you. Let's give you a helping hand to get you back on your feet.

The letter continues: Nobody was going to make our community whole overnight, but these loans over 30 years, would go a long way in helping.

Then he describes his need to have flexibility to purchase additional assets and the difficulty he has had trying to negotiate with the company that purchased the loan. They have simply said: No dice. No way.

What he is saying is that he has been handcuffed by this process.

He had no idea that would be the case. He had no idea the SBA would sell his disaster loan to a private company that won't allow him to transfer a lien as the SBA has almost always done to disaster victims. I tell these stories only to say there is something wrong with this process.

We ought not sell disaster loans. We simply should not do that. The SBA should service those loans and do so in a thoughtful and rational way. Let's not sell those loans. We certainly ought not allow citizens who have been hit with a disaster discover there is a second disaster around the corner if they need to sell a home and purchase another or need to purchase an essential asset for their business but can't sell the old asset because they can't transfer the lien. This is not a fair thing to do.

We ought to do a couple things. No. 1, we should ask the new SBA head—someone who I intend to support and vote for, Mr. Barreto—to work with us to see that these companies that have purchased the old loans will use the same flexibility in servicing those loans as the SBA previously did.

No. 2, let's not have the SBA selling these loans in the future. That is not the right thing and the fair thing to do. It may require legislation, I expect, to prevent that. I hope to discuss that with some of my colleagues and hope they will agree that those who have been hit with disaster in this country don't deserve to be handcuffed later by a private company that is able to buy deeply discounted SBA disaster loans. This is not the right thing to do to the citizens of this country who have suffered through a disaster. We can do better. I hope we will. I hope my comments will be noted by Mr. Barreto. I wish him well. Although I don't expect there will be a recorded vote on his nomination today, I think he is a good appointment. I commend the President for offering this candidate for public service. I hope we can get together and visit about this important issue very soon, when he assumes office.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I yield myself up to 5 minutes of the time on this side on the nomination of Mr. Hector Barreto.

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

Mr. BOND. Madam President, it is a pleasure to rise today to join with my colleagues and urge them to support the President's nomination of Hector V. Barreto, Jr., as Administrator of the Small Business Administration.

We have just received word that there will be a voice vote rather than a recorded vote. For the friends and supporters of Mr. Barreto, that simply means that everybody has agreed upon it, and apparently we will not have to go through a rollcall vote. It does not mean in any way that we view this nomination as less important. It is just that as a result of the work done on the Committee on Small Business and Entrepreneurship, his nomination should go through.

He was approved unanimously by the committee under the leadership of my colleague, Chairman JOHN KERRY. The nomination of Mr. Barreto comes at a critical time when the Small Business Administration's assistance and development programs will be tested very thoroughly as a result of the slowing economy.

The SBA has a promising future and a very important mission that can best be realized with effective leadership to refocus the agency on the programs and missions established by Congress.

I believe President Bush has shown his commitment to supporting that mission and the Nation's Main Street small business community by his nomination of Mr. Barreto.

The need for a proven leader with a track record of business experience has never been greater at the SBA. It is time the SBA concentrate on sound management of its operations and existing programs rather than expanding its reach with new programs.

I expect Hector Barreto's experience in the financial services industry, his standing in the small business and Latino communities will serve the President, the Nation, and small business very well.

When we review Mr. Barreto's credentials, it is easy to see he has exceptionally fine roots. He was born and reared in Kansas City, MO. He went to high school in Kansas City. He received his degree from Rockhurst University, also in Kansas City. I have known his father, a prominent business leader in the Hispanic community, for many years. Even though he comes to us from California, I assure you, he really is a Missourian at heart.

Hector Barreto, Sr., founded the United States Hispanic Chamber of Commerce, and in recent years Hector Barreto, Jr., has been serving on its board of directors. With his Missouri heritage and his strong business foundation, there really isn't much more that needs to be said about the President's nominee.

Seriously, however, we should look closely at Mr. Barreto's small business background and his business experience. His early work immediately out of college was as area manager for the Miller Brewing Company. But his small

business experience began in earnest when he moved to California and established the Barreto Insurance and Financial Services Company. His goal simply was to provide insurance and financial services to southern California's expanding Latino population.

It takes a lot of nerve and confidence in one's abilities just 3 years after finishing college to move halfway across the United States to set up a small business.

His business should be distinguished from the go-go dot-com undertakings of the 1990s, where investors could not wait to be separated from their money. Mr. Barreto's small business was and is more of a Main Street USA variety, and his goal simply was to provide insurance and financial services that were very much needed in the minority community in southern California.

With each new Presidential administration, we hear how difficult it is to attract top-notch talent to serve in the often thankless and usually criticized jobs of serving in Government. We are fortunate to have someone of the caliber of Mr. Barreto who knows what it is to start a small business from scratch and work hard to make it grow. This is the American dream of millions of entrepreneurs. His exposure to the challenges he faced will serve him well as SBA Administrator.

We should not lose sight of the fact that Mr. Barreto is making a sacrifice by leaving his small business to spend the next 3, maybe 4, maybe more, years at the SBA. In response to this call to Government service, Mr. Barreto won't be there to run his business. We need to remember that Hector Barreto is not a senior company official leaving a large business where there is always someone ready to step up from the ranks to take over. Most often in a small business, there is not someone waiting in the ranks, and the small business suffers or closes its doors when the owner leaves.

Although he may not be closing his business for good, Mr. Barreto is taking a long leave of absence and the business is going into an extended status of hibernation. His is a significant sacrifice.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I have had the opportunity to discuss with him his views on targeting the most critical problems at the SBA and prioritizing solutions that might be implemented. I sincerely appreciate the energy and dedication with which Mr. Barreto approaches these tasks.

We have a ripe opportunity to retool the SBA and its programs to better capitalize on the remarkable potential small business offers to fuel the economy and generate economic growth.

I am confident that Hector Barreto will do a solid job at the helm of the SBA. I look forward to working with him to address key concerns about agency programs and operations.

I urge and thank my colleagues for their support of the President's nomination of Hector V. Barreto, Jr., to be Administrator of the Small Business Administration.

Madam President, I now yield 5 minutes or as much time as he should require to the distinguished Senator from Virginia, Mr. ALLEN, a member of our committee, and ask that any remaining time be reserved.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I thank the ranking member of the Small Business Committee, Senator BOND, who cares a great deal about small business issues.

I am pleased to stand with my colleague and for all the people in the Senate today and give my support for the confirmation of Hector V. Barreto, Jr., as Administrator of the Small Business Administration, which is, of course, the top post in that agency.

On July 19, the Committee on Small Business and Entrepreneurship, of which I am a member, unanimously approved Mr. Barreto for the position of Administrator of the Small Business Administration. As a member of the committee, it was my privilege to attend the hearing and cast my vote in support of this fine candidate.

What also was very inspirational was Mr. Hector V. Barreto, Sr., and his story, a gentleman who came up from Mexico, settled in Missouri, and started a business. And then Hector, of course, went on even further.

It really is the American dream of opportunity, of a small business, a man with a dream, his father, and then obviously inculcating in his son that same sort of spirit and hard work and dedication and honesty.

I know that Mr. Barreto, Sr. was very proud of his young son and what everyone was saying about him that day of the committee hearing.

This nomination does come at a particularly crucial time, as the SBA will need the guidance of a strong and qualified leader to ensure that its assistance and development programs are available to small businesses during this time of challenging, slowing economic growth. I believe Mr. Barreto is particularly qualified to develop new and innovative ways for the Small Business Administration to refocus and better target its resources to promote growth and access to capital for small business owners and entrepreneurs and increase opportunities for minorities and women in the small business community.

Madam President, I want to take this opportunity to focus on Mr. Barreto's background and his experiences because what somebody has done in the past is a good indicator of what he or she will do in the future. I believe it will provide him also with a very special insight into the unique challenges facing minority- and women-owned businesses, especially small businesses.

Mr. Barreto, just 3 years out of college, left his home State of Missouri and moved to California to start up a small insurance and financial services company to address the financial needs of southern California's expanding Latino population and the needs of all southern California's minority communities. Once in southern California, Mr. Barreto became involved in the Latin Business Association, serving as the organization's chairman in recent years.

In addition, Mr. Barreto served on the award-winning Los Angeles Minority Business Opportunity Committee and also as vice chairman of the U.S. Hispanic Chamber of Commerce.

As a result of his dedication and outreach, Hector Barreto has received the support of many businesses and business organizations nationwide, including a significant number from California-based organizations and Latino business groups.

It would take far too long to mention all of the groups supporting his nomination, but I want to mention a few. The endorsements have come from widely diverse groups, such as the Hispanic Business Roundtable and the Minority Business Roundtable, the U.S. Chamber of Commerce and the U.S. Hispanic Chamber of Commerce, as well as other Chamber affiliates, such as the Los Angeles Area Chamber, New Jersey Regional Chamber, San Antonio Hispanic Chamber, the Korean American Coalition, and the Hispanic Business Women's Organization.

Given Mr. Barreto's credentials, background, and past experiences, the work he has done to increase economic opportunities for minority communities, the extremely positive and overwhelming bipartisan support afforded him by members of the Small Business Committee, I believe he is exactly the right candidate for this position.

A vote in favor of this nomination is a vote in support of the interests and the needs of small business owners, particularly minority business owners, providing them with the experience, dedication, and leadership that Mr. Barreto will bring to the Small Business Administration and its very important programs.

I thank the Chair and I yield back the remainder of my time.

Mr. KERRY. Madam President. I join with my colleagues in support of the President's nomination of Hector V. Barreto, Jr., to be Administrator of the U.S. Small Business Administration, or SBA.

Mr. Barreto was born and raised in Kansas City, MO. He received a B.S./B.A. degree in management and Spanish, in 1983, from Kansas City's Rockhurst College.

As Administrator of the SBA, it will serve Mr. Barreto well that he comes from the small business community and can appreciate the challenges small business owners face. He founded Barreto Insurance and Financial Services in 1986 and serves as president-owner. The firm provides financial services and business insurance to the Los Angeles area Latino community. He also founded a second business,

TELACU-Barreto Financial Services, which is one of the first Latino-owned securities broker-dealers, specializing in retirement-pension plans.

Mr. Barreto has been active in Latino business affairs. He has served as vice-chair of the U.S. Hispanic Chamber of Commerce, an organization founded by his father, Hector Barreto, Sr. He also has served as chair of the Latin Business Association, Founding Member of the New America Alliance and chair of the Latin Business PAC, and on several corporate boards, including GE Financial Advisory Board, Sempra Energy Advisory Board and the TELACU Industries Board of Directors. Many of these groups have joined more than 90 others in support of Mr. Barreto's nomination.

I am pleased with Mr. Barreto's small business roots and admire his efforts to empower Hispanic Americans to share in our country's economic vitality. I hope he will bring the insights gained from his experiences to his leadership at the SBA.

SBA has played an instrumental role spurring the growth of this country's small businesses. The Agency has helped Americans start, run, and grow their businesses by offering access to credit and capital, procurement guidance, business management education and technical assistance.

I met with Mr. Barreto last week. We had a good discussion about SBA and the many issues and obstacles that small business owners and entrepreneurs must face on a daily basis. I look forward to working together with Mr. Barreto to make the SBA even more effective than it's been.

There is a strong benchmark from which to start. SBA's record has been nothing short of extraordinary, particularly in view of a 22 percent staff level reduction. From 1993 through 2000, SBA provided more services to more small businesses than in the entire previous history of the Agency. Its loan portfolio almost quintupled from $10 billion to nearly $50 billion and its venture capital dollars practically doubled from $10.2 billion to over $19 billion. Moreover, SBA approved more than $19 billion in loans to some 80,000 minority-owned businesses—more than double the amount recorded during the Agency's prior 39 years.

Typically, SBA's assistance is needed most during economic downturns. If the economy continues to cool, as many economists predict it will, Congress and the administration will need to redouble their support for the policies and programs that SBA has used so successfully to stimulate the growth and contributions of America's small businesses.

One of the best opportunities to do so is in the shaping of SBA's budget. The budget with which we were presented this year was inadequate. That is why Senator BOND and I worked together to pass an amendment to restore large, unwise cuts in SBA's fiscal year 2001 budget. As Mr. Barreto assumes a key role in the preparation of SBA's fiscal year 2002 budget, I hope he will work with us and fight hard for a budget that adequately funds important SBA programs.

The administration's commitment to small businesses should start with SBA's new Administrator. Specifically, we will look to Mr. Barreto, for the vision, leadership, and management skills required for SBA to surpass the progress made by the Agency over the last 8 years in supporting and encouraging small business and entrepreneurship.

I urge my colleagues to support Mr. Barreto's nomination.

Mrs. FEINSTEIN. Madam President, I am proud to express my support for Hector Barreto, nominee for Administrator of the Small Business Administration, and a fellow Californian.

Mr. Barreto has been involved with small business concerns from an early age. His father, Hector Barreto, Sr., helped found the U.S. Hispanic Chamber of Commerce. As a young adult, the nominee helped his father manage a family restaurant, an export-import business, and a construction company.

In 1986, Barreto founded a small business of his own: Barreto Insurance and Financial Services.

The entrepreneur designed the firm to address a lack of financial services available to Southern California's rapidly growing Latino population.

Today, the firm generates $3 million in sales a year, and is considered one of the premier insurance and retirement planning firms in Los Angeles.

Barreto also acts as the vice chairman of the board of the Hispanic Chamber of Commerce and until 1997, he was chairman of the board for the Latin Business Association in Los Angeles.

Barreto founded the Latin Business Association Institute, an extension of the Latin Business Association, to provide technical assistance, education, and business development opportunities to Latin Business Association members.

For his dedication and commitment to the Latino Business Community, Barreto was awarded the Gold Medal of honor by the Multicultural Institute of Leadership for his work in promoting diversity and improving race relations.

In addition, he has received special recognition from Congress, the California State Senate and Assembly, the County of Los Angeles, the Mayor's office, the City of Los Angeles, YMCA, and the American Red Cross.

The number of small businesses continues to rise exponentially both in California and across the country. I look forward to working with Mr. Barreto to see that our small businesses flourish. I am pleased to support his nomination.

Ms. CANTWELL. Madam President, I rise in support of the nomination of Hector Baretto to the position of Administrator for the Small Business Administration.

First, I want to take this opportunity to thank the Small Business and Entrepreneurship Committee Chairman KERRY and Ranking Member BOND for working so diligently on issues affecting small businesses. Small businesses, always important to our communities and our economy, have taken new and heightened importance in our changing economy.

The position for which Mr. Baretto has been nominated for, Administrator of the Small Business Administration, has probably never had as much significance as it does in the current economy. Small businesses are now, more than ever, a source of the innovation that is critical to the continued growth of the economy. In my state, one of the largest high-tech companies, Microsoft, was a small business not so long ago. As we have watched our unemployment figures drop now for several years, small businesses have been the largest community contributing to job creation.

In fact, many of the leading high-tech companies in America were small businesses only years ago—or remain small businesses today. But along with the great successes, there are many small businesses with great ideas that have yet to get a foothold in our economy. These companies, many minority- and woman-owned, need the assistance of the Small Business Administration.

I was alarmed when the administration presented its first budget with deep cuts in SBA funding. Fortunately, Senators KERRY and BOND were able to restore much of that money in the Senate Budget Resolution and I would hope that as Administrator, Mr. Baretto would work to forestall any future efforts by others in the administration to impair SBA's ability to fulfill its important mission.

The President's budget requested no money for the SBA's new markets venture capital program and the National Veterans' Business Development Corporation just when it is getting started in its efforts to help veterans, particularly service-disabled veterans, who want to start or expand their businesses and develop a plan to become self-sustaining by fiscal year 2005. The President's budget freezes funding for the Women's Business Centers at $12 million and the Women's Business Council at $750,000. The Council is very helpful to the Congress, monitoring and researching the contribution of women business owners and the obstacles they face, including increasing their access to government contracts loans, and venture capital.

These programs have been extremely valuable to the small business and entrepreneurial communities. I hope that as Administrator, Mr. Baretto will defend these programs and help the administration understand their significance for veterans, women, and minorities. I think expanding and diversifying the pool of small business owners is one of the most significant areas in which the SBA contributes, and an

area in which I believe the Small Business Administration can do more.

I congratulate Mr. Baretto and urge Senators to vote to confirm him as Administrator of the Small Business Administration.

Mrs. CARNAHAN. Madam President, small businesses are the backbone of the American economy. They create two of every three new jobs, produce 39 percent of the gross national product and are responsible for more than half of the Nation's technological innovation.

Our Nation's 20 million small businesses provide dynamic opportunities for all Americans. Therefore, I believe we need a strong administrator to ensure that the SBA functions effectively on behalf of America's small businesses.

Mr. Barreto is a native of Kansas City, MO who has demonstrated a belief in the entrepreneurial spirit of small business owners.

As Chairman of the Board for the Latino Business Association, Mr. Barreto has shown his commitment to providing Latino Americans with business opportunities, education, and technical assistance.

He also serves as the Vice Chairman of the Board of the United States Hispanic Chamber of Commerce. In this capacity, Mr. Barreto is successfully representing the interests of the Hispanic business community by strengthening national economic development programs and increasing business relationships between the corporate sector and Hispanic owned businesses.

I am pleased that the President has put forward a nominee with such a strong record of leadership and commitment to promoting the success of small businesses. I supported Mr. Barreto's nomination in the Senate Committee on Small Business and Entrepreneurship, and I am similarly pleased to support his nomination here on the floor of the United States Senate.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, it is my understanding that we are now in executive session; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Pending before the Senate is the nomination of Hector Barreto; is that right?

The PRESIDING OFFICER. The Barreto nomination is the pending nomination.

VOTE ON THE NOMINATION OF HECTOR V. BARRETO

Mr. REID. We have had no request for a rollcall vote. I ask that we move forward on the vote at this time.

The PRESIDING OFFICER. Is all time yielded back on the nomination?

Mr. REID. On this nomination I don't think there is any time to yield back. If there is, I ask unanimous consent that it be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Shall the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON THE NOMINATION OF WADE HORN

Mr. REID. It is my understanding that now the confirmation of the nomination of Wade Horn would be the next matter before the Senate.

The PRESIDING OFFICER. The Senator is correct. There are 2½ minutes remaining.

Mr. REID. The time of the Senator from Minnesota has been yielded back. I ask unanimous consent that the 2½ minutes controlled by the minority be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

All time is yielded back.

The question is, Shall the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. REID. I move to reconsider the vote.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## ORDER OF BUSINESS

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DASCHLE. Madam President, under a previous order, we had agreed to a vote at 6:30 p.m. I know the memorial service is still underway. We will accommodate Senators who have other plans. I ask that we proceed with the vote. I also note this will be the last vote of the evening.

I have not yet been given a report from our negotiators as to the status of the ongoing discussions with regard to Mexican trucking, but I will file a cloture motion tonight and expect if we are able to resolve these questions, we can vitiate it in the morning. With that, I think we ought to proceed with the vote.

## ILSA EXTENSION ACT OF 2001—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 6:30 p.m. having arrived, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question before the Senate is, Shall the bill, S. 1218, pass? The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER (Mr. MILLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—96

| | | |
|---|---|---|
| Akaka | Domenici | McCain |
| Allard | Dorgan | McConnell |
| Allen | Durbin | Mikulski |
| Baucus | Edwards | Miller |
| Bayh | Ensign | Murkowski |
| Bennett | Enzi | Murray |
| Biden | Feingold | Nelson (FL) |
| Bingaman | Feinstein | Nelson (NE) |
| Bond | Fitzgerald | Nickles |
| Boxer | Frist | Reed |
| Breaux | Graham | Reid |
| Brownback | Gramm | Roberts |
| Bunning | Grassley | Rockefeller |
| Burns | Gregg | Santorum |
| Byrd | Harkin | Sarbanes |
| Campbell | Hatch | Schumer |
| Cantwell | Helms | Sessions |
| Carnahan | Hollings | Shelby |
| Carper | Hutchinson | Smith (NH) |
| Chafee | Hutchison | Smith (OR) |
| Cleland | Inhofe | Snowe |
| Clinton | Jeffords | Specter |
| Cochran | Johnson | Stabenow |
| Collins | Kennedy | Stevens |
| Conrad | Kerry | Thomas |
| Corzine | Kohl | Thompson |
| Craig | Kyl | Thurmond |
| Crapo | Leahy | Torricelli |
| Daschle | Levin | Voinovich |
| Dayton | Lieberman | Warner |
| DeWine | Lincoln | Wellstone |
| Dodd | Lott | Wyden |

NAYS—2

| | |
|---|---|
| Hagel | Lugar |

NOT VOTING—2

| | |
|---|---|
| Inouye | Landrieu |

The bill (S. 1218) was passed, as follows:

S. 1218

*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 ''ILSA Extension Act of 2001''.

**SEC. 2. EXTENSION OF IRAN AND LIBYA SANCTIONS ACT OF 1996.**

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; Public Law 104–172) is amended by striking ''5 years'' and inserting ''10 years''.

**SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO LIBYA.**

(a) IN GENERAL.—Section 5(b)(2) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; 110 Stat. 1543) is amended by striking ''$40,000,000'' each place it appears and inserting ''$20,000,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to investments made on or after June 13, 2001.

**SEC. 4. REVISED DEFINITION OF INVESTMENT.**

Section 14(9) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; 110 Stat. 1549) is amended by adding at the end the following new sentence: ''For purposes of this paragraph, an amendment or other modification that is made, on or after June 13, 2001, to an agreement or contract shall be treated as the entry of an agreement or contract.''.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 1025, the Murray-Shelby substitute amendment.

Patty Murray, Ron Wyden, Patrick Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, James Jeffords, Daniel Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara Mikulski, Tom Daschle, and Richard Shelby.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2299, the Transportation Appropriations Act.

Patty Murray, Ron Wyden, Patrick Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, Robert C. Byrd, James Jeffords, Daniel Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara Mikulski, and Tom Daschle.

Mr. DASCHLE. Mr. President, under the unanimous consent agreement we reached yesterday, the vote on cloture will occur tomorrow. We have been working with our colleagues on both sides of the aisle. I appreciate very much Senator MCCAIN's cooperation in trying to reach a mutually convenient time for the vote. Unfortunately, there are other colleagues who are unable on the Republican side to agree to an earlier time for consideration of the bill, even though it was our hope that we could come to the bill at the normal time of convening tomorrow. But that is impossible.

We will have the cloture vote at 1 o'clock. We will reconvene, as a result of the current circumstances, at 12 noon tomorrow. That will accommodate the need for additional discussion among all of those who are participating in the negotiations with regard to the Mexican trucking issue.

I understand we have made some progress this afternoon. I am hopeful we can continue to talk through the night and tomorrow morning as well.

This will facilitate additional discussion and hopefully perhaps reach some conclusion. If it does, we will vitiate the cloture motions. If it does not, of course, the cloture motion votes will then occur at 1 o'clock tomorrow afternoon.

I thank my colleagues. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent 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 the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period of not to exceed 10 minutes.

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

## ALFONSO E. LENHARDT

Mr. REID. Mr. President, the day before yesterday I met for the first time Alfonso Lenhardt. I met him in the majority leader's office. We were standing there alone after some niceties. I asked him: What is the pin on your lapel? He said: It is a Purple Heart. It is a medal for being injured in combat. He didn't say that, but that is what the Purple Heart stands for.

I mention that because I have a lot of affection for the Senate. I have a lot of affection for this Capitol complex. One of the main reasons I have so much affection is that I worked nights as a Capitol Hill policeman while going through law school. I can remember walking through Statuary Hall, never having had any understanding of who those great men were in the true sense of the word. I had the opportunity of meeting Everett Dirksen. I remember walking on the floor. I was the policeman assigned to the Ohio Clock, as it is called. I was there when this man with long, white hair and a wonderful voice, Senator Everett Dirksen, came by. He was asked to comment on the first hydrogen explosion of a nuclear device by the Soviet Union. I stood there and listened to him.

I have fond memories of not only my congressional experience but also as a young man working as a Capitol policeman. My boss was the Sergeant at Arms. The Sergeant at Arms of the House and the Senate are very important positions.

I mention meeting with General Lenhardt because I think we should understand what a great choice this man is to be the Sergeant at Arms of the U.S. Senate. He is a professional in the true sense of the word. Prior to some preliminary issues, Senator DASCHLE never knew the man. His very fine chief of staff, Pete Rouse, and our very excellent Secretary of the Senate, Jeri Thomson, went through the process and came to Senator DASCHLE with a number of people. This is the person that Senator DASCHLE chose. What a great choice. He is a professional.

One of the jobs he had in the U.S. Army was to be the commanding general of the organization that takes care of national security and law enforcement programs.

In 1997, after more than 31 years of domestic and international experiences in national security and law enforcement, he retired from the U.S. Army. His responsibilities in the military were significant. He is a two-star general. I am told that he could have had a third star, but he decided to retire prior to doing that.

His last position with the Army was as commanding general of the U.S. Army Recruiting Command. There were over 1,800 separate locations of which he was the leader. He managed an Army installation consisting of 130,000 acres of training areas, administrative and logistical facilities, and support operations for over 23,000 civilian employees, military retirees, soldiers, and family members.

He also served as the senior military police officer for all police operations and security matters throughout the Army's worldwide sphere of influence.

So to have him at the Senate, having the responsibility, among other things, for the security of this Capitol complex, says it all. He certainly has had

the experience. This man not only has had an outstanding military career, but he has a bachelor of science degree in criminal justice from the University of Nebraska, a master of arts degree in public administration from Central Michigan University, and a master of science degree in the administration of justice from Wichita State University. He also completed executive programs at Harvard University's Kennedy School of Government and the University of Michigan Executive Business School.

He has been active in public service. This is a man who is outstanding. Those who watch the Senate proceedings on C–SPAN or who visit the Capitol, to see this historic site, may not realize all the work that goes into running the U.S. Capitol. The responsibilities are enormous. Unless something goes wrong, we take them for granted.

Senator DASCHLE has done some very fine things during his 7 years as Democratic leader, and he has done some great things during his short time as majority leader, but I think there is nothing that I have been more impressed with than his selection of General Alfonso Lenhardt as the Sergeant at Arms of the U.S. Senate. I hope everyone in the Senate will have the opportunity to meet this man and to recognize what a fine person Senator DASCHLE has selected.

He is going to be our protocol officer and our chief law enforcement officer. He will also be the administrative manager for most of the Senate's wide-ranging support services. We could not have a better person.

## THE PATIENTS' BILL OF RIGHTS

Mr. DORGAN. Mr. President, the Senate recently passed the Patients' Bill of Rights and we are anxiously awaiting action by the House. The Patient Protection Act, or the Patients' Bill of Rights, is something we have spent a great deal of time on in the Senate.

As Senator DASCHLE indicated, it was one of our top priorities. We had a great deal of difficulty getting it through the Senate. It took us a good number of years to do that, but after 4 or 5 years of debate, we finally got a Patient Protection Act passed by the Senate. We are now waiting for the House to take similar action.

The President says he will veto it. And that is the way the legislative process works. We have to do the best we can to advance public policies that we think strengthen this country. We have done that under the leadership of Senator DASCHLE, with the cooperation of my colleagues on both sides of the aisle. We passed a real Patient Protection Act or a real Patients' Bill of Rights. Let me describe why that is important and what it does.

All of us have had lengthy debates about what is happening to health care in this country, as more and more Americans have been herded into these groups called managed care organizations. They were created, in some cases, for very good reasons, to try to reduce the cost of health care and control and contain the cost of health care.

But in recent years, the for-profit organizations that have become part of the managed care industry have, from time to time, taken actions with respect to patient care that have much more to do with their bottom-line profit than it has to do with patient care.

So we had a debate about a Patient Protection Act that says the following:

One, you ought to be able to know all of your medical options for treatment, not just the cheapest option for medical treatment. That ought to be a fundamental right for patients.

Two, if you have an emergency, you ought to have a right to go to an emergency room. Sound simple? Yes, it is simple. But it is not always the case in this country that with an emergency, you are going to get reimbursement for emergency room treatment by a managed care organization.

Three, you have a right to see a specialist when you need one for your medical condition. Does that sound simple and pretty straightforward? Sure, but it doesn't happen all the time.

You have a right to clinical trials. You have a right to retain, for example, the relationship you have with your oncologist who has been treating you for breast cancer for 7 years. Even if your employer changes health care organizations, you have a right to continue to see the same oncologist who has been treating you for cancer for 7 years.

Those are the kinds of provisions we put in the Patient Protection Act. Let me describe why we did it. We did it because in this country too often patients are discovering that what they believed they were covered for in their medical or health care plan was not in fact covered at all.

I have told the story of the woman who went hiking in the Shenandoahs. She fell off a 50-foot cliff and sustained very serious injuries. She was unconscious. She had multiple broken bones and was in very serious condition. She was brought to an emergency room on a gurney unconscious. She survived after a long convalescence, only to find out that the managed care organization said they would not pay for her emergency room treatment because she had not had prior approval for emergency room care. This is a woman hauled into an emergency room unconscious, told that she should have gotten prior approval for emergency room care.

Does that literally cry out and beg for some kind of legislative attention? Yes, it does. It is just one piece of the Patient Protection Act providing that, if you have an emergency, you have a right to emergency room treatment.

There are so many other examples. For instance, the issue of what is medically necessary. I have held up pictures on the floor of young children born with terribly deformed facial features, being told that the correction of that radically deformed facial feature is not ''medically necessary,'' and therefore the insurance they thought they had with the managed care organization would not cover it.

I have told the story often of my colleague, Senator REID of Nevada and I, holding a hearing in the State of Nevada on this subject, where we heard from a mother of a young boy named Christopher Roe who died at age 16. Christopher had cancer. This young boy fought cancer valiantly but lost his life on his 16th birthday. In the process of fighting cancer, they also had to fight in order to get the treatment he needed. He didn't get it in time. It is an unfair fight to ask a 16-year-old boy to fight cancer and have to fight the insurance company at the same time.

His mother held up a picture of young Christopher, a big colored poster picture, and cried at the end of her testimony as she described her son looking up at her from the bedside asking: Mom, how can they do this to a kid? What he was asking was: How can they do this? How can they not provide the treatment I need to give me a chance to live? That boy died at age 16.

I have told that story. I have told many other stories, including the story of Ethan Bedrick. Ethan had a very difficult birth and was born with very serious problems because the umbilical cord had shut off his oxygen. A doctor had decided, after evaluating him, that he had only a 50-percent chance of being able to walk by age 5 if he got certain rehabilitative services. A 50-percent chance for this little boy to be able to walk by age 5 was ''insignificant,'' and, therefore, the services were denied.

Does it sound bizarre? Does it sound like a system with which we are acquainted? Not to me. This all sounds just Byzantine, that decisions are made about health care on what is medically necessary, what is an emergency, what kind of treatment is available, what kind of treatment is necessary. Some decisions have been made with an eye toward the bottom line of the corporation providing the health care. And that is wrong because human health is not a function of someone's bottom line.

We had a woman who suffered a very serious brain injury. She was still conscious. She was in an ambulance, and she asked the ambulance driver to take her to the furthest hospital. There was one closer. She wanted to go to the one that was a bit further away. This is someone in an ambulance with a brain injury. She survived and later was asked: Why did you not want the ambulance to drop you off at the nearest hospital? She said: Because I understood the reputation of that hospital. It was their bottom line, their profit; I did not want to be presented on a

gurney with a brain injury and be looked at by a doctor who thought in terms of profit and loss. Doctors wouldn't do that, but a health care system determined by profit and loss, how much would this cost? I wanted someone to see me and determine they wanted to fight for my life regardless of cost.

That is what people have been concerned about with respect to managed care. Not all managed care organizations have done this. Some are wonderful. Some have done a great job. Some have not. Some have taken a position that jeopardizes people's health. They have said to people: Here is your option for medical treatment, not giving them all the options that might be available to them, only describing the cheapest option that would be available to be delivered by the health care organization.

Is that fair to people in this health care system? The answer clearly is no.

So we have had a fight in the Senate the last 3, 4, 5 years. We have a managed care organization that is big, strong, well financed, and they very aggressively oppose what we are trying to do. On the other side are doctors, the American Medical Association. They want to practice medicine in the hospital room. They want to practice medicine in the clinic. They don't want to practice medicine only to find out that some young fellow 1,000 miles away, working as a junior accountant for an insurance company, who hasn't yet shaved twice a week, is making decisions about health care that the doctor is going to deliver in the hospital room.

That is not the kind of health care they are dedicated to provide the American people. They didn't study in medical school for the purpose of having somebody 1,000 miles away, who knows very little about health care, tell them how they ought to treat a patient.

So we have a battle between the managed care organization, that has spent a great deal of money, putting ads all over television to try to defeat it, and doctors, patients, and other health groups saying: We need this.

It was long past the time to get this done, and we finally did it. We finally got it done. We got it through the Senate after a number of years. Now it waits in the House for action. We read day after day of reasons that somehow it is not quite getting done. The big industries that have something at stake are making all the efforts they can to try to defeat the legislation. And if we get it through the House of Representatives—and we should; there is no excuse for this Congress not passing this legislation—the President says he will veto it.

He has a right to veto it. I must say, though, what we have enacted in the Senate is almost exactly what they have for law in the State of Texas. I know President Bush vetoed it first when he was Governor of Texas, but later it became law without his signature in Texas. What we are trying to do for the country says essentially the same as exists in the State of Texas with respect to a patients' protection act.

Again, let me say that we have a lot of issues in this country. We sink our teeth into a good number of them throughout the year in the Senate.

This is a critically important issue for us to get done this year. This issue is very important. We have a responsibility to continue applying pressure in this circumstance to the House. I hope the American people will apply pressure to the House and say: Get this done. Do this bill. Bring it up for a vote, pass it, and send it to the President.

The President says he will veto it. I don't know that that is the case. I hope when he looks at this bill, he will understand this is the right bill for the American people. It is the right thing to do.

It is very interesting to me that as we look at all of the challenges we face in this country, we have had some great successes, and almost every step of the way we have had people who have said: Not me, help me out, this won't work. All of us come from towns and have friends who are there sitting around being crabby all day long, those who describe what won't work.

I come from a town of 300 to 400 people. I spent most of my formative years there. Three or four people there were always crabby about things, and they said, ''This won't work,'' or, ''This will never do.'' But the rest of the town was out doing things. They paved our Main Street while others said it could not be done. It got done because the builders and the doers decided to make it happen.

The same is true in the Senate. It doesn't matter what the issue is, it doesn't matter whether it is Social Security, workers rights, minimum wage, we have people in this body who have opposed everything for the first time, and it doesn't matter what it is. Those who progressively want to make changes strengthen this country. It is our burden to say, here are our ideas, here is what we must do to strengthen our country.

We have done that. A Patient Protection Act is just one more step in a series of things that we know must be done to help the American people deal with a health care system that has increasingly moved toward managed care and has increasingly empowered the bigger interests and taken away from the American people and the individuals who need health care the opportunity to fight back. That is what the Patient Protection Act or Patients' Bill of Rights is about.

Now we have passed that legislation. We have had good leadership in the Senate, and in the last couple of months we have passed legislation dealing with that Patients' Bill of Rights and a number of other things that have been welled up for a long while in the Senate. But now it is done. It is up to the House to do the same. I call on the President to join us. I urge the House to pass this bill, and then I urge the President to sign the bill. Let this bill work for the American people.

I know the Senator from Nevada, who attended a hearing with me that I referenced recently, cares a great deal about this issue. I know that at the hearing in the State of Nevada I heard exactly what I had heard at hearings I held in New York, Minnesota, and elsewhere. I held hearings as chairman of the Democratic Policy Committee on this issue. It didn't matter where you were, you would hear the same story; that is, that patients in this country expect the kind of health treatment they were promised by their health care plan, when they get sick and need health care. Too often they discover that that kind of delivery of health care service is not available to them when they need it.

We have, as I indicated, a number of challenges facing us this year. This is but one. I think it is one of the most important challenges. I hope in the not-too-distant future the House of Representatives will take action, as the Senate has already done, and we will see a Patient Protection Act become law in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have said before that the Senator from North Dakota has spent a great deal of time on the Patients' Bill of Rights, developing a foundation so that the legislation could pass. It was Senator EDWARDS' legislation, along with Senators KENNEDY and MCCAIN. But the real foundation for that legislation came as a result of the work that Senator DORGAN did around the country as the chairman of the policy committee, holding hearings all over America. He mentioned Las Vegas. There was a dramatic hearing held in Las Vegas, with people complaining about how they had been mistreated or not treated. Not only did we have patients coming in, we had physicians coming in and telling us how they could not render care that they, in their expertise, training, and experience, indicated needed to be done, and their managed care entity would not let them do it. There are cases where a doctor has been pulled off the case because his recommendations for treatment were not what the HMO or the managed care entity wanted.

I have great respect and admiration for the Senator from North Dakota for helping us lay a foundation so that we could pass successful legislation. All eyes are now upon the House of Representatives, to make sure they pass legislation that is in keeping with what we did over here. They are trying to spin this, saying the legislation in the Senate is all about lawyers.

The legislation that passed in the Senate of the United States had nothing to do with lawyers and everything

to do with patients. Out of a bill that contains 100 percent substance, 2 percent dealt with lawyers and 98 percent dealt with patients.

I look forward to the bill passing in the House. Also, I have such great admiration and respect for Dr. NORWOOD, who has been willing to step beyond the pale. He has been willing to go beyond what most of the time happens in partisan politics. Congressman NORWOOD, a Republican, has said he can't do what his leadership has asked him to do. He believes in a Patients' Bill of Rights, and he has been a leader. I have such great respect for him.

I express my appreciation to the Senator from North Dakota.

## THE DEPARTURE OF ROBERT D. FOREMAN

Mr. HATCH. Mr. President, I would like to take a moment to pay tribute to Robert D. Foreman who has served as a health advisor to me for the past 8 years. Rob came to my staff after distinguished service in the House of Representatives, in the Executive Branch, and in a national trade association.

I suppose that Rob's experience staffing Medicaid and Medicare issues for me, and earlier for our colleagues on the House Interstate and Foreign Commerce Committee, now called the Energy and Commerce Committee, have prepared him well for his new assignment as President George W. Bush's Director of the Office of Legislative Affairs at the Centers for Medicare and Medicaid Services. I am confident that he will be a great asset to Secretary Thompson, Administrator Scully, and the President as they work to preserve and strengthen Medicare, and confront the many challenges facing the Center for Medicare and Medicaid Services, CMS.

Rob is able to grasp complex issues and use his keen sense of humor to bring together parties with differing views on pending legislation. With his research and command of the legislative process, he has helped us make significant contributions during the past eight years on many key pieces of legislation including the defeat of the Health Security Act and enactment of the Children's Health Insurance Program, the Health Insurance Portability and Accountability Act of 1996, the Balanced Budget Act amendments and subsequent revisions, and the Skilled Nursing Facility legislation.

I also have been able to count on Rob to be a powerful advocate for the disabled, and the less fortunate, and to be my liaison with my Disability Advisory Committee in Utah. He also has been a tireless advocate for Native Americans and has enhanced my work on the Committee on Indian Affairs.

For those who have been blessed to work with Rob, they understand that beneath the soft-spoken, dedicated work of this kind man is the caring heart of a true gentleman. He is a man you can genuinely trust, a man of his word, a man of integrity. He seeks not just to do his job, but to do it well. He came to his office each morning not to work, but to serve. His gentle nature is equaled only by his loyalty and work ethic.

I am grateful to Rob for his efforts, for his personal sacrifices, and for the many nights and weekends he spent ensuring that work on these vital issues was complete. I want to publicly thank him for all of his many contributions. I wish him the best as he confronts this new challenge.

## RETIREMENT OF JESS ARAGON

Mr. HARKIN. Mr. President, I rise today to call to your attention the retirement of one of our country's finest public servants. Jess Aragon, the Budget Officer of the Department of Labor's Employment and Training Administration, is leaving after 33 years of Federal service. In his capacity as Budget Officer, he controlled the formulation, justification, and execution of some $10 billion of our taxpayers' funds in a manner that set him apart for his professionalism and courtesy. He has personally assisted the Appropriations Committee time and time again, and has been especially helpful when the chips were down and information was desperately needed to make our bills and reports come together.

A native of Albuquerque, NM, Jess' career began with a four-year stint in the Air Force. Following this, he entered public service with the New Mexico State Employment Security Agency, after which he joined the Department of Labor. He and his wife, Myra, are retiring to San Juan, PR, and I, and the other members and staff of the Appropriations Committee, wish them all the best, and offer a heartfelt thanks for a career devoted to serving the American people.

## 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 December 8, 1994 in Medford, OR. A man who said he thought their lifestyle was ''sick'' killed two prominent lesbian activists, who had been domestic partners for many years.

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.

## RULES OF PROCEDURE OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. JEFFORDS. Mr. President, in accordance with the rule XXVI (2) of the Senate. I ask unanimous consent that the rules of the Committee on Environmental and Public Works, adopted by the committee today, July 25, 2001, be printed in the RECORD.

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

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) Regular Meeting Days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 A.M. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional Meetings: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding Officer:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open Meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) Business Meetings: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) Subcommittee Meetings: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) Continuing Quorum: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) Reporting: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) Hearings: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) Announcements: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) Statements of Witnesses:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) Notice: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) Amendments: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) Modifications: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) Proxy Voting:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) Subsequent Voting: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) Public Announcement:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) Regularly Established Subcommittees: The committee has four subcommittees: Clean Air, Wetlands, and Climate Change: Transportation, Infrastructure, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund, Toxics, Risk and Waste Management.

(b) Membership: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) Environmental Impact Statements: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) Project Approvals:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) Building Prospectuses:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) Naming Public Facilities: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

## HEALTH CARE PROFESSIONALS AS VOLUNTEERS

Mr. WYDEN. Mr. President, when Americans see people in need, their first instinct is to help. It is the kind of attitude that makes our Nation great. But imagine if you had the knowledge and the tools to help someone in need—but weren't permitted to lend a hand.

Health care professionals all across our country are prevented from donating their services in the free clinics that serve those most desperate for medical care, because these practitioners do not have malpractice coverage that will cover their work in volunteer clinics. Today, I urge Secretary Tommy Thompson and his Department of Health and Human Services to finish a job that Congress started 5 years ago and solve this problem once and for all.

For several years now, doctors and dentists in Oregon have been calling me, saying they want to give back to their communities by volunteering in free clinics, but are not allowed to do so. I also have been contacted by an organization—Volunteers in Medicine—that operates free clinics across the country. They know of many health care providers who want to volunteer but cannot.

When Congress passed the Health Insurance Portability and Accountability Act, or HIPAA, in 1996, one small provision was included, aimed at helping health care providers who wanted to volunteer in free clinics but were concerned about malpractice claims. Section 194 of HIPAA would let free clinics

apply to the Secretary of Health and Human Services to have health providers certified and given immunity from malpractice claims.

This small provision could be a big help to the uninsured and those who count on free clinics for health care. The problem is, this provision of HIPAA has been overlooked and regulations for this section—detailing how the legislation should be implemented—were never written.

I am sending a letter to Secretary Thompson calling on him to get those regulations written and published as soon as possible. This should not be difficult. Legislation passed in 1992, which extended the Tort Claims Act coverage to volunteers in community health centers, can serve as a model.

Congress did the right thing in 1996 in recognizing this problem, but we need to finish the job. Two things need to happen now. We need those regulations published, and Congress needs to appropriate funding for the provision.

This will not solve the problems of the more than 40 million Americans without health insurance, but it sure could make a big difference in making care more accessible. It could make a big difference in the lives of the many health professionals who want to give back to their communities.

I again want to urge Secretary Thompson today to get these regulations published as soon as possible. For my part, I intend to stay on the job to assure his Department has funding for this provision.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 24, 2001, the Federal debt stood at $5,724,984,658,043.75, five trillion, seven hundred twenty-four billion, nine hundred eighty-four million, six hundred fifty-eight thousand, forty-three dollars and seventy-five cents.

One year ago, July 24, 2000, the Federal debt stood at $5,668,098,000,000, five trillion, six hundred sixty-eight billion, ninety-eight million.

Five years ago, July 24, 1996, the Federal debt stood at $5,173,226,000,000, five trillion, one hundred seventy-three billion, two hundred twenty-six million.

Ten years ago, July 24, 1991, the Federal debt stood at $3,551,395,000,000, three trillion, five hundred fifty-one billion, three hundred ninety-five million.

Fifteen years ago, July 24, 1986, the Federal debt stood at $2,071,116,000,000, two trillion, seventy-one billion, one hundred sixteen million, which reflects a debt increase of more than $3.5 trillion, $3,653,868,658,043.75, three trillion, six hundred fifty-three billion, eight hundred sixty-eight million, six hundred fifty-eight thousand, forty-three dollars and seventy-five cents during the past 15 years.

# ADDITIONAL STATEMENTS

## TRIBUTE TO COLONEL JEFFREY A. WAITE

• Mr. BOND. Mr. President, it is with great pleasure that I rise today to pay special tribute to an outstanding soldier who has distinguished himself in his service to our Nation. Colonel Jeffrey A. Waite will take off his uniform for the last time this month as he retires from the National Guard on July 31st, 2001, following 32 years of service.

Colonel Waite is a fifth generation Missourian who makes our State proud. He began his career by enlisting in the Missouri Army National Guard in 1969 and continued to excel as he climbed through the ranks to Colonel. He imparted his love of the State and to the military to his son, who is now the sixth generation of Waite's to serve our Nation's military. He is a proud Missourian and American.

Colonel Waite completed his initial training at Ft. Bragg, NC and Aberdeen Proving Ground, MD in the spring of 1970 and was commissioned through the Missouri Military Academy Officer Candidate School as a Second Lieutenant of Field Artillery in 1972. He holds a bachelor of science degree in business administration from Southwest Missouri State College and a master of science in business administration from Boston University. In addition, his military education includes the Ordinance Officer Basic and Advanced courses, U.S. Marine Corps Staff Course, U.S. Army Command and General Staff Course, the Air War College, and the Army War College.

Throughout his career, Colonel Waite has held a variety of positions at nearly every level of the Army National Guard. He entered active duty with the National Guard ''Captains to Europe'' program where he served abroad in Giessen, Germany with the 19th Maintenance Battalion as an Armament Maintenance Officer and Battalion Logistics Officer. Colonel Waite is also to be recognized for his service as Assistant Professor of Military Science, Hofstra University, an important program for developing the soldiers of our future.

Throughout his career, Colonel Waite's level of commitment and service has been recognized and rewarded through numerous decorations and awards. Colonel Waite has demonstrated the utmost patriotism and dedication and has consistently gone above and beyond the call of duty.

Colonel Waite's retirement represents a loss to the both the National Guard Bureau and the Department of Defense. Throughout his career, Colonel Waite made innumerable long-term positive contributions to both the military and our Nation. On behalf of the citizens of Missouri and a grateful Nation, we wish Colonel Jeffrey A. Waite, his wife Lori, and four children all the best for a happy retirement.•

## TRIBUTE TO MOUNTAIN VALLEY MEDICAL CLINIC

• Mr. JEFFORDS. Mr. President, right now in my home state of Vermont, a very special institution, the Mountain Valley Medical Clinic, MVMC, in Londonderry, VT, is celebrating 25 years of service. Rural clinics such as Mountain Valley, play a critical role in delivering health care, especially in States as rural as Vermont.

Twenty-five years ago, it was not unusual for communities such as Londonderry, to receive health care through a single practitioner, who serviced the region. In 1976, as Londonderry's sole practitioner, Dr. Elizabeth Pingree, was retiring, the impending lack of health care in the area became a real concern. A group of involved citizens recognized that people would either be forced to drive great distances to be seen by a physician, or they would go without care. The entire community responded by coming together to create the Mountain Valley Medical Clinic.

The founding fathers, and mothers, of Mountain Valley recognized the rapidly expanding need for improved and broader health care services in the area. With tireless energy, enthusiasm and dedication, these key individuals succeeded in generating widespread support throughout the neighboring communities. They raised funds, developed plans, created a board of volunteers, and opened a state-of-the-art, comprehensive, health care facility to serve area residents and visitors. Additionally, they created an infrastructure that served all citizens regardless of their ability to pay.

Since opening its doors in 1976, more than 300,000 patients have visited this clinic for care. Over the recent decade, more than 11,000 per year have sought medical assistance. Much of the cost of the care has been curtailed by Medicare, Medicaid, or provided without reimbursement. Staying true to its mission, the dedicated staff and volunteer Board of Directors balanced financial losses, each and every year, with the generous support of the community.

As a model rural health care facility, Mountain Valley reminds us that bigger, faster, cheaper, and fancier, do not necessarily translate to better health care. In fact, many part-time residents in this community consider Mountain Valley to be their primary care provider, even though, or perhaps because, they reside in large cities up and down the east coast. I wish other institutions could follow the example of Mountain Valley Health Clinic.

As this noteworthy institution celebrates its 25th anniversary, it remains one of a kind. It is unique among its peers throughout the country for its philosophy and independence, but most of all, because it is the product of so many remarkable people and ideas. It is truly part of the communities it serves. Residents and visitors in the Mountain Valley service area have much to be proud of, and grateful for, with the steadfast medical care given

by the professionals and staff at Mountain Valley Medical Clinic.●

## TRIBUTE TO COMMISSIONER ROBERT W. VARNEY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to an esteemed colleague and dear friend, Robert W. Varney, Commissioner of the New Hampshire Department of Environmental Services, NHDES, on being appointed Regional Administrator for the Environmental Protection Agency, EPA—New England.

Mr. Varney has served the Granite State as Commissioner of NHDES since July of 1989, having been appointed by three Governors, JUDD GREGG, Steve Merrill and Jeanne Shaheen, with the unanimous approval of the Executive Council. Mr. Varney was responsible for the great task of overseeing all of New Hampshire's air, water and waste programs issues. He is recognized nationally as an environmental leader, and has presided over countless prestigious environmental committees and organizations, including President of the Environmental Council of the States, ECOS, the National Organization of State Environmental Commissioners and has served on the National Environmental Justice Advisory Council.

While his national recognition is commendable, Mr. Varney's prowess in the New England region has been demonstrated by his high ranking positions on numerous regional organizations such as the Gulf of Maine Council on the Marine Environment, the Ozone Transport Commission, the New England Governors Conference Environment Committee, and the New England Interstate Water Pollution Control Commission, just to name a few. In June 2000, his efforts to partner with the private sector were recognized when he was presented with the Paul Keough Environmental Award for Government Service by the Environmental Business Council of New England.

As former Chairman and current ranking member of the Senate Committee on Environment and Public Works, and one time Chairman of the Superfund Sub-committee, I have had the pleasure of working quite closely with Mr. Varney on a wide range of issues. On numerous occasions I have depended on his far-reaching environmental expertise to testify before Congress on key issues such as the dangers of the fuel additive MTBE, the current status of superfund cleanup activities and on successful state environmental programs.

With the help of Mr. Varney's leadership, New Hampshire has become, and continues to be, a front-runner in exploring innovative, low-cost technologies while reaping the benefits of developing successful Federal and State relationships. I commend Mr. Varney for his exemplary service to New Hampshire, and look forward to watching the success that will follow him in this next endeavor. New Hampshire, New England and the Nation are truly fortunate to have such a dedicated environmental leader take on the vitally important role of EPA Regional Administrator, and I am certain he will execute this duty with comparable distinction. It is with pleasure that I extend my deepest congratulations and hope for future success.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 10:46 a.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 bills:

S. 468. An act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the ''James C. Corman Federal Building.''

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

S. 1190. An act to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

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At 1:34 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. 2506. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that pursuant to 10 U.S.C. 4355(a), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Military Academy: Mrs. TAUSCHER of California.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2506. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 25, 2001, she had presented to the President of the United States the following enrolled bills:

S. 468. An act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the ''James C. Corman Federal Building.''

S. 1190. An act to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account.

## 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–3055. A communication from the Deputy Administrator of the General Service Administration, transmitting, pursuant to law, a report relative to a Building Project Survey for Jefferson City, MO; to the Committee on Energy and Natural Resources.

EC–3056. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Manufactured Housing Program User Fee Authority; to the Committee on the Budget.

EC–3057. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated July 24, 2001; to the Committees on Appropriations; the Budget; and Foreign Relations.

EC–3058. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of a nomination for the position of Commissioner of Social Security, received on July 23, 2001; to the Committee on Finance.

EC–3059. 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 ''Revision to Rev. Proc. 2001–2'' (Rev. Proc. 2001–41) received on July 23, 2001; to the Committee on Finance.

EC–3060. 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 ''Exxon v. Commissioner'' received on July 24, 2001; to the Committee on Finance.

EC–3061. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a report relative to the Parity of Pay between Active and Reserve Component members of the Armed Forces based on length of time on active duty; to the Committee on Armed Services.

EC–3062. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the current unit cost of a major defense acquisition program that has increased by at least 15 percent; to the Committee on Armed Services.

EC–3063. A communication from the Deputy Secretary of Defense, transmitting, the report of retirements; to the Committee on Armed Services.

EC–3064. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve'' (RIN2900–AK40) received on July 23, 2001; to the Committee on Veterans' Affairs.

EC–3065. A communication from the Director of the Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice: Medical Opinions from the Veterans Health Administration'' (RIN2900–AK52) received on July 23, 2001; to the Committee on Veterans' Affairs.

EC–3066. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on July 23, 2001; to the Committee on Environment and Public Works.

EC–3067. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for Water, received on July 23, 2001; to the Committee on Environment and Public Works.

EC–3068. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator for Prevent, Pesticides, and Toxic Substances, received on July 23, 2001; to the Committee on Environment and Public Works.

EC–3069. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for Enforcement and Compliance Assurance, received on July 23, 2001; to the Committee on Environment and Public Works.

EC–3070. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for International Activities, received on July 23, 2001; to the Committee on Environment and Public Works.

EC–3071. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3072. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list; to the Committee on Governmental Affairs.

EC–3073. A communication from the Acting General Counsel of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, received on July 23, 2001; to the Committee on Governmental Affairs.

EC–3074. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Chairman of the Foreign Claims Settlement Commission, received on July 23, 2001; to the Committee on the Judiciary.

EC–3075. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a vacancy and the designation of service in acting role for the position of Administrator of the Drug Enforcement Administration, received on July 23, 2001; to the Committee on the Judiciary.

EC–3076. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and the designation of acting officer for the position of Administrator of the Drug Enforcement Administration, received on July 23, 2001; to the Committee on the Judiciary.

EC–3077. A communication from the White House Liaison for the Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Office of Elementary and Secondary Education, received on July 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–3078. A communication from the White House Liaison for the Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Office of Legislation and Congressional Affairs, received on July 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–3079. A communication from the White House Liaison for the Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary, received on July 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–3080. A communication from the White House Liaison for the Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Office of Educational Research and Improvement, received on July 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–3081. A communication from the Director of the National Science Foundation, transmitting, a draft of proposed legislation entitled ''National Science Foundation Authorization Act for Fiscal Years 2002 and 2003''; to the Committee on Health, Education, Labor, and Pensions.

EC–3082. A communication from the Chairman of the National Foundation on the Arts and the Humanities, transmitting, pursuant to law, a report relative to the Arts and Artifacts Indemnity Program for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–3083. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the evaluation of driver licensing information programs and assessment of technologies dated July 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3084. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the withdrawal of certification for Indonesia pursuant to the present sea turtle protection program; to the Committee on Commerce, Science, and Transportation.

EC–3085. A communication from the Executive Director of the Amtrak Reform Council, transmitting, a report relative to institutional and management changes; to the Committee on Commerce, Science, and Transportation.

EC–3086. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the West Yakutat District, Gulf of Alaska'' received on July 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3087. A communication from the General Counsel of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Laundering Procedures in (1) the Standard for Flammability of Children's Sleepwear; (2) the Standard for Flammability of Mattresses and Mattress Pads; and (3) the Standard for Flammability of Carpets and Rugs'' (RIN3041–AB69) received on July 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3088. A communication from the General Counsel of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Automatic Residential Garage Door Operator Standard'' (RIN3041–AB86) received on July 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3089. A communication from the Senior Legal Advisor to the Mass Media Bureau Chief, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; West Hurley, Rosendale and Rhinebeck, New York, and North Canaan and Sharon, Connecticut'' (Doc. No. 97–178) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3090. A communication from the Senior Legal Advisor to the Mass Media Bureau Chief, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Wallace, Idaho and Bigfork, Montana'' (Doc. No. 98–159) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3091. A communication from the Senior Legal Advisor to the Mass Media Bureau Chief, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Kingman and Dolan Springs, Arizona'' (Doc. No. 01–63) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3092. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–3093. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Kazakhstan and Russia; to the Committee on Foreign Relations.

EC–3094. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the elimination of the fifteen percent danger pay allowance for Belgrade and Yugoslavia; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 407: A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes (Rept. No. 107–46).

By Mr. HARKIN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1246: An original bill to respond to the continuing economic crisis adversely affecting American agricultural producers.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Dan R. Brouillette, of Louisiana, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## 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. HATCH (for himself, Mr. SCHUMER, and Mr. DEWINE):

S. 1234. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1235. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. HATCH):

S. 1236. A bill to reduce criminal gang activities; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1237. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

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

S. 1238. A bill to promote the engagement of young Americans in the democratic process through civic education in classrooms, in service learning programs, and in student leadership activities, of America's public schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. ENSIGN, and Mr. LUGAR):

S. 1239. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable outpatient prescription drugs; to the Committee on Finance.

By Mr. BENNETT:

S. 1240. A bill to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1241. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. ALLARD):

S. 1242. A bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM (for himself, Mr. MURKOWSKI, Mr. REID, Mr. NELSON of Florida, Mr. INHOFE, Mr. WARNER, and Mr. BURNS):

S. 1243. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. CHAFEE, Ms. COLLINS, Mr. DASCHLE, Mr. BAUCUS, Mr. BREAUX, Mr. TORRICELLI, Mrs. LINCOLN, Mr. GRAHAM, Mr. BINGAMAN, Mr. KERRY, Mrs. CLINTON, and Mr. CORZINE):

S. 1244. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Finance.

By Mr. NICKLES:

S. 1245. A bill for the relief of Renato Rosetti; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 1246. An original bill to respond to the continuing economic crisis adversely affecting American agricultural producers; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. KENNEDY:

S. 1247. A bill to establish a grant program to promote emotional and social development and school readiness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CHAFEE, Mr. REED, Mr. JEFFORDS, Mr. SARBANES, Mr. LEAHY, Mr. WELLSTONE, Mr. DAYTON, Mrs. FEINSTEIN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. KENNEDY, Mr. CORZINE, and Mr. DODD):

S. 1248. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WELLSTONE (for himself, Mrs. MURRAY, Mr. SCHUMER, Mr. DODD, Mr. DAYTON, Mrs. CLINTON, and Mr. INOUYE):

S. 1249. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

## ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the names of the Senator from Florida (Mr. NELSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors 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. 122

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 122, a bill to prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless that State finds clear and convincing evidence of fraud, and for other purposes.

S. 159

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 267

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 486

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 543

At the request of Mr. DEWINE, his name was added as a cosponsor of S.

543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 677

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. ALLEN) 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.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 781

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 824

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 824, a bill to establish an informatics grant program for hospitals and skilled nursing facilities.

S. 838

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 885

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

S. 979

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 979, a bill to amend United States trade laws to address more effectively import crises, and for other purposes.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 994

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 994, a bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1037

At the request of Mrs. HUTCHISON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1040

At the request of Mr. SHELBY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1040, a bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment.

S. 1042

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1087

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1116

At the request of Mr. INOUYE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1116, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

S. 1169

At the request of Mr. FEINGOLD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1200

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1200, a bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor.

S. 1203

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1203, a bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units.

S. 1206

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1206, a bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans

Memorial, and the Vietnam Veterans Memorial.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. SCHUMER, and Mr. DEWINE):

S. 1234. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, the Internet has dramatically changed the lives of the American people. The way in which we work, live, play, and learn has been forever changed. The benefits this new technology has brought to us are truly innumerable. Unfortunately, however, the technology has also created some fearful problems. In particular, the Internet is fast becoming an increasingly popular means by which criminals pursue their nefarious activities.

Perhaps no criminal activity is as nefarious as sex crimes directed at children. And alarmingly, the Internet has proved to be a boon for these sexual predators. Before the Internet, these deranged individuals operated in the open, lurking near parks or schools in an effort to lure children. Now they are able, with almost absolute anonymity and from the security of their homes, to reach our children over the Internet.

The result is frightening. According to State and local law enforcement officials, the Internet has brought an explosion in sexual predator and child pornography activity. Since 1995, the FBI alone has investigated more than 4,900 cases involving persons traveling interstate for the purpose of engaging in illicit sexual relationships with minors and persons involved with the manufacture, dissemination and possession of child pornography.

According to the Bureau, computers have rapidly become one of the most prevalent communications devices with which pedophiles and other sexual predators share sexually explicit photographic images of minors and identify and recruit children for sexually illicit relationships.

This fact is not lost on the public. When asked about cyber-crime, a majority of Americans pointed to child pornography as their biggest concern. The Pew Internet & American Life Report Survey found that 92 percent of Americans are concerned about child pornography. Americans are rightly concerned that the Internet does not become a haven for those who would commit these horrific crimes.

The Anti-Sexual Predator Act of 2001, which I am introducing today, provides much-needed tools to investigators tracking sexual predators and child pornographers. The legislation will be particularly useful to investigators tracking sexual predators.

Although in many cases much of the initial relationship between these sexual predators and their child victims takes place online, the predators will ultimately seek to have personal contact with the child. Thus, the communications will move first to the telephone, and then to face to face meetings. The telephone calls between the perpetrators and the victims therefore represent a dangerous step in the luring of the child. And the more access the sexual predator is allowed to the child victim, the greater the chance that the predator will succeed in convincing the child to continue the ''relationship'' and agree to personal meetings.

As the laws stand today, investigators do not have access to the Federal wiretap statutes to investigate these predators. Absent this authority, law enforcement officers, upon discovery of the on-line relationship, are left to attempt to gain information about the relationship from an often uncooperative or resentful child who believes that he or she is ''in love'' with the perpetrator. Providing wiretap authority not only will aid law enforcement's efforts to obtain evidence of these crimes, it will also help them stop these crimes before the predator makes physical contact with the child.

The Anti-Sexual Predator Act of 2001 will add three predicate offenses to the Federal wiretap statute. This addition will enable law enforcement to intercept wire and oral communications relating to child pornography materials, the coercion and enticement of individuals to travel interstate to engage in sexual activity, the transportation of minors for the purpose of engaging in sexual activity.

To be sure, law enforcement will still need to obtain authority from a court in order to obtain a wiretap, and the court will authorize the wiretap only if the government meets the strict statutory guidelines laid out in Title III. Thus, this legislation does nothing to undermine the legitimate expectations of privacy of law-abiding American citizens.

This legislation fills a gap in our arsenal against child pornographers and sexual predators. I know we all share this goal, and I urge my colleagues to join me in expeditiously acting on this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1234

*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 ''Anti-Sexual Predator Act of 2001''.

**SEC. 2. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.**

(a) CHILD PORNOGRAPHY.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 2252A (relating to material constituting or containing child pornography),'' after ''2252 (sexual exploitation of children),''.

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1274), as paragraph (q);

(2) by striking paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565); and

(3) by inserting after paragraph (o) the following:

''(p) a violation of section 2422 (relating to coercion and enticement) or section 2423 (relating to transportation of minors) of this title, if, in connection with that violation, the sexual activity for which a person may be charged with a criminal offense would constitute a felony offense under chapter 109A or 110 of this title, if that activity took place within the special maritime and territorial jurisdiction of the United States; or''.

By Mr. HATCH:

S. 1235. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

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

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

S. 1235

*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 ''Criminal Law Technical Amendments Act of 2001''.

**SEC. 2. TECHNICAL AMENDMENTS RELATING TO CRIMINAL LAW AND PROCEDURE.**

(a) MISSING AND INCORRECT WORDS.—

(1) CORRECTION OF GARBLED SENTENCE.—Section 510(c) of title 18, United States Code, is amended by striking ''fine of under this title'' and inserting ''fine under this title''.

(2) INSERTION OF MISSING WORDS.—Section 981(d) of title 18, United States Code, is amended by striking ''proceeds from the sale of this section'' and inserting ''proceeds from the sale of such property under this section''.

(3) CORRECTION OF INCORRECT WORD.—Sections 1425 through 1427, 1541 through 1544 and 1546(a) of title 18, United States Code, are each amended by striking ''to facility'' and inserting ''to facilitate''.

(4) CORRECTING ERRONEOUS AMENDATORY LANGUAGE ON EXECUTED AMENDMENT.—Effective on the date of the enactment of Public Law 103–322, section 60003(a)(13) of such public law is amended by striking ''$1,000,000 or imprisonment'' and inserting ''$1,000,000 and imprisonment''.

(5) INSERTION OF MISSING WORD.—Section 3286 of title 18, United States Code, is amended by inserting ''section'' before ''2332b''.

(6) CORRECTION OF REFERENCE TO SHORT TITLE OF LAW.—That section 2332d(a) of title

18, United States Code, which relates to financial transactions is amended by inserting ''of 1979'' after ''Export Administration Act''.

(7) ELIMINATION OF TYPO.—Section 1992(b) of title 18, United States Code, is amended by striking ''term or years'' and inserting ''term of years''.

(8) SPELLING CORRECTION.—Section 2339A(a) of title 18, United States Code, is amended by striking ''or an escape'' and inserting ''of an escape''.

(9) SECTION 3553.—Section 3553(e) of title 18, United States Code, is amended by inserting ''a'' before ''minimum''.

(10) MISSPELLING IN SECTION 205.—Section 205(d)(1)(B) of title 18, United States Code, is amended by striking ''groups's'' and inserting ''group's''.

(11) CONFORMING CHANGE AND INSERTING MISSING WORD IN SECTION 709.—The paragraph in section 709 of title 18, United States Code, that begins with ''A person who'' is amended—

(A) by striking ''A person who'' and inserting ''Whoever''; and

(B) by inserting ''or'' after the semicolon at the end.

(12) ERROR IN LANGUAGE BEING STRICKEN.—Effective on the date of its enactment, section 726(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) is amended—

(A) in subparagraphs (C) and (E), by striking ''section'' the first place it appears; and

(B) in subparagraph (G), by striking ''relating to'' the first place it appears.

(b) MARGINS, PUNCTUATION, AND SIMILAR ERRORS.—

(1) MARGIN ERROR.—Section 1030(c)(2) of title 18, United States Code, is amended so that the margins of subparagraph (B) and each of its clauses, are moved 2 ems to the left.

(2) CORRECTING CAPITALIZATION IN LANGUAGE TO BE STRICKEN.—Effective on the date of its enactment, section 607(g)(2) of the Economic Espionage Act of 1996 is amended by striking ''territory'' and inserting ''Territory''.

(3) CORRECTING PARAGRAPHING.—The material added to section 521(a) of title 18, United States Code, by section 607(q) of the Economic Espionage Act of 1996 is amended to appear as a paragraph indented 2 ems from the left margin.

(4) SUBSECTION PLACEMENT CORRECTION.—Section 1513 of title 18, United States Code, is amended by transferring subsection (d) so that it appears following subsection (c).

(5) INSERTION OF PARENTHETICAL DESCRIPTIONS.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended—

(A) by inserting ''(relating to certain killings in Federal facilities)'' after ''930(c)'';

(B) by inserting ''(relating to wrecking trains)'' after ''1992''; and

(C) by striking ''2332c,''.

(6) CORRECTION TO ALLOW FOR INSERTION OF NEW SUBPARAGRAPH AND CORRECTION OF ERRONEOUS INDENTATION.—Section 1956(c)(7) of title 18, United States Code, is amended—

(A) in subparagraph (B)(ii), by moving the margin 2 ems to the right;

(B) by striking ''or'' at the end of subparagraph (D);

(C) by striking the period at the end of subparagraph (E) and inserting ''; or''; and

(D) in subparagraph (F), by striking ''Any'' and inserting ''any''.

(7) CORRECTION OF CONFUSING SUBDIVISION DESIGNATION.—Section 1716 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph, by inserting ''(j)(1)'' before ''Whoever'';

(B) in the second undesignated paragraph—

(i) by striking ''not more than $10,000'' and inserting ''under this title''; and

(ii) by inserting ''(2)'' at the beginning of that paragraph;

(C) by inserting ''(3)'' at the beginning of the third undesignated paragraph; and

(D) by redesignating subsection (j) as subsection (k).

(8) PUNCTUATION CORRECTION IN SECTION 1091.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ''subsection (a)(1),'' and inserting ''subsection (a)(1)''.

(9) PUNCTUATION CORRECTION IN SECTION 2311.—Section 2311 of title 18, United States Code, is amended by striking the period after ''carcasses thereof'' the second place that term appears and inserting a semicolon.

(10) SYNTAX CORRECTION.—Section 115(b)(2) of title 18, United States Code, is amended by striking '', attempted kidnapping, or conspiracy to kidnap of a person'' and inserting ''or attempted kidnapping of, or a conspiracy to kidnap, a person''.

(11) CORRECTING CAPITALIZATION IN SECTION 982.—Section 982(a)(8) of title 18, United States Code, is amended by striking ''Court'' and inserting ''court''.

(12) PUNCTUATION CORRECTIONS IN SECTION 1029.—Section 1029 of title 18, United States Code, is amended—

(A) in subsection (c)(1)(A)(ii), by striking ''(9),'' and inserting ''(9)''; and

(B) in subsection (e), by adding a semicolon at the end of paragraph (8).

(13) CORRECTIONS OF CONNECTORS AND PUNCTUATION IN SECTION 1030.—Section 1030 of title 18, United States Code, is amended—

(A) by striking ''and'' at the end of subsection (c)(2)(A);

(B) by inserting ''and'' at the end of subsection (c)(2)(B)(iii);

(C) by striking ''; and'' at the end of subsection (c)(3)(B) and inserting a period;

(D) by striking the period at the end of subsection (e)(4)(I) and inserting a semicolon; and

(E) by striking ''and'' at the end of subsection (e)(7).

(14) CORRECTION OF PUNCTUATION IN SECTION 1032.—Section 1032(1) of title 18, United States Code, is amended by striking ''13,'' and inserting ''13''.

(15) CORRECTION OF PUNCTUATION IN SECTION 1345.—Section 1345(a)(1) of title 18, United States Code, is amended—

(A) in subparagraph (B), by striking '', or'' and inserting ''; or''; and

(B) in subparagraph (C), by striking the period and inserting a semicolon.

(16) CORRECTION OF PUNCTUATION IN SECTION 3612.—Section 3612(f)(2)(B) of title 18, United States Code, is amended by striking ''preceding.'' and inserting ''preceding''.

(17) CORRECTION OF INDENTATION IN CONTROLLED SUBSTANCES ACT.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by moving the margin of subparagraph (C) 2 ems to the left.

(c) ELIMINATION OF REDUNDANCIES.—

(1) ELIMINATION OF REDUNDANT PROVISION.—Section 2516(1) of title 18, United States Code, is amended—

(A) by striking the first paragraph (p); and

(B) by inserting ''or'' at the end of paragraph (o).

(2) ELIMINATION OF DUPLICATE AMENDMENTS.—Effective on the date of its enactment, paragraphs (1), (2), and (4) of section 601(b), paragraph (2) of section 601(d), paragraph (2) of section 601(f), paragraphs (1) and (2)(A) of section 601(j), paragraphs (1) and (2) of section 601(k), subsection (d) of section 602, paragraph (4) of section 604(b), subsection (r) of section 605, and paragraph (2) of section 607(j) of the Economic Espionage Act of 1996 are repealed.

(3) ELIMINATION OF EXTRA COMMA.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(A) by striking ''Code,,'' and inserting ''Code,''; and

(B) by striking ''services),,'' and inserting ''services),''.

(4) REPEAL OF SECTION GRANTING DUPLICATIVE AUTHORITY.—

(A) Section 3503 of title 18, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3503.

(5) ELIMINATION OF OUTMODED REFERENCE TO PAROLE.—Section 929(b) of title 18, United States Code, is amended by striking the last sentence.

(d) CORRECTION OF OUTMODED FINE AMOUNTS.—

(1) IN TITLE 18, UNITED STATES CODE.—

(A) IN SECTION 492.—Section 492 of title 18, United States Code, is amended by striking ''not more than $100'' and inserting ''under this title''.

(B) IN SECTION 665.—Section 665(c) of title 18, United States Code, is amended by striking ''a fine of not more than $5,000'' and inserting ''a fine under this title''.

(C) IN SECTIONS 1924, 2075, 2113(b), AND 2236.—

(i) Section 1924(a) of title 18, United States Code, is amended by striking ''not more than $1,000,'' and inserting ''under this title''.

(ii) Sections 2075 and 2113(b) of title 18, United States Code, are each amended by striking ''not more than $1,000'' and inserting ''under this title''.

(iii) Section 2236 of title 18, United States Code, is amended by inserting ''under this title'' after ''warrant, shall be fined'', and by striking ''not more than $1,000''.

(D) IN SECTION 372 AND 752.—Sections 372 and 752(a) of title 18, United States Code, are each amended by striking ''not more than $5,000'' and inserting ''under this title''.

(E) IN SECTION 924(e)(1).—Section 924(e)(1) of title 18, United States Code, is amended by striking ''not more than $25,000'' and inserting ''under this title''.

(2) IN THE CONTROLLED SUBSTANCES ACT.—

(A) IN SECTION 401.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended—

(i) in paragraph (1), by striking ''and shall be fined not more than $10,000'' and inserting ''or fined under title 18, United States Code, or both''; and

(ii) in paragraph (2), by striking ''and shall be fined not more than $20,000'' and inserting ''or fined under title 18, United States Code, or both''.

(B) IN SECTION 402.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended—

(i) in subparagraph (A), by striking ''of not more than $25,000'' and inserting ''under title 18, United States Code''; and

(ii) in subparagraph (B), by striking ''of $50,000'' and inserting ''under title 18, United States Code''.

(C) IN SECTION 403.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(i) by striking ''of not more than $30,000'' each place that term appears and inserting ''under title 18, United States Code''; and

(ii) by striking ''of not more than $60,000'' each place it appears and inserting ''under title 18, United States Code''.

(e) CROSS REFERENCE CORRECTIONS.—

(1) SECTION 3664.—Section 3664(o)(1)(C) of title 18, United States Code, is amended by striking ''section 3664(d)(3)'' and inserting ''subsection (d)(5)''.

(2) CHAPTER 228.—Section 3592(c)(1) of title 18, United States Code, is amended by striking ''section 36'' and inserting ''section 37''.

(3) CORRECTING ERRONEOUS CROSS REFERENCE IN CONTROLLED SUBSTANCES ACT.—

Section 511(a)(10) of the Controlled Substances Act (21 U.S.C. 881(a)(10)) is amended by striking ''1822 of the Mail Order Drug Paraphernalia Control Act'' and inserting ''422''.

(4) CORRECTION TO REFLECT CROSS REFERENCE CHANGE MADE BY OTHER LAW.—Effective on the date of its enactment, section 601(c)(3) of the Economic Espionage Act of 1996 is amended by striking ''247(d)'' and inserting ''247(e)''.

(5) TYPOGRAPHICAL AND TYPEFACE ERROR IN TABLE OF CHAPTERS.—The item relating to chapter 123 in the table of chapters at the beginning of part I of title 18, United States Code, is amended—

(A) by striking ''2271'' and inserting ''2721''; and

(B) so that the item appears in bold face type.

(6) SECTION 4104.—Section 4104(d) of title 18, United States Code, is amended by striking ''section 3653 of this title and rule 32(f) of'' and inserting ''section 3565 of this title and the applicable provisions of''.

(7) ERROR IN AMENDATORY LANGUAGE.—Effective on the date of its enactment, section 583 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (111 Stat. 2436) is amended by striking ''Section 2401'' and inserting ''Section 2441''.

(8) ERROR IN CROSS REFERENCE TO COURT RULES.—The first sentence of section 3593(c) of title 18, United States Code, is amended by striking ''rule 32(c)'' and inserting ''rule 32''.

(9) SECTION 1836.—Section 1836 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''this section'' and inserting ''this chapter''; and

(B) in subsection (b), by striking ''this subsection'' and inserting ''this section''.

(10) CORRECTION OF ERRONEOUS CITE IN CHAPTER 119.—Section 2510(10) of title 18, United States Code, is amended by striking ''shall have'' and all that follows through ''United States Code;'' and inserting ''has the meaning given that term in section 3 of the Communications Act of 1934;''.

(11) ELIMINATION OF OUTMODED CITE IN SECTION 2339A.—Section 2339A(a) of title 18, United States Code, is amended by striking ''2332c,''.

(12) CORRECTION OF REFERENCES IN AMENDATORY LANGUAGE.—Effective the date of its enactment, section 115(a)(8)(B) of Public Law 105–119 is amended—

(A) in clause (i)—

(i) by striking ''at the end of'' and inserting ''following''; and

(ii) by striking ''paragraph'' the second place it appears and inserting ''subsection''; and

(B) in clause (ii), by striking ''subparagraph (A)'' and inserting ''clause (i)''.

(f) TABLES OF SECTIONS CORRECTIONS.—

(1) CONFORMING TABLE OF SECTIONS TO HEADING OF SECTION.—The item relating to section 1837 in the table of sections at the beginning of chapter 90 of title 18, United States Code, is amended by striking ''Conduct'' and inserting ''Applicability to conduct''.

(2) CONFORMING HEADING TO TABLE OF SECTIONS ENTRY.—The heading of section 1920 of title 18, United States Code, is amended by striking ''**employee's**'' and inserting ''**employees'**''.

**SEC. 3. ADDITIONAL TECHNICALS.**

Title 18, United States Code, is amended—

(1) in section 922(t)(1)(C), by striking ''1028(d)(1)'' and inserting ''1028(d)'';

(2) in section 1005—

(A) in the first undesignated paragraph, by striking ''Act,,'' and inserting ''Act,''; and

(B) by inserting ''or'' at the end of the third undesignated paragraph;

(3) in section 1071, by striking ''fine of under this title'' and inserting ''fine under this title'';

(4) in section 1368(a), by inserting ''to'' after ''serious bodily injury'';

(5) in section 1956(c)(7)(B)(ii), by inserting ''or'' at the end thereof;

(6) in section 1956(c)(7)(B)(iii), by inserting a closing parenthesis after ''1978'';

(7) in subsections (b)(1) and (c) of section 2252A, by striking ''paragraphs'' and inserting ''paragraph''; and

(8) in section 2254(a)(3), by striking the comma before the period at the end.

**SEC. 4. REPEAL OF OUTMODED PROVISIONS.**

(a) Section 14 of title 18, United States Code, and the item relating thereto in the table of sections at the beginning of chapter 1 of title 18, United States Code, are repealed.

(b) Section 1261 of such title is amended—

(1) by striking ''(a) The Secretary'' and inserting ''The Secretary''; and

(2) by striking subsection (b).

(c) Section 1821 of such title is amended by striking '', the Canal Zone''.

(d) Section 3183 of such title is amended by striking ''or the Panama Canal Zone,''.

(e) Section 3241 of such title is amended by striking ''United States District Court for the Canal Zone and the''.

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By Mrs. FEINSTEIN (for herself and Mr. HATCH):

S. 1236. A bill to reduce criminal gang activities; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Criminal Gang Abatement Act of 2001, a bill to give law enforcement additional tools to fight the scourge of gang violence.

This legislation builds on and improves the Violent Crime Control and Law Enforcement Act of 1994, the first Federal statute to address directly the problem of criminal gangs.

I am delighted that Senator HATCH joins me in introducing this bill and I thank him for his hard work in helping develop the legislation.

I know that this bill will be familiar to my colleagues. It is similar to legislation that was included in the Juvenile Justice bill in the last Congress.

The Senate passed the Juvenile Justice bill overwhelmingly. Unfortunately, it did not become law. That is why Senator HATCH and I are introducing this gang legislation separately.

Mr. President, I care deeply about solving the problem of gang violence and crime.

I worked extensively on this problem when I was Mayor of San Francisco and have long considered it one of my top priorities.

I am often struck by how vicious gang crimes can be, and how damaging they are to the victims and to the surrounding community.

Let me give you a couple of recent examples from my own home city of San Francisco.

Last year, gang members tried to rob a passerby with an assault weapon from their car. When the victim resisted, the gang shot the victim 17 times. The victim survived but will never walk again.

Only two months before that assault, two rival gangs had a shootout in San Francisco's Mission District. An innocent bystander was caught in the crossfire and shot through both legs.

A brave eyewitness gave law enforcement the name of one shooting suspect, who was then arrested. The gang then tracked down the witness, put a 9 millimeter automatic to his head, and threatened to kill him for cooperating with the police.

I would like to explain how this legislation will help deter and punish such crimes, and why Congress should act quickly to pass it.

First, the bill makes it a separate Federal crime to recruit persons to join a criminal street gang with the intent that the recruit participate in a Federal drug or violent crime.

The penalty is up to 10 years in jail. The offender can also be held responsible for reimbursing the government's costs in housing, maintaining, and treating the minor until the age of 18.

The purpose of this provision is to deter criminal gang recruitment.

Such recruitment has continued to grow and grow every year.

Even while crime has been dropping generally, the number of criminal gangs and gang members has spiraled.

The 1999 Justice Department survey of gangs, the most recent available, found that the number of gang members has increased 8 percent just from 1998.

In fact, the growth of criminal gangs in the country over the last 20 years, has been extraordinary.

Twenty years ago, the gang problem was centered in Los Angeles and Chicago. Today, though, there are gangs in all 50 States and the District of Columbia.

In 1980, there were gangs in 286 jurisdictions. Today, they are in over 1500 jurisdictions.

In 1980, there were about 2000 gangs. Today, there are over 26,000 gangs.

In 1980, there were about 100,000 gang members. Today, there are 840,500 gang members.

Let me read from a Department of Justice publication entitled ''The Growth of Youth Gang Problems in the United States: 1970–1998'' that was just released a few months ago:

Youth gang problems in the United States grew dramatically between the 1970's and 1990's, with the prevalence of gangs reaching unprecedented levels. The growth was manifested by steep increase in the number of cities, counties, and States reporting gang problems. Increases in the number of gang localities were paralleled by increases in the proportions and populations of localities reporting gang problems. There was a shift in regions contains larger numbers of gang cities, with the Old South showing the most dramatic increase. The size of the gang-problem localities also changed, with gang problems spreading to cities, villages, and counties smaller in size than at any time in the past.

And as gangs have increased, so have all forms of youth violence.

That is because youngsters who join gangs are much more likely to commit violent crimes than similarly situated youngsters who are not in gangs.

Research shows, for example, that young people who join gangs are four to six times more likely to engage in criminal behavior when they are gang members than when they are not.

And it is also because gang members are responsible for a large proportion of violent crime. They don't just commit one violent crime but many.

One study found, for example, that gang members, who were 14 percent of sample, reported committing 89 percent of all serious violent offenses in the area.

Enacting this bill would give law enforcement an important tool to deter criminal gang recruitment, thus reducing gang crime.

The bill makes it a separate Federal crime to use a minor to commit a Federal violent crime, and sets penalties for doing so.

The penalty is twice the maximum term that would otherwise be authorized for the offense or, for repeat offenders, three times the maximum penalty.

The bill also increases the minimum penalties for persons using minors to distribute drugs.

Currently, both first-time and repeat offenders can receive a minimum of only a year.

Under the bill, a first-time offender will receive at least 3 years and a repeat-offender will receive at least 5 years.

These provisions are intended to deter gangs from recruiting youngsters to commit crimes.

Gangs recruit minors because they know that children are often not fully aware of the consequences of their actions.

Gangs also know that, if the child is caught, he or she will probably receive lighter punishment than an adult.

Gangs commonly start new recruits as drug lookouts or runners.

Once the youngsters get older, gangs encourage them to engage in more violent activity.

And young recruits often commit violent crimes to gain the gang's respect and improve their status within the gang.

I am very troubled by the fact that many youngsters, some barely in their teens, are lured into gangs by older children and start a life of crime even before they start high school.

One study of eighth graders in 11 cities, found that 9 percent were currently gang members and 17 percent said that they had belonged to a gang at some point in their lives.

According to California law enforcement, the average age of a new gang recruit in Los Angeles is 11, in San Diego 12–15, and in San Francisco 15.

In Alabama, it is 12–14. In Virginia, it is 13. In Ohio, it is 16.

In gangs such as the Latin Kings, babies of gang members are considered gang members from birth.

A South Carolina law enforcement officer told us that he recently looked into the case of one six-year-old child, who was found wearing typical gang attire, holding a gun and beeper, and tattooed with the phrase ''Thug Life.''

I believe that we need to punish gang recruitment of children very severely. This bill would do that.

The bill increases the penalties for gang members who commit drug or violent crimes and who use physical force to tamper with witnesses, victims, or informants.

The bill also generally directs the U.S. Sentencing Commission to increase penalties for criminal street gang members who commit crimes.

There is a strong link between gangs and drugs. By fighting gangs, we can help reduce the supply of illegal drugs in this country.

According to the 1999 Justice Department gang survey, almost half of youth gang members sell drugs to generate profits for the gang.

A survey of California law enforcement by my staff found that gang members in the States' largest cities are involved in 50 to 90 percent of all drug offenses.

This is confirmed by gang members themselves.

For example, in one survey of State prison inmates who were gang members, almost 70 percent said that they had manufactured, imported, or sold drugs as a group.

Worse, the DOJ 1999 gang survey found that about 40 percent of youth gangs are ''drug gangs,'' that is, gangs organized specifically to traffic in drugs.

This is an increase from the 34 percent reported for 1998. The increase was particularly pronounced in rural areas.

There is also a close correlation between gangs and violent crimes.

For example, gangs commit about half of all violent crimes in California's major cities. In some areas of Los Angeles, such as South Central and East Los Angeles, gangs account for 70–80 percent of all violent crimes.

The increased penalties in this legislation will help reduce drug and violent crimes, including threats against witnesses and informants.

Currently, under the Federal gang statute, 18 U.S.C. 521, gang members can only get enhanced penalties for gang crimes that involve drugs or violence.

The penalty is up to an additional 10 years in jail.

This bill allows enhanced penalties for crimes that are often committed by gang members but which may not involve drugs or violence.

These crimes include distributing explosives, kidnapping, extortion, illegal gambling, money laundering, obstruction of justice, and illegally transporting aliens.

The crimes act as ''predicate'' crimes permitting an additional charge of participating in a criminal gang.

The Federal gang statute is sort of similar in design to the criminal RICO statute. That statute permits an additional RICO charge where the defendant, as part of his or her criminal conspiracy, commits two or more predicate acts.

The bill ensures that, for gang offenses, offenders can get a sentence up to 10 years greater than the maximum term they receive for their most serious offense. They can also forfeit property derived from the offense.

The offenses added by the bill are those commonly pursued by gangs.

One study of gangs in various counties, for example, found that: 44–67 percent of gang members reported being involved in auto theft; 34–48 percent in intimidating or assaulting witnesses or victims; and 4–10 percent in kidnapping.

Other studies have found that gang extortion is also common.

Drug gangs commonly use booby traps, that sometimes include explosives, to protect their cultivation or manufacturing sites from law enforcement authorities and the public.

Numerous gangs illegally launder their illicit drug profits.

These include Russian and West African criminal gangs as well as street gangs such as the Bloods, Crips, Gangster Disciples, and Latin Kings.

Alien smuggling and harboring is especially prevalent in San Francisco, Los Angeles, Boston, and New York.

Among the worst offenders is the brutal Fuk Ching gang.

After a police crackdown in New York, law enforcement reports that Fuk Ching began to branch out to Chicago, Maryland, and western Pennsylvania.

The changes made by this legislation should help reduce drug and violent crimes.

The Travel Act allows Federal prosecutors to charge certain interstate crimes such as extortion, bribery, and arson, and for business enterprises involving gambling, liquor, drugs, or prostitution.

This statute was passed in 1961 with Mafia-related criminal activity in mind.

This legislation amends the Travel Act to enable law enforcement to respond more effectively to the growing problem of organized, highly sophisticated, and mobile criminal street gangs.

While the Travel Act currently allows law enforcement to target some activities, such as drug trafficking, the list is not complete.

The list needs to be updated to better reflect interstate crimes often committed today by gang members.

Thus, the bill amends the Travel Act to include crimes such as drive-by shootings, serious assaults, and intimidating witnesses.

In California's largest cities, gang members commit 80–100 percent of all drive-by shootings and around 50 percent of violent crimes.

The numbers are similar for other states as well.

A recent survey in Illinois, for example, found that 50 percent of the jurisdictions in that state face a serious problem of gang drive-by shootings.

The bill also increases the maximum penalty for most violations of the Travel Act from 5 years to 10 and authorizes the death penalty for certain homicides that technically do not qualify as murder.

Defendants who commit violent crimes covered by the act or who try to intimidate or retaliate against witnesses can get 20 years. And, if they kill someone, they can get life imprisonment or the death penalty.

The bill should ensure that prosecutors can use the Travel Act to act against crimes caused by the new Mafia: organized street gangs.

The bill would increase the penalties for using or attempting to use physical force to intimidate witnesses.

The bill would increase the maximum punishment for this crime from 10 years to 20 years.

The bill would also create a crime of threatening to use physical force against a witness.

Such a threat could be punished by up to 10 years.

Violent crimes by gang members often go unpunished because witnesses are afraid that, if they testify, gangs will kill or hurt them or their families.

For example, the Philadelphia deputy district attorney testified before Congress in 1997 that a very high number of the unsolved homicides in Philadelphia were unsolved due to gang intimidation.

One study found that intimidation of victims and witnesses was a major problem for 40–50 percent of prosecutors.

A similar study determined that witness intimidation occurs in at least 75 percent of violent crimes in gang-dominated neighborhoods.

Recently, DOJ estimated that witness intimidation has been growing since 1990 and is now a factor in about two-thirds of violent crimes committed in some gang-dominated neighborhoods.

The bill would help deter and punish victim and witness intimidation by gangs.

The bill amends several criminal statutes to address violent crimes frequently or typically committed by gangs.

Crimes include carjacking, assault, manslaughter, racketeering, murder-for-hire, and fraud against the United States.

These amendments make it easier for prosecutors to prove these crimes by eliminating or modifying the intent requirement for the crimes or by increasing the penalties for violations.

The bill permits the Attorney General to designate high intensity interstate gang activity areas, HIIGAs, and authorizes $100,000,000 for each of 7 years for these task forces.

These provisions are modeled after similar provisions creating high intensity drug trafficking areas, HIDTAs.

HIDTAs are joint efforts of local, State, and Federal law enforcement agencies whose leaders work together to assess regional drug threats, design strategies to combat those threats, and to develop initiatives to implement the strategies.

HIDTAs are based on an equal partnership between different law enforcement agencies.

HIDTAs integrate and synchronize efforts to reduce drug trafficking.

They eliminate unnecessary duplication of effort and maximize resources.

And they improve intelligence and information sharing both within and between regions.

HIDTAs are necessary because drug trafficking tends to be ''headquartered'' in certain areas of the country, from which it spreads to other areas.

Moreover, drug traffickers have been highly organized and developed sophisticated interstate and international operations.

However, both of these points are true for criminal gangs generally.

While criminal street gangs flourish in certain urban areas such as Los Angeles and Chicago, they typically also use these cities as bases to invade more rural locales.

In addition, many gangs have gone from relatively disorganized groups of street toughs to highly disciplined, hierarchical ''corporations,'' often encompassing numerous jurisdictions.

The Gangster Disciples Nation, for example, developed a corporate structure.

They had a chairman of the board, two boards of directors, one for prisons and one for streets, governors, regents, area coordinators, enforcers, and ''shorties,'' youth who staff drug-selling sites and help with drug deals.

From 1987 to 1994, this gang was responsible for killing more than 200 people. Moreover, one-half of their arrests were for drug offenses and only one-third for nonlethal violence.

In 1996, the Gangster Disciples Nation and other Chicago-based gangs were in 110 jurisdictions in 35 States.

Southern California-based gangs are equally well-dispersed.

In 1994, gangs claiming affiliation with the Bloods or Crips, both of whom are based in Southern California, were in 180 jurisdictions in 42 states.

As a result of such dispersal, violent criminal gangs can be found in rural areas.

For example, Washington State law enforcement told us about one gang member that they traced from Compton, California to San Francisco, then to Portland, Seattle, and Billings, Montana, and finally Sioux Falls, South Dakota.

The Justice Department has found that, from the 1970s to the 1990s, the number of small cities or towns, those with populations smaller than 10,000, with gangs increased by between 15 to 39 times.

This is a larger relative increase than for cities with populations larger than 10,000.

In the 1999 National Youth Gang Survey, law enforcement estimated that almost 1 of every 5 of gang members in their area were migrants from another area.

In fact, 83 percent of respondents said that the appearance of gang members in more suburban or rural areas was caused by migration of gangsters from central cities.

Gang members even travel to countries such as Mexico and El Salvador.

The Logan Heights Gang in San Diego, for example, is currently employed by the Arellano-Felix Cartel to help guard drug shipments in Mexico.

The Logan Heights Gang has also been linked to the killing of Cardinal Juan Pasados-Ocampo in Guadalajara in 1993.

As gangs have spread into rural areas and become more interstate and international, it has become more important than ever to ensure coordination between local, state, and federal law enforcement to combat gangs.

The HIDTA program has worked well and provides a good model for the high intensity interstate gang activity area program that this bill creates.

I expect that the high intensity interstate gang activity area program will help reduce the gang problem in the same way that the HIDTA program has helped reduce the drug problem.

The bill also allows serious juvenile drug offenses to be Armed Career Criminal Act predicates.

This provision ensures that career criminals do not escape higher sentences just because their most serious drug offenses occurred when they were a juvenile.

Under this legislation, all armed career criminals will get up to the maximum statutory maximum of 15 years in jail, time which may be not reduced through suspension or probation.

The bill makes the gang statute consistent with the Supreme Court's recent opinion in Apprendi v. United States.

In that decision, the Supreme Court held that any fact that increases the penalty for a crime beyond the statutory maximum must be treated as an element of the offense.

This decision has caused some problems for law enforcement in prosecuting gang crimes.

This is because the Federal gang statute has been treated as a sentence enhancement statute, not a stand-alone criminal offense statute.

Before Apprendi, prosecutors would charge gang members with drug and other crimes.

If they were convicted, they would then ask the court to enhance the gang member's sentence because of his or her membership in a criminal gang.

On many occasions, this sentence enhancement would go beyond the statutory maximum for the underlying offenses.

In light of Apprendi, this bill rewrites federal law to ensure that prosecutors can charge gang members for a separate offense under the federal gang statute.

In doing so, the bill also makes it easier for prosecutors to charge gang members by reducing the membership requirement for a criminal gang from a minimum of five members to a minimum of three members.

The bill authorizes $50,000,000 for 5 years to make grants to prosecutors' officers to combat gang crime and youth violence.

This money will help implement this legislation by ensuring that law enforcement has the money to prosecute gang members.

This is important legislation.

I urge my colleagues to act quickly to pass it.

I would also ask unanimous consent that the text of the bill and an accompanying section-by-section description be printed in the RECORD.

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

S. 1236

*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 ''Criminal Gang Abatement Act of 2001''.

**SEC. 2. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.**

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

**''§ 522. Recruitment of persons to participate in criminal street gang activity**

''(a) PROHIBITED ACTS.—It shall be unlawful for any person to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded, or caused to be or remain a member of such gang participate in an offense described in section 521(c) of this title.

''(b) PENALTIES.—Any person who violates subsection (a) shall—

''(1) be imprisoned not more than 10 years, fined under this title, or both; and

''(2) if the person recruited, solicited, induced, commanded, or caused is a minor, at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the person until the person attains the age of 18 years.

''(c) DEFINITIONS.—In this section:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' has the meaning set forth in section 521 of this title.

''(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following:

''522. Recruitment of persons to participate in criminal street gang activity.''.

**SEC. 3. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.**

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

**''§ 25. Use of minors in crimes of violence**

''(a) PENALTIES.—Whoever, being a person not less than 18 years of age, intentionally uses a minor to commit a crime of violence for which such person may be prosecuted in a court of the United States, or to assist in avoiding detection or apprehension for such an offense, shall—

''(1) be subject to twice the maximum term of imprisonment and twice the maximum fine that would otherwise be authorized for the offense; and

''(2) for the second and any subsequent conviction under this subsection, be subject to three times the maximum term of imprisonment and three times the maximum fine that would otherwise be authorized for the offense.

''(b) DEFINITIONS.—In this section:

''(1) CRIME OF VIOLENCE.—The term 'crime of violence' has the meaning set forth in section 16 of this title.

''(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

''(3) USES.—The term 'uses' means employs, hires, persuades, induces, entices, or coerces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''25. Use of minors in crimes of violence.''.

**SEC. 4. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.**

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by striking ''one year'' and inserting ''5 years''.

**SEC. 5. CRIMINAL STREET GANGS.**

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended to read as follows:

**''§ 521. Criminal street gangs**

''(a) DEFINITIONS.—In this section:

''(1) CONVICTION.—The term 'conviction' includes a finding, under Federal or State law, that a person has committed an act of juvenile delinquency involving an offense described in subsection (c).

''(2) CRIMINAL STREET GANG.—The term 'criminal street gang' means an ongoing group, club, organization, or association of 3 or more persons, whether formal or informal—

''(A) that has as 1 of its primary purposes or activities the commission of 1 or more of the offenses described in subsection (c);

''(B) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and

''(C) the activities of which affect interstate or foreign commerce.

''(3) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) OFFENSE.—

''(1) IN GENERAL.—Whoever during the commission of an offense described in paragraphs (1) through (10) of subsection (c)—

''(A) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

''(B) intends to promote or further the felonious activities of the criminal street gang or maintain or increase the person's position in the gang; and

''(C) has been convicted within the past 5 years of an offense described in subsection (c),

shall be imprisoned for a term that is not more than 10 years greater than the maximum term provided by statute for the most serious offense described in paragraphs (1) through (10) of subsection (c) that the person was found to have committed as a basis for the person's conviction under this section.

''(2) CONSTRUCTION WITH OTHER CONVICTIONS.—A term of imprisonment imposed under this section shall run consecutively with any term imposed upon conviction of another count under the same indictment or information for an offense described in subsection (c).

''(3) FORFEITURE.—A person convicted under this section shall also forfeit to the United States, notwithstanding any provision of State law, all property, whether real or personal, derived directly or indirectly from the offense, all property used to facilitate the offense, and all property traceable thereto. The forfeiture shall be in accordance with the procedures set forth in the Federal Rules of Criminal Procedure and section 413 of the Controlled Substances Act (21 U.S.C. 853).

''(c) PREDICATE OFFENSES.—The offenses described in this subsection are as follows:

''(1) A Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years.

''(2) A Federal felony crime of violence (as defined in section 16 of this title) against the person of another.

''(3) An offense under section 522 of this title.

''(4) An offense under section 844 of this title.

''(5) An offense under section 875 or 876 of this title.

''(6) An offense under section 1084 or 1955 of this title.

''(7) An offense under section 1956 of this title, to the extent that the offense is related to an offense involving a controlled substance.

''(8) An offense under chapter 73 of this title.

''(9) An offense under section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, 1328)).

''(10) A conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (9).

''(11) A State offense that would have been an offense described in paragraphs (1) through (10), if Federal jurisdiction existed.

(b) AMENDMENT OF SPECIAL SENTENCING PROVISION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by striking ''chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title'' and inserting ''section 521 or 522 (criminal street gangs) of this title, in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title,''; and

(2) by inserting ''a criminal street gang or'' before ''an illegal enterprise''.

(c) CONFORMING AMENDMENT RELATING TO ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46 or chapter 96 of this title'' and inserting ''section 521 of this title, under chapter 46 or 96 of this title,''.

**SEC. 6. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.**

(a) TRAVEL ACT AMENDMENTS.—Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''and thereafter performs or attempts to perform'' and inserting ''and thereafter performs, or attempts or conspires to perform'';

(B) by striking ''5 years'' and inserting ''10 years''; and

(C) by inserting '', and may be sentenced to death'' after ''if death results shall be imprisoned for any term of years or for life'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

''(b) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce with intent, by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding, or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter performs, or attempts or conspires to perform, an act described in this subsection shall be fined under this title, imprisoned not more than 20 years, or both, and if death results, shall be imprisoned for any term of years or for life, and may be sentenced to death.''; and

(4) in subsection (c), as so redesignated, by inserting ''assault with a deadly weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), shooting at an occupied dwelling or motor vehicle, intimidation of or retaliation against a witness, victim, juror, or informant,'' after ''extortion, bribery,''.

(b) AMENDMENT TO SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate increase in the offense level for violations of section 1952 of title 18, United States Code, as amended by this section.

**SEC. 7. INCREASED PENALTIES FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.**

(a) IN GENERAL.—Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''as provided in paragraph (2)'' and inserting ''as provided in paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

''(A) influence, delay, or prevent the testimony of any person in an official proceeding;

''(B) cause or induce any person to—

''(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

''(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

''(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

''(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

''(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph (3).''; and

(D) in paragraph (3), as so redesignated—

(i) by striking ''and'' at the end of subparagraph (A); and

(ii) by striking subparagraph (B) and inserting the following:

''(B) in the case of—

''(i) an attempt to murder; or

''(ii) the use, or attempted use, of physical force against any person,

imprisonment for not more than twenty years; and

''(C) in the case of the use of the threat of physical force against any person, imprisonment for not more than ten years.'';

(2) in subsection (b), by striking ''or physical force''; and

(3) by adding at the end the following:

''(j) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

(b) RETALIATING AGAINST A WITNESS.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(e) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

(c) CONFORMING AMENDMENTS.—

(1) WITNESS TAMPERING.—Section 1512 of title 18, United States Code, is amended in subsections (b)(3) and (c)(2) by inserting ''supervised release,'' after ''probation''.

(2) RETALIATION AGAINST A WITNESS.—Section 1513 of title 18, United States Code, is amended in subsections (a)(1)(B) and (b)(2) by inserting ''supervised release,'' after ''probation''.

**SEC. 8. OTHER VIOLENT OFFENSES FREQUENTLY OR TYPICALLY COMMITTED BY GANGS.**

(a) CARJACKING.—Section 2119 of title 18, United States Code, is amended by striking '', with the intent to cause death or serious bodily harm''.

(b) AMENDMENTS RELATING TO VIOLENT CRIME IN AREAS OF EXCLUSIVE FEDERAL JURISDICTION.—

(1) ASSAULT WITHIN MARITIME AND TERRITORIAL JURISDICTION OF UNITED STATES.—Section 113(a)(3) of title 18, United States Code, is amended by striking ''with intent to do bodily harm,''.

(2) MANSLAUGHTER.—Section 1112(b) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''twenty years''.

(3) OFFENSES WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting ''an offense for which the maximum statutory term of imprisonment under section 1363 of this title is greater than five years,'' after ''a felony under chapter 109A,''.

(4) RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting ''or would have been so chargeable except that the act or threat (other than gambling) was committed in Indian country, as defined in section 1151 of this title, or in any other area of exclusive federal jurisdiction'' after ''chargeable under State law''.

(c) AMENDMENTS TO STATUTES PUNISHING VIOLENT CRIMES FOR HIRE OR IN AID OF RACKETEERING.—

(1) MURDER-FOR-HIRE.—Section 1958(a) of title 18, United States Code, is amended by inserting ''or other felony crime of violence against the person'' after ''murder''.

(2) VIOLENT CRIMES IN AID OF RACKETEERING.—Section 1959 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (4)—

(I) by inserting ''specified in paragraphs (1) through (3)'' after ''threatening to commit a crime of violence''; and

(II) by striking ''five'' and inserting ''ten'';

(ii) in paragraph (5), by striking ''ten'' and inserting ''twenty'';

(iii) in paragraph (6), by striking ''three'' and inserting ''ten''; and

(B) in subsection (b)—

(i) by striking ''and'' at the end of paragraph (1);

(ii) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(iii) by adding at the end the following new paragraph (3):

''(3) 'serious bodily injury' has the meaning set forth in section 2119 of this title.''.

(d) CONSPIRACY.—Section 371 of title 18, United States Code, is amended—

(1) by designating the first paragraph as subsection (a);

(2) in subsection (a), as so designated, by striking ''either to commit any offense against the United States, or'';

(3) by striking the second paragraph; and

(4) by adding at the end the following new subsection:

''(b) If two or more persons conspire to commit any offense against the United States, and one or more of such persons do any act to effect the object of the conspiracy, each shall be subject to the same penalties as those prescribed for the most serious offense the commission of which was the object of the conspiracy, except that the penalty of death shall not be imposed.''.

**SEC. 9. SERIOUS JUVENILE DRUG OFFENSES AS PREDICATE FOR ARMED CAREER CRIMINAL STATUS.**

Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting ''or serious drug offense'' after ''violent felony''.

**SEC. 10. SENTENCING GUIDELINES FOR GANG CRIMES, INCLUDING AN INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.**

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to eliminate the policy statement in section 5K2.18 of the guidelines regarding section 521 of title 18, United States Code, and instead provide a base offense level in chapter 2 of the guidelines for offenses described in sections 521 and 522 of title 18, United States Code, that reflects the seriousness of these offenses. Such guidelines shall include an appropriate enhancement (which shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing guidelines) for any offense described in section 521 if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the gang at the time of the offense. Such guidelines shall also include an appropriate enhancement (which shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines) for a person who, in violating such section 522, recruits, solicits, induces, commands, or causes another person residing in another State to be or remain a member of a criminal street gang, or who crosses a State line with intent to violate such section 522.

**SEC. 11. HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.**

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term ''Governor'' means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term ''high intensity interstate gang activity area'' means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term ''State'' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, upon consultation with the Secretary of the Treasury and the Governors of appropriate States, may designate as a high intensity interstate gang activity area a specified area that is located—

(A) within a State; or

(B) in more than 1 State.

(2) ASSISTANCE.—In order to provide Federal assistance to a high intensity interstate gang activity area, the Attorney General may—

(A) facilitate the establishment of a regional task force, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the high intensity interstate gang activity area; and

(B) direct the detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to the high intensity interstate gang activity area.

(3) CRITERIA FOR DESIGNATION.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the extent to which gangs from the area are involved in interstate or international criminal activity;

(B) the extent to which the area is affected by the criminal activity of gang members who—

(i) are located in, or have relocated from, other States; or

(ii) are located in, or have immigrated (legally or illegally) from, foreign countries;

(C) the extent to which the area is affected by the criminal activity of gangs that originated in other States or foreign countries;

(D) the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, as an indication of their determination to respond aggressively to the problem;

(E) the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activities in the area; and

(F) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2002 through 2008, to be used in accordance with paragraph (2).

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 60 percent shall be used to carry out subsection (b)(2); and

(B) 40 percent shall be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) RURAL STATE DEFINED.—In this paragraph, the term ''rural State'' has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

**SEC. 12. AUTHORITY TO MAKE GRANTS TO PROSECUTORS' OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.**

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

''(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

''(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

**''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this subtitle, $50,000,000 for each of fiscal years 2002 through 2006.''.

**SEC. 13. NOTIFICATION AFTER ARREST.**

Section 5033 of title 18, United States Code, is amended by striking ''arresting officer'' each place it appears in the first and second sentences and inserting ''arresting officer or another representative of the Attorney General''.

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CRIMINAL GANG ABATEMENT ACT OF 2001—SECTION-BY-SECTION

SECTION 1

The short title of the bill is the ''Criminal Gang Abatement Act of 2001.''

SECTION 2

Adds section 522 to Chapter 26 of title 18, which prohibits any person from traveling in, or using any facility in, interstate commerce to recruit or retain a person as a member of a criminal street gang with the intent that the recruited or retained individual participate in an offense described in section 521(c) of the title. Section 521(c) offenses are Federal felonies involving controlled substances for which the maximum penalty is not less than five years, a Federal felony crime of violence involving the use or attempted use of physical force, and conspiracies to commit either of these two offenses.

The penalties for violating the section include imprisonment for not more than 10 years, fines, or both. In addition, if the individual who was recruited is a minor, the defendant may be held liable for any costs incurred by the Federal, State, or local government for housing, maintaining, and treating the minor until the age of 18.

The term ''criminal street gang'' is amended in section 5 of this bill.

SECTION 3

Prohibits the intentional use of minors to commit a crime of violence or to assist in avoiding detection or apprehension for such an offense. Any first-time offender shall be subject to twice the maximum term of imprisonment and fine that would otherwise be authorized for the offense. For any second or subsequent conviction under the section, the offender is subject to three times the maximum penalty.

SECTION 4

Amends 21 U.S.C. 861 to increase the minimum penalty to three years for any first-time offender who employs or uses a minor to distribute, receive, or avoid detection of a controlled substance in violation of the title or title III. The minimum punishment for a repeat offender is increased to five years.

SECTION 5

Amends 18 U.S.C. 521 to transform it from a penalty enhancement provision to an offense and, in so doing, also redefines the term ''criminal street gang'' to reduce the membership requirement from ''5 or more persons'' to ''3 or more persons.'' The rewriting of section 521 is in response to *Apprendi* v. *United States*, 530 U.S. 466 (2000), in which the Supreme Court held that any fact that increases the penalty for a crime beyond the statutory maximum, other than for a prior conviction, must be treated as an element of the offense.

The proposed amendment establishes ten predicate offenses in subsection c. Those offenses are: a Federal felony involving a controlled substance for which the maximum penalty is not less than 5 years; a Federal felony crime of violence; an offense under newly created section 522; an offense under section 844, (importation, manufacture, distribution, and storage of explosive materials; an offense under sections 875 or 876, kidnapping and extortion; an offense under section 1084 or 1955, illegal gambling; an offense under section 1956, money laundering, to the extent it relates to an offense involving a controlled substance; an offense under chapter 73 of title 18, obstruction of justice; an offense under section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act, illegal transportation of an alien; and a conspiracy, attempt, or solicitation to commit an offense described above.

Any person who commits one of the predicate offenses while participating in a criminal street gang with the intent of promoting the felonious activities of the gang, and who has been convicted within the past five years of one of the predicate offenses, faces an additional 10-year consecutive sentence for the predicate crime. The bill also provides for the forfeiture of any property derived directly or indirectly from the offense.

The bill also amends 18 U.S.C. 3582(d) to allow the court to include as part of the sentence for any person convicted under section 521 or 522 an order requiring the offender while in prison to not associate or communicate with a specified person upon a showing of probable cause that the association or communication is for the purpose of enabling the offender to be engaged in illegal activity.

SECTION 6

Amends 18 U.S.C. 1952 to increase the maximum penalty for traveling in interstate or foreign commerce or using any facility in interstate or foreign commerce to distribute the proceeds of any unlawful activity or for promoting, managing, establishing, carrying on of any unlawful activity from five years to ten. In addition, the bill authorizes the death penalty for any person convicted of traveling, or using any facility, in foreign or interstate commerce to commit any crime of violence to further an unlawful activity, if that act of violence results in death. Conspiring to violate the section is treated the same as an actual or attempted violation.

The bill amends the section to include new subsection b, which provides that any person who travels in interstate or foreign commerce or uses any facility in interstate or

foreign commerce with the intent to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or who seeks to cause any person to destroy, alter or conceal evidence and thereafter performs, or attempts or conspires to perform, an act described above shall be imprisoned not more than 20 years, fined, or both, and if death results, may be imprisoned for any term of years or for life, or be sentenced to death.

The proposed section also amends redesignated subsection c by amending ''unlawful activity'' to include assault with a deadly weapon, assault resulting in serious bodily injury, shooting at an occupied dwelling or motor vehicle, and intimidation of or retaliation against a witness, victim, juror, or informant.

Finally, the bill directs the United States Sentencing Commission to amend the Federal Sentencing Guidelines to provide an appropriate increase in the offense level for violations of the newly amended section.

SECTION 7

Amends 18 U.S.C. 1512 to increase the penalties for the use of physical force or the threat of physical force with the intent to influence, delay, or prevent the testimony of any person in an official proceeding.

The bill increases the maximum term of imprisonment for the use of physical force against any person in violation of the section from 10 years to 20 years. In the case of the use of the threat of physical force against any person, the individual may be imprisoned for not more than ten years. Identical penalties are assessed for those who conspire to commit any offense under the section.

SECTION 8

This section amends various sections of title 18 to address violent offenses frequently or typically committed by gangs. Most of the amendments either eliminate a mens rea requirement or increase the penalty for a violation.

Subsection a amends 18 U.S.C. 2119 by eliminating the requirement that the offender intend to cause death or serious bodily harm during a carjacking in order to violate the section.

Subsection b amends: 1. 18 U.S.C. 113(a)(3), dealing with assaults within the maritime and territorial jurisdiction of the United States, by striking the requirement that the offender intend to do bodily harm when assaulting a person with a dangerous weapon; 2. 18 U.S.C. 1112(b), dealing with manslaughter within the maritime and territorial jurisdiction of the United States, by increasing the maximum penalty for voluntary manslaughter from ten years to twenty; 3. 18 U.S.C. 1153(a), which deals with offenses committed within Indian country, by including within the list of offenses subject to the same law and penalties as all other persons ''an offense for which the maximum statutory term of imprisonment under section 1363 of this title is greater than five years''; 4. 18 U.S.C. 1961(1)(A) by including within the definition of ''racketeering activity'' the illegal activities specified in the section that ''would have been chargeable'' under State law ''except that the act or threat, other than gambling was committed in Indian country, as defined in section 1151 of this title, or in any other area of exclusive Federal jurisdiction''.

Subsection c amends: 1. 18 U.S.C. 1958(a), dealing with murder-for-hire, by bringing within the scope of the section those who travel, or use any facility, in interstate or foreign commerce with the intent that a felony crime of violence against the person be committed in violation of the laws of any State or the United States. As it currently stands, the section applies only to those who intend that a murder be committed; 2. 18 U.S.C. 1959, which deals with violent crimes in aid of racketeering. The bill increases the penalty for violating various subsections of section 1959. The maximum punishment for threatening to commit a crime of violence is increased from five to ten years; for attempting or conspiring to commit murder or kidnapping is increased from ten to twenty years; and for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury is increased from three to ten years. The amendment also incorporates the definition of ''serious bodily injury'' set forth in section 2119 of the title as the term was previously undefined within the section.

Subsection d amends 18 U.S.C. 371, dealing with conspiracies to commit offenses against or to defraud the United States. The bill strikes the second paragraph of section 371, dealing with conspiracies involving misdemeanors. A second subsection is added that provides that if two or more persons conspire to commit any offense against the United States, and one or more such persons acts on the conspiracy, each shall be subject to the same penalties as those prescribed for the most serious offense that was the object of the conspiracy, except that the penalty of death shall not be imposed.

SECTION 9

Amends the term ''conviction'' in 18 U.S.C. 924(e)(2)(C), part of the Armed Career Criminal Act, to include an act of juvenile delinquency involving serious drug offenses.

SECTION 10

Requires the United States Sentencing Commission to amend the Federal sentencing guidelines to eliminate the policy statement in section 5K2.18 dealing with sentence enhancement for gang crimes. As with the amendment to 18 U.S.C. 521 in section 5 of the bill, the deletion is in response to the recent decision in *Apprendi* v. *New Jersey*, 530 U.S. 466 (2000).

Instead of the to-be-deleted and no longer appropriate policy statement, the proposed amendment directs the Commission to provide a base offense level for offenses described in 18 U.S.C. 521 and 522 that reflects the seriousness of the offenses-including an appropriate enhancement for any offense described in section 521 committed by a member of a criminal street gang in connection with the activities of the gang. The guidelines are also to include an appropriate enhancement for a person who, in violating section 522, recruits, solicits, induces, commands, or causes another person residing in another State to be or remain a member of a criminal street gang, or who crosses a State line with intent to violate section 522.

SECTION 11

Permits the Attorney General to designate an area as a high intensity interstate gang activity area. The Attorney General makes such designation upon consultation with the Secretary of the Treasury and the Governors of the appropriate States. In making such designation, the Attorney General considers the extent to which gangs from the area are involved in interstate or international criminal activity, the extent to which the area is affected by the criminal activity of gang members who are located in, or have relocated from, other States or foreign countries, the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activity in the area, and any other criteria deemed appropriate.

After such designation, the Attorney General may provide assistance to the area by facilitating the establishment of a regional task force, consisting of Federal, State, and local law enforcement, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the area. In addition, the Attorney General may direct the detailing from any Federal department or agency, subject to the approval of the head of that department or agency of personnel to the high intensity interstate gang activity area.

The bill authorizes $100,000,000 for each of fiscal years 2002 through 2008. Sixty percent of the appropriation is to be used to carry out the activities described above. The remainder is to be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in the designated areas. The bill further requires the Attorney General to ensure that not less than 10 percent of the amounts spent each fiscal year are used to assist rural States.

SECTION 12

Amends the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 13862, to permit additional uses for grants made by the Attorney General under the section. The additional uses are: to hire additional prosecutors; to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively; to provide funding to assist prosecutors with funding for technology, equipment, and training; and to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.

The bill authorizes the appropriation of $50,000,000 for each of fiscal years 2002 through 2006 to carry out the subtitle.

SECTION 13

Amends 18 U.S.C. 5033 so that government officials, other than the arresting officer, may advise juveniles of their rights, notify the Attorney General, and notify the juvenile's parents of the juvenile's detainment and rights. This provision clarifies a provision that has been interpreted in an overly literal manner by the Ninth Circuit and is now causing numerous problems for law enforcement in that circuit. *See United States* v. *Juvenile* (RRA–A), 229 F.3d 737, 748 (9th Cir. 2000) (Trott, J., dissenting).

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By Mr. INOUYE:

S. 1237. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, I rise to introduce the Wartime Parity and Justice Act of 2001, the Senate companion bill to H.R. 619. Among other things, the bill provides restitution to Latin Americans of Japanese ancestry who were brought to the United States, then interned in Immigration and Naturalization Service camps during World War II.

Between December, 1941, to February, 1948, more than 2,000 men,

women, and children of Japanese ancestry were relocated from thirteen Latin American countries to the United States. During World War II, the United States had these individuals shipped to the United States to be traded with the Japanese Government for American prisoners of war. Of this number, approximately 800 were traded for American prisoners of war. The remaining individuals were placed in internment camps throughout the United States.

The governments of those thirteen Latin American countries cooperated with the United States because they received millions of dollars in monetary compensation for their assistance. Much like their Japanese American counterparts in the United States, these people were selected merely because of their ethnic origin.

The big difference, however, is that the United States made an effort to redress the wrong committed against the Japanese Americans. The Civil Liberties Act of 1988, signed into law by President Reagan, allowed for monetary compensation of $20,000 and an apology from the United States Government to all Japanese Americans interned in camps throughout the country. More than 120,000 Japanese Americans were placed into these internment camps because they were a ''threat'' to national security. To this day, not one case of sabotage or espionage by Japanese Americans during World War II has been uncovered by the United States Government.

Japanese Latin Americans were not an eligible class under the Civil Liberties Act of 1988 even though they suffered under the same conditions experienced by their Japanese American counterparts.

In 1996, Japanese Latin Americans sued the United States Government in Mochizuki v. the United States of America. Through the settlement of this case, the Japanese Latin Americans were eventually awarded $5,000 each, along with a letter of apology signed by President Clinton. The settlement agreement explicitly allows for further action by Congress to fund Japanese Latin American redress, in light of the fact that Japanese Americans were allowed $20,000 under the Civil Liberties Act of 1988.

My bill will allow us to correct this inequity by offering $20,000 to eligible Japanese Latin Americans. The Japanese Latin Americans who chose to accept their $5,000 award would be offered up to an additional $15,000 each. This bill would also reauthorize the educational mandate in the Act to continue research and education efforts, ensuring the internees' experiences will be remembered, and hopefully, to prevent recurrences.

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

S. 1238. A bill to promote the engagement of young Americans in the democratic process through civic education in classrooms, in service learning programs, and in student leadership activities, of America's public schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I hope that colleagues will support a bill I am introducing today: the Hubert H. Humphrey Civic Education Enhancement Act. Senator DAYTON joins me as an original co-sponsor of this legislation. As a co-sponsor of Senator DODD's electoral reform bill, I look forward to a debate later this year on a strong electoral reform measure that will ensure that all Americans who wish to vote be able to do so easily and without facing acts of intimidation and to do so using equipment that ensures all votes will be counted. However, as we think about reforming the methods through which our democracy is practiced on Election Day, we should focus attention on an issue that arguably presents a challenge to the vibrancy of that democracy that is even more fundamental: the decline of young Americans' engagement in public affairs. Turning the tide on political detachment by young persons through a new commitment to civic education in our public schools is the purpose of the Humphrey Act.

Civic knowledge, civic intellectual skills, civic participation skills, and civic virtue on the part of the American citizenry are all crucial for the vitality of a healthy representative democracy. But, there is growing evidence that many of our younger citizens are lagging in all of the components necessary for their effective engagement in public life as they enter adulthood. Because all these skills and values are vital to effective citizenship, a multifaceted approach to enhancing civic education in our Nation's elementary and secondary schools, expressed in the Humphrey Act, is a true national priority.

There are numerous pieces of evidence for a crisis in civic education that threatens the future vibrancy of our democracy. The most recent nationwide survey of incoming college freshmen conducted by the Higher Education Research Institute at the University of California at Los Angeles reports that only 28.1 percent of the students entering college in the fall of 2000 reported an interest in ''keeping up to date with political affairs.'' This was the lowest level in the 35 year history of the survey. In 1966, 60.3 percent of students reported an interest in political affairs. In addition, the 1998 National Assessment of Educational Progress, NAEP, Civics Assessment revealed startling results in terms of American students' competence in civics at grade levels 4, 8, and 12. At each grade level the percentage of students shown to be ''Below Basic'' outnumbered the percentage in the ''At or above Proficient'' and ''Advanced'' levels combined. Thirty-one percent of fourth-grade students, thirty percent of eighth-graders, and thirty-five percent of high school seniors were ''Below Basic'' in their civics achievement. And, a 1999 study published by the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin showed that the introduction of mandated state assessments in other fields, but typically not in civics, has resulted in a reduction in the amount of class time spent on civics.

Moreover, in the years after leaving high school, young Americans are becoming less engaged in the democratic process. While 50 percent of Americans between the ages of 18 and 25 voted in 1972, only 38 percent of that age group voted in 2000. And, according to a Harvard University survey published in 2000, 85 percent of young people now say that volunteer work is better than political engagement as a way to solve important issues. It is this evidence that links this effort directly to any serious electoral reform effort. Therefore, it is time for a serious national response to all of these troubling indicators on the civic health of those that we are relying upon to be thoughtful, active citizens in the years ahead. The vibrancy of American elections of the future depend upon our revitalizing civic education today.

It is most appropriate that this legislation focused on enhancing civic education would also serve as a memorial to one of the great Minnesotans of the twentieth century, Hubert H. Humphrey. As a political scientist, Mayor of St. Paul, United States Senator and as Vice President of the United States, Hubert H. Humphrey exemplified thoroughly the application of civic knowledge, civic intellectual skills, civic participation skills, and civic virtue in our representative democracy. As a teacher of political science at Macalester College, Hubert Humphrey made the case to students that, to be effective citizens, they must be informed about the political process and be analytical about the issues of their time as they take stances on them. By becoming active in party politics and, eventually, by running for office, Humphrey was a role model of a participant in the democratic experience at the local, State, and national levels. His belief in promoting public service was also shown in his nonstop work, beginning in his first campaign for President in 1960, in envisioning and supporting the Peace Corps program. Finally, Hubert Humphrey stood firm in his principles on so many occasions, exemplifying the civic virtue that is a crucial ingredient of complete citizenship. His moving oratory supporting President Truman's civil rights proposals at the 1948 Democratic National Convention helped to shift his political party and, eventually, the entire nation on one of the fundamental issues of his time. He showed fortitude in speech after speech and vote after vote on the floor of this Senate in expressing his heartfelt duty to support America's neediest citizens. As he put it: ''The moral test of government is how that

government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped.'' There simply is no more worthy person to memorialize in a new significant national commitment to civic education than Hubert H. Humphrey.

Recognizing that there is no single answer to revitalizing civic engagement in young Americans, the Humphrey Act includes five sections, each centered on bettering a different aspect of civic education in the elementary and secondary schools of America. Together, these five components of the Humphrey Act offer a thoughtful step forward in American civic education.

First, in decades past, new and veteran teachers in the field of social studies had high-quality professional development opportunities made available to them through programs funded by the federal government as part of the National Defense Education Act, the Education Professional Development Act, the National Science Foundation, and other programs designed by the Department of Education. In recent years, most of these federally-funded opportunities, particularly helpful for new teachers, have disappeared. Social studies teachers, most of whom are now nearing retirement age, have told me how crucial these programs, generally in the format of summer institutes, were in aiding their ability to excite and inform their students about civics. We need to offer the same opportunities to younger civics teachers and the same benefits of good civics teachers to their students. Therefore, the Humphrey Act authorizes, at $25 million annually, summer Civics Institutes to promote creative curricula and pedagogy. The establishment of a new set of university and college campus-based summer institutes for teachers of all grades focused both on enlarging the teachers' knowledge of specific content as well as helping them to teach civics in exciting ways is a way that the Federal Government can play a role in quickly making a difference in enhancing the civics classroom for America's students.

Next, when high in quality, service learning programs have been shown to increase student efficacy in public affairs and to enhance students' knowledge of how government works and how social change can be brought about. For instance, according to a 1997 study, high school students who participated in service learning programs have been shown to be more engaged in community organizations and to vote than their nonparticipant counterparts 15 years after their service learning experiences. I know that many of my colleagues have heard stories from students and educators engaged in service learning that add depth to this data. I will recount just one description of a recent school-based service learning program in Huntsville, Alabama, coordinated by the St. Paul-based National Youth Leadership Council, that exemplifies the power of service learning as a force in civic education. After the 8th grade students on a field trip to a historic cemetery discovered that it had been ''whites only,'' a second field trip discovered the burial site for the town's African-Americans in the 19th century. That cemetery was found to be in a deplorable state, with vandalized headstones, unmarked graves, and poorly kept records. The students key question: ''What are we going to do about it?'' This led to the creation of the African American History Project and any number of learning experiences emanating out of this service to accurately rehabilitate the cemetery: Math classes platted the unmapped cemetery; history students undertook oral histories; research on those buried in the cemetery took students to the court records and to the pages of a 19th century black newspaper. One of the results of the endeavor was the development of a curriculum on the history of African-Americans in Huntsville for third-graders by the middle-school students with the assistance of their teachers. In this case, service and learning were almost entirely interwoven.

It is crucial, however, to connect service learning experiences to classroom civics curriculum to long-term payoff in terms of promoting students' involvement in public affairs. The Humphrey Act would increase the authorization of funds for the school-based Learn and Serve Program and would authorize Service Learning Institutes dedicated to training/retraining service learning teachers. Raising the authorization level of the school-based Learn and Serve program to $65 million would allow an expansion of a program for which the funding levels have been flat in recent fiscal years and would enhance states and local districts to more sharply link service learning programs to civic knowledge and engagement. Moreover, presently there is little money left for the professional development of new service learning instructors, including mid-career teachers who are interested in being retrained in service learning. Therefore, it is important to develop a summer campus-based Service Learning Institutes program, to parallel the Civics Institutes program. Great strides have been made in the field of service learning in recent years even with a limited federal investment; it is time for this national investment to increase in the interest of the future vitality of our democracy.

Third, we should do more to encourage local schools' innovation in the development of community service programs that explicitly link volunteer activities to social change in their communities. Therefore, the Humphrey Act incorporates provisions of a bill introduced in the House of Representatives by Representative LINDSEY GRAHAM to make spending on community service programs an allowable use of funds for districts under the ''innovative programs'' section of the Elementary and Secondary Education Act. Specifically, it would allow local schools to use federal money to fund community service programs which ''train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage.'' I applaud the philosophy and work of Do Something, an national organization founded in 1993 guided by the principle that young people could change the world if they believed in themselves and had the tools to take action. Using a project-centered approach, Do Something recognizes young people as effective leaders and, in the projects that they have promoted in hundreds of communities linking students and caring educators together, they have helped young persons turn their ideas into action. This section of the Humphrey Act would promote the work of Do Something and other local community service endeavors in schools all over the country.

Next, our Nation's public middle and high schools often miss opportunities to develop and support student governments that are viable voices for students in the operations of those schools. A 1996 study by the National Association of Secondary School Principals showed that fewer than half of high school students believed that their student government ''affects decisions about co-curricular activities.'' Barely one-third expressed confidence in those governments' ability to ''affect decisions about school rules.'' We should also be concerned about the decline in participation in student leadership activities. Between 1972 and 1992, student government participation fell by 20 percent and work on student publications fell by 7 percent. Effective, innovative student government in which the representatives of the students are connected to the decision-making processes in the school do more than simply enhance the experiences of those who are in the elected student leadership positions. It also sends the message to those leaders' constituents that participation in politics and government can truly make a difference in one's daily life. Dynamic student leadership experiences can make a difference in promoting the civic education within America's middle-schools and high schools. Therefore, this bill develops a competitive grants program to provide funding for school districts to use in strengthening student government programs. In a similar manner, student engagement in local or state government activities or on school boards can be crucial in allowing young persons to experience first-hand early in their lives that participation does indeed matter. At present, in some communities, high school students are explicitly involved in the activities of city government and school boards; we should do all we can to make that more common. The grant programs in this

portion of the Humphrey Act, therefore, also may be used to develop innovative programs for student engagement in governmental activities.

Finally, while a variety of civics education enhancement programs have been implemented through Federal Government efforts and at the state and local level, no comprehensive, national research exists on the short- and long-term efficacy of such programs in encouraging civic knowledge and other learning or in promoting civic engagement. This contrasts with the extensive research on the effectiveness of different approaches to the teaching of reading and mathematics that has driven decisions about curricula in those fields. Therefore, the final section of the legislation authorizes the Department of Education's Office of Educational Research and Improvement, OERI, to carry out an extensive five-year research project on the frequency and efficacy of different approaches employed in civic education, with attention given to their effectiveness with different subgroups of students. These include traditional classroom-based civics education, the federally-funded ''We the People . . . the Citizen and the Constitution'' curricular program, experiential learning programs such as the Close Up program, service learning, student government, as well as more innovative programs such as the ''public works'' approach to civic engagement, designed by the Hubert Humphrey Institute of Public Affairs at the University of Minnesota, that involve work on common projects of civic benefit with a focus on bringing together individuals with ideological, cultural, racial, income, and other differences in carrying out the project. So that we make wise curricular and funding decisions in the future we need to know which approaches, and combinations of approaches, to civic education are the most effective in achieving the outcomes we expect.

We should celebrate the efforts of all who have been involved in the civic education of America's students. This bill does not denigrate their efforts. But, because the engagement in public affairs by our young people is so important for the long-term health of our democracy, it is time to take a step forward in establishing a comprehensive new federal commitment to civic education. The Humphrey Civic Education Enhancement Act combines new commitments to the professional development of civics teachers, an increase in funding for school-based service learning and the professional development of service learning teachers, local innovation in community service programs in schools, and an encouragement of a revitalized student involvement in student leadership programs and in local government. I am proud that a broad range of organizations recognize the need for this legislation and have endorsed this bill. These include the National Council of the Social Studies, the State Education Agency K–12 Service-Learning Network, the National Youth Leadership Council, Do Something, the National Community Service Coalition, Earth Force, Youth Service America, the American Youth Policy Forum, the National Association of Secondary School Principals, and the National Association of Student Councils.

Hubert Humphrey said, ''It is not enough to merely defend democracy. To defend it may be to lose it; to extend it is to strengthen it. Democracy is not property; it is an idea.'' Let us extend democracy and, in so doing, create a new generation of civic engagement. I strongly urge my colleagues to memorialize Hubert H. Humphrey and his life of civic engagement with the passage of this legislation.

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By Mr. HAGEL (for himself, Mr. ENSIGN, and Mr. LUGAR):

S. 1239. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable outpatient prescription drugs; to the Committee on Finance.

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

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

S. 1239

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Rx Drug Discount and Security Act of 2001''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Voluntary Medicare Outpatient Prescription Drug Discount and Security Program.
''PART D—VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM
''Sec. 1860. Definitions.
''SUBPART 1—ESTABLISHMENT OF VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM
''Sec. 1860A. Establishment of program.
''Sec. 1860B. Enrollment.
''Sec. 1860C. Providing enrollment and coverage information to beneficiaries.
''Sec. 1860D. Enrollee protections.
''Sec. 1860E. Annual enrollment fee.
''Sec. 1860F. Benefits under the program.
''Sec. 1860G. Selection of entities to provide prescription drug coverage.
''Sec. 1860H. Payments to eligible entities for administering the catastrophic benefit.
''Sec. 1860I. Determination of income levels.
''Sec. 1860J. Appropriations.
''SUBPART 2—ESTABLISHMENT OF THE MEDICARE PRESCRIPTION DRUG AGENCY
''Sec. 1860S. Medicare Prescription Drug Agency.
''Sec. 1860T. Commissioner; Deputy Commissioner; other officers.
''Sec. 1860U. Administrative duties of the Commissioner.
''Sec. 1860V. Medicare Competition and Prescription Drug Advisory Board.''.
Sec. 3. Commissioner as member of the board of trustees of the medicare trust funds.
Sec. 4. Exclusion of part D costs from determination of part B monthly premium.
Sec. 5. Medigap revisions.

**SEC. 2. VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by redesignating part D as part E and by inserting after part C the following new part:

''PART D—VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

''DEFINITIONS

''SEC. 1860. In this part:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Medicare Prescription Drugs appointed under section 1860S(a).

''(2) COVERED OUTPATIENT DRUG.—

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

''(i) a drug that may be dispensed only upon a prescription and that is described in clause (i) or (ii) of subparagraph (A) of section 1927(k)(2); or

''(ii) a biological product or insulin described in subparagraph (B) or (C) of such section.

''(B) EXCLUSIONS.—

''(i) IN GENERAL.—The term 'covered outpatient drug' does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than those restricted under subparagraph (E) of such section (relating to smoking cessation agents).

''(ii) AVOIDANCE OF DUPLICATE COVERAGE.—A drug prescribed for an individual that would otherwise be a covered outpatient drug under this part shall not be considered to be such a drug if payment for the drug is available under part A or B (but such drug shall be so considered if such payment is not available because the eligible beneficiary has exhausted benefits under part A or B), without regard to whether the individual is entitled to benefits under part A or enrolled under part B.

''(3) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual who is—

''(A) eligible for benefits under part A or enrolled under part B; and

''(B) not eligible for prescription drug coverage under a medicaid plan under title XIX.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that the Commissioner determines to be appropriate to provide the benefits under this part, including—

''(A) pharmaceutical benefit management companies;

''(B) wholesale and retail pharmacy delivery systems;

''(C) insurers;

''(D) Medicare+Choice organizations;

''(E) other entities; or

''(F) any combination of the entities described in subparagraphs (A) through (E).

''(5) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''SUBPART 1—ESTABLISHMENT OF VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

''ESTABLISHMENT OF PROGRAM

''SEC. 1860A. (a) PROVISION OF BENEFIT.—The Commissioner shall establish a Medicare Outpatient Prescription Drug Discount and Security Program under which an eligible beneficiary may voluntarily enroll and receive benefits under this part through enrollment with an eligible entity with a contract under this part.

''(b) PROGRAM TO BEGIN IN 2003.—The Commissioner shall establish the program under this part in a manner so that benefits are first provided for months beginning with January 2003.

''(c) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program under this part.

''(d) FINANCING.—The costs of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''ENROLLMENT

''SEC. 1860B. (a) ENROLLMENT UNDER PART D.—

''(1) ESTABLISHMENT OF PROCESS.—

''(A) IN GENERAL.—The Commissioner shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Except as otherwise provided in this subsection, such process shall be similar to the process for enrollment under part B under section 1837.

''(B) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive the benefits under this part.

''(2) ENROLLMENT PERIODS.—

''(A) IN GENERAL.—Except as provided under subparagraph (B) or (C), an eligible beneficiary may not enroll in the program under this part during any period after the beneficiary's initial enrollment period under part B (as determined under section 1837).

''(B) SPECIAL ENROLLMENT PERIOD.—In the case of eligible beneficiaries that have recently lost eligibility for prescription drug coverage under a medicaid plan under title XIX, the Commissioner shall establish a special enrollment period in which such beneficiaries may enroll under this part.

''(C) OPEN ENROLLMENT PERIOD IN 2003 FOR CURRENT BENEFICIARIES.—The Commissioner shall establish a period, which shall begin on the date on which the Commissioner first begins to accept elections for enrollment under this part and shall end on December 31, 2003, during which any eligible beneficiary may—

''(i) enroll under this part; or

''(ii) enroll or re-enroll under this part after having previously declined or terminated such enrollment.

''(3) PERIOD OF COVERAGE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (C), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided under section 1838, as if that section applied to the program under this part.

''(B) ENROLLMENT DURING OPEN AND SPECIAL ENROLLMENT.—Subject to subparagraph (C), an eligible beneficiary who enrolls under the program under this part under subparagraph (B) or (C) of paragraph (2) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

''(C) LIMITATION.—Coverage under this part shall not begin prior to January 1, 2003.

''(4) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B OR ELIGIBILITY FOR MEDICAL ASSISTANCE.—

''(A) IN GENERAL.—In addition to the causes of termination specified in section 1838, the Commissioner shall terminate an individual's coverage under this part if the individual is—

''(i) no longer enrolled in part A or B; or

''(ii) eligible for prescription drug coverage under a medicaid plan under title XIX.

''(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of—

''(i) the termination of coverage under part A or (if later) under part B; or

''(ii) the coverage under title XIX.

''(b) ENROLLMENT WITH ELIGIBLE ENTITY.—

''(1) PROCESS.—

''(A) IN GENERAL.—The Commissioner shall establish a process through which an eligible beneficiary who is enrolled under this part shall make an annual election to enroll with any eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

''(B) RULES.—In establishing the process under subparagraph (A), the Commissioner shall use rules similar to the rules for enrollment and disenrollment with a Medicare+Choice plan under section 1851 (including the special election periods under subsection (e)(4) of such section).

''(2) MEDICARE+CHOICE ENROLLEES.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization must enroll with an eligible entity in order to receive benefits under this part. The beneficiary may elect to receive such benefits from the Medicare+Choice organization in which the beneficiary is enrolled if the organization has been awarded a contract under this part.

''(3) COMPETITION.—Eligible entities with a contract under this part shall compete for beneficiaries on the basis of discounts, formularies, pharmacy networks, and other services provided for under the contract.

''(c) ENROLLMENT PERIOD FOR BENEFITS IN 2003.—The processes developed under subsections (a) and (b) shall ensure that eligible beneficiaries are permitted to enroll under this part and with an eligible entity prior to January 1, 2003, in order to ensure that coverage under this part is effective as of such date.

''PROVIDING ENROLLMENT AND COVERAGE INFORMATION TO BENEFICIARIES

''SEC. 1860C. (a) ACTIVITIES.—The Commissioner shall provide for activities under this part to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding enrollment under this part and the prescription drug coverage made available by eligible entities with a contract under this part.

''(b) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—To the extent practicable, the activities described in subsection (a) shall ensure that eligible beneficiaries are provided with such information at least 60 days prior to the first enrollment period described in section 1860B(c).

''ENROLLEE PROTECTIONS

''SEC. 1860D. (a) GUARANTEED ISSUE AND NONDISCRIMINATION.—

''(1) GUARANTEED ISSUE.—

''(A) IN GENERAL.—An eligible beneficiary who is eligible to enroll with an eligible entity under section 1860B(b) for prescription drug coverage under this part at a time during which elections are accepted under this part with respect to the coverage shall not be denied enrollment based on any health status-related factor (described in section 2702(a)(1) of the Public Health Service Act) or any other factor.

''(B) MEDICARE+CHOICE LIMITATIONS PERMITTED.—The provisions of paragraphs (2) and (3) (other than subparagraph (C)(i), relating to default enrollment) of section 1851(g) (relating to priority and limitation on termination of election) shall apply to eligible entities under this subsection.

''(2) NONDISCRIMINATION.—An eligible entity offering prescription drug coverage under this part shall not establish a service area in a manner that would discriminate based on health or economic status of potential enrollees.

''(b) DISSEMINATION OF INFORMATION.—

''(1) GENERAL INFORMATION.—An eligible entity with a contract under this part shall disclose, in a clear, accurate, and standardized form to each eligible beneficiary enrolled for prescription drug coverage with such entity under this part at the time of enrollment and at least annually thereafter, the information described in section 1852(c)(1) relating to such prescription drug coverage. Such information includes the following:

''(A) Access to covered outpatient drugs, including access through pharmacy networks.

''(B) How any formulary used by the eligible entity functions.

''(C) Grievance and appeals procedures.

''(2) DISCLOSURE UPON REQUEST OF GENERAL COVERAGE, UTILIZATION, AND GRIEVANCE INFORMATION.—Upon request of an eligible beneficiary, the eligible entity shall provide the information described in section 1852(c)(2) (other than subparagraph (D)) to such beneficiary.

''(3) RESPONSE TO BENEFICIARY QUESTIONS.—Each eligible entity offering prescription drug coverage under this part shall have a mechanism for providing specific information to enrollees upon request. The entity shall make available, through an Internet website and in writing upon request, information on specific changes in its formulary.

''(c) ACCESS TO COVERED BENEFITS.—

''(1) ENSURING PHARMACY ACCESS.—

''(A) IN GENERAL.—Each eligible entity with a contract under this part shall permit any pharmacy located in the area covered by such contract to participate in the pharmacy network of the eligible entity if the pharmacy agrees to accept such operating terms as the eligible entity may specify, including any fee schedule, requirements relating to covered expenses, and quality standards relating to the provision of prescription drug coverage.

''(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring a pharmacy to participate in a pharmacy network of an eligible entity with a contract under this part to participate in any other coverage program of the eligible entity.

''(2) ACCESS TO NEGOTIATED PRICES FOR PRESCRIPTION DRUGS.—For requirements relating to the access of an eligible beneficiary to negotiated prices (including applicable discounts), see section 1860F(a).

''(3) REQUIREMENTS ON DEVELOPMENT AND APPLICATION OF FORMULARIES.—Insofar as an eligible entity with a contract under this part uses a formulary, the following requirements must be met:

''(A) FORMULARY COMMITTEE.—The eligible entity must establish a pharmaceutical and therapeutic committee that develops the formulary. Such committee shall include at least 1 physician and at least 1 pharmacist.

''(B) INCLUSION OF DRUGS IN ALL THERAPEUTIC CATEGORIES.—The formulary must include drugs within all therapeutic categories and classes of covered outpatient drugs (although not necessarily for all drugs within such categories and classes).

''(C) APPEALS AND EXCEPTIONS TO APPLICATION.—The entity must have, as part of the appeals process under subsection (f)(2), a process for appeals for denials of coverage based on such application of the formulary.

''(d) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE; MEDICATION THERAPY MANAGEMENT PROGRAM.—

''(1) IN GENERAL.—For purposes of providing access to negotiated benefits under section 1860F(a) and the catastrophic benefit described in section 1860F(b), the eligible entity shall have in place—

''(A) an effective cost and drug utilization management program, including appropriate incentives to use generic drugs, when appropriate;

''(B) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in paragraph (2); and

''(C) a program to control fraud, abuse, and waste.

''(2) MEDICATION THERAPY MANAGEMENT PROGRAM.—

''(A) IN GENERAL.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration provided by a community-based pharmacy that is designed to ensure that prescription drugs made available under this part are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

''(B) ELEMENTS.—Such program shall include—

''(i) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means; and

''(ii) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means.

''(C) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

''(D) CONSIDERATIONS IN PHARMACY FEES.—An eligible entity with a contract under this part shall establish fees for pharmacists, pharmacies, and others providing services under the medication therapy management program that take into account the resources and time used in implementing the program.

''(3) TREATMENT OF ACCREDITATION.—Section 1852(e)(4) (relating to treatment of accreditation) shall apply to prescription drug coverage provided under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(e)(4)(B):

''(A) Subsection (c)(1) (relating to access to covered benefits).

''(B) Subsection (g) (relating to confidentiality and accuracy of enrollee records).

''(e) GRIEVANCE MECHANISM.—Each eligible entity shall provide meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the eligible entity provides covered benefits) and eligible beneficiaries enrolled with the entity under this part in accordance with section 1852(f).

''(f) COVERAGE DETERMINATIONS, RECONSIDERATIONS, AND APPEALS.—

''(1) IN GENERAL.—An eligible entity shall meet the requirements of section 1852(g) with respect to covered benefits under the prescription drug coverage it offers under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

''(2) APPEALS OF FORMULARY DETERMINATIONS.—Under the appeals process under paragraph (1) an individual who is enrolled with an eligible entity with a contract under this part for prescription drug coverage may appeal any denial of coverage of a prescription drug to obtain coverage for a medically necessary covered outpatient drug that is not on the formulary of the eligible entity (established under subsection (c)) if the prescribing physician determines that the therapeutically similar drug that is on the formulary is not effective for the enrollee or has significant adverse effects for the enrollee.

''(g) CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.—An eligible entity shall meet the requirements of section 1852(h) with respect to enrollees under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to enrollees under part C.

''ANNUAL ENROLLMENT FEE

''SEC. 1860E. (a) AMOUNT.—

''(1) IN GENERAL.—Except as provided in subsection (c), enrollment under the program under this part is conditioned upon payment of an annual enrollment fee of $25.

''(2) ANNUAL PERCENTAGE INCREASE.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2003, the dollar amount in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount; multiplied by

''(ii) the inflation adjustment.

''(B) INFLATION ADJUSTMENT.—For purposes of subparagraph (A)(ii), the inflation adjustment for any calendar year is the percentage (if any) by which—

''(i) the average per capita aggregate expenditures for covered outpatient drugs in the United States for medicare beneficiaries, as determined by the Commissioner for the 12-month period ending in July of the previous year; exceeds

''(ii) such aggregate expenditures for the 12-month period ending with July 2003.

''(C) ROUNDING.—If any increase determined under clause (ii) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

''(b) COLLECTION OF ANNUAL ENROLLMENT FEE.—

''(1) IN GENERAL.—Unless the eligible beneficiary makes an election under paragraph (2), the annual enrollment fee described in subsection (a) shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined under section 1839 is collected and credited to such Trust Fund under section 1840.

''(2) DIRECT PAYMENT.—An eligible beneficiary may elect to pay the annual enrollment fee directly or in any other manner approved by the Commissioner. The Commissioner shall establish procedures for making such an election.

''(c) WAIVER.—The Commissioner shall waive the enrollment fee described in subsection (a) in the case of an eligible beneficiary whose income is below 200 percent of the poverty line.

''BENEFITS UNDER THE PROGRAM

''SEC. 1860F. (a) ACCESS TO NEGOTIATED PRICES.—

''(1) NEGOTIATED PRICES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each eligible entity with a contract under this part shall provide each eligible beneficiary enrolled with the entity with access to negotiated prices (including applicable discounts) for such prescription drugs as the eligible entity determines appropriate. If such a beneficiary becomes eligible for the catastrophic benefit under subsection (b), the negotiated prices (including applicable discounts) shall continue to be available to the beneficiary for those prescription drugs for which payment may not be made under section 1860H(b). For purposes of this subparagraph, the term 'prescription drugs' is not limited to covered outpatient drugs, but does not include any over-the-counter drug that is not a covered outpatient drug.

''(B) LIMITATIONS.—

''(i) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the negotiated prices (including applicable discounts) for prescription drugs shall only be available for drugs included in such formulary.

''(ii) AVOIDANCE OF DUPLICATE COVERAGE.—The negotiated prices (including applicable discounts) for prescription drugs shall not be available for any drug prescribed for an eligible beneficiary if payment for the drug is available under part A or B (but such negotiated prices shall be available if payment under part A or B is not available because the beneficiary has not met the deductible or has exhausted benefits under part A or B).

''(2) DISCOUNT CARD.—The Commissioner shall develop a uniform standard card format to be issued by each eligible entity that may be used by an enrolled beneficiary to ensure the access of such beneficiary to negotiated prices under paragraph (1).

''(3) ENSURING DISCOUNTS IN ALL AREAS.—The Commissioner shall develop procedures that ensure that each eligible beneficiary that resides in an area where no eligible entity has been awarded a contract under this part is provided with access to negotiated prices for prescription drugs (including applicable discounts).

''(b) CATASTROPHIC BENEFIT.—

''(1) IN GENERAL.—Subject to paragraph (4) (relating to eligibility for the catastrophic benefit) and any formulary used by the eligible entity with which the eligible beneficiary is enrolled, the catastrophic benefit shall be administered as follows:

''(A) BENEFICIARIES WITH ANNUAL INCOMES BELOW 200 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose modified adjusted gross income (as defined in paragraph (4)(E)) is below 200 percent of the poverty line, the beneficiary shall not be responsible for making a payment for a covered outpatient drug provided to the beneficiary in a year to the extent that the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary for covered outpatient drugs previously provided in the year, exceed $1,200.

''(B) BENEFICIARIES WITH ANNUAL INCOMES BETWEEN 200 AND 400 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose modified adjusted gross income (as so defined) exceeds 200 percent, but does not exceed 400 percent, of the poverty line, the beneficiary shall not be responsible for making a payment for a covered outpatient drug provided to the beneficiary in a year to the extent that the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary for covered outpatient drugs previously provided in the year, exceed $2,500.

''(C) BENEFICIARIES WITH ANNUAL INCOMES ABOVE 400 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose modified adjusted gross income (as so defined) exceeds 400 percent of the poverty line, the beneficiary shall not be responsible for making a payment for a covered outpatient drug provided to the beneficiary in a year to the extent that the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary

for covered outpatient drugs previously provided in the year, exceed $5,000.

''(2) ANNUAL PERCENTAGE INCREASE.—

''(A) IN GENERAL.—In the case of any calendar year after 2003, the dollar amounts in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount; multiplied by

''(ii) the inflation adjustment determined under section 1860E(a)(2)(B) for such calendar year.

''(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

''(3) ELIGIBLE ENTITY NOT AT RISK FOR CATASTROPHIC BENEFIT.—

''(A) IN GENERAL.—The Commissioner, and not the eligible entity, shall be at risk for the provision of the catastrophic benefit under this subsection.

''(B) PROVISIONS RELATING TO PAYMENTS TO ELIGIBLE ENTITIES.—For provisions relating to payments to eligible entities for administering the catastrophic benefit under this subsection, see section 1860H.

''(4) CATASTROPHIC BENEFIT NOT AVAILABLE TO CERTAIN HIGH INCOME INDIVIDUALS.—

''(A) IN GENERAL.—An eligible beneficiary enrolled under this part whose modified adjusted gross income for a taxable year exceeds 600 percent of the poverty line shall not be eligible for the catastrophic benefit under this subsection.

''(B) BENEFICIARY STILL ELIGIBLE FOR DISCOUNT BENEFIT.—Nothing in subparagraph (A) shall be construed as affecting the eligibility of a beneficiary described in such subparagraph for the benefits under subsection (a).

''(C) PROCEDURES FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—

''(i) IN GENERAL.—The Commissioner shall establish procedures for determining the modified adjusted gross income of eligible beneficiaries enrolled under this part.

''(ii) CONSULTATION.—The Commissioner shall consult with the Secretary of the Treasury in making the determinations described in clause (i).

''(iii) DISCLOSURE OF INFORMATION.—Notwithstanding section 6103(a) of the Internal Revenue Code of 1986, the Secretary of the Treasury may, upon written request from the Commissioner, disclose to officers and employees of the Medicare Prescription Drug Agency such return information as is necessary to make the determinations described in clause (i). Return information disclosed under the preceding sentence may be used by officers and employees of the Medicare Prescription Drug Agency only for the purposes of, and to the extent necessary in, making such determinations.

''(D) DEFINITION OF MODIFIED ADJUSTED GROSS INCOME.—In this paragraph, the term 'modified adjusted gross income' means adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986)—

''(i) determined without regard to sections 135, 911, 931, and 933 of such Code; and

''(ii) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax under such Code.

''(5) ENSURING CATASTROPHIC BENEFIT IN ALL AREAS.—The Commissioner shall develop procedures for the provision of the catastrophic benefit under this subsection to each eligible beneficiary that resides in an area where there are no eligible entities that have been awarded a contract under this part.

''SELECTION OF ENTITIES TO PROVIDE PRESCRIPTION DRUG COVERAGE

''SEC. 1860G. (a) ESTABLISHMENT OF BIDDING PROCESS.—The Commissioner shall establish a process under which the Commissioner accepts bids from eligible entities and awards contracts to the entities to provide the benefits under this part to eligible beneficiaries in an area.

''(b) SUBMISSION OF BIDS.—Each eligible entity desiring to enter into a contract under this part shall submit a bid to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

''(c) AWARDING OF CONTRACTS.—

''(1) IN GENERAL.—The Commissioner shall, consistent with the requirements of this part and the goal of containing medicare program costs, award at least 2 contracts in each area, unless only 1 bidding entity meets the terms and conditions specified by the Commissioner under paragraph (2).

''(2) TERMS AND CONDITIONS.—The Commissioner shall not award a contract to an eligible entity under this section unless the Commissioner finds that the eligible entity is in compliance with such terms and conditions as the Commissioner shall specify.

''(3) COMPARATIVE MERITS.—In determining which of the eligible entities that submitted bids that meet the terms and conditions specified by the Commissioner under paragraph (2) to award a contract, the Commissioner shall consider the comparative merits of each of the bids.

''PAYMENTS TO ELIGIBLE ENTITIES FOR ADMINISTERING THE CATASTROPHIC BENEFIT

''SEC. 1860H. (a) IN GENERAL.—The Commissioner shall establish procedures for making payments to an eligible entity under a contract entered into under this part for—

''(1) providing covered outpatient prescription drugs to beneficiaries eligible for the catastrophic benefit in accordance with subsection (b); and

''(2) costs incurred by the entity in administering the catastrophic benefit in accordance with subsection (c).

''(b) PAYMENT FOR COVERED OUTPATIENT PRESCRIPTION DRUGS.—

''(1) IN GENERAL.—Except as provided in subsection (c) and subject to paragraph (2), the Commissioner may only pay an eligible entity for covered outpatient drugs furnished by the eligible entity to an eligible beneficiary enrolled with such entity under this part that is eligible for the catastrophic benefit under section 1860F(b).

''(2) LIMITATIONS.—

''(A) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the Commissioner may not make any payment for a covered outpatient drug that is not included in such formulary.

''(B) NEGOTIATED PRICES.—The Commissioner may not pay an amount for a covered outpatient drug furnished to an eligible beneficiary that exceeds the negotiated price (including applicable discounts) that the beneficiary would have been responsible for under section 1860F(a).

''(c) PAYMENT FOR ADMINISTRATIVE COSTS.—

''(1) PROCEDURES.—The procedures established under subsection (a)(1) shall provide for payment to the eligible entity of an administrative fee for each prescription filled by the entity for an eligible beneficiary—

''(A) who is enrolled with the entity; and

''(B) to whom subparagraph (A), (B), or (C) of section 1860F(b)(1) applies with respect to a covered outpatient drug.

''(2) AMOUNT.—The fee described in paragraph (1) shall be—

''(A) negotiated by the Commissioner; and

''(B) consistent with such fees paid under private sector pharmaceutical benefit contracts.

''(d) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

''DETERMINATION OF INCOME LEVELS

''SEC. 1860I. (a) PROCEDURES.—The Commissioner shall establish procedures for determining the income levels of eligible beneficiaries for purposes of sections 1860E(c) and 1860F(b).

''(b) PERIODIC REDETERMINATIONS.—Such income determinations shall be valid for a period (of not less than 1 year) specified by the Commissioner.

''APPROPRIATIONS

''SEC. 1860J. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund established under section 1841, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the enrollment fees collected under section 1860E.

''SUBPART 2—ESTABLISHMENT OF THE MEDICARE PRESCRIPTION DRUG AGENCY

''MEDICARE PRESCRIPTION DRUG AGENCY

''SEC. 1860S. (a) ESTABLISHMENT.—There is established, as an independent agency in the executive branch of the Government, a Medicare Prescription Drug Agency (in this part referred to as the 'Agency').

''(b) DUTY.—It shall be the duty of the Agency to administer the Medicare Outpatient Prescription Drug Discount and Security Program under subpart 1.

''COMMISSIONER; DEPUTY COMMISSIONER; OTHER OFFICERS

''SEC. 1860T. (a) COMMISSIONER OF MEDICARE PRESCRIPTION DRUGS.—

''(1) APPOINTMENT.—There shall be in the Agency a Commissioner of Medicare Prescription Drugs (in this subpart referred to as the 'Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) COMPENSATION.—The Commissioner shall be compensated at the rate provided for level I of the Executive Schedule.

''(3) TERM.—

''(A) IN GENERAL.—The Commissioner shall be appointed for a term of 6 years.

''(B) CONTINUANCE IN OFFICE.—In any case in which a successor does not take office at the end of a Commissioner's term of office, such Commissioner may continue in office until the appointment of a successor.

''(C) DELAYED APPOINTMENTS.—A Commissioner appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

''(D) REMOVAL.—An individual serving in the office of Commissioner may be removed from office only under a finding by the President of neglect of duty or malfeasance in office.

''(4) RESPONSIBILITIES.—The Commissioner shall be responsible for the exercise of all powers and the discharge of all duties of the Agency, and shall have authority and control over all personnel and activities thereof.

''(5) PROMULGATION OF RULES AND REGULATIONS.—

''(A) IN GENERAL.—The Commissioner may prescribe such rules and regulations as the Commissioner determines necessary or appropriate to carry out the functions of the Agency.

''(B) RULEMAKING.—The regulations prescribed by the Commissioner shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

''(6) DELEGATION OF AUTHORITY.—

''(A) IN GENERAL.—The Commissioner may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Agency as the Commissioner may find necessary.

''(B) EFFECT OF DELEGATION.—Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

''(7) CONSULTATION WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—The Commissioner and the Secretary shall consult, on an ongoing basis, to ensure the coordination of the programs administered by the Commissioner with the programs administered by the Secretary under this title and under title XIX.

''(b) DEPUTY COMMISSIONER OF MEDICARE PRESCRIPTION DRUGS.—

''(1) APPOINTMENT.—There shall be in the Agency a Deputy Commissioner of Medicare Prescription Drugs (in this subpart referred to as the 'Deputy Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) TERM.—

''(A) IN GENERAL.—The Deputy Commissioner shall be appointed for a term of 6 years.

''(B) CONTINUANCE IN OFFICE.—In any case in which a successor does not take office at the end of a Deputy Commissioner's term of office, such Deputy Commissioner may continue in office until the entry upon office of such a successor.

''(C) DELAYED APPOINTMENT.—A Deputy Commissioner appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

''(3) COMPENSATION.—The Deputy Commissioner shall be compensated at the rate provided for level II of the Executive Schedule.

''(4) DUTIES.—

''(A) IN GENERAL.—The Deputy Commissioner shall perform such duties and exercise such powers as the Commissioner shall from time to time assign or delegate.

''(B) ACTING COMMISSIONER.—The Deputy Commissioner shall be Acting Commissioner of the Agency during the absence or disability of the Commissioner, unless the President designates another officer of the Government as Acting Commissioner, in the event of a vacancy in the office of the Commissioner.

''(c) CHIEF ACTUARY.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—There shall be in the Agency a Chief Actuary, who shall be appointed by, and in direct line of authority to, the Commissioner.

''(B) QUALIFICATIONS.—The Chief Actuary shall be appointed from individuals who have demonstrated, by their education and experience, superior expertise in the actuarial sciences.

''(C) DUTIES.—The Chief Actuary shall serve as the chief actuarial officer of the Agency, and shall exercise such duties as are appropriate for the office of the Chief Actuary and in accordance with professional standards of actuarial independence.

''(2) COMPENSATION.—The Chief Actuary shall be compensated at the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.

''ADMINISTRATIVE DUTIES OF THE COMMISSIONER

''SEC. 1860U. (a) PERSONNEL.—

''(1) IN GENERAL.—The Commissioner may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out through the Medicare Prescription Drug Agency.

''(2) FLEXIBILITY WITH RESPECT TO CIVIL SERVICE LAWS.—

''(A) IN GENERAL.—The staff of the Medicare Prescription Drug Agency shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, subject to subparagraph (B), shall be paid without regard to the provisions of chapters 51 and 53 of such title (relating to classification and schedule pay rates).

''(B) MAXIMUM RATE.—In no case may the rate of compensation determined under subparagraph (A) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(b) BUDGETARY MATTERS.—

''(1) SUBMISSION OF ANNUAL BUDGET.—The Commissioner shall prepare an annual budget for the Agency, which shall be submitted by the President to Congress without revision, together with the President's annual budget for the Agency.

''(2) APPROPRIATIONS REQUESTS.—

''(A) STAFFING AND PERSONNEL.—Appropriations requests for staffing and personnel of the Agency shall be based upon a comprehensive workforce plan, which shall be established and revised from time to time by the Commissioner.

''(B) ADMINISTRATIVE EXPENSES.—Appropriations for administrative expenses of the Agency are authorized to be provided on a biennial basis.

''(c) SEAL OF OFFICE.—

''(1) IN GENERAL.—The Commissioner shall cause a Seal of Office to be made for the Agency of such design as the Commissioner shall approve.

''(2) JUDICIAL NOTICE.—Judicial notice shall be taken of the seal made under paragraph (1).

''(d) DATA EXCHANGES.—

''(1) DISCLOSURE OF RECORDS AND OTHER INFORMATION.—Notwithstanding any other provision of law (including subsections (b), (o), (p), (q), (r), and (u) of section 552a of title 5, United States Code)—

''(A) the Secretary shall disclose to the Commissioner any record or information requested in writing by the Commissioner for the purpose of administering any program administered by the Commissioner, if records or information of such type were disclosed to the Administrator of the Health Care Financing Administration in the Department of Health and Human Services under applicable rules, regulations, and procedures in effect before the date of enactment of the Medicare Rx Drug Discount and Security Act of 2001; and

''(B) the Commissioner shall disclose to the Secretary or to any State any record or information requested in writing by the Secretary to be so disclosed for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations, and procedures in effect before the date of enactment of the Medicare Rx Drug Discount and Security Act of 2001.

''(2) EXCHANGE OF OTHER DATA.—The Commissioner and the Secretary shall periodically review the need for exchanges of information not referred to in paragraph (1) and shall enter into such agreements as may be necessary and appropriate to provide information to each other or to States in order to meet the programmatic needs of the requesting agencies.

''(3) ROUTINE USE.—

''(A) IN GENERAL.—Any disclosure from a system of records (as defined in section 552a(a)(5) of title 5, United States Code) pursuant to this subsection shall be made as a routine use under subsection (b)(3) of section 552a of such title (unless otherwise authorized under such section 552a).

''(B) COMPUTERIZED COMPARISON.—Any computerized comparison of records, including matching programs, between the Commissioner and the Secretary shall be conducted in accordance with subsections (o), (p), (q), (r), and (u) of section 552a of title 5, United States Code.

''(4) TIMELY ACTION.—The Commissioner and the Secretary shall each ensure that timely action is taken to establish any necessary routine uses for disclosures required under paragraph (1) or agreed to under paragraph (2).

''MEDICARE COMPETITION AND PRESCRIPTION DRUG ADVISORY BOARD

''SEC. 1860V. (a) ESTABLISHMENT OF BOARD.—There is established a Medicare Prescription Drug Advisory Board (in this section referred to as the 'Board').

''(b) ADVICE ON POLICIES; REPORTS.—

''(1) ADVICE ON POLICIES.—On and after the date the Commissioner takes office, the Board shall advise the Commissioner on policies relating to the Medicare Outpatient Prescription Drug Discount and Security Program under subpart 1.

''(2) REPORTS.—

''(A) IN GENERAL.—With respect to matters of the administration of subpart 1, the Board shall submit to Congress and to the Commissioner of Medicare Prescription Drugs such reports as the Board determines appropriate. Each such report may contain such recommendations as the Board determines appropriate for legislative or administrative changes to improve the administration of such subpart. Each such report shall be published in the Federal Register.

''(B) MAINTAINING INDEPENDENCE OF BOARD.—The Board shall directly submit to Congress reports required under subparagraph (A). No officer or agency of the United States may require the Board to submit to any officer or agency of the United States for approval, comments, or review, prior to the submission to Congress of such reports.

''(c) STRUCTURE AND MEMBERSHIP OF THE BOARD.—

''(1) MEMBERSHIP.—The Board shall be composed of 7 members who shall be appointed as follows:

''(A) PRESIDENTIAL APPOINTMENTS.—

''(i) IN GENERAL.—Three members shall be appointed by the President, by and with the advice and consent of the Senate.

''(ii) LIMITATION.—Not more than 2 such members may be from the same political party.

''(B) SENATORIAL APPOINTMENTS.—Two members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Committee on Finance of the Senate.

''(C) CONGRESSIONAL APPOINTMENTS.—Two members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the Committee on Ways and Means of the House of Representatives.

''(2) QUALIFICATIONS.—The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

''(d) TERMS OF APPOINTMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), each member of the Board shall serve for a term of 6 years.

''(2) CONTINUANCE IN OFFICE AND STAGGERED TERMS.—

''(A) CONTINUANCE IN OFFICE.—A member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

''(B) STAGGERED TERMS.—The terms of service of the members initially appointed under this section shall begin on January 1, 2002, and expire as follows:

''(i) PRESIDENTIAL APPOINTMENTS.—The terms of service of the members initially appointed by the President shall expire as designated by the President at the time of nomination, 1 each at the end of—

''(I) 2 years;

''(II) 4 years; and

''(III) 6 years.

''(ii) SENATORIAL APPOINTMENTS.—The terms of service of members initially appointed by the President pro tempore of the Senate shall expire as designated by the President pro tempore of the Senate at the time of nomination, 1 each at the end of—

''(I) 3 years; and

''(II) 6 years.

''(iii) CONGRESSIONAL APPOINTMENTS.—The terms of service of members initially appointed by the Speaker of the House of Representatives shall expire as designated by the Speaker of the House of Representatives at the time of nomination, 1 each at the end of—

''(I) 4 years; and

''(II) 5 years.

''(C) REAPPOINTMENTS.—Any person appointed as a member of the Board may not serve for more than 8 years.

''(D) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(e) CHAIRPERSON.—A member of the Board shall be designated by the President to serve as Chairperson for a term of 4 years, coincident with the term of the President, or until the designation of a successor.

''(f) EXPENSES AND PER DIEM.—Members of the Board shall serve without compensation, except that, while serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

''(g) MEETING.—

''(1) IN GENERAL.—The Board shall meet at the call of the Chairperson (in consultation with the other members of the Board) not less than 4 times each year to consider a specific agenda of issues, as determined by the Chairperson in consultation with the other members of the Board.

''(2) QUORUM.—Four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

''(i) PERSONNEL.—

''(1) STAFF DIRECTOR.—The Board shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint a Staff Director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

''(2) STAFF.—

''(A) IN GENERAL.—The Board may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out by the Board.

''(B) FLEXIBILITY WITH RESPECT TO CIVIL SERVICE LAWS.—

''(i) IN GENERAL.—The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, subject to clause (ii), shall be paid without regard to the provisions of chapters 51 and 53 of such title (relating to classification and schedule pay rates).

''(ii) MAXIMUM RATE.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Federal Supplemental Medical Insurance Trust Fund established under section 1841, and the general fund of the Treasury, such sums as are necessary to carry out the purposes of this section.''.

(b) CONFORMING REFERENCES TO PREVIOUS PART D.—

(1) IN GENERAL.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this section.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) TIMING OF INITIAL APPOINTMENTS.—The Commissioner and Deputy Commissioner of Medicare Prescription Drugs may not be appointed before March 1, 2002.

**SEC. 3. COMMISSIONER AS MEMBER OF THE BOARD OF TRUSTEES OF THE MEDICARE TRUST FUNDS.**

(a) IN GENERAL.—Section 1841(b) of the Social Security Act (42 U.S.C. 1395t(b)) is amended by striking ''and the Secretary of Health and Human Services, all ex officio,'' and inserting '', the Secretary of Health and Human Services, and the Commissioner of Medicare Prescription Drugs, all ex officio,''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on March 1, 2002.

**SEC. 4. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.**

Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking ''attributable to the application of section'' and inserting ''attributable to—

''(1) the application of section'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) the Voluntary Medicare Outpatient Prescription Drug Discount and Security Program under part D.''.

**SEC. 5. MEDIGAP REVISIONS.**

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

''(v) MODERNIZATION OF MEDICARE SUPPLEMENTAL POLICIES.—

''(1) PROMULGATION OF MODEL REGULATION.—

''(A) NAIC MODEL REGULATION.—If, within 9 months after the date of enactment of the Medicare Rx Drug Discount and Security Act of 2001, the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') changes the 1991 NAIC Model Regulation (described in subsection (p)) to revise the benefit package classified as 'J' under the standards established by subsection (p)(2) (including the benefit package classified as 'J' with a high deductible feature, as described in subsection (p)(11)) so that—

''(i) the coverage for outpatient prescription drugs available under such benefit package is replaced with coverage for outpatient prescription drugs that complements but does not duplicate the benefits for outpatient prescription drugs that beneficiaries are otherwise entitled to under this title;

''(ii) a uniform format is used in the policy with respect to such revised benefits; and

''(iii) such revised standards meet any additional requirements imposed by the Medicare Rx Drug Discount and Security Act of 2001;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2003 NAIC Model Regulation').

''(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2003 Federal Regulation').

''(C) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group similar to the working group described in subsection (p)(1)(D).

''(D) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits under part D of this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2003 NAIC Model Regulation or 2003 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

''(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as 'A' through 'I' under the standards established by subsection (p)(2) (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

''(3) APPLICATION OF PROVISIONS AND CONFORMING REFERENCES.—

''(A) APPLICATION OF PROVISIONS.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

''(i) any reference to the model regulation applicable under that subsection shall be deemed to be a reference to the applicable 2003 NAIC Model Regulation or 2003 Federal Regulation; and

''(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed to be a reference to the appropriate date under this subsection.

''(B) OTHER REFERENCES.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.''.

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By Mr. BENNETT:

S. 1240. A bill to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce the Timpanogos Interagency Land Exchange Act of 2001.

Before I explain the details of my legislation I would like to share with my colleagues a bit of the area's history. So everyone understands the lay of the land, Timpanogos Cave is in American Fork Canyon, which is a 45–50 minute drive south of Salt Lake City. Now that my colleagues have a general idea of the location let me share some information on the designation of the cave. After being solicited by a group of Utahns familiar with Timpanogos Cave, President Warren G. Harding, invoking the Antiquities Act, designated the Timpanogos Cave National Monument on October 14, 1922. It just so happens that today is the 77th anniversary of the dedication of the Timpanogos Cave National Monument. The dedication took place on July 25, 1924. The Secretary of the Interior at that time, Hubert Work, invited a group of journalists from New York City on a five week tour of the recently created national parks and monuments in the west. Ostensibly, the tour had been organized to publicize the features of the new parks of the quickly growing National Park Service. After spending over a month visiting National Parks, the group arrived at Timpanogos Cave National Monument of the 25th of July where Mr. Alvah Davison, a noted New York publisher, gave the dedication speech.

I believe it is fitting on the 77th anniversary of the dedication of the Timpanogos Cave National Monument to introduce legislation that will enhance the unique visitor experience at this site. The Timpanogos Interagency Land Exchange Act of 2001 authorizes the exchange of 266 acres of United States Forest Service land for 37 acres of private land. This newly acquired land will serve as the site for a new visitor center and administrative offices of the Pleasant Grove Ranger district of the Uinta National Forest and the Timpanogos Cave National Monument. My legislation also authorizes the construction of the new interagency facility. This new facility, which will be located near the mouth of American Fork Canyon in the town of Highland, UT, will not only benefit the visiting public, but will also result in better coordination between the NPS and USFS.

The land exchange requires the Secretary of Agriculture's approval and must conform with the ''Uniform Appraisal Standards for Federal Land Acquisitions.'' Furthermore, the exchange is being conducted with a private landowner who is willing to trade his property for various USFS parcels on the Uinta National Forest.

The necessity for this legislation is ten years overdue. The original visitor center at Timpanogos Cave was built as part of the NPS's Mission '66 program. Unfortunately it burned down in 1991. In 1992, as an emergency measure, the NPS began use of a 20 foot by 60 foot double-wide trailer to serve temporarily as a make-shift visitor center. The trailer still serves today as the visitor center. The trailer is not suitable for the monument's annual visitation of 125,000 people. On high visitation days the center is easily overrun by the public. Additionally, the center suffers from rock-fall that has caused significant damage to the roof of the trailer and raises obvious safety issues.

The NPS will not be the only beneficiary of this new site. As I stated before,the Pleasant Grove Ranger District of the Uinta National Forest will also be getting a new home. Currently, the Pleasant Grove Ranger District is housed in a 1950's era building that was not designed for today's staffing requirements or modern day computer and communications needs. It is simply too small and too outdated. The new facility will meet the space needs of the ranger district and be more technology friendly. Furthermore, the public now will be able to visit one conveniently located office to inquire about NPS and USFS activities.

I view the Timpanogos Interagency Land Exchange Act of 2001 as simple legislation that will correct a decade old problem. I look forward to working with the Committee on Energy and Natural Resources to move this legislation quickly.

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By Mr. SPECTER:

S. 1241. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to permit certain youths, those exempt from attending school, between the ages of 14 and 18 to work in sawmills under special safety conditions and close adult supervision. I introduced identical measures in the 105th and 106th Congresses. Similar legislation introduced by my distinguished colleague, Representative JOSEPH R. PITTS, has already passed in the House twice before. I am hopeful the Senate will also enact this important issue.

As the former Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have strongly supported increased funding for the enforcement of the important child safety protections contained in the Fair Labor Standards Act. I also believe, however, that accommodation must be made for youths who are exempt from compulsory school-attendance laws after the eighth grade. It is extremely important that youths who are exempt from attending school be provided with access to jobs and apprenticeships in areas that offer employment where they live.

The need for access to popular trades is demonstrated by the Amish community. In 1998, I toured an Amish sawmill in Lancaster County, PA, and had the opportunity to meet with some of my Amish constituency. In December 2000, Representative PITTS and I held a meeting in Gap, PA, with over 20 members of the Amish community to hear their concerns on this issue. On May 3, 2001, I chaired a hearing of the Labor, Health and Human Services and Education Appropriations Subcommittee to examine these issues.

At the hearing the Amish explained that while they once made their living almost entirely by farming, they have increasingly had to expand into other occupations as farmland has disappeared in many areas due to pressure from development. As a result, many of the Amish have come to rely more and more on work in sawmills to make their living. The Amish culture expects youth, upon the completion of their education at the age of 14, to begin to learn a trade that will enable them to become productive members of society. In many areas, work in sawmills is one of the major occupations available for the Amish, whose belief system limits the types of jobs they may hold. Unfortunately, these youths are currently prohibited by law from employment in this industry until they reach the age of 18. This prohibition threatens both the religion and lifestyle of the Amish.

Under my legislation, youths would not be allowed to operate power machinery, but would be restricted to performing activities such as sweeping, stacking wood, and writing orders. My legislation requires that the youths must be protected from wood particles or flying debris and wear protective equipment, all while under strict adult supervision. The Department of Labor must monitor these safeguards to insure that they are enforced.

The Department of Justice has raised serious concerns under the Establishment Clause with the House legislation. The House measure conferred benefits only to a youth who is a ''member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade.'' By conferring the ''benefit'' of working in a sawmill only to the adherents of certain religions, the

Department argues that the bill appears to impermissibly favor religion to ''irreligion.'' In drafting my legislation, I attempted to overcome such an objection by conferring permission to work in sawmills to all youths who ''are exempted from compulsory education laws after the eighth grade.'' Indeed, I think a broader focus is necessary to create a sufficient range of vocational opportunities for all youth who are legally out of school and in need of vocational opportunities.

I also believe that the logic of the Supreme Court's 1972 decision in Wisconsin v. Yoder supports my bill. In Yoder, the Court held that Wisconsin's compulsory school attendance law requiring children to attend school until the age of 16 violated the Free Exercise Clause. The Court found that the Wisconsin law imposed a substantial burden on the free exercise of religion by the Amish since attending school beyond the eighth grade ''contravenes the basic religious tenets and practices of the Amish faith.'' I believe a similar argument can be made with respect to Amish youth working in sawmills. As their population grows and their subsistence through an agricultural way of life decreases, trades such as sawmills become more and more crucial to the continuation of their lifestyle. Barring youths from the sawmills denies these youths the very vocational training and path to self-reliance that was central to the Yoder Court's holding that the Amish do not need the final two years of public education.

I offer my legislation with the hope that my colleagues will work with me to provide relief for the Amish community. I am pleased to have received a commitment on the Senate floor from Senator KENNEDY, Chairman of the Committee on Health, Education, Labor, and Pensions, to hold a hearing on this issue, and I urge the timely consideration of my bill by the full Senate.

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By Mr. GRAHAM (for himself, Mr. MURKOWSKI, Mr. REID, Mr. NELSON of Florida, Mr. INHOFE, Mr. WARNER, and Mr. BURNS):

S. 1243. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

Mr. GRAHAM. Mr. President, today I am introducing with my colleagues, Senators MURKOWSKI, REID of Nevada, NELSON of Florida, INHOFE, WARNER and BURNS legislation entitled the Spaceport Equality Act.

Currently airports, high speed rail, seaports, mass transit, and other transportation projects can raise money through the issuance of tax-exempt bonds. The Spaceport Equality Act amends the Internal Revenue Code to clarify that spaceports enjoy the same favorable tax treatment.

The U.S. aerospace industry manufactures nearly 70 percent of the world's satellites, but only 40 percent of the satellites that enter the atmosphere are launched by this country. Our Nation's spaceports are a vital component of the infrastructure needed to expand and enhance the U.S. role in the international space arena. The Spaceport Equality Act is an important step in increasing our competitive position in this emerging industry.

This bill will stimulate investment in expanding and modernizing our Nation's space launch facilities by lowering the cost of financing spaceport construction and renovation. Upon enactment, the bill will increase U.S. launch capacity, and enhance both our economic and national security.

The commercial space market is expected to become increasingly more competitive in the next decade. The ability to have a robust space launch capability is in our best interests economically as well as strategically.

My proposal does not provide direct Federal spending to our commercial space transportation industry. Instead, it creates the conditions necessary to stimulate private sector capital investment in infrastructure. This bill offers Congress the chance to help open a new age to space, where the States and local communities can themselves take part in space transportation.

To be state of the art in space requires state of the art financing on the ground. I urge my colleagues in the Senate to join us in this important effort by co-sponsoring this bill.

I ask unanimous consent that the text of the bill and a short summary of the bill be printed in the RECORD.

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

S. 1243

*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 ''Spaceport Equality Act''.

**SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.**

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended to read as follows:

''(1) airports and spaceports,''.

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

''(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

''(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.''.

(c) DEFINITION OF SPACEPORT.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(l) SPACEPORT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the term 'spaceport' means—

''(A) any facility directly related and essential to servicing spacecraft, enabling spacecraft to launch or reenter, or transferring passengers or space cargo to or from spacecraft, but only if such facility is located at, or in close proximity to, the launch site or reentry site, and

''(B) any other functionally related and subordinate facility at or adjacent to the launch site or reentry site at which launch services or reentry services are provided, including a launch control center, repair shop, maintenance or overhaul facility, and rocket assembly facility.

''(2) ADDITIONAL TERMS.—For purposes of paragraph (1)—

''(A) SPACE CARGO.—The term 'space cargo' includes satellites, scientific experiments, other property transported into space, and any other type of payload, whether or not such property returns from space.

''(B) SPACECRAFT.—The term 'spacecraft' means a launch vehicle or a reentry vehicle.

''(C) OTHER TERMS.—The terms 'launch', 'launch site', 'launch services', 'launch vehicle', 'payload', 'reenter', 'reentry services', 'reentry site', and 'reentry vehicle' shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).''.

(d) EXCEPTION FROM FEDERALLY GUARANTEED BOND PROHIBITION.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

''(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

''(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).''.

(e) CONFORMING AMENDMENT.—The heading for section 142(c) of the Internal Revenue Code of 1986 is amended by inserting '', SPACEPORTS,'' after ''AIRPORTS''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

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THE SPACEPORT EQUALITY ACT

DESCRIPTION OF PRESENT LAW

Present law allows exempt facility bonds to be issued to finance certain transportation facilities, such as airports, docks and wharves, mass commuting facilities, high speed intercity rail facilities, and storage or training facilities directly related to the foregoing. Except for high-speed intercity rail facilities, these facilities must be owned by a governmental unit to be eligible for such financing. Exempt facility bonds for airports, docks and wharves, and governmentally-owned, high-speed intercity rail facilities are not subject to the private activity bond volume cap. Only 25% of the exempt facility bonds for a privately-owned, high-speed intercity rail facility require private activity bond volume cap.

*Airports.*—Treasury Department regulations provide that airport property eligible for exempt facility bond financing includes facilities that are directly related and essential to the servicing of aircraft, enabling aircraft to take off and land, and transferring

passengers or cargo to or from aircraft, but only if the facilities are located at, or in close proximity to, the take-off and landing area. The regulations also provide that airports include other functionally related and subordinate facilities at or adjacent to the airport, such as terminals, hangers, loading facilities, repair shops, maintenance or overhaul facilities, and land-based navigational aids such as radar installations. Facilities, the primary function of which is manufacturing rather than transportation, are not eligible for exempt facility bond financing.

*Public Use Requirement.*—Treasury Department regulations provide generally that, in order to qualify as an exempt facility, the facility must serve or be available on a regular basis for general public use, or be part of a facility so used, as contrasted with similar types of facilities that are constructed for the exclusive use of a limited number of nongovernmental persons in their trades or businesses. For example, a private dock or wharf leased to and serving only a single manufacturing plant would not qualify as a facility for general public use, but a hangar or repair facility at a municipal airport, or a dock or a wharf, would qualify even if it is leased or permanently assigned to a single nongovernmental person provided that person directly serves the general public, such as a common passenger carrier or freight carrier. Certain facilities, such as sewage and solid waste disposal facilities, are treated in all events as serving a general public use although they may be part of a nonpublic facility, such as a manufacturing facility used in the trade of business of a single manufacturer.

*Federally Guaranteed Bonds.*—Bonds directly or indirectly guaranteed by the United States (or any agency or instrument thereof) are not tax-exempt. The Treasury Department has not issued detailed regulations interpreting the prohibition of federal guarantees and the scope of the prohibition is unclear.

EXPLANATION OF SPACEPORT EQUALITY ACT

The Spaceport Equality Act clarifies that spaceports are eligible for exempt facility bond financing to the same extent as airports. As in the case of airports, the facilities must be owned by a governmental unit to be eligible for such financing.

The term ''spaceport'' includes facilities directly related and essential to servicing spacecraft, enabling spacecraft to take off or land, and transferring passengers or space cargo door from spacecraft, but only if the facilities are located at, or in close proximity to, the launch site. Space cargo includes satellites, scientific experiments, and other property transported into space, whether or not the cargo will return from space. The term ''spaceport'' also includes other functionally related and subordinate facilities at or adjacent to the spaceport, such as launch control centers, repair shops, maintenance or overhaul facilities, and rocket assembly facilities that must be located at or adjacent to the launch site. The term ''spaceport'' further includes storage facilities directly related to any governmentally-owned spaceport (including a spaceport owned by the U.S. Government.

It is intended that spaceports shall be treated in all respects as serving the general public and will therefore satisfy the public use requirements contained in present Treasury Department regulations. It is also intended that the use of spaceport facilities by the federal government will not prevent the spaceport facilities from being treated as serving the general public, will not prevent the spaceport from being treated as owned by a government unit, and will not otherwise render such facilities ineligible for exempt facility bond financing. In addition, the amendment specifies that payment by the federal government of rent, user fees, or other charges for the use of spaceport property will not be taken into account in determining whether bonds for spacesports are federally guaranteed as long as such payments are conditioned on the use of such property and not payable unconditionally and in all events.

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By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. CHAFEE, Ms. COLLINS, Mr. DASCHLE, Mr. BAUCUS, Mr. BREAUX, Mr. TORRICELLI, Mrs. LINCOLN, Mr. GRAHAM, Mr. BINGAMAN, Mr. KERRY, Mrs. CLINTON, and Mr. CORZINE).

S. 1244. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator SNOWE and Senator ROCKEFELLER and many others in introducing the Family Care Act of 2001 to expand health coverage to millions of families.

Families across America get up every day, go to work, play by the rules, and still cannot afford the health insurance they need to stay healthy and protect themselves when serious illness strikes. Family Care is a practical, common-sense solution for millions of hardworking families, and it deserves to be a national priority.

The legislation we are introducing today will provide health insurance to millions of Americans. And it does so without creating a new program or a new bureaucracy. It builds on the existing Children's Health Insurance Program. By allowing children *and* their parents to be covered, we can reduce the number of uninsured Americans by one-third.

Four years ago we worked together, Republicans and Democrats, to expand coverage to uninsured children in families whose income is too high for Medicaid but not enough to afford private health insurance. The Children's Health Insurance Program has already brought quality health care to over 3 million children, and many more are eligible.

Our bill is an important step to build on that initiative. Over 80 percent of children who are uninsured or enrolled in Medicaid or CHIP have uninsured parents. Expanding CHIP to cover parents as well as children will make a huge difference to millions of working families.

We also need to do more to help sign up the large number of children who are already eligible for health coverage but have never enrolled. The numbers are dramatic. Ninety-five percent of low-income uninsured children are eligible for Medicaid or CHIP. If we can sign up these children, we can give almost every child in America a real chance at a healthy childhood.

Our legislation includes steps to make it easier for families to register and stay covered. Patients will enroll, and will enroll their children, too.

We also know that many families lose coverage because complicated applications and burdensome requirements make it hard to stay insured. Our bill sees that families will have a simple application and that they won't have to enroll over and over again. It also makes sure that families they aren't excluded because that have simple assets like cars.

I am pleased that this legislation has so much support in the Finance Committee. In addition to Senator SNOWE, we have the support of every single Democrat in that committee. I hope that we can move on this legislation before the August recess.

These are long-overdue steps to give millions more Americans the health coverage they deserve. It's a significant step toward the day when every man, woman and child in America has affordable health coverage. The Nation needs both, and I'm hopeful that Congress will enact both as soon as possible.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 1244

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

**SECTION 1. SHORT TITLE OF TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title of title; table of contents.
Sec. 2. Renaming of title XXI program.
Sec. 3. FamilyCare coverage of parents under the medicaid program and title XXI.
Sec. 4. Automatic enrollment of children born to title XXI parents.
Sec. 5. Optional coverage of legal immigrants under the medicaid program and title XXI.
Sec. 6. Optional coverage of children through age 20 under the medicaid program and title XXI.
Sec. 7. Application of simplified title XXI procedures under the medicaid program.
Sec. 8. Improving welfare-to-work transition under the medicaid program.
Sec. 9. Elimination of 100 hour rule and other AFDC-related eligibility restrictions.
Sec. 10. State grant program for market innovation.
Sec. 11. Limitations on conflicts of interest.
Sec. 12. Increase in CHIP allotment for each of fiscal years 2002 through 2004.
Sec. 13. Demonstration programs to improve medicaid and CHIP outreach to homeless individuals and families.
Sec. 14. Technical and conforming amendments to authority to pay medicaid expansion costs from title XXI appropriation.
Sec. 15. Additional CHIP revisions.

**SEC. 2. RENAMING OF TITLE XXI PROGRAM.**

(a) IN GENERAL.—The heading of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended to read as follows:

''TITLE XXI—FAMILYCARE PROGRAM''.

(b) PROGRAM REFERENCES.—Any reference in any provision of Federal law or regulation to ''SCHIP'' or ''State children's health insurance program'' under title XXI of the Social Security Act shall be deemed a reference to the FamilyCare program under such title.

**SEC. 3. FAMILYCARE COVERAGE OF PARENTS UNDER THE MEDICAID PROGRAM AND TITLE XXI.**

(a) INCENTIVES TO IMPLEMENT FAMILYCARE COVERAGE.—

(1) UNDER MEDICAID.—

(A) ESTABLISHMENT OF NEW OPTIONAL ELIGIBILITY CATEGORY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(i) by striking ''or'' at the end of subclause (XVII);

(ii) by adding ''or'' at the end of subclause (XVIII); and

(iii) by adding at the end the following:

''(XIX) who are individuals described in subsection (k)(1) (relating to parents of categorically eligible children);''.

(B) PARENTS DESCRIBED.—Section 1902 of the Social Security Act is further amended by inserting after subsection (j) the following:

''(k)(1)(A) Individuals described in this paragraph are individuals—

''(i) who are the parents of an individual who is under 19 years of age (or such higher age as the State may have elected under section 1902(l)(1)(D)) and who is eligible for medical assistance under subsection (a)(10)(A);

''(ii) who are not otherwise eligible for medical assistance under such subsection, under section 1931, or under a waiver approved under section 1115 or otherwise (except under subsection (a)(10)(A)(ii)(XIX)); and

''(iii) whose family income exceeds the income level applicable under the State plan under part A of title IV as in effect as of July 16, 1996, but does not exceed the highest income level applicable to a child in the family under this title.

''(B) In establishing an income eligibility level for individuals described in this paragraph, a State may vary such level consistent with the various income levels established under subsection (l)(2) based on the ages of children described in subsection (l)(1) in order to ensure, to the maximum extent possible, that such individuals shall be enrolled in the same program as their children.

''(C) An individual may not be treated as being described in this paragraph unless, at the time of the individual's enrollment under this title, the child referred to in subparagraph (A)(i) of the individual is also enrolled under this title.

''(D) In this subsection, the term 'parent' includes an individual treated as a caregiver for purposes of carrying out section 1931.

''(2) In the case of a parent described in paragraph (1) who is also the parent of a child who is eligible for child health assistance under title XXI, the State may elect (on a uniform basis) to cover all such parents under section 2111 or under this title.''.

(C) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in the fourth sentence of subsection (b), by striking ''or subsection (u)(3)'' and inserting '', (u)(3), or (u)(4)''; and

(ii) in subsection (u)—

(I) by redesignating paragraph (4) as paragraph (6), and

(II) by inserting after paragraph (3) the following:

''(4) For purposes of subsection (b) and section 2105(a)(1):

''(A) FAMILYCARE PARENTS.—The expenditures described in this subparagraph are the expenditures described in the following clauses (i) and (ii):

''(i) PARENTS.—If the conditions described in clause (iii) are met, expenditures for medical assistance for parents described in section 1902(k)(1) and for parents who would be described in such section but for the fact that they are eligible for medical assistance under section 1931 or under a waiver approved under section 1115.

''(ii) CERTAIN PREGNANT WOMEN.—Expenditures for medical assistance for pregnant women under section 1902(l)(1)(A) in a family the income of which exceeds the income level applicable under section 1902(l)(2)(A) to a family of the size involved as of January 1, 2000.

''(iii) CONDITIONS.—The conditions described in this clause are the following:

''(I) The State has a State child health plan under title XXI which (whether implemented under such title or under this title) has an effective income level for children that is at least 200 percent of the poverty line.

''(II) Such State child health plan does not limit the acceptance of applications, does not use a waiting list for children who meet eligibility standards to qualify for assistance, and provides benefits to all children in the State who apply for and meet eligibility standards.

''(III) The State plans under this title and title XXI do not provide coverage for parents with higher family income without covering parents with a lower family income.

''(IV) The State does not apply an income level for parents that is lower than the effective income level (expressed as a percent of the poverty line) that has been specified under the State plan under title XIX (including under a waiver authorized by the Secretary or under section 1902(r)(2)), as of January 1, 2000, to be eligible for medical assistance as a parent under this title.

''(iv) DEFINITIONS.—For purposes of this subsection:

''(I) The term 'parent' has the meaning given such term for purposes of section 1902(k)(1).

''(II) The term 'poverty line' has the meaning given such term in section 2110(c)(5).''.

(D) APPROPRIATION FROM TITLE XXI ALLOTMENT FOR CERTAIN MEDICAID EXPANSION COSTS.—Subparagraph (B) of section 2105(a)(1) of the Social Security Act, as amended by section 14(a), is amended to read as follows:

''(B) FAMILYCARE PARENTS.—Expenditures for medical assistance that is attributable to expenditures described in section 1905(u)(4)(A).''.

(E) ONLY COUNTING ENHANCED PORTION FOR COVERAGE OF ADDITIONAL PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in the fourth sentence of subsection (b), by inserting ''(except in the case of expenditures described in subsection (u)(5))'' after ''do not exceed'';

(ii) in subsection (u), by inserting after paragraph (4) (as inserted by subparagraph (C)), the following:

''(5) For purposes of the fourth sentence of subsection (b) and section 2105(a), the following payments under this title do not count against a State's allotment under section 2104:

''(A) REGULAR FMAP FOR EXPENDITURES FOR PREGNANT WOMEN WITH INCOME ABOVE JANUARY 1, 2000 INCOME LEVEL AND BELOW 185 PERCENT OF POVERTY.—The portion of the payments made for expenditures described in paragraph (4)(A)(ii) that represents the amount that would have been paid if the enhanced FMAP had not been substituted for the Federal medical assistance percentage.''.

(2) UNDER TITLE XXI.—

(A) FAMILYCARE COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

**''SEC. 2111. OPTIONAL FAMILYCARE COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.**

''(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State child health plan may provide for coverage, through an amendment to its State child health plan under section 2102, of FamilyCare assistance for individuals who are targeted low-income parents in accordance with this section, but only if—

''(1) the State meets the conditions described in section 1905(u)(4)(A)(iii); and

''(2) the State elects to provide medical assistance under section 1902(a)(10)(A)(ii)(XIX), under section 1931, or under a waiver under section 1115 to individuals described in section 1902(k)(1)(A)(i) and elects an applicable income level for such individuals that consistent with paragraphs (1)(B) and (2) of section 1902(k), ensures to the maximum extent possible, that those individuals shall be enrolled in the same program as their children if their children are eligible for coverage under title XIX (including under a waiver authorized by the Secretary or under section 1902(r)(2)).''.

''(b) DEFINITIONS.—For purposes of this title:

''(1) FAMILYCARE ASSISTANCE.—The term 'FamilyCare assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income parents.

''(2) TARGETED LOW-INCOME PARENT.—The term 'targeted low-income parent' has the meaning given the term targeted low-income child in section 2110(b) as if the reference to a child were deemed a reference to a parent (as defined in paragraph (3)) of the child; except that in applying such section—

''(A) there shall be substituted for the income level described in paragraph (1)(B)(ii)(I) the applicable income level in effect for a targeted low-income child;

''(B) in paragraph (3), January 1, 2000, shall be substituted for July 1, 1997; and

''(C) in paragraph (4), January 1, 2000, shall be substituted for March 31, 1997.

''(3) PARENT.—The term 'parent' includes an individual treated as a caregiver for purposes of carrying out section 1931.

''(4) OPTIONAL TREATMENT OF PREGNANT WOMEN AS PARENTS.—A State child health plan may treat a pregnant woman who is not otherwise a parent as a targeted low-income parent for purposes of this section but only if the State has established an income level under section 1902(l)(2)(A)(i) for pregnant women that is at least 185 percent of the income official poverty line described in such section.

''(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of FamilyCare assistance to targeted low-income parents under subsection (a), the following special rules apply:

''(1) Any reference in this title (other than subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income parent.

''(2) Any such reference to child health assistance with respect to such parents is deemed a reference to FamilyCare assistance.

''(3) In applying section 2103(e)(3)(B) in the case of a family provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to the entire family.

''(4) In applying section 2110(b)(4), any reference to 'section 1902(l)(2) or 1905(n)(2) (as

selected by a State)' is deemed a reference to the income level applicable to parents under section 1931 or under a waiver approved under section 1115, or, in the case of a pregnant woman described in subsection (b)(4), the income level established under section 1902(l)(2)(A).

''(5) In applying section 2102(b)(3)(B), any reference to children is deemed a reference to parents.''.

(B) ADDITIONAL ALLOTMENT FOR STATES PROVIDING FAMILYCARE.—

(i) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ALLOTMENTS FOR STATE PROVIDING FAMILYCARE.—

''(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States to provide FamilyCare coverage under section 2111, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(A) for fiscal year 2002, $2,000,000,000;

''(B) for fiscal year 2003, $2,000,000,000;

''(C) for fiscal year 2004, $3,000,000,000;

''(D) for fiscal year 2005, $3,000,000,000;

''(E) for fiscal year 2006, $6,000,000,000;

''(F) for fiscal year 2007, $7,000,000,000;

''(G) for fiscal year 2008, $8,000,000,000;

''(H) for fiscal year 2009, $9,000,000,000;

''(I) for fiscal year 2010, $10,000,000,000; and

''(J) for fiscal year 2011 and each fiscal year thereafter, the amount of the allotment provided under this paragraph for the preceding fiscal year increased by the percentage increase (if any) in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average).

''(2) STATE AND TERRITORIAL ALLOTMENTS.—

''(A) IN GENERAL.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

''(i) in the case of such a State other than a commonwealth or territory described in clause (ii), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to 98.95 percent of the total amount of the allotments under such section for such States eligible for an allotment under this subparagraph for such fiscal year; and

''(ii) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to 1.05 percent of the total amount of the allotments under such section for commonwealths and territories eligible for an allotment under this subparagraph for such fiscal year.

''(B) AVAILABILITY AND REDISTRIBUTION OF UNUSED ALLOTMENTS.—In applying subsections (e) and (f) with respect to additional allotments made available under this subsection, the procedures established under such subsections shall ensure such additional allotments are only made available to States which have elected to provide coverage under section 2111.

''(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2001. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for FamilyCare assistance.

''(4) REQUIRING ELECTION TO PROVIDE FAMILYCARE COVERAGE.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State has made an election to provide FamilyCare assistance.''.

(ii) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(I) in subsection (a), by inserting ''subject to subsection (d),'' after ''under this section,'';

(II) in subsection (b)(1), by inserting ''and subsection (d)'' after ''Subject to paragraph (4)''; and

(III) in subsection (c)(1), by inserting ''subject to subsection (d),'' after ''for a fiscal year,''.

(C) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting ''AND PREGNANCY-RELATED SERVICES'' after ''PREVENTIVE SERVICES''; and

(ii) by inserting before the period at the end the following: ''and for pregnancy-related services''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to items and services furnished on or after October 1, 2001, whether or not regulations implementing such amendments have been issued.

(b) RULES FOR IMPLEMENTATION BEGINNING WITH FISCAL YEAR 2005.—

(1) REQUIRED COVERAGE OF FAMILYCARE PARENTS.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—

(A) by striking ''or'' at the end of subclause (VI);

(B) by striking the semicolon at the end of subclause (VII) and insert '', or''; and

(C) by adding at the end the following:

''(VIII) who are described in subsection (k)(1) (or would be described if subparagraph (A)(ii) of such subsection did not apply) and who are in families with incomes that do not exceed 100 percent of the poverty line applicable to a family of the size involved;''.

(2) EXPANSION OF AVAILABILITY OF ENHANCED MATCH UNDER MEDICAID FOR PRE-CHIP EXPANSIONS.—Paragraph (4) of section 1905(u) of the Social Security Act (42 U.S.C. 1396d(u)), as inserted by subsection (a)(1)(C), is amended—

(A) by amending clause (ii) of subparagraph (A) to read as follows:

''(ii) CERTAIN PREGNANT WOMEN.—Expenditures for medical assistance for pregnant women under section 1902(l)(1)(A) in a family the income of which exceeds the 133 percent of the income official poverty line.''; and

(B) by adding at the end the following:

''(B) CHILDREN IN FAMILIES WITH INCOME ABOVE MEDICAID MANDATORY LEVEL NOT PREVIOUSLY DESCRIBED.—The expenditures described in this subparagraph are expenditures (other than expenditures described in paragraph (2) or (3)) for medical assistance made available to any child who is eligible for assistance under section 1902(a)(10)(A) (other than under clause (i)) and the income of whose family exceeds the minimum income level required under subsection 1902(l)(2) (or, if higher, the minimum level required under section 1931 for that State) for a child of the age involved (treating any child who is 19 or 20 years of age as being 18 years of age).''.

(3) OFFSET OF ADDITIONAL EXPENDITURES FOR ENHANCED MATCH FOR PRE-CHIP EXPANSION; ELIMINATION OF OFFSET FOR REQUIRED COVERAGE OF FAMILYCARE PARENTS.—

(A) IN GENERAL.—Section 1905(u)(5) of the Social Security Act (42 U.S.C. 1396d(u)(5)), as added by subsection (a)(1)(E), is amended—

(i) by amending subparagraph (A) to read as follows:

''(A) REGULAR FMAP FOR EXPENDITURES FOR PREGNANT WOMEN WITH INCOME ABOVE 133 PERCENT OF POVERTY.—The portion of the payments made for expenditures described in paragraph (4)(A)(ii) that represents the amount that would have been paid if the enhanced FMAP had not been substituted for the Federal medical assistance percentage.''; and

(ii) by adding at the end the following:

''(B) FAMILYCARE PARENTS UNDER 100 PERCENT OF POVERTY.—Payments for expenditures described in paragraph (4)(A)(i) in the case of parents whose income does not exceed 100 percent of the income official poverty line applicable to a family of the size involved.

''(C) REGULAR FMAP FOR EXPENDITURES FOR CERTAIN CHILDREN IN FAMILIES WITH INCOME ABOVE MEDICAID MANDATORY LEVEL.—The portion of the payments made for expenditures described in paragraph (4)(B) that represents the amount that would have been paid if the enhanced FMAP had not been substituted for the Federal medical assistance percentage.''.

(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 2105(a)(1) of the Social Security Act, as amended by section 14(a) and subsection (a)(1)(D), is amended to read as follows:

''(B) CERTAIN FAMILYCARE PARENTS AND OTHERS.—Expenditures for medical assistance that is attributable to expenditures described in section 1905(u)(4), except as provided in section 1905(u)(5).''.

(4) EFFECTIVE DATE.—The amendments made by this subsection apply as of October 1, 2004, to fiscal years beginning on or after such date and to expenditures under the State plan on and after such date, whether or not regulations implementing such amendments have been issued.

(c) MAKING TITLE XXI BASE ALLOTMENTS PERMANENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following:

''(11) for fiscal year 2008 and each fiscal year thereafter, the amount of the allotment provided under this subsection for the preceding fiscal year increased by the percentage increase (if any) in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average).''.

(d) OPTIONAL APPLICATION OF PRESUMPTIVE ELIGIBILITY PROVISIONS TO PARENTS.—Section 1920A of the Social Security Act (42 U.S.C. 1396r–1a) is amended by adding at the end the following:

''(e) A State may elect to apply the previous provisions of this section to provide for a period of presumptive eligibility for medical assistance for a parent (as defined for purposes of section 1902(k)(1)) of a child with respect to whom such a period is provided under this section.''.

(e) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY CATEGORIES.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(A) by striking ''or'' at the end of clause (xii);

(B) by inserting ''or'' at the end of clause (xiii); and

(C) by inserting after clause (xiii) the following:

''(xiv) who are parents described (or treated as if described) in section 1902(k)(1),''.

(2) INCOME LIMITATIONS.—Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended—

(A) effective October 1, 2004, by inserting ''1902(a)(10)(A)(i)(VIII),'' after ''1902(a)(10)(A)(i)(VII),''; and

(B) by inserting ''1902(a)(10)(A)(ii)(XIX),'' after ''1902(a)(10)(A)(ii)(XVIII),''.

(3) CONFORMING AMENDMENT RELATING TO NO WAITING PERIOD FOR PREGNANT WOMEN.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) by striking '', and'' at the end of clause (i) and inserting a semicolon;

(B) by striking the period at the end of clause (ii) and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income parent who is pregnant.''.

**SEC. 4. AUTOMATIC ENROLLMENT OF CHILDREN BORN TO TITLE XXI PARENTS.**

Section 2102(b)(1) of the Social Security Act (42 U.S.C. 1397bb(b)(1)) is amended by adding at the end the following:

''(C) AUTOMATIC ELIGIBILITY OF CHILDREN BORN TO A PARENT BEING PROVIDED FAMILYCARE.—Such eligibility standards shall provide for automatic coverage of a child born to an individual who is provided assistance under this title in the same manner as medical assistance would be provided under section 1902(e)(4) to a child described in such section.''.

**SEC. 5. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND TITLE XXI.**

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(iii) PARENTS.—If the State has elected the eligibility category described in clause (ii), caretaker relatives who are parents (including individuals treated as a caregiver for purposes of carrying out section 1931) of children (described in such clause or otherwise) who are eligible for medical assistance under the plan.

''(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.''.

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

''(E) Section 1903(v)(4) (relating to optional coverage of categories of lawful resident alien children and parents), but only with respect to an eligibility category under this title, if the same eligibility category has been elected under such section for purposes of title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2001, and apply to medical assistance and child health assistance furnished on or after such date, whether or not regulations implementing such amendments have been issued.

**SEC. 6. OPTIONAL COVERAGE OF CHILDREN THROUGH AGE 20 UNDER THE MEDICAID PROGRAM AND TITLE XXI.**

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(l)(1)(D) of the Social Security Act (42 U.S.C. 1396a(l)(1)(D)) is amended by inserting ''(or, at the election of a State, 20 or 21 years of age)'' after ''19 years of age''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) of the Social Security Act (42 U.S.C. 1396a(e)(3)(A)) is amended by inserting ''(or 1 year less than the age the State has elected under subsection (l)(1)(D))'' after ''18 years of age''.

(B) Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended by inserting ''or such higher age as the State has elected under subsection (l)(1)(D)'' after ''19 years of age''.

(C) Section 1920A(b)(1) of the Social Security Act (42 U.S.C. 1396r–1a(b)(1)) is amended by inserting ''or such higher age as the State has elected under section 1902(l)(1)(D)'' after ''19 years of age''.

(D) Section 1928(h)(1) of the Social Security Act (42 U.S.C. 1396s(h)(1)) is amended by inserting ''or 1 year less than the age the State has elected under section 1902(l)(1)(D)'' before the period at the end.

(E) Section 1932(a)(2)(A) of the Social Security Act (42 U.S.C. 1396u–2(a)(2)(A)) is amended by inserting ''(or such higher age as the State has elected under section 1902(l)(1)(D))'' after ''19 years of age''.

(b) TITLE XXI.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting ''(or such higher age as the State has elected under section 1902(l)(1)(D))''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2001, and apply to medical assistance and child health assistance provided on or after such date, whether or not regulations implementing such amendments have been issued.

**SEC. 7. APPLICATION OF SIMPLIFIED TITLE XXI PROCEDURES UNDER THE MEDICAID PROGRAM.**

(a) APPLICATION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (3), by inserting ''subject to paragraph (5)'', after ''Notwithstanding subsection (a)(17),''; and

(B) by adding at the end the following:

''(5) With respect to determining the eligibility of individuals under 19 years of age (or such higher age as the State has elected under paragraph (1)(D)) for medical assistance under subsection (a)(10)(A) and, separately, with respect to determining the eligibility of individuals for medical assistance under subsection (a)(10)(A)(i)(VIII) or (a)(10)(A)(ii)(XIX), notwithstanding any other provision of this title, if the State has established a State child health plan under title XXI—

''(A) the State may not apply a resource standard;

''(B) the State shall use the same simplified eligibility form (including, if applicable, permitting application other than in person) as the State uses under such State child health plan with respect to such individuals;

''(C) the State shall provide for initial eligibility determinations and redeterminations of eligibility using verification policies, forms, and frequency that are no less restrictive than the policies, forms, and frequency the State uses for such purposes under such State child health plan with respect to such individuals; and

''(D) the State shall not require a face-to-face interview for purposes of initial eligibility determinations and redeterminations unless the State requires such an interview for such purposes under such child health plan with respect to such individuals.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to determinations of eligibility made on or after the date that is 1 year after the date of the enactment of this Act, whether or not regulations implementing such amendments have been issued.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Section 1920A(b)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended by inserting ''a child care resource and referral agency,'' after ''a State or tribal child support enforcement agency,''.

(2) APPLICATION TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

''The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).''.

(3) APPLICATION UNDER TITLE XXI.—

(A) IN GENERAL.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

''(D) Sections 1920 and 1920A (relating to presumptive eligibility).''.

(B) CONFORMING ELIMINATION OF RESOURCE TEST.—Section 2102(b)(1)(A) of such Act (42 U.S.C. 1397bb(b)(1)(A)) is amended—

(i) by striking '' and resources (including any standards relating to spenddowns and disposition of resources)''; and

(ii) by adding at the end the following: ''Effective 1 year after the date of the enactment of the FamilyCare Act of 2001, such standards may not include the application of a resource standard or test.''.

(c) AUTOMATIC REASSESSMENT OF ELIGIBILITY FOR TITLE XXI AND MEDICAID BENEFITS FOR CHILDREN LOSING MEDICAID OR TITLE XXI ELIGIBILITY.—

(1) LOSS OF MEDICAID ELIGIBILITY.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking the period at the end of paragraph (65) and inserting ''; and'', and

(B) by inserting after paragraph (65) the following:

''(66) provide, in the case of a State with a State child health plan under title XXI, that before medical assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XXI shall be made and, if determined to be so eligible, the child (or parent) shall be automatically enrolled in the program under such title without the need for a new application.''.

(2) LOSS OF TITLE XXI ELIGIBILITY AND COORDINATION WITH MEDICAID.—Section 2102(b)(42 U.S.C. 1397bb(b)) is amended—

(A) in paragraph (3), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following:

''(D) that before health assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XIX is made and, if determined to be so eligible, the child (or parent) is automatically enrolled in the program under such title without the need for a new application;'';

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) COORDINATION WITH MEDICAID.—The State shall coordinate the screening and enrollment of individuals under this title and under title XIX consistent with the following:

''(A) Information that is collected under this title or under title XIX which is needed to make an eligibility determination under the other title shall be transmitted to the appropriate administering entity under such other title in a timely manner so that coverage is not delayed and families do not have to submit the same information twice. Families shall be provided the information they need to complete the application process for coverage under both titles and be given appropriate notice of any determinations made on their applications for such coverage.

''(B) If a State does not use a joint application under this title and such title, the State shall—

''(i) promptly inform a child's parent or caretaker in writing and, if appropriate, orally, that a child has been found likely to be eligible under title XIX;

''(ii) provide the family with an application for medical assistance under such title and offer information about what (if any) further information, documentation, or other steps are needed to complete such application process;

''(iii) offer assistance in completing such application process; and

''(iv) promptly transmit the separate application under this title or the information obtained through such application, and all other relevant information and documentation, including the results of the screening process, to the State agency under title XIX for a final determination on eligibility under such title.

''(C) Applicants are notified in writing of—

''(i) benefits (including restrictions on cost-sharing) under title XIX; and

''(ii) eligibility rules that prohibit children who have been screened eligible for medical assistance under such title from being enrolled under this title, other than provisional temporary enrollment while a final eligibility determination is being made under such title.

''(D) If the agency administering this title is different from the agency administering a State plan under title XIX, such agencies shall coordinate the screening and enrollment of applicants for such coverage under both titles.

''(E) The coordination procedures established between the program under this title and under title XIX shall apply not only to the initial eligibility determination of a family but also to any renewals or redeterminations of such eligibility.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) apply to individuals who lose eligibility under the medicaid program under title XIX, or under a State child health insurance plan under title XXI, respectively, of the Social Security Act on or after October 1, 2001 (or, if later, 60 days after the date of the enactment of this Act), whether or not regulations implementing such amendments have been issued.

(d) PROVISION OF MEDICAID AND CHIP APPLICATIONS AND INFORMATION UNDER THE SCHOOL LUNCH PROGRAM.—Section 9(b)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(2)(B)) is amended—

(1) by striking ''(B) Applications'' and inserting ''(B)(i) Applications''; and

(2) by adding at the end the following:

''(ii)(I) Applications for free and reduced price lunches that are distributed pursuant to clause (i) to parents or guardians of children in attendance at schools participating in the school lunch program under this Act shall also contain information on the availability of medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and of child health and FamilyCare assistance under title XXI of such Act, including information on how to obtain an application for assistance under such programs.

''(II) Information on the programs referred to in subclause (I) shall be provided on a form separate from the application form for free and reduced price lunches under clause (i).''.

(e) 12-MONTHS CONTINUOUS ELIGIBILITY.—

(1) MEDICAID.—Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended—

(A) by striking ''At the option of the State, the plan may'' and inserting ''The plan shall'';

(B) by striking ''an age specified by the State (not to exceed 19 years of age)'' and inserting ''19 years of age (or such higher age as the State has elected under subsection (l)(1)(D)) or, at the option of the State, who is eligible for medical assistance as the parent of such a child''; and

(C) in subparagraph (A), by striking ''a period (not to exceed 12 months) '' and inserting ''the 12-month period beginning on the date''.

(2) TITLE XXI.—Section 2102(b)(2) of such Act (42 U.S.C. 1397bb(b)(2)) is amended by adding at the end the following: ''Such methods shall provide 12-months continuous eligibility for children under this title in the same manner that section 1902(e)(12) provides 12-months continuous eligibility for children described in such section under title XIX. If a State has elected to apply section 1902(e)(12) to parents, such methods may provide 12-months continuous eligibility for parents under this title in the same manner that such section provides 12-months continuous eligibility for parents described in such section under title XIX.''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall take effect on October 1, 2001 (or, if later, 60 days after the date of the enactment of this Act), whether or not regulations implementing such amendments have been issued.

**SEC. 8. IMPROVING WELFARE-TO-WORK TRANSITION UNDER THE MEDICAID PROGRAM.**

(a) MAKING PROVISION PERMANENT.—

(1) IN GENERAL.—Subsection (f) of section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is repealed.

(2) CONFORMING AMENDMENT.—Section 1902(e)(1) of the Social Security Act (42 U.S.C. 1396a(e)(1)) is repealed.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is amended—

(1) in subsection (a), by adding at the end the following:

''(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply.''; and

(2) in subsection (b)(1), by inserting ''and subsection (a)(5)'' after ''paragraph (3)''.

(c) SIMPLIFICATION.—

(1) REMOVAL OF ADMINISTRATIVE REPORTING REQUIREMENTS FOR ADDITIONAL 6-MONTH EXTENSION.—Section 1925(b)(2) of the Social Security Act (42 U.S.C. 1396r–6(b)(2)) is amended—

(A) by striking subparagraph (B);

(B) in subparagraph (A)(i)—

(i) in the heading, by striking ''AND REQUIREMENTS'';

(ii) by striking ''(I)'' and all that follows through ''(II)'' and inserting ''(i)'';

(iii) by striking '', and (III)'' and inserting ''and (ii)'';

(iv) by redesignating such subparagraph as subparagraph (A) (with appropriate indentation); and

(C) in subparagraph (A)(ii)—

(i) in the heading, by striking ''REPORTING REQUIREMENTS AND'';

(ii) by striking ''notify the family of the reporting requirement under subparagraph (B)(ii) and'' and inserting ''provide the family with notification of''; and

(iii) by redesignating such subparagraph as subparagraph (B) (with appropriate indentation).

(2) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) of the Social Security Act (42 U.S.C. 1396r–6(a)(1)) is amended—

(A) by inserting ''but subject to subparagraph (B)'' after ''any other provision of this title'';

(B) by redesignating the matter after ''REQUIREMENT.—'' as a subparagraph (A) with the heading ''IN GENERAL.—'' and with the same indentation as subparagraph (B) (as added by subparagraph (C)); and

(C) by adding at the end the following:

''(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.''.

(3) PERMITTING INCREASE OR WAIVER OF 185 PERCENT OF POVERTY EARNING LIMIT.—Section 1925(b)(3)(A)(iii)(III) of the Social Security Act (42 U.S.C. 1396r–6(b)(3)(A)(iii)(III)) is amended—

(A) by inserting ''(at its option)'' after ''the State''; and

(B) by inserting ''(or such higher percent as the State may specify)'' after ''185 percent''.

(4) EXEMPTION FOR STATES COVERING NEEDY FAMILIES UP TO 185 PERCENT OF POVERTY.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6), as amended by subsection (a), is amended—

(A) in each of subsections (a)(1) and (b)(1), by inserting ''but subject to subsection (f),'' after ''Notwithstanding any other provision of this title,''; and

(B) by adding at the end the following:

''(f) EXEMPTION FOR STATE COVERING NEEDY FAMILIES UP TO 185 PERCENT OF POVERTY.—

''(1) IN GENERAL.—At State option, the provisions of this section shall not apply to a State that uses the authority under section 1902(a)(10)(A)(ii)(XIX), section 1931(b)(2)(C), or otherwise to make medical assistance available under the State plan under this title to eligible individuals described in section 1902(k)(1), or all individuals described in section 1931(b)(1), and who are in families with gross incomes (determined without regard to work-related child care expenses of such individuals) at or below 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(2) APPLICATION TO OTHER PROVISIONS OF THIS TITLE.—The State plan of a State described in paragraph (1) shall be deemed to meet the requirements of section 1902(a)(10)(A)(i)(I).''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2001, whether or not regulations implementing such amendments have been issued.

**SEC. 9. ELIMINATION OF 100 HOUR RULE AND OTHER AFDC-RELATED ELIGIBILITY RESTRICTIONS.**

(a) IN GENERAL.—Section 1931(b)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1396u–

1(b)(1)(A)(ii)) is amended by inserting ''other than the requirement that the child be deprived of parental support or care by reason of the death, continued absence from the home, incapacity, or unemployment of a parent,'' after ''section 407(a),''.

(b) CONFORMING AMENDMENT.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1), in clause (ii), by striking ''if such child is (or would, if needy, be) a dependent child under part A of title IV''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to eligibility determinations made on or after October 1, 2001, whether or not regulations implementing such amendments have been issued.

**SEC. 10. STATE GRANT PROGRAM FOR MARKET INNOVATION.**

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a program (in this section referred to as the ''program'') to award demonstration grants under this section to States to allow States to demonstrate the effectiveness of innovative ways to increase access to health insurance through market reforms and other innovative means. Such innovative means may include any of the following:

(1) Alternative group purchasing or pooling arrangements, such as purchasing cooperatives for small businesses, reinsurance pools, or high risk pools.

(2) Individual or small group market reforms.

(3) Consumer education and outreach.

(4) Subsidies to individuals, employers, or both, in obtaining health insurance.

(b) SCOPE; DURATION.—The program shall be limited to not more than 10 States and to a total period of 5 years, beginning on the date the first demonstration grant is made.

(c) CONDITIONS FOR DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Secretary may not provide for a demonstration grant to a State under the program unless the Secretary finds that under the proposed demonstration grant—

(A) the State will provide for demonstrated increase of access for some portion of the existing uninsured population through a market innovation (other than merely through a financial expansion of a program initiated before the date of the enactment of this Act);

(B) the State will comply with applicable Federal laws;

(C) the State will not discriminate among participants on the basis of any health status-related factor (as defined in section 2791(d)(9) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(9)), except to the extent a State wishes to focus on populations that otherwise would not obtain health insurance because of such factors; and

(D) the State will provide for such evaluation, in coordination with the evaluation required under subsection (d), as the Secretary may specify.

(2) APPLICATION.—The Secretary shall not provide a demonstration grant under the program to a State unless—

(A) the State submits to the Secretary such an application, in such a form and manner, as the Secretary specifies;

(B) the application includes information regarding how the demonstration grant will address issues such as governance, targeted population, expected cost, and the continuation after the completion of the demonstration grant period; and

(C) the Secretary determines that the demonstration grant will be used consistent with this section.

(3) FOCUS.—A demonstration grant proposal under this section need not cover all uninsured individuals in a State or all health care benefits with respect to such individuals.

(d) EVALUATION.—The Secretary shall enter into a contract with an appropriate entity outside the Department of Health and Human Services to conduct an overall evaluation of the program at the end of the program period. Such evaluation shall include an analysis of improvements in access, costs, quality of care, or choice of coverage, under different demonstration grants.

(e) OPTION TO PROVIDE FOR INITIAL PLANNING GRANTS.—Notwithstanding the previous provisions of this section, under the program the Secretary may provide for a portion of the amounts appropriated under subsection (f) (not to exceed $5,000,000) to be made available to any State for initial planning grants to permit States to develop demonstration grant proposals under the previous provisions of this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for each fiscal year to carry out this section. Amounts appropriated under this subsection shall remain available until expended.

(g) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

**SEC. 11. LIMITATIONS ON CONFLICTS OF INTEREST.**

(a) LIMITATION ON CONFLICTS OF INTEREST IN MARKETING ACTIVITIES.—

(1) TITLE XXI.—Section 2105(c) of the Social Security Act (42 U.S.C. 300aa–5(c)) is amended by adding at the end the following:

''(8) LIMITATION ON EXPENDITURES FOR MARKETING ACTIVITIES.—Amounts expended by a State for the use of an administrative vendor in marketing health benefits coverage to low-income children under this title shall not be considered, for purposes of subsection (a)(2)(D), to be reasonable costs to administer the plan unless the following conditions are met with respect to the vendor:

''(A) The vendor is independent of any entity offering the coverage in the same area of the State in which the vendor is conducting marketing activities.

''(B) No person who is an owner, employee, consultant, or has a contract with the vendor either has any direct or indirect financial interest with such an entity or has been excluded from participation in the program under this title or title XVIII or XIX or debarred by any Federal agency, or subject to a civil money penalty under this Act.''.

(b) PROHIBITION OF AFFILIATION WITH DEBARRED INDIVIDUALS.—

(1) MEDICAID.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i))is amended—

(A) by striking the period at the end of paragraph (20) and inserting ''; or''; and

(B) by inserting after paragraph (20) the following:

''(21) with respect to any amounts expended for an entity that receives payments under the plan unless—

''(A) no person with an ownership or control interest (as defined in section 1124(a)(3)) in the entity is a person that is debarred, suspended, or otherwise excluded from participating in procurement or non-procurement activities under the Federal Acquisition Regulation; and

''(B) such entity has not entered into an employment, consulting, or other agreement for the provision of items or services that are material to such entity's obligations under the plan with a person described in subparagraph (A).''.

(2) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 5(b) and 7(b)(3), is further amended—

(A) in subparagraph (B), by striking ''and (17)'' and inserting ''(17), and (21)''; and

(B) by adding at the end the following:

''(F) Section 1902(a)(67) (relating to prohibition of affiliation with debarred individuals).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made on or after October 1, 2001, whether or not regulations implementing such amendments have been issued.

**SEC. 12. INCREASE IN CHIP ALLOTMENT FOR EACH OF FISCAL YEARS 2002 THROUGH 2004.**

Paragraphs (5), (6), and (7) of section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) are amended by striking ''$3,150,000,000'' each place it appears and inserting ''$4,150,000,000''.

**SEC. 13. DEMONSTRATION PROGRAMS TO IMPROVE MEDICAID AND CHIP OUTREACH TO HOMELESS INDIVIDUALS AND FAMILIES.**

(a) AUTHORITY.—The Secretary of Health and Human Services may award demonstration grants to not more than 7 States (or other qualified entities) to conduct innovative programs that are designed to improve outreach to homeless individuals and families under the programs described in subsection (b) with respect to enrollment of such individuals and families under such programs and the provision of services (and coordinating the provision of such services) under such programs.

(b) PROGRAMS FOR HOMELESS DESCRIBED.—The programs described in this subsection are as follows:

(1) MEDICAID.—The program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) CHIP.—The program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) TANF.—The program under part of A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(4) SAMHSA BLOCK GRANTS.—The program of grants under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–1 et seq.).

(5) FOOD STAMP PROGRAM.—The program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(6) WORKFORCE INVESTMENT ACT.—The program under the Workforce Investment Act of 1999 (29 U.S.C. 2801 et seq.).

(7) WELFARE-TO-WORK.—The welfare-to-work program under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)).

(8) OTHER PROGRAMS.—Other public and private benefit programs that serve low-income individuals.

(c) APPROPRIATIONS.—For the purposes of carrying out this section, there is appropriated for fiscal year 2002, out of any funds in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended.

**SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS TO AUTHORITY TO PAY MEDICAID EXPANSION COSTS FROM TITLE XXI APPROPRIATION.**

(a) AUTHORITY TO PAY MEDICAID EXPANSION COSTS FROM TITLE XXI APPROPRIATION.—Section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) is amended to read as follows:

''(a) ALLOWABLE EXPENDITURES.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under this title, from its allotment under section 2104, an amount for each quarter equal to the enhanced FMAP of the following expenditures in the quarter:

''(A) CHILD HEALTH ASSISTANCE UNDER MEDICAID.—Expenditures for child health assistance under the plan for targeted low-income

children in the form of providing medical assistance for expenditures described in the fourth sentence of section 1905(b).

''(B) RESERVED.—[reserved].

''(C) CHILD HEALTH ASSISTANCE UNDER THIS TITLE.—Expenditures for child health assistance under the plan for targeted low-income children in the form of providing health benefits coverage that meets the requirements of section 2103.

''(D) ASSISTANCE AND ADMINISTRATIVE EXPENDITURES SUBJECT TO LIMIT.—Expenditures only to the extent permitted consistent with subsection (c)—

''(i) for other child health assistance for targeted low-income children;

''(ii) for expenditures for health services initiatives under the plan for improving the health of children (including targeted low-income children and other low-income children);

''(iii) for expenditures for outreach activities as provided in section 2102(c)(1) under the plan; and

''(iv) for other reasonable costs incurred by the State to administer the plan.

''(2) ORDER OF PAYMENTS.—Payments under a subparagraph of paragraph (1) from a State's allotment for expenditures described in each such subparagraph shall be made on a quarterly basis in the order of such subparagraph in such paragraph.

''(3) NO DUPLICATIVE PAYMENT.—In the case of expenditures for which payment is made under paragraph (1), no payment shall be made under title XIX.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 1905(u).—Section 1905(u)(1)(B) of the Social Security Act (42 U.S.C. 1396d(u)(1)(B)) is amended by inserting ''and section 2105(a)(1)'' after ''subsection (b)''.

(2) SECTION 2105(c).—Section 2105(c)(2)(A) of the Social Security Act (42 U.S.C. 1397ee(c)(2)(A)) is amended by striking ''subparagraphs (A), (C), and (D) of''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251), whether or not regulations implementing such amendments have been issued.

**SEC. 15. ADDITIONAL CHIP REVISIONS.**

(a) LIMITING COST-SHARING TO 2.5 PERCENT FOR FAMILIES WITH INCOME BELOW 150 PERCENT OF POVERTY.—Section 2103(e)(3)(A) of the Social Security Act (42 U.S.C. 1397cc(e)(3)(A)) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(iii) total annual aggregate cost-sharing described in clauses (i) and (ii) with respect to all such targeted low-income children in a family under this title that exceeds 2.5 percent of such family's income for the year involved.''.

(b) REPORTING OF ENROLLMENT DATA.—

(1) QUARTERLY REPORTS.—Section 2107(b)(1) of such Act (42 U.S.C. 1397gg(b)(1)) is amended by adding at the end the following: ''In quarterly reports on enrollment required under this paragraph, a State shall include information on the age, gender, race, ethnicity, service delivery system, and family income of individuals enrolled.''.

(2) ANNUAL REPORTS.—Section 2108(b)(1)(B)(i) of such Act (42 U.S.C. 1397hh(b)(1)(B)(i)) is amended by inserting ''primary language of enrollees,'' after ''family income,''.

(c) EMPLOYER COVERAGE WAIVER CHANGES.—Section 2105(c)(3) of such Act (42 U.S.C. 1397ee(c)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting appropriately;

(2) by designating the matter beginning with ''Payment may be made'' as a subparagraph (A) with the heading ''IN GENERAL'' and indenting appropriately; and

(3) by adding at the end the following new subparagraphs:

''(B) APPLICATION OF REQUIREMENTS.—In carrying out subparagraph (A)—

''(i) the Secretary shall not require a minimum employer contribution level that is separate from the requirement of cost-effectiveness under subparagraph (A)(i), but a State shall identify a reasonable minimum employer contribution level that is based on data demonstrating that such a level is representative to the employer-sponsored insurance market in the State and shall monitor employer contribution levels over time to determine whether substitution is occurring and report the findings in annual reports under section 2108(a);

''(ii) the State shall establish a waiting period of at least 6 months without group health coverage, but may establish reasonable exceptions to such period and shall not apply such a waiting period to a child who is provided coverage under a group health plan under section 1906;

''(iii) subject to clause (iv), the State shall provide satisfactory assurances that the minimum benefits and cost-sharing protections established under this title are provided, either through the coverage under subparagraph (A) or as a supplement to such coverage; and

''(iv) coverage under such subparagraph shall not be considered to violate clause (iii) because it does not comply with requirements relating to reviews of health service decisions if the enrollee involved is provided the option of being provided benefits directly under this title.

''(C) ACCESS TO EXTERNAL REVIEW PROCESS.—In carrying out subparagraph (A), if a State provides coverage under a group health plan that does not meet the following external review requirements, the State must give applicants and enrollees (at initial enrollment and at each redetermination of eligibility) the option to obtain health benefits coverage other than through that group health plan:

''(i) The enrollee has an opportunity for external review of a—

''(I) delay, denial, reduction, suspension, or termination of health services, in whole or in part, including a determination about the type or level of services; and

''(II) failure to approve, furnish, or provide payment for health services in a timely manner.

''(ii) The external review is conducted by the State or a impartial contractor other than the contractor responsible for the matter subject to external review.

''(iii) The external review decision is made on a timely basis in accordance with the medical needs of the patient. If the medical needs of the patient do not dictate a shorter time frame, the review must be completed—

''(I) within 90 calendar days of the date of the request for internal or external review; or

''(II) within 72 hours if the enrollee's physician or plan determines that the deadline under subclause (I) could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function (except that a State may extend the 72-hour deadline by up to 14 days if the enrollee requests an extension).

''(iv) The external review decision shall be in writing.

''(v) Applicants and enrollees have an opportunity—

''(I) to represent themselves or have representatives of their choosing in the review process;

''(II) timely review their files and other applicable information relevant to the review of the decision; and

''(III) fully participate in the review process, whether the review is conducted in person or in writing, including by presenting supplemental information during the review process.''.

(d) EFFECTIVE DATE.—The amendments made by this section apply as of October 1, 2001, whether or not regulations implementing such amendments have been issued.

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NATIONAL WOMEN'S LAW CENTER,
*Washington, DC, July 24, 2001.*

Hon. EDWARD M. KENNEDY,
Hon. OLYMPIA SNOWE,
*U.S. Senate, Washington, DC.*

DEAR SENATORS KENNEDY AND SNOWE: We would like to thank you for your leadership in introducing the ''FamilyCare Act of 2001,'' which would allow states to provide health insurance coverage for millions of women. This is such a critical women's health issue that over one hundred organizations working on women's health throughout the nation have endorsed the bill. The list of these organizations follows:

ORGANIZATIONS ADDRESSING WOMEN'S HEALTH THAT ENDORSE THE FAMILYCARE ACT OF 2001

9to5 National Association of Working Women
AFL–CIO
Abortion Access Project
Abortion Rights Fund of Western Massachusetts
ACCESS/Women's Health Rights Coalition
African American Women Evolving
Alan Guttmacher Institute
American Association of University Women
American College of Nurse-Midwives
American College of Obstetricians and Gynecologists
American Counseling Association
American Federation of Teachers
American Medical Women's Association
American Public Health Association
Americans for Democratic Action
Association of Maternal and Child Health Programs
Association of Reproductive Health Professionals
Boston Women's Health Book Collective
California Women's Law Center
Catholics for a Free Choice
Center for Community Change
Center for Reproductive Law and Policy
Center for Women Policy Studies
Central Conference of American Rabbis
Child Care Law Center
Choice USA
Church Women United
Coalition of Labor Union Women
Connecticut Association for Human Services
Connecticut Sexual Assault Crisis Services
Connecticut Women's Health Campaign
Contact Center
FamiliesUSA
Family Planning Advocates of New York State
Family Violence Prevention Fund
Family Voices
Feminist Majority
Feminist Women's Health Center
Florida NOW
Friends of Midwives, CT
Hadassah
Human Rights Campaign
Human Services Coalition of Dade County
Jewish Women International
Jewish Women's Coalition, Inc.
Juneau Pro-Choice Coalition
Justice for Women Working Group of the National Council of Churches
Lutheran Office for Governmental Affairs, ELCA

McAuley Institute
Maine Women's Health Campaign
March of Dimes
Mexican American Legal Defense and Education Fund
Ms. Foundation for Women
National Abortion and Reproductive Rights Action League
National Abortion Federation
National Asian Women's Health Organization
National Association of Commissions on Women
National Association of Community Health Centers, Inc.
National Association of Nurse Practitioners in Women's Health
National Association of Public Hospitals and Health Systems
National Association of Social Workers
National Black Nurses Association
National Black Women's Health Project
National Center for Policy Research for Women and Families
National Center on Poverty Law
National Center on Women and Aging
National Coalition Against Domestic Violence
National Council of Churches of Christ in the USA
National Council of Jewish Women
National Council of Women's Organizations
National Family Planning and Reproductive Health Association
National Health Law Program
National Hispanic Council on Aging
National Hispanic Medical Association
National Network of Abortion Funds
National Organization for Women
National Partnership for Women and Families
National Training Center on Domestic and Sexual Violence
National Women's Health Network
National Women's Law Center
National Women's Political Caucus
New York Affiliate of the National Abortion and Reproductive Rights Action League (NARAL/NY)
Northwest Connecticut Chapter of the Older Women's League
Northwest Women's Law Center
NOW Legal Defense and Educational Fund
Ohio Empowerment Coalition
Oregon Law Center
Planned Parenthood Federation of America
Progressive Leadership Alliance of Nevada
Project WISE/Project Inform
Religious Coalition for Reproductive Choice
Religious Network of Equality for Women
Service Employees International Union
Society for Women's Health Research
Texas Council on Family Violence
Union of American Hebrew Congregations
Unitarian Universalist Association of Congregations
Welfare Law Center
Welfare Rights Initiative
Westchester Coalition for Legal Abortion
Wider Opportunities for Women
Women Employed
Women Empowered Against Violence, Incorporated
Women Leaders Online
Women of Reform Judaism
Women Work!
Women's Emergency Network
Women's International Public Health Network
Working for Equality and Economic Liberation
YWCA of the USA
Zeta Phi Beta Sorority

Sincerely,

MARCIA D. GREENBERGER,
*Co-President.*
REGAN RALPH,
*Vice President, Women's Health and Reproductive Rights.*

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AMERICAN ACADEMY OF PEDIATRICS,
*Washington, DC, July 24, 2001.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of the 55,000 members of the American Academy of Pediatrics, I am writing to express the Academy's strong support of the Family Care Act of 2001. This legislation takes critical steps to ensure that every child in the United States has access to affordable quality health care. We are pleased that you and your colleagues have put this measure forward and we look forward to working with you in the coming months to ensure that the bill's provisions become law.

In addition to the important expansion of coverage options under Medicaid and SCHIP, including those for pregnant women and immigrant children and their families, we strongly endorse the numerous components of the legislation that will make getting enrolled, and staying enrolled, in Medicaid and SCHIP simpler for children and families. By expanding the types of entities that are able to perform presumptive eligibility determinations, consolidating application and enrollment procedures and providing for automatic redetermination of eligibility, states can ensure that children and families have seamless access to quality care.

We appreciate your continued attention to the health care needs of our nation's children. If we can be of assistance in your efforts, please do not hesitate to contact me at (202) 347–8600.

Sincerely,

GRAHAM NEWSON,
*Director,*
*Department of Federal Affairs.*

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AMERICAN HOSPITAL ASSOCIATION,
*Washington, DC, July 24, 2001.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Russell Building, Washington, DC.*

DEAR CHAIRMAN KENNEDY: The American Hospital Association (AHA), which represents 5,000 hospitals, health care systems, networks, and other providers of care, shares your goal of expanding access to health care coverage for the nation's over 42 million uninsured Americans. As you know, eight out of every 10 uninsured persons lives in a working family. Ten million of the uninsured are children. The uninsured are concentrated disproportionately in low-income families. And while health care coverage by itself does not guarantee good health or access to appropriate health services, the absence of health care coverage is a major contributor to poor health.

AHA supports an array of legislative proposals that would expand coverage to low-income people, including those that would build on current programs such as Medicaid and the State Children's Health Insurance Program (S–CHIP), and those that would use changes in the tax code to bolster coverage. Therefore, AHA strongly supports the objective of your bipartisan legislation, the Family Care Act of 2001, sponsored with Senator Snowe. Your legislation embraces, as one option, expanding state options to allow coverage of the parents of children covered by S–CHIP. We support provisions that would improve state options for Medicaid coverage for children, pregnant women, and those making the transition from welfare to work. Furthermore, we applaud your provisions that would simplify applications, increased outreach activities, and create state grant programs to encourage market innovation in health care insurance. AHA believes these are good first steps toward lowering the number of the uninsured.

In addition to expanding public programs, AHA supports other measures that utilize the tax code to make health care insurance more affordable for low-income working families. Toward that end, AHA also supports the bipartisan REACH Act drafted by Senators Jeffords, Snowe, Frist, Chafee, Breaux, Lincoln and Carper; and the bipartisan Fair Care for the Uninsured Act (S. 683) sponsored by Senators Santorum and Torricelli. Both of these bills would establish refundable tax credits to help low-income families purchase health care insurance.

Our nation's hospitals see every day that the absence of health coverage is a significant barrier to care, reducing the likelihood that people will get appropriate preventive, diagnostic and chronic care. AHA supports your efforts to help more low-income families to get the health care coverage they need and deserve. We thank you for your leadership and we look forward to working with you to advance the Family Care Act of 2001.

Sincerely,

RICK POLLACK,
*Executive Vice President.*

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NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS,
*Alexandria, VA, July 24, 2001.*

Hon. EDWARD KENNEDY,
Hon. OLYMPIA SNOWE,
*U.S. Senate, Washington, DC.*

DEAR SENATOR KENNEDY AND SENATOR SNOWE: On behalf of the National Association of Children's Hospitals (N.A.C.H.), which represents over 100 children's hospitals nationwide, I want to express our strong support for your introduction of the ''FamilyCare Act of 2001.''

As providers of care to all children, regardless of their economic status, children's hospitals devote more than 40% of their patient care to children who rely on Medicaid or are uninsured, and more than three-fourths of their patient-care to children with chronic and congenital conditions. These hospitals have extensive experience in assisting families to enroll eligible children in Medicaid and SCHIP. They are keenly aware of the importance of addressing the challenges that states face in enrolling this often hard to reach population of eligible children.

In particular, N.A.C.H. appreciates your efforts to simplify and coordinate the application process for SCHIP and Medicaid, as well as to provide new tools for states to use in identifying and enrolling families. We strongly support your provision guaranteeing continuous 12-month eligibility for children and parents, which will address one major problem in assuring coverage for eligible children.

N.A.C.H. also applauds your provisions that continue children's coverage as the first priority of the SCHIP program, including (1) requiring states to first cover children up to 200% of poverty and eliminating waiting lists in the SCHIP program before covering parents, and (2) requiring every child who loses coverage under Medicaid or SCHIP to be automatically screened for other avenues of eligibility and if found eligible, enrolled immediately in that program.

N.A.C.H. further supports your legislation's provision to give states additional flexibility under SCHIP and Medicaid to cover legal immigrant children. In states with high proportions of uninsured children, such as California, Texas and Florida, the federal government's bar on coverage of legal immigrant children helps contribute to

the fact that Hispanic children represent the highest rate of uninsured children of all major racial and ethnic minority groups. Your provision to ensure coverage of legal immigrant children would be extremely useful in improving this situation.

N.A.C.H. greatly appreciates your efforts to provide all children with the best possible chance at starting out and staying healthy. We welcome and look forward to working with you to pass the ''FamilyCare Act of 2001.''

Sincerely,

LAWRENCE A. MCANDREWS,
*President and CEO.*

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MARCH OF DIMES,
*Washington, DC, July 24, 2001.*

Hon. EDWARD KENNEDY,
*U.S. Senate, Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of more than 3 million volunteers and 1600 staff members of the March of Dimes, I want to commend you for introducing the ''Family Care Act of 2001.'' The March of Dimes is committed to increasing access to appropriate and affordable health care for women, infants and children and supports the targeted approach to expanding the State Children's Health Insurance Program contained in the Family Care proposal.

The ''Family Care Act of 2001'' contains a number of beneficial provisions that would expand and improve SCHIP. The March of Dimes strongly supports giving states the option to cover low-income pregnant women in Medicaid and SCHIP programs with an enhanced matching rate. We understand that Family Care would allow states to cover uninsured parents of children enrolled in Medicaid and SCHIP as well as uninsured first-time pregnant women. SCHIP is the only major federally-funded program that denies coverage to pregnant women while providing coverage to their infants and children. We know prenatal care improves birth outcomes. Expanding health insurance coverage for low-income pregnant women has bipartisan support in both the House and Senate.

The March of Dimes also supports Family Care provisions to require automatic enrollment of children born to SCHIP parents; automatic screening of every child who loses coverage under Medicaid or SCHIP to determine eligibility for other health programs; and distribution of information on the availability of Medicaid and SCHIP through the school lunch program. The March of Dimes also supports giving states the option to provide Medicaid and SCHIP benefits to children and pregnant women who arrived legally to the United States after August 23, 1996, and to people ages 19 and 20. The National Governors Association recently endorsed this proposal as part of its legislation policy platform.

Finally, we commend you for raising issues such as the elimination of assets tests in Medicaid and CHIP for parents and children as well as providing for guaranteed continuous 12-month eligibility for parents and children enrolled in Medicaid and CHIP. While controversial, we hope states would voluntarily adopt these provisions which would provide the kind of continuity that is so important for keeping families insured.

We thank you for your leadership in introducing the ''Family Care Act of 2001'' and are eager to work with you to achieve approval of this much needed legislation.

Sincerely,

ANNA ELEANOR ROOSEVELT,
*Vice Chair, Board of Trustees; Chair, National Public Affairs Committee.*

Dr. JENNIFER L. HOWSE,
*President.*

THE CATHOLIC HEALTH ASSOCIATION,
*Washington, DC, July 24, 2001.*

Hon. EDWARD M. KENNEDY,
*Russell Senate Office Building,*
*U.S. Senate, Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization of more than 2,000 Catholic healthcare sponsors, systems, facilities, and related organizations, I write to thank you for your efforts to expand health coverage for uninsured low-income families. CHA shares your commitment to the goal of accessible and affordable care for all, and we strongly support the ''Family Care Act of 2001'' as an important step toward that goal.

The ''Family Care Act of 2001'' would allow states to extend Medicaid and State Children's Health Insurance Program (SCHIP) coverage to parents of children already eligible for these programs. Most of these individuals are working but do not have incomes sufficient to afford the high cost of private insurance. Family Care is a cost-effective way to address this problem. Not only would it reduce the number of uninsured parents but it would also improve enrollment of uninsured low-income children in Medicaid and SCHIP at a time when more than 10 million children still do not have health coverage. While a number of states have already initiated efforts to expand SCHIP to parents and to eliminate enrollment barriers, much more needs to be done. Moreover, the additional funding called for in your bill is essential if states are to proceed with the assurance of federal support for their coverage expansion efforts.

We are also pleased that your bill would address gaps in Medicaid and SCHIP coverage for pregnant women and legal immigrants.

Catholic hospitals and healthcare systems provide inpatient and outpatient care in 48 states and more than 360 local areas. Every day we see the impact that lack of health insurance has on families' access to coordinated and high-quality health care. With a substantial federal surplus, Congress and the administration simply must make addressing this problem a national priority. We applaud your leadership in introducing the ''Family Care Act of 2001'' and look forward to working with you and your colleagues to advance this important bill.

Sincerely,

Rev. MICHAEL D. PLACE, STD,
*President and CEO.*

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CHILDRENS DEFENSE FUND,
*Washington, DC, July 24, 2001.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate, Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR KENNEDY: We are taking this opportunity to thank you for your work on the FamilyCare Act and your intention to introduce the bill in the current Congress. This proposal has the strong support of the Children's Defense Fund because it provides and strengthens health care coverage for uninsured children and their parents. Building on the successes of Medicaid and the Children's Health Insurance Program (CHIP), this legislation will increase coverage for uninsured children, provide funding for health insurance coverage for the uninsured parents of Medicaid and CHIP-eligible children, and simplify the enrollment process for Medicaid and CHIP to make the programs more family friendly.

We look forward to working with you for passage of the FamilyCare Act by the Congress.

Sincerely,

GREGG, HAIFLEY,
*Deputy Director Health Division.*

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By Mr. KENNEDY:

S. 1247. A bill to establish a grant program to promote emotional and social development and school readiness; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am proud to introduce the Foundations for Learning Act. I want to thank my son, PATRICK for his leadership in developing this legislation. This bill is an extremely important piece of legislation that addresses the whole child's early development.

There is no question that healthy emotional and social development are critical to school success. The development of curiosity, self-direction, the ability to cooperate with peers and to exhibit self-control are essential before a child can be ready to learn. Children whose lives are threatened by socioeconomic disadvantage, violence, family disruption and diagnosed disabilities are at a severe disadvantage in the classroom. There is no question these children cannot perform at their highest academic potential.

While we are all concerned about reading readiness and children's readiness to learn, we cannot ignore the underlying factors that enable them to learn. We know that children cannot learn when they are hungry or sleepy, but rarely do we stop to think about their emotional ability to learn. Children who are angry, afraid or cannot control their own emotions, or have no sense of self-direction, and ability to resolve conflicts with peers are not ready to learn either.

Last month, a national study reported that children who receive more than 30 hours per week of non-parental child care exhibit higher levels of aggressive behavior than those who spend less than 10 hours per week in comparable settings. The study called national attention to the quality of child care that parents entrust the care of their young children to. It also rekindled the Nation's interest in the early years and how these years contribute to a young children's development. As we debate investments in early care and education, we must not underestimate the need to look at the social and emotional readiness of the child that leads to later academic readiness.

Studies are showing that increasing numbers of children are unprepared to cope with the demand of school, not because they lack the academic tools, but because they lack the social skills and emotional self-regulation necessary to succeed. In a survey of kindergarten teachers, 46 percent said that at least half of their class had difficulty following directions, 34 percent reported half of the class or more had difficulty working as part of a group, and 20 percent said at least half of the class had

problems with social skills. Is it a surprise that children who cannot follow simple directions and get along with their peers cannot learn to read?

According to the latest data, 61 percent of children under age 4 are in regularly scheduled child care. With such a high percentage of our youngest children in child care and with such certainty as we have that early care and education has a long-lasting if not permanent impact on an individual's social and academic development, we cannot deny the necessity of ensuring that those providers are equipped to work with all of our children including those with emotional and behavioral problems.

Neither can we deny that the most important relationship in a child's life is the one with his or her parents. It is absolutely essential to the child's future success that the parent-child relationship be as healthy as possible. Without a close, dependable relationship with a healthy and responsible adult, a child's potential for growth could be severely and permanently impaired. We must provide high quality education and support not only for children but also for their parents.

The goal of this legislation is to enable all children to enter school ready to learn by focusing on the social and emotional development of children ages 0–5. The bill would accomplish this by: providing family support initiatives such as parent training and home visitation to provide intensive early interventions to families of at-risk children; providing consultations and professional development opportunities for child care workers and hiring of behavioral specialists by early childhood service providers and the development of curriculum for use in early childhood settings; providing early intervention services to at-risk children to promote their emotional and social development; and by developing community resources and linkages between early childhood service providers to enhance the quality of services to children.

This bill will help communities lay the foundation for school readiness by providing funding to integrate emotional and social development support services into early childhood programs and strengthening the capacity of parents to constructively manage behavior problems.

Study after study had shown that intervention can work to increase the quality of early care and educational experiences that children receive. Study after study has shown that financial resources are essential to improving quality of early care and education. Study after study has shown that investments in young children can save costs of adolescents' incarceration tomorrow. Investing in young children is well worth the investment. If we're serious about adequately preparing our children for school and for life, we must provide communities, families, child care providers with the necessary resources to support the development of a healthy whole child.

I hope that my colleagues will join me in supporting and pushing this important legislation.

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By Mr. KERRY (for himself, Mr. CHAFEE, Mr. REED, Mr. JEFFORDS, Mr. SARBANES, Mr. LEAHY, Mr. WELLSTONE, Mr. DAYTON, Mrs. FEINSTEIN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. KENNEDY, Mr. CORZINE, and Mr. DODD):

S. 1248. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, our Nation is facing an affordable housing crisis. Recent changes in the housing market have limited the availability of affordable housing across the country while the growth in our economy in the last decade has dramatically increased the cost of housing that remains. That is why, along with sixteen cosponsors, I am proposing to address the severe shortage of affordable housing by introducing legislation that will establish a National Affordable Housing Trust Fund.

The Affordable Housing Trust Fund that is established in this legislation would create an affordable housing production program, ensuring that new rental units are built for those who most need assistance extremely low-income families, including working families. The goal is to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families. Seventy-five percent of Trust Fund assistance will be given out, based on need, through matching grants to states. The States will allocate funds on a competitive basis to projects that meet Federal requirements, such as mixed-income projects and long-term affordability, and to address local needs. The remainder of the funding will be competitively awarded by the Department of Housing and Urban Development, HUD, to intermediaries such as the Enterprise Foundation, which will be required to leverage private funds. A portion of the Trust Fund will be used to promote home ownership activities for low-income Americans.

Funding for the Trust Fund would be drawn from excess revenue generated by the Federal Housing Administration and Government National Mortgage Administration beyond the amounts necessary to ensure their safety and soundness. These Federal housing programs generate billions of dollars in excess income, which currently go to the general Treasury for use on other Federal priorities. It is time to stop taking housing money out of housing programs. These excess funds should be used to help alleviate the current housing crisis. According to current projections, approximately $5.7 billion will be available for the Trust Fund in the first year and $2 billion will be available each year thereafter.

The need for affordable housing is great. While many Americans have benefitted from the growing economy over the past decade, it has also fueled a dramatic increase in the cost of housing. Many working families have been unable to keep up with these increases. HUD estimates that more than five million American households have what is considered ''worst case'' housing needs. Many of these families are spending more than half their income for housing or are living in severely substandard housing. Since 1990, the number of families who have ''worst case'' housing needs has increased by 12 percent, that's 600,000 more American families that cannot afford a decent and safe place to live. Recent growth in our economy also has squeezed many working families out of tight housing markets across the country. On average, a person needs to earn more than $11 per hour just to afford the median rent on a two-bedroom apartment in the United States. There is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for a two-bedroom apartment. This hourly figure is dramatically higher in many metropolitan areas, an hourly wage of $22 is needed in San Francisco; $21 on Long Island; $17 in Boston; $16 in the D.C. area; $14 in Seattle and Chicago; and, $13 in Atlanta.

Mikala Bembery is a single mother with two boys who now lives in Framingham, MA. Her family's housing story is not unique for many low-and moderate income families in Massachusetts and across the nation. In 1995, Mikala lost her full-time job and could not make the rent on the fair market apartment in which she and her children lived. While she quickly got a part-time job, for the next two years, the Bembery family was forced to live with friends or in rooming houses because they did not initially qualify for either a shelter or a Federal Section 8 subsidy. Finally, after appealing HUD's decision and months of delay, Mikala was given a Section 8 voucher for her family. You would think that obtaining a Section 8 voucher would allow the Bembery family to find affordable housing. However, because there is a dramatic shortage of affordable housing in Massachusetts, it took several months of searching to find a new apartment for her family. Every available apartment was viewed by hundreds of people and landlords were able to pick and choose whom they wanted. Because of Mikala's strong work history, she and her family were finally able to move into a new apartment two years after she lost her full time job. Although, Mikala kept working and her children stayed in school throughout their ordeal, this family is still struggling to rebuild their lives.

Working families in this country are increasingly finding themselves unable to afford housing. A person trying to live in Boston would have to make more than $35,000, annually, just to afford a 2-bedroom apartment. This means teachers, janitors, social workers, police officers and other full time workers may have trouble affording even a modest 2-bedroom apartment.

At the same time, there has been a tremendous decline in the available stock of affordable housing. Between 1993 and 1995, there was a 900,000 decline in the number of affordable rental units available to very low-income families. From 1996 to 1998, there was another 19 percent decline in the number of affordable housing units. This amounted to a dramatic reduction of 1.3 million affordable housing units available to low-income Americans. Making matters worse, many current affordable housing providers are deciding to opt-out of their Section 8 contracts or are prepaying their HUD-insured mortgages. These decisions have limited further the availability of affordable housing across the country. Many more providers will be able to opt-out of their Section 8 contracts in the next few years, further limiting the availability of affordable housing in our nation. This decline has already forced many working families eligible for Section 8 vouchers in Boston, Massachusetts to live outside the City there is no affordable housing available.

The loss of affordable housing has exacerbated the housing crisis in this country, and the Federal Government must take action. We have the resources, yet we are not devoting these resources to fix the problem. Despite the fact that more families are unable to afford housing, we have decreased federal spending on critical housing programs over time. Between 1978 and 1995, the number of households receiving housing assistance was increased by almost three million. From 1978 through 1984, we provided an additional 230,000 families with housing assistance each year. This number dropped significantly to 126,000 additional households each year from 1985 through 1995.

In 1996, this Nation's housing policy went all the way back to square one—not only was there no increase in families receiving housing assistance, but the number of assisted units actually decreased. From 1996 to 1998, the number of HUD assisted households dropped by 51,000.

During this time of rising rents, increased housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to increase the amount of housing assistance available to working families. Unfortunately, President Bush and Republicans in the Congress have again failed to assist working families in obtaining decent affordable housing. From fiscal year 1995 to fiscal year 1999, Republicans in control of the Congress diverted or rescinded more than $20 billion from federal housing programs for other uses.

This year, many Republicans in the Congress and the Bush Administration have supported more than $2 billion in additional cuts for the Department of Housing and Urban Development budget. These cuts include terminating the Drug Elimination Program, reducing funding for the Community Development Block Grant, and funds incremental Section 8 vouchers for 53,500 fewer families. Thankfully, under the leadership of the Democrats in the Senate and Chairman BARBARA MIKULSKI, the worst of these cuts have been restored in the Senate FY 2002 VA–HUD and Independent Agencies Appropriations bill. Nevertheless, we still have much more work to do. The Commonwealth of Massachusetts is expected to receive a reduction in federal assistance at a time when my State has the greatest need. The future is even bleaker. These reductions at HUD follow the enactment of a tax plan that will make it almost impossible for any significant increases in the HUD's budget over the next decade. We need to bring housing resources back up to where they belong and the National Affordable Housing Trust Fund will provide desperately needed funds to begin production of affordable housing in the United States. Enacting the Housing Trust Fund legislation is an important step in the right direction to add resources to housing and to help begin producing housing again.

We can no longer ignore the lack of affordable housing, and the impact it is having on families and children around the country. It is not clear to me why this lack of housing has not caused more uproar. How many families need to be pushed out of their homes and into the streets, before action is taken. I believe it is time for our Nation to take a new path, one that ensures that every American, especially our children, has the opportunity to live in decent and safe housing. Everyone knows that decent housing, along with neighborhood and living environment, play enormous roles in shaping young lives. Federal housing assistance, has benefitted millions of low-income children across the nation and has helped in developing stable home environments. However, too many children currently live in families that have substandard housing or are homeless. These children are less likely to do well in school and less likely to be productive citizens. Because of the positive affect that this legislation would have on America's children, the Trust Fund was included in the Act to Leave No Child Behind, a comprehensive proposal by the Children's Defense Fund to assist in the development of our Nation's children.

I also believe that our Nation deserves a program that would assist in maintaining the affordable housing stock that already exists. I am working with Senator JAMES JEFFORDS in developing legislation to help preserve our affordable housing stock. It is my hope that this legislation will be taken up and passed this Congress so that we can avoid losing any more affordable units. However, we must also focus on producing additional housing, which is exactly what this Housing Trust Fund will do.

I urge you to support this legislation which restores our commitment to providing affordable housing for all families. We can no longer turn our backs on those families who struggle every day just to put a roof over their heads.

Mr. LEAHY. Mr. President, I rise today in support of the National Affordable Housing Trust Fund Act of 2001. This is an important piece of legislation that will help address the lack of affordable housing available in our Nation today.

For far too long we have neglected our Nation's stock of affordable housing, allowing too many properties to fall by the wayside. Between 1995 to 1997 the nation lost 370,000 affordable rental units, nearly 5 percent of the housing available to low-income families. These homes were lost to deterioration, demolition, or simply because landlords opted out of Federal programs in order to secure more lucrative rents.

Unfortunately these units were not replaced at a pace adequate enough to address the need. Our most vulnerable populations, the low-income, the elderly, and working families, have been left with the difficult task of finding an apartment or a house that they can afford. Roughly five million households in the United States have ''worst case'' housing needs. These families are spending over 50 percent of their incomes on rent alone, leaving precious little to put groceries on the table, gas in their cars, or buy clothes for their kids.

In my home State of Vermont, the situation is no different. Production of new housing has stalled, prices for rental units have dramatically increased, and rental vacancy rates are at an all time low. The competition for housing, any housing at all, is so great that many low and middle-income families must stay in hotels, school dorms, and homeless shelters until they can find a permanent place. This results in a huge personal and emotional loss to the families and drives up the needs for additional State and Federal social services dollars to help these people in their time of crisis.

For those fortunate enough to find an apartment available for rent, few are able to afford the rent that the market demands. It is estimated that the average person would have to earn over $11 dollars per hour to afford a two bedroom apartment at the Fair Market Rent.

While Vermont has a dedicated community of State officials, no profit organizations, advocates and affordable housing developers working to ensure

the housing needs of our State's population are met, the resources are simply not available to construct the number of units necessary to alleviate the problem. As a result the number of homeless families in the state are rising.

In Chittenden County, Vermont's most populous region, the number of families seeking services from homeless shelters has risen 400 percent in three years, over half of these families are working families, unable to afford a place to live even while holding down a job. This is a trend we see spreading throughout the state. We cannot allow this to continue.

The creation of a National Affordable Housing Trust Fund will go a long way to help address this situation. By harnessing revenues generated by other Federal housing programs, States, communities and non-profit organizations, will be able to leverage local funds for new housing construction in the most needy areas.

I cannot think of a time in recent history when it has been more important to reaffirm the federal government's commitment to the housing needs of this country, and I am proud to rise as a cosponsor of this bill. There is a long road ahead of us in our endeavor to create a National Affordable Housing Trust Fund, and I look forward to working with my colleagues to ensure that the final product is fair and equitable to all regions of the country, including rural and small states.

I urge my colleagues to join me in support of this legislation.

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By Mr. WELLSTONE (for himself, Mrs. MURRAY, Mr. SCHUMER, Mr. DODD, Mr. DAYTON, Mrs. CLINTON, and Mr. INOUYE):

S. 1249. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, along with my colleagues, Senators MURRAY, SCHUMER, DODD, DAYTON, CLINTON and INOUYE, I am introducing legislation that if adopted would have a most profound and even life-saving effect on people who are victims of domestic and sexual violence and their families. It is called the Victims' Economic Security and Safety Act. Similar to the Battered Women's Economic Security and Safety Act, which I introduced last session, the legislation acknowledges that the impact of domestic and sexual violence extends far beyond the moment the abuse occurs. It strikes at the heart of victims' and their families' economic self sufficiency. As a result, many victims are unable to provide for their own or their children's safety. Too often they are forced to choose between protecting themselves from abuse and keeping a roof over their head. This is a choice that no mother should have to make. Nor should any person face the double tragedy of first being abused and then losing a job, health insurance or any other means of self sufficiency because they were abused.

In response to this cycle of violence and dependence, and in response to domestic and sexual violence's devastating impact on a victim's financial independence, this legislation would help to ensure the economic security of victims of domestic violence, sexual assault and stalking so they are better able to provide permanent safety for themselves and their children and so they are not forced, because of economic dependence, to stay in an abusive relationship. In the fight against violence against women, and after the passage of the Violence Against Women Act of 2000, this legislation is a next, critical step.

The link between poverty and domestic and sexual abuse is clear. For example, according to the United States Conference of Mayors, domestic violence is the fourth leading cause of homelessness. A 2000 study conducted by the Manpower Research and Development Corporation of Minnesota's welfare program, the Minnesota Family Investment Program, showed that 49 percent of single-parent long term recipients were in abusive relationships while they were receiving or had recently been receiving MFIP benefits. A 1998 GAO study found that when compared with women who report never experiencing abuse, women who report having been abused experience more spells of unemployment; greater job turnover; and significantly higher rates of receipt of welfare, Medicaid and food stamps.

Economic dependence is a clear reason people who are in abusive relationships may return to abusers or even may not be able to leave abusive situations in the first place. Abusers will go to great lengths to sabotage their partner's ability to have a job or get an education so that their partners will remain dependent on them. If we want battered women and victims of sexual violence to be able to escape the dangerous, often life-threatening situations in which they are trapped, they need the economic means to do so. Yet, victims of domestic and sexual violence face very serious challenges to self-sufficiency every day.

Multiple studies of domestic violence victims who were working while being abused found that as many as 60 percent of respondents said they had been reprimanded at work for behaviors related to the abuse, such as being late to work, and as many as 52 percent said they had lost their jobs because of the abuse. Almost 50 percent of sexual assault survivors reported they had lost their jobs or were forced to quit in the aftermath of the assaults. A study from the National WorkPlace Resource Center on Domestic Violence found that abusive husbands and partners harass 74 percent of employed battered women at work.

The effects of this are felt not only by the victims of such abuse and their families, but also by employers and the nation as a whole. From the perspective of employers, a 1999 CNN report found that 37 percent of domestic violence victims said that domestic violence impacted their ability to do their job and 24 percent said it caused them to be late from work. A survey of employers confirmed this—49 percent of corporate executives said that domestic violence harmed their company's productivity. The Bureau of National Affairs has estimated that domestic violence costs employers between $3 billion and $5 billion in lost time and productivity each year. Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern, and homicide continues to be the leading cause of death of women in the workplace. The United States Department of Labor, in 2000 reported that Domestic Violence accounted for 27 percent of all incidents of workplace violence.

More generally, prior to 1994, the Congress gathered years of testimony and evidence as to the negative impact of gender violence in the national economy and found that gender violence costs the economy $10 billion per year.

Victims need to be able to deal with these problems without fear of being fired and without fear of losing their livelihoods and their children's livelihoods. Corporations, too, need to be able to ensure their employee's safety and productivity. That is the goal of this legislation. VESSA would help break down the economic barriers that prevent victims from leaving their batterer or abuser, protect victims from violence in the workplace and mitigate the negative economic effects of violence on employers and on the national economy.

The bill would provide emergency leave for employees who need to address the effects of domestic and sexual assault. That way, if a victim had to go to court to get a restraining order or leave work to find shelter, the victim could take limited leave without facing the prospect of being fired, demoted or financially penalized.

The bill would also extend unemployment compensation to people who are forced to leave their job to provide for their safety or their children's safety. As mentioned above, homicide is the leading cause of death for women in the workplace, 15 percent of these deaths are due to domestic violence, 11 percent of all rapes occur at the workplace. These grim statistics do not begin to address the many women that are physically injured or otherwise harassed at work each day. Often, the only way to escape that kind of brutal stalking is for a victim to leave her job so she can relocate to a safer place. In circumstances in which a victim is forced to leave a job to ensure her own safety, unemployment compensation should be available to her, so that she does not have to make the terrible choice of risking her safety to ensure her livelihood.

Further, VESSA would prohibit discrimination in employment against victims because of domestic and sexual assault. Victims should not be fired or passed over for promotions for reasons beyond their control. Maintaining a victim's dependence is the insidious goal of an abuser. The abuser must never be rewarded for his crime and a victim should never face severe punishment because of being abused.

The bill would also prohibit insurance providers from discriminating against such victims because of a history of domestic and sexual assault. Such discrimination only forces people to lie about their victimization and avoid medical treatment until it is too late. It punishes victims for a perpetrator's crime.

Finally, the bill recognizes the positive role that companies can play in helping victims of domestic and sexual violence at the same time that they can increase their own productivity. It would provide a tax credit to businesses that implement workplace safety and education programs to combat violence against women.

For women attempting to escape a violent environment, this legislation could be a lifeline. I urge that all my colleagues support it so that we can help ensure that no more women are forced to trade their family's personal safety for their economic livelihood. I urge that my colleagues support it so that no more women have to face the double violation of first being assaulted and second losing their job or their self-sufficiency because of it. In what seems to many like a hopeless situation, we can take very strong actions to improve the safety and the lives of the millions of victims of domestic and sexual violence. The cycle too many people face can end. Today we have the opportunity not just to help victims escape violence, but also to provide for so many people a light at the end of a very dark tunnel. Today we can give victims hope that they will not only survive, but that they will be able to maintain or regain their independence and have a safe, happy and productive future. I urge my colleagues to join me in support of this bill and to cosponsor this bill.

Mrs. MURRAY. Mr. President, I am proud to join with my colleagues, Senators WELLSTONE and SCHUMER, to introduce the Victims Economic Safety and Security Act, VESSA. VESSA will help our country take the next step forward to protest victims of domestic violence. In 1994, our country took a dramatic step forward by passing the historic Violence Against Women Act, VAWA. This landmark legislation brought together social service providers, victim advocates, law enforcement, and the courts to respond to the immediate threat of violence. VAWA has been a success in meeting the immediate challenges. But there is still work to be done.

Between 1993 and 1998 the average annual number of physical attacks on intimate partners was 1,082,110. Eighty-seven percent of these were committed against women. According to recent government estimates, more than 900,000 women are raped every year in the United States. Women who are victims of abuse are especially vulnerable to changes in employment, pay, and benefits. Because of these factors they need legal protection.

Today, it's time to take the next step. Our bill will protect victims who are forced to flee their jobs. Today a woman can receive unemployment compensation if she leaves her job because her husband must relocate. But if that same woman must leave her job because she's fleeing abuse, she can't receive unemployment compensation. That's wrong, and our bill will protect those victims.

Our bill will also protect victims by allowing them unpaid time to get the help they need. Today, a woman can use the Family Medical Leave Act, FMLA, to care for a sick or injured spouse. But a woman cannot use FMLA leave to go to court to stop abuse. Our bill will correct these fatal flaws.

Finally, our bill will protect victims of domestic violence from insurance discrimination. Insurance companies have classified domestic violence as a high risk behavior. That punishes women who are victims. Once again, women must sacrifice their economic safety net if they choose to come forward and seek help from violence. Title IV of VESSA would prohibit discrimination in all lines of insurance against victims of domestic violence, stalking and sexual assault.

I am proud of the guidance we've received from advocates in crafting this legislation. I want to thank them for their efforts and their commitment to breaking the cycle of violence. I want to particularly acknowledge the efforts of the advocates in Washington State who have provided invaluable input in drafting this legislation. Without the grassroots support for our communities, we couldn't have passed VAWA in the first place. Their support and leadership will help us take this critical next step in passing VESSA.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1063. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1064. Mr. GRAHAM proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1065. Mr. GRAMM (for himself, Mr. MCCAIN, and Mr. DOMENICI) proposed an amendment to amendment SA 1030 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1025 proposed by Mrs. MURRAY to the bill (H.R. 2299) supra.

SA 1066. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1067. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1068. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1069. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1070. Mr. CRAPO (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1071. Mr. FITZGERALD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1072. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1073. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1074. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1075. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1076. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1077. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1078. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1079. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1080. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1081. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1082. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1083. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1084. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1085. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1086. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1087. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1088. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1089. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1090. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1091. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1092. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1093. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1094. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1095. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1096. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1097. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1098. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1099. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1100. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1101. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1102. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1103. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1104. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1105. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1106. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1107. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1108. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1109. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1110. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1111. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1112. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1113. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1114. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1115. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1116. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1117. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1118. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1119. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1120. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1121. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1122. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1123. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1124. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1125. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1126. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1127. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1128. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1129. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1130. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1131. Ms. COLLINS (for herself, Ms. SNOWE, Mr. SCHUMER, Mr. BAUCUS, Mr. BINGAMAN, Mr. INHOFE, Mrs. CLINTON, Mr. BURNS, Mr. BROWNBACK, Mr. AKAKA, Mr. JEFFORDS, and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1132. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1133. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1134. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1135. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1136. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1137. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1138. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1139. Mr. GRAMM (for himself, Mr. MCCAIN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1140. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1141. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1142. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1143. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1144. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1145. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1146. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1147. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1148. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1149. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1150. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1151. Mr. GRAHAM (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1152. Mr. ALLARD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1153. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1154. Mr. MURKOWSKI proposed an amendment to the bill S. 1218, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006.

SA 1155. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions.

SA 1156. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, supra; which was referred to the Committee on Health, Education, Labor, and Pensions.

SA 1157. Mr. SMITH, of New Hampshire (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1063.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 19, strike the end period and insert a semicolon.

On page 78, between lines 19 and 20, insert the following:

(3) the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Transportation and in consultation with State agencies charged with developing and implementing State implementation plans, provides to Congress an evaluation of the impacts of implementing the cross-border trucking provisions of the North American Free Trade Agreement on public health, welfare, and the environment, including—

(A) attainment and maintenance of the national primary and secondary ambient air quality standards for any air pollutant under section 109 of the Clean Air Act (42 U.S.C. 7409); and

(B) emissions of toxic air pollutants; and

(4) if the Administrator of the Environmental Protection Agency finds, after considering the results of the study required by this subsection, that regulation of cross-border trucking is necessary to prevent adverse effects on public health, welfare, and the environment (including attainment of national ambient air quality standards), the Administrator, in consultation with the Secretary of Transportation and the United States Trade Representative, shall develop and implement appropriate and necessary regulations, consistent with the obligations specified under the North American Free Trade Agreement, to prevent the adverse effects, and provide to Congress necessary and appropriate legislative proposals, consistent with the obligations specified under the North American Free Trade Agreement, to prevent the adverse effects.

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**SA 1064.** Mr. GRAHAM proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 17, line 11, insert after ''projects'' the following: ''that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note)''.

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**SA 1065.** Mr. GRAMM (for himself, Mr. MCCAIN, and Mr. DOMENICI) proposed an amendment to amendment SA 1030 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1025 proposed by Mrs. MURRAY to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of the amendment, insert the following: ''*Provided,* That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.''.

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**SA 1066.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 39 line 24, strike the period and insert ''; and

''$2,000,000 for San Bernardino, California Metrolink project.''.

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**SA 1067.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 14, insert before the semicolon '', including $350,000 for Alameda Contra Costa Transit District, buses and bus facility''.

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**SA 1068.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 10, after ''Code:'', insert the following: ''$5,000,000 shall be available to the State of Mississippi for construction of facilities to house the Center for Advanced Vehicular Systems and Engineering Extension Facility, to remain available until expended;''.

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**SA 1069.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PROTECT SOCIAL SECURITY SURPLUSES ACT OF 2001.**

(a) SHORT TITLE.—This section may be cited as the ''Protect Social Security Surpluses Act of 2001''.

(b) REVISION OF ENFORCING DEFICIT TARGETS.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 903) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) EXCESS DEFICIT; MARGIN.—The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus the margin for that year. In this subsection, the margin for each fiscal year is 0.5 percent of estimated total outlays for that fiscal year.'';

(2) by striking subsection (c) and inserting the following:

''(c) ELIMINATING EXCESS DEFICIT.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate an excess deficit.''; and

(3) by striking subsections (g) and (h).

(c) MEDICARE EXEMPT.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 253(e)(3)(A), by striking clause (i); and

(2) in section 256, by striking subsection (d).

(d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—Notwithstanding section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Office of Management and Budget shall use the economic and technical assumptions underlying the report issued pursuant to section 1106 of title 31, United States Code, for purposes of determining the excess deficit under section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by subsection (b).

(e) APPLICATION OF SEQUESTRATION TO BUDGET ACCOUNTS.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(f) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.—

(1) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

''(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.''.

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(3) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking ''for the fiscal year'' through the period and inserting ''for each fiscal year covered by the resolution''; and

(B) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with ''for the first fiscal year'' through the period and insert the following: ''for any of the fiscal years covered by the concurrent resolution.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to fiscal years 2002 through 2006.

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**SA 1070.** Mr. CRAPO (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. (a) IN GENERAL.—Section 47109 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) GRANDFATHER RULE.—

''(1) IN GENERAL.—In the case of any project approved after September 30, 2001, at an airport that has less than .25 percent of the total number of passenger boardings at all commercial service airports, and that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the basic share was 80 percent on August 3, 1979. provided that this subsection shall apply only if—

''(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

''(B) the application under subsection (b), does not increase the Government's share of allowable costs of the project

''(2) LIMITATION.—The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).''.

(b) CONFORMING AMENDMENT.—Subsection (a) of Section 47109, title 49, United States Code, is amended by striking ''Except as provided in subsection (b)'', and inserting in lieu thereof ''Except as provided in subsection (b) or subsection (c)''.

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**SA 1071.** Mr. FITZGERALD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 1, insert ''preserving service at Chicago Meigs Airport ('Meigs Field'),'' after ''Airport.''.

**SA 1072.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 18, insert ''and'' after the semicolon.

On page 75, beginning with line 23, strike through line 2 on page 76

On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1073.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 7, insert ''and'' after the semicolon.

On page 78, beginning in line 14, strike ''vehicles; and'' and insert ''vehicles.''.

On page 78, strike lines 16 through 19.

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**SA 1074.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 16 through 22.

On page 75, line 23, strike ''(v)'' and insert ''(iv)''.

On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1075.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike line 9 through 25.

On page 78, line 1, strike ''(F)'' and insert ''(E)''.

On page 78, line 8, strike ''(G)'' and insert ''(F)''.

On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1076.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 19 through 24.

On page 77, line 1, strike ''(D)'' and insert ''(C)''.

On page 77, line 9, strike ''(E)'' and insert ''(D)''.

On page 78, line 1, strike ''(F)'' and insert ''(E)''.

On page 78, line 8, strike ''(G)'' and insert ''(F)''.

On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1077.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, line 19, strike ''and based''.

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**SA 1078.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 3 through 6, and insert the following:

''(vi) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles;''.

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**SA 1079.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 5 through 7.

On page 73, line 8, strike ''(C)'' and insert ''(B)''.

On page 73, line 12, strike ''(D)'' and insert ''(C)''.

On page 73, line 19, strike ''(E)'' and insert ''(D)''.

On page 74, line 1, strike ''(F)'' and insert ''(E)''.

On page 74, line 5, strike ''(G)'' and insert ''(F)''.

On page 74, line 12, strike ''(H)'' and insert ''(G)''.

On page 74, line 21, strike ''(I)'' and insert ''(H)''.

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**SA 1080.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 23, strike through line 4 on page 73 and insert the following:

''(A)(i) requires a safety review of such motor carrier to be performed before the carrier is granted conditional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border, and before the carrier is granted permanent operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border; and

''(ii) requires the safety review to include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply

with Federal motor carrier safety rules and regulations;''.

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**SA 1081.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 15, strike ''Between United States and Mexico.'' and insert ''In the United States.''.

In the following places, strike ''Mexican'' and insert ''foreign'';

(1) Page 72, line 18.
(2) Page 73, line 6.
(3) Page 73, line 10.
(4) Page 73, line 13.
(5) Page 74, line 14.
(6) Page 76, line 4.
(7) Page 77, line 5.
(8) Page 77, line 15.
(9) Page 77, line 18.
(10) Page 78, line 3.
(11) Page 78, line 10.
(12) Page 78, line 20.

On pages 72 through 78, strike ''United States-Mexico'' each place it appears and insert ''United States''.

On page 76, line 14, strike ''in Mexico'' and insert ''Outside the United States''.

On page 77, beginning in line 9, strike ''the Mexican government'' and insert ''the government of any foreign country that shares a border with the United States''.

On page 78, line 16, strike ''in Mexico'' and insert ''in any foreign country that shares a border with the United states''.

On page 78, beginning in line 21, strike ''Mexico-domiciled motor carrier'' and insert ''motor carrier domiciled in any foreign country that shares a border with the United States''.

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**SA 1082.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 13, strike ''on-site''.

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**SA 1083.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 18, insert ''and'' after the semicolon.

On page 75, beginning with line 23, strike through line 2 on page 76.

On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1084.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 16 through 22.

On page 75, line 23, strike ''(v)'' and insert ''(iv)''.

On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1085.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike line 9 through 25.

On page 78, line 1, strike ''(F)'' and insert ''(E)''.

On page 78, line 8, strike ''(G)'' and insert ''(F)''.

On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1086.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 7, insert ''and'' after the semicolon.

On page 78, beginning in line 14, strike ''vehicles; and'' and insert ''vehicles.''.

On page 78, strike lines 16 through 19.

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**SA 1087.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72 starting on line 23 strike ''full safety compliance review of the carrier consistent with the safety fitness evaluation procedures set forth in part 385 of title 49. Code of Federal Regulations, and gives the carrier a satisfactory rating'' and insert ''safety review which includes verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carriers preparedness to comply with Federal motor carrier safety rules and regulations''.

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**SA 1088.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73 line 5 strike ''compliance'' and line 7 following ''facilities'' insert ''where warranted by safety considerations of the availability of safety performance data.''

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**SA 1089.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73 line 9 strike ''electronically'' and insert in a ''timely manner.

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**SA 1090.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73 starting on line 16 strike ''including hours-of-service rules under part 395 of title 49, Code of Federal Regulations.''

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**SA 1091.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74 starting on line 5 strike ''Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and requires that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing'' and insert ''a means suitable for enforcement of determining the weight of commercial vehicles entering the United States at such a crossing.''

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**SA 1092.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74 line 21 strike ''regulations'' and insert regulations, policies, or interim final rules.''

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**SA 1093.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75 starting on line 3 strike '', that include the administration of a proficiency examination''.

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**SA 1094.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76 strike all after ''(2) the'' through page 78 line 19.

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**SA 1095.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment

intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 1 through 4.
On page 74, line 5, strike ''(G)'' and insert ''(F)''.
On page 74, strike ''(H)'' and insert ''(G)''.
On page 74, strike ''(I)'' and insert ''(H)''.

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**SA 1096.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 5 through 11.
On page 74, line 12, strike ''(H)'' and insert ''(G)''.
On page 74, line 21, strike ''(I)'' and insert ''(H)''.

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**SA 1097.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 12 through 20.
On page 74, line 21, strike ''(J)'' and insert ''(H)''.

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**SA 1098.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 5 through 9.
On page 75, line 10, strike ''(iii)'' and insert ''(ii)''.
On page 75, line 16, strike ''(iv)'' and insert ''(iii)''.
On page 75, line 23, strike ''(v)'' and insert ''(iv)''.
On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1099.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 10 through 15.
On page 75, line 16, strike ''(iv)'' and insert ''(iii)''.
On page 75, line 23, strike ''(v)'' and insert ''(iv)''.
On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1100.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 16 through 22.
On page 75, line 23, strike ''(v)'' and insert ''(iv)''.
On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1101.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 14, strike through line 24 on page 78.

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**SA 1102.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 7, insert ''and'' after the semicolon.
On page 78, beginning in line 14, strike ''vehicles; and'' and insert ''vehicles.''.
On page 78, strike lines 16 through 19.

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**SA 1103.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 9 through 25.
On page 78, line 1, strike ''(F)'' and insert ''(E)''.
On page 78, line 8, strike ''(G)'' and insert ''(F)''.
On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1104.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 16 through 22.
On page 75, line 23, strike ''(v)'' and insert ''(iv)''.
On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1105.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 18, insert ''and'' after the semicolon.
On page 75, beginning with line 23, strike through line 2 on page 76.
On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1106.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 23, strike through line 4 on page 73.
On page 73, line 5, strike ''(B)'' and insert ''(A)''.
On page 73, line 8, strike ''(C)'' and insert ''(B)''.
On page 73, line 12, strike ''(D)'' and insert ''(C)''.
On page 73, line 19, strike ''(E)'' and insert ''(D)''.
On page 74, line 1, strike ''(F)'' and insert ''(E)''.
On page 74, line 5, strike ''(G)'' and insert ''(F)''.
On page 74, line 12, strike ''(H)'' and insert ''(G)''.
On page 74, line 5, strike ''(I)'' and insert ''(H)''.

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**SA 1107.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 5 through 7.
On page 73, line 8, strike ''(C)'' and insert ''(B)''.
On page 73, line 12, strike ''(D)'' and insert ''(C)''.
On page 73, line 19, strike ''(E)'' and insert ''(D)''.
On page 74, line 1, strike ''(F)'' and insert ''(E)''.
On page 74, line 5, strike ''(G)'' and insert ''(F)''.
On page 74, line 12, strike ''(H)'' and insert ''(G)''.
On page 74, line 21, strike ''(I)'' and insert ''(H)''.

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**SA 1108.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 8 through 11.
On page 73, line 12, strike ''(D)'' and insert ''(C)''.
On page 73, line 19, strike ''(E)'' and insert ''(D)''.
On page 74, line 1, strike ''(F)'' and insert ''(E)''.
On page 74, line 5, strike ''(G)'' and insert ''(F)''.
On page 74, line 12, strike ''(H)'' and insert ''(G)''.
On page 74, line 21, strike ''(I)'' and insert ''(H)''.

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**SA 1109.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the

bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 12 through 18.
On page 73, line 19, strike ''(E)'' and insert ''(D)''.
On page 74, line 1, strike ''(F)'' and insert ''(E)''.
On page 74, line 5, strike ''(G)'' and insert ''(F)''.
On page 74, line 12, strike ''(H)'' and insert ''(G)''.
On page 74, line 21, strike ''(I)'' and insert ''(H)''.

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**SA 1110.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 19 through 24.
On page 74, line 1, strike ''(F)'' and insert ''(E)''.
On page 74, line 5, strike ''(G)'' and insert ''(F)''.
On page 74, line 12, strike ''(H)'' and insert ''(G)''.
On page 74, line 21, strike ''(I)'' and insert ''(H)''.

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**SA 1111.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 75, line 23, strike through page 76 line 2.
On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1112.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 3 through 7.

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**SA 1113.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 10 through 12.
On page 76, line 13, strike ''(B)'' and insert ''(A)''.
On page 76, line 19, strike ''(C)'' and insert ''(B)''.
On page 77, line 1, strike ''(D)'' and insert ''(C)''.
On page 77, line 9, strike ''(E)'' and insert ''(D)''.
On page 78, line 1, strike ''(F)'' and insert ''(E)''.
On page 78, line 8, strike ''(G)'' and insert ''(F)''.
On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1114.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 13 through 18.
On page 76, line 19, strike ''(C)'' and insert ''(B)''.
On page 77, line 1, strike ''(D)'' and insert ''(C)''.
On page 77, line 9, strike ''(E)'' and insert ''(D)''.
On page 78, line 1, strike ''(F)'' and insert ''(E)''.
On page 78, line 8, strike ''(G)'' and insert ''(F)''.
On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1115.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 19 through 24.
On page 77, line 1, strike ''(D)'' and insert ''(C)''.
On page 77, line 9, strike ''(E)'' and insert ''(D)''.
On page 78, line 1, strike ''(F)'' and insert ''(E)''.
On page 78, line 8, strike ''(G)'' and insert ''(F)''.
On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1116.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 1 through 8.
On page 77, line 9, strike ''(E)'' and insert ''(D)''.
On page 78, line 1, strike ''(F)'' and insert ''(E)''.
On page 78, line 8, strike ''(G)'' and insert ''(F)''.
On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1117.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 9 through 25.
On page 78, line 1, strike ''(F)'' and insert ''(E)''.
On page 78, line 8, strike ''(G)'' and insert ''(F)''.
On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1118.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 1 through 7.
On page 78, line 8, strike ''(G)'' and insert ''(F)''.
On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1119.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 22 through 25; on page 75, strike lines 1 through 4.
On page 75, line 5, strike ''(ii)'' and insert ''(i)''.
On page 75, line 10, strike ''(iii)'' and insert ''(ii)''.
On page 75, line 16, strike ''(iv)'' and insert ''(iii)''.
On page 75, line 23, strike ''(v)'' and insert ''(iv)''.
On page 76, line 3, strike ''(vi)'' and insert ''(v)''.

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**SA 1120.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, beginning with line 21, strike through line 7 on page 76.

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**SA 1121.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 8 through 15.
On page 78, line 16, strike ''(H)'' and insert ''(G)''.

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**SA 1122.** Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 16 through 24.

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**SA 1123.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 350. (a) Congress makes the following findings:

(1) Section 345 of the National Highway System Designation Act of 1995 authorizes limited relief to drivers of certain types of commercial motor vehicles from certain restrictions on maximum driving time and on-duty time.

(2) Subsection (c) of that section requires the Secretary of Transportation to determine by rulemaking proceedings that the exemptions granted are not in the public interest and adversely affect the safety of commercial motor vehicles.

(3) Subsection (d) of that section requires the Secretary of Transportation to monitor the safety performance of drivers of commercial motor vehicles who are subject to an exemption under section 345 and report to Congress prior to the rulemaking proceedings.

(b) It is the sense of Congress that the Secretary of Transportation should not take any action that would diminish or revoke any exemption in effect on the date of the enactment of this Act for drivers of vehicles under section 345 of the National Highway System Designation Act of 1995 (Public Law 104–59; 109 Stat. 613; 49 U.S.C. 31136 note) unless the requirements of subsections (c) and (d) of such section are satisfied.

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**SA 1124.** Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 19 and all that follows through page 53, line 12.

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**SA 1125.** Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows;

On page 49, lines 8 through 10, strike ''the Woodrow Wilson Memorial Bridge Authority Act of 1995,''.

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**SA 1126.** Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike lines 3 through 18 and insert the following:

''(4) distribute the obligation limitation for Federal-aid highways less $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for that section is equal to the amount determined by multiplying the ratio determined under paragraph (3) by $2,000,000,000;''.

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**SA 1127.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, strike lines 3 through 13.

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**SA 1128.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 3, strike ''$10,000,000'' and insert ''$23,000,000''.

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**SA 1129.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 3, strike ''$10,000,000'' and insert ''$23,000,000''.

On page 81, strike lines 3 through 13.

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**SA 1130.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, beginning on line 21, strike ''This paragraph'' and all that follows through ''(b)'' on line 24, and insert the following:

Such section is further amended by inserting ''(a)'' before the first sentence and by adding at the end the following new subsections:

''(b) A shipyard or depot-level maintenance and repair facility of the Department of Defense located at a home port for a Coast Guard vessel shall be treated in the same manner as a Coast Guard yard or other Coast Guard specialized facility for the purposes of competition for and assignment of maintenance and repair workloads of the Coast Guard.

''(c)''.

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**SA 1131.** Ms. COLLINS (for herself, Ms. SNOWE, Mr. SCHUMER, Mr. BAUCUS, Mr. BINGAMAN, Mr. INHOFE, Mrs. CLINTON, Mr. BURNS, Mr. BROWNBACK, Mr. AKAKA, Mr. JEFFORDS, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, strike lines 3 through 13 and insert the following:

SEC. 349. (a) AMOUNT AVAILABLE IN FISCAL YEAR 2002 FOR ESSENTIAL AIR SERVICE PROGRAM.—Notwithstanding any other provision of law, $63,000,000 shall be available in fiscal year 2002 for purposes of the Essential Air Service program under subchapter II of chapter 417 of title 49, United States Code.

(b) SOURCE OF FUNDS.—The amount available under subsection (a) shall be derived as follows:

(1) First, from user fees collected by the Secretary of Transportation in fiscal year 2002 for flights over the United States that do not involve a landing in the United States, with the amount of such user fees used for that purpose not to exceed $50,000,000.

(2) Second and notwithstanding the limitation in the third proviso under the heading ''GRANTS-IN-AID FOR AIRPORTS'' in title I of this Act, from amounts transferred by the Administrator of the Federal Aviation Administration from amounts in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) that are available under that heading.

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**SA 1132.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 332.

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**SA 1133.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 5 through 11, and insert the following:

''(G) determines the average number of commercial motor vehicles per month entering the United States at each United States-Mexico border crossing and equips any such crossing at which 250 or more commercial vehicles per month are entering with a means of determining the weight of such vehicles;''.

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**SA 1134.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike Sec. 343 and insert the following:

**SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.**

No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States–Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of the carrier before granting conditional and, again, before granting permanent authority to any such carrier;

(ii) requires that such safety review shall, at a minimum, include the verification of available safety performance data necessary to determine the carrier's preparedness to comply with United States motor carrier safety rules and regulations;

(B) requires that any such safety compliance review should take place onsite at the Mexican motor carrier's facilities where such onsite review is necessary to ensure compliance with United States motor carrier safety rules and regulations;

(C) requires a policy whereby Federal and State inspectors randomly verify electronically the status and validity of the license of drivers of Mexican motor carrier commercial vehicles crossing the border;

(D) gives a distinctive Department of Transportation number to each Mexican

motor carrier operating beyond the commercial zone to assist inspectors in enforcing motor carrier safety regulations including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires—

(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States–Mexico border that do not display a valid Commercial Vehicle Safety Alliance in accordance with the requirements for a Level I inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when it is determined that such vehicle has a safety violation subsequent to the inspection for which the decal was granted;

(F) requires State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce them or notify Federal authorities of such violations;

(G) initiates a study to determine whether (i) to equip significant United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and (ii) to require that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States; and

(I) publishes in final form regulations or issues policies—

(i) under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.) that establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards, that include the administration of a proficiency examination;

(ii) under section 31148 of title 49, United States Code, that implement measures to improve training and provide for the certification of motor carrier safety auditors;

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States;

(v) under section 219(a) of that Act (49 U.S.C. 14901 ni.) that prohibit foreign motor carriers from operating in the United States that is found to have operated illegally in the United States; and

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty or transmits to the Congress within 30 days of the date of enactment of this Act, a notice in writing that it will not be able to complete such rulemaking or issue such policy, that explains why it will not be able to complete such rulemaking or policy, and the date by which it expects to complete such rulemaking or policy; and

(2) the Department of Transportation Inspector General reports in writing to the Secretary of Transportation and the Congress that he will periodically report on—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(E) there is adequate capacity at each United States-Mexico border crossing used by Mexican motor carrier commercial vehicles to conduct a sufficient number of meaningful vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of said inspections;

For purposes of this section, the term ''Mexican motor carrier'' shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

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**SA 1135.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds provided under ''Transit Planning and Research'', $375,000 shall be available for a traffic mitigation feasibility study for Auburn University.

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**SA 1136.** Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the the table, as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, the conveyance authorized by section 416(a)(1)(H) of Public Law 105–383 shall take place within 3 months after the date of enactment of this Act. Notwithstanding the previous sentence, the conveyance shall include the property under lease as of June 1, 2000 and otherwise be subject to subsections (a)(2) (a)(3), (b), and (c) of section 416 of Public Law 105–383.

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**SA 1137.** Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Section 41703 of title 49, United States Code, is amended by inserting the following subsection at the end of subsection (c):

(d) AIR CARGO VIA ALASKA.—For purposes of (c) of this section, cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by one or more air carriers in either direction between any place in the Untied States and a place not in the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

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**SA 1138.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 5 through 7.

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**SA 1139.** Mr. GRAMM (for himself, Mr. MCCAIN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 343, insert the following: ''*Provided*, That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.''.

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**SA 1140.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike subparagraph (H) on lines 16 through 19.

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**SA 1141.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of

Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike the semicolon on line 22 and all that follows through the parentheses on page 76, line 3, and insert the following: ''; and

''(?)''.

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**SA 1142.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 343, insert the following: ''*Provided*, That not withstanding any other provision of this section, nothing in this section shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement.''

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**SA 1143.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 3 through 7, and insert the following:

''(vi) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles; and''.

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**SA 1144.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 19 through 24.

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**SA 1145.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 9 through 25.

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**SA 1146.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike line 16 and all that follows through ''(v)'' on page 75, line 23, and insert in lieu thereof ''(vi)''.

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**SA 1147.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 17, strike ''for'' and insert in lieu thereof: ''prior to January 1, 2001 for''.

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**SA 1148.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 14, strike through line 24 on page 78 and insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.—No funds limited or appropriated by this Act may be obligated or expended for the review or processing of an application by a motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of such motor carrier to be performed before the carrier is granted conditional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border, and before the carrier is granted permanent operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(ii) requires the safety review to include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations; and

(iii) requires that every commercial vehicle operating beyond United States municipalities and commercial zones on the United States-Mexico border, that is operated by a motor carrier authorized to operate beyond those municipalities and zones, display a valid Commercial Vehicle Safety Alliance decal obtained as a result of a Level I North American Standard Inspection, or a Level V Vehicle-Only Inspection, whenever that vehicle is operating beyond such municipalities and zones, and requires any such motor carrier operating a vehicle in violation of this requirement to pay a fine of up to $10,000 for such violation;

(B) establishes a policy that any safety review of such a motor carrier should be conducted onsite at the motor carrier's facilities where warranted by safety considerations or the availability of safety performance data;

(C) requires Federal and State inspectors, in conjunction with a Level I North American Standard Inspection, to verify, electronically or otherwise, the license of each driver of such a motor carrier's commercial vehicle crossing the border, and institutes a policy for random electronic verification of the license of drivers of such motor carrier's commercial vehicles at United States-Mexico border crossings;

(D) gives a distinctive Department of Transportation number to each such motor carrier to assist inspectors in enforcing motor carrier safety regulations, including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires State inspectors whose operations are funded in part or in whole by Federal funds to check for violations of Federal motor carrier safety laws and regulations, including those pertaining to operating authority and insurance;

(F) authorizes State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce such laws and regulations or to notify Federal authorities of such violations;

(G)(i) determines that there is a means of determining the weight of such motor carrier commercial vehicles at each crossing of the United States-Mexico border at which there is a sufficient number of such commercial vehicle crossings; and

(ii) initiates a study to determine which crossings should also be equipped with weigh-in-motion systems that would enable State inspectors to verify the weight of each such commercial vehicle entering the United States at such a crossing;

(H) has implemented a policy to ensure that no such motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States;

(I) issues a policy—

(i) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles;

(ii) with respect to standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border (under sections 218(a) and (b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133) nt.)); and

(iii) with respect to prohibiting foreign motor carriers from operating in the United States that are found to have operated illegally in the United States (under section 219(a) of that Act (49 U.S.C. 14901 nt.)); and

(J) completes its rulemaking—

(i) to establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards (under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.)),

(ii) to implement measures to improve training and provide for the certification of motor carrier safety auditors (under section 31148 of title 49, United States Code), and

(iii) to prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States (under section 219(d) of that Act (49 U.S.C. 14901 nt.)),

or transmits to the Congress, within 30 days after the date of enactment of this Act, a notice in writing that it will not be able to complete any such rulemaking, that explains why it will not be able to complete the rulemaking, and that states the date by which it expects to complete the rulemaking; and

(2) until the Department of Transportation Inspector General certifies in writing to the Secretary of Transportation and to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations that the Inspector General will report in writing to the Secretary and to each such Committee—

(A) on the number of Federal motor carrier safety inspectors hired, trained as safety specialists, and prepared to be on duty during hours of operation fat the United States-Mexico border by January 1, 2002;

(B) periodically—

(i) on the adequacy of the number of Federal and State inspectors at the United States-Mexico border; and

(ii) as to whether the Federal Motor Carrier Safety Administration is ensuring compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by such motor carriers;

(iii) as to whether United States and Mexican enforcement databases are sufficiently integrated and accessible to ensure that licenses, vehicle registrations, and insurance information can be verified at border crossings or by mobile enforcement units; and

(iv) as to whether there is adequate capacity at each United States-Mexico border crossing used by motor carrier commercial vehicles to conduct a sufficient number of vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of the inspections.

In this section, the term ''motor carrier'' means a motor carrier domiciled in Mexico that seeks authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

*Provided,* That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.

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**SA 1149.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 2, insert after ''access,'' the following: ''fully utilizing Illinois Chicago-area reliever and general aviation airports including Aurora, DuPage, Lake in the Hills, Lansing, Lewis University, Palwaukee, Schaumburg, and Waukegan,''.

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**SA 1150.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . General Mitchell International Airport in Milwaukee, Wisconsin shall be considered as an alternative airport in any plan relating to alleviating congestion at O'Hare International Airport.

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**SA 1151.** Mr. GRAHAM (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. (a) INCREASE IN AMOUNT FOR OPERATIONAL EXPENSES OF COAST GUARD FOR LAW ENFORCEMENT OPERATIONS.—(1) The amount appropriated or otherwise made available for the Coast Guard under title I under the heading ''COAST GUARD'' under the paragraph ''Operating Expenses'' is hereby increased by $31,100,000.

(2) The amount available for the Coast Guard under the paragraph referred to in paragraph (1) by reason of that paragraph shall be available for the Coast Guard for purposes of law enforcement operations.

(b) Increase in Amount Available for Aviation Capability of Coast Guard for Law Enforcement Operations.—(1) The amount appropriated or otherwise made available for the Coast Guard under title I under the heading ''COAST GUARD'' under the paragraph ''Acquisition, Construction, and Improvements'' under the proviso relating to the acquisition of new aircraft and increasing aviation capability is hereby increased by $15,000,000.

(2) The amount available for the Coast Guard under the proviso referred to in paragraph (1) by reason of that paragraph shall be available for the Coast Guard for the acquisition of new aircraft and increases in aviation capability for purposes of law enforcement operations.

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**SA 1152.** Mr. ALLARD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, lines 13 through 16, strike ''$230,681,878 shall be set aside for the programs authorized under sections 1118 and 1119 of the Transportation Equity Act for the 21st Century, as amended;'' and insert ''$1,000,000 shall be set aside for the program authorized under section 118(c) of title 23, United States Code, to be used for the project at Interstate Route 25 north of Raton, New Mexico; $229,681,878 shall be set aside for the programs authorized under sections 1118 and 1119 of the Transportation Equity Act for the 21st Century, of which none of the funds may be used to conduct the United States Routes 64 and 87 Ports-to-Plains corridor study, New Mexico;''.

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**SA 1153.** Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 24, insert after ''the State of Illinois,'' the following: ''the State of Indiana,''.

On page 54, line 25, insert after ''affected communities'' the following: ''(including affected communities in Northwest Indiana).''

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**SA 1154.** Mr. MURKOWSKI proposed an amendment to the bill S. 1218, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; as follows:

At the appropriate place, insert the following:

**SECTION 1. SHORT TITLE AND FINDINGS.**

(a) This Title can be cited as the 'Iraq Petroleum Import Restriction Act of 2001.'

(b) FINDINGS.—Congress finds that—

(i) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced ''No-Fly Zones'' in effect in the Republic of Iraq.

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(ii) further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

**SEC. 2. PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.**

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

**SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.**

This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that:

(a) the United States is not engaged in active military operations in enforcing ''No-Fly Zones'' in Iraq, supporting United Nations sanctions against Iraq, preventing the smuggling by of Iraqi-origin petroleum and petroleum products in violation of UNSC Resolution 986, complying with United Nations Security Council Resolution 687 by eliminating weapons of mass destruction, or otherwise preventing threatening action by Iraq against the United States or its allies; and

(b) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

**SEC. 4. HUMANITARIAN INTERESTS.**

It is the sense of the Senate that the President should make all appropriate efforts to

ensure that the humanitarian needs of the Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

**SEC. 5. DEFINITIONS.**

(a) ''661 Committee.'' The term 661 Committee means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) ''UNSC Resolution 661.'' The term UNSC Resolution 661 means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) ''UNSC Resolution 986.'' The term UNSC Resolution 986 means United Nations Security Council Resolution 98, adopted April 14, 1995.

**SEC. 6. EFFECTIVE DATE.**

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

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**SA 1155.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions, as follows:

At the appropriate place, insert the following:

**SEC. ___. PROHIBITION ON HUMAN CLONING.**

(a) SHORT TITLE.—This section may be cited as the ''Human Cloning Prohibition Act of 2001''.

(b) FINDINGS.—Congress finds that—

(1) some individuals have announced that they will attempt to clone human beings using the technique known as somatic cell nuclear transfer already used with limited success in cloning sheep and other animals;

(2) nearly all scientists agree that such attempts pose a massive risk of producing children who are stillborn, unhealthy, or severely disabled, and considered opinion is virtually unanimous that such attempts are therefore grossly irresponsible and unethical;

(3) efforts to create human beings by cloning mark a new and decisive step toward turning human reproduction into a manufacturing process in which children are made in laboratories to preordained specifications and, potentially, in multiple copies;

(4) creating cloned live-born human children (sometimes called ''reproductive cloning'') begins by creating cloned human embryos, a process which some also propose as a way to create embryos for research or as sources of cells and tissues for possible treatment of other humans;

(5) the prospect of creating new human life solely to be exploited and destroyed in this way has been condemned on moral grounds by many, as displaying a profound disrespect for life, and recent scientific advances indicate that there are fruitful and morally unproblematic alternatives to this approach;

(6)(A) it will be nearly impossible to ban attempts at ''reproductive cloning'' once cloned human embryos are available in the laboratory because—

(i) cloning would take place within the privacy of a doctor-patient relationship;

(ii) the transfer of embryos to begin a pregnancy is a simple procedure; and

(iii) any government effort to prevent the transfer of an existing embryo, or to prevent birth once transfer has occurred would raise substantial moral, legal, and practical issues; and

(B) so, in order to be effective, a ban on human cloning must stop the cloning process at the beginning; and

(7) collaborative efforts to perform human cloning are conducted in ways that affect interstate and even international commerce, and the legal status of cloning will have a great impact on how biotechnology companies direct their resources for research and development.

(c) PROHIBITION ON HUMAN CLONING.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

**''CHAPTER 16—HUMAN CLONING**

''Sec.
''301. Definitions.
''302. Prohibition on human cloning.

**''§ 301. Definitions**

''In this chapter:

''(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing the nuclear material of a human somatic cell into a fertilized or unfertilized oocyte whose nucleus has been removed or inactivated to produce a living organism (at any stage of development) with a human or predominantly human genetic constitution.

''(2) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

**''§ 302. Prohibition on human cloning**

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce—

''(1) to perform or attempt to perform human cloning;

''(2) to participate in an attempt to perform human cloning; or

''(3) to ship or receive the product of human cloning for any purpose.

''(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, to import the product of human cloning for any purpose.

''(c) PENALTIES.—

''(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

''(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

''(d) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.''.

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

**''16. Human Cloning ..... 301''.**

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Government should advocate for and join an international effort to prohibit human cloning, as defined in section 301 of title 18, United States Code, as added by this section; and

(2) the President should commission a study, to be conducted by the National Bioethics Advisory Commission or a successor group, of the arguments for and against the use of cloning to produce human embryos solely for research, which study should—

(A) include a discussion of the need (if any) for human cloning to produce medical advances, the ethical and legal aspects of human cloning, and the possible impact of any decision to permit human cloning for research upon efforts to prevent human cloning for reproductive purposes;

(B) include a review of new developments in cloning technology which may require that technical changes be made to subsection (c), to maintain the effectiveness of this section in prohibiting the asexual production of a new human organism that is genetically virtually identical to an existing or previously existing human being; and

(C) be submitted to Congress and the President for review not later than 5 years after the date of enactment of this Act.

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**SA 1156.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions; as follows:

At the appropriate place, insert the following:

**SEC. ___. PROHIBITION ON THE CREATION OF HUMAN EMBRYOS FOR RESEARCH PURPOSES.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15 the following:

**''CHAPTER 16—HUMAN EMBRYO CREATION**

''Sec.
''301. Definition.
''302. Prohibition on the creation of human embryos for research purposes.

**''§ 301. Definition**

''In this chapter the term 'human embryo' includes any organism not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of enactment of this chapter, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

**''§ 302. Prohibition on the creation of human embryos for research purposes**

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce to create a human embryo for research purposes.

''(b) PENALTIES.—

''(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

''(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

''(c) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

**''16. Human Embryo Creation ..... 311''.**

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**SA 1157.** Mr. SMITH of New Hampshire (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

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## NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 26, 2001 in SR–328A at 10:30 a.m. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination has been added to a full committee hearing previously announced for Friday, July 27, at 9:30 a.m. in SD–366 for the purpose of receiving testimony on H.R. 308, to establish the Guam War Claims Review Commission, and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.

The committee will also receive testimony on the nomination of Theresa Alvillar-Speake to be Director of the Office of Minority Economic Impact, Department of Energy.

For further information, please call Sam Fowler at 202/224–3607.

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## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 25, 2001. The purpose of this meeting will be to mark up the short-term farm assistance package.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 25, 2001, at 9:30 a.m. on the nomination of Mary Sheila Gall to be Chairman of the Consumer Product Safety Commission.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. 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, July 25 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on legislative proposals relating to comprehensive electricity restructuring legislation, including electricity provisions of S. 388 and S. 597, and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. 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, July 25 for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:45 a.m. The purpose of this business meeting is to consider the nomination of Dan. R. Brouillette to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2001, at 11 a.m. in SD–419, to hold a nomination hearing on Thomas C. Hubbard, of Tennessee, to be Ambassador tot he Republic of Korea. Additional nominees to be announced.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2001, at 2 p.m. to hold a nomination hearing on:

Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development;

Ross J. Connelly, of Maine, to be Executive Vice President of Overseas Private Investment Corporation;

Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador; and

Randall Quarles, of Utah, to be United States Executive Director of the International Monetary Fund.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 25, 2001 at 9:30 a.m. for a hearing regarding ''Rating Entertainment Ratings: How Well Are They Working for Parents and What Can Be Done To Improve Them?''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Fulfilling the Promise of Genetics Research: Ensuring Non-Discrimination in Health Insurance and Employment during the session of the Senate on Wednesday, July 25, 2001, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 25, 2001, at 10:30 a.m. in room 216 Hart Senate Building to conduct a hearing on the Indian Gaming Regulatory Act.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 25, 2001, at 10:00 a.m., in Dirksen 226, on ''S. 1157, the Dairy Consumers and Producers Protection Act of 2001.''

TENTATIVE WITNESS LIST

Panel I: Daniel Smith, Esq., Executive Director, Northeast Interstate Dairy Compact Commission, Montpelier, VT; Gover Norquist, President, Americans for Tax Reform, Washington, D.C.; Stephen Burrington, Esq., Vice President, Conservation Law Foundation, Boston, MA, and Burt Neuborne, Esq., New York University School of Law, New York.

Panel II: The Honorable Jonathan Healy, Commissioner of Agriculture, Commonwealth of Massachusetts, Boston, MA; The Honorable Harold Brubaker, State Representative, State of North Carolina, Asheboro, NC; Senator Lois Pines, Esq., former Massachusetts State Senator, Newton, MA; Dr. James Beatty, Economist, Louisiana State University, Franklinton, LA; and Richard Groder, Wisconsin Farm Bureau, Mineral Point, WI.

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

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. REID. 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 Wednesday, July 25, 2001, to conduct a hearing on ''Risks of a Growing Balance of Payments Deficit.''

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security Proliferation and Federal Services be authorized to meet on Wednesday, July 25, 2001 at 2:30 p.m. for a hearing regarding S. 995, the Whistleblower Protection Act Amendments.

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

SUBCOMMITTEE ON STRATEGIC

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 25, 2001, at 9:00 a.m., in open session to receive testimony on global power projection, in review of the Defense Authorization Request for fiscal year 2002.

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Wednesday, July 25, 2001 at 2:00 p.m. in SD–226, on ''Improving Our Ability to Fight Cybercrime: Oversight of the National Infrastructure Protection Center.''

WITNESS LIST

Panel I: Ron Dick, Director, National Infrastructure Protection Center; Mr. Robert F. Dacey, Director, Information Security Issues, General Accounting Office; Ms. Sallie McDonald, Assistant Commissioner, Office of Information Assurance and Critical Infrastructure Protection, General Services Administration; and Mr. James A. Savage, Jr., Deputy Special Agent in Charge, Financial Crimes Division, Secret Service.

Panel II: Mr. Michehl R. Gent, President, North American Electric Reliability Council, and Mr. Christopher Klaus, Founder and Chief Technology Officer, Internet Security Systems, Inc.

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

## PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Joe Steinberg, an intern in our office, be allowed to be on the floor during today's deliberations.

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

Mr. GRAHAM. Madam President, I ask unanimous consent that Andrea Witt and Matthew Baggett of my staff be allowed the privilege of the floor during the duration of debate on this legislation.

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

Mr. WELLSTONE. Madam President, I ask unanimous consent that Stephanie Zawistowski be granted floor privileges.

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

Mr. SMITH of Oregon. Madam President, I ask unanimous consent that Scott Holmer of my office be granted floor privileges.

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

## UNANIMOUS CONSENT AGREEMENT—H.R. 2299

Mr. REID. Mr. President, I ask unanimous consent that second-degree amendments to the Transportation Appropriations Act may be filed until 12:30 p.m. tomorrow, Thursday.

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

## NOMINATION DISCHARGED

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nomination and that it be placed on the Executive Calendar: Josefina Carbonell, of Florida, to be Assistant Secretary for Aging, Department of Health and Human Services.

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

## ORDERS FOR THURSDAY, JULY 26, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon, Thursday, July 26. 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 there be 1 hour of debate equally divided between Senators DASCHLE and LOTT or their designees prior to the 1 p.m. cloture vote on the substitute amendment to the Transportation Act.

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

## PROGRAM

Mr. REID. Mr. President, as has been outlined, the Senate will convene at 12 noon tomorrow, with 1 hour of debate prior to a 1 p.m. cloture vote on the substitute amendment to the Transportation Appropriations Act.

## ADJOURNMENT UNTIL TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Thursday, July 26, 2001, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate July 25, 2001:

DEPARTMENT OF THE TREASURY

JAMES GILLERAN, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 23, 2002, VICE ELLEN SEIDMAN, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KENNETH M. DONOHUE, SR., OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE SUSAN GAFFNEY, RESIGNED.

NUCLEAR REGULATORY COMMISSION

NILS J. DIAZ, OF FLORIDA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2006. (REAPPOINTMENT)

ENVIRONMENTAL PROTECTION AGENCY

MARIANNE LAMONT HORINKO, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE TIMOTHY FIELDS, JR., RESIGNED.

DELTA REGIONAL AUTHORITY

P. H. JOHNSON, OF MISSISSIPPI, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY. (NEW POSITION)

DEPARTMENT OF STATE

JOSEPH M. DETHOMAS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR THE U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR, VICE DONALD STUART HAYS.

MICHAEL E. MALINOWSKI, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

ARLENE RENDER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

AGENCY FOR INTERNATIONAL DEVELOPMENT

PATRICK M. CRONIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE THOMAS H. FOX, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE COLE, OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS, VICE WILLIAM R. FERRIS, TERM EXPIRING.

## CONFIRMATIONS

Executive nominations confirmed by the Senate July 25, 2001:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

WADE F. HORN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

SMALL BUSINESS ADMINISTRATION

HECTOR V. BARRETO, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## INTERNATIONAL MONETARY STABILITY ACT

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

Mr. RYAN of Wisconsin. Mr. Speaker, today I am reintroducing the International Monetary Stability Act, which I introduced in the previous Congress. The need for such an act is more pressing than ever.

Over the last decade there have been no fewer than seven major currency crises in developing countries. They have occurred in Africa's CFA franc zone (1993–94), Mexico (1994–95), East Asia (1997–98), Russia (1998), Brazil (1999), Turkey (2001), and Argentina (right now). In addition, there have been numerous minor crises.

These currency crises have often brought recession, bank failures, and political upheaval to the countries concerned. Some have spilled over to other countries and have even affected our own international trade and financial markets. American workers who produce goods for export to developing countries have seen their international competitiveness whipsawed by currency crises. It is no accident that, for example, U.S. steel producers have complained about the practices of producers in Brazil, South Korea, Russia, Ukraine—all countries that have had currency crises in recent years.

Amid the currency turmoil that has affected so many countries, the U.S. dollar has remained reliable. Though not perfect, the dollar is the standard by which other currencies are judged. The contrast between the performance of the dollar and the performance of most other currencies has created growing interest in official dollarization, whereby a country substantially or totally replaces its own currency with the dollar. By eliminating the national currency, dollarization eliminates currency crises. Until recently, Panama and a handful of microstates were the only independent dollarized countries. However, East Timor and Ecuador became officially dollarized last year, joined by El Salvador this year. Dollarization is being debated around the world, particularly in Latin America.

An important barrier to official dollarization is loss of seigniorage, the profit from issuing a currency. Currently, a country that dollarizes loses seigniorage to the United States. Besides this economic cost, dollarization also has a political cost, which is the feeling that a country that gives up its national currency receives no consideration from the United States for doing so.

The International Monetary Stability Act would permit the United States to share with officially dollarized countries some of the extra seigniorage we would earn from them becoming dollarized. The Act would not require the Federal Reserve to change U.S. monetary policy. Nor would the Act compel the United States to share seigniorage: if the Secretary of the Treasury judged that it was not in our best interest, he would not have to do so. Nor would the Act restrict countries that wish to dollarize: as is already the case, they could dollarize without qualifying to share seigniorage.

Without the International Monetary Stability Act, other relatively small countries may join those I have mentioned and become officially dollarized in the years to come. However, the larger the country, the higher its government and people perceive the economic and political costs of dollarization to be. The larger developing countries are precisely those whose currency crises have had the greatest international effect, including on the United States. The International Monetary Stability Act would reduce the perceived costs of dollarization in a way that would benefit both the United States and countries interested in dollarizing. It would provide a creative alternative to the policy of big international bailouts, which are well intentioned but have failed to prevent further crises in many of the countries that have been the largest recipients.

Mr. Speaker, monetary stability is in the interest of the United States and the rest of the world. Through the International Monetary Stability Act we can help extend its benefits.

## IN HONOR OF KATHARINE GRAHAM

### HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

Ms. MILLENDER-McDONALD. Mr. Speaker, yesterday, Washington paid its last respect to an outstanding noble woman whose insight, courage and fortitude advanced one of this country's leading newspapers. I am here tonight to pay tribute to a visionary, business executive, women's rights activist, and a person very dear to me—Katharine Meyer Graham. While her passing deeply saddens me, I remain encouraged and uplifted by her legacy of courage and empowerment.

Before Katharine Graham, the Washington Post was a parochial local paper that lacked a national audience. Her profound vision and intellect transformed the landscape of American journalism and raised the standards for an impartial and free press. She took a small town paper and turned it into a national media giant known as the Washington Post Co., whose holdings include the Washington Post newspaper, Newsweek magazine, various television and cable broadcast systems, and interests in the International Herald Tribune and the Los Angeles Times-Washington Post News Service.

During the Nixon Presidency, the full scope of what became the Watergate Scandal would have never been known, had not this courageous woman stood up and said, ''Print It!'' The Post became the nemesis of the Nixon Administration. In turn, the President nearly crippled the Post with his failure to renew crucial television licenses, causing the paper's stock to plummet. During that crucial time, Katharine Graham showed the power of exposing truth. She championed the printing of the groundbreaking story, and insisted that the story be accurate and unbiased.

From the depths of the Watergate scandal to the top secret Defense Department reports on Vietnam known as the Pentagon papers, Katharine's stewardship of the Post and her indomitable spirit propelled her to become the most powerful woman in American newspaper history.

Katharine Graham commanded the largest Fortune 500 company ever run by a woman. She was chairwoman of the Executive Committee of the Washington Post Co., a Board Member of the Associated Press and President of the American Newspaper Publishers Association. This great woman was also the director of the newspaper Advertising Bureau Inc., a Trustee of the University of Chicago, George Washington University, and the Urban Institute, all this in addition to being a Pulitzer Prize winning author.

Katharine Graham's impact on women and young girls has been far reaching. This wonderful woman fought to overcame gender inequities prevalent in corporate America. She made it clear that women are a force to be reckoned with. Katharine Graham was a Board Member of the National Campaign to Reduce Teenage Pregnancy and a strong advocate for women's issues. She had the heart of a champion, which was evident in her life's commitments and accomplishments.

I am honored to have known this pioneer in my lifetime. To have known Mrs. Graham is to have known a trailblazing journalistic genius. Her legacy will live on through the Media powerhouse she built and the millions of lives she affected. I send my deepest sympathies to her family, friends, and colleagues. I will miss my dear friend tremendously.

## HONORING JOHN TEETER OF PRESCOTT, ARKANSAS

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

Mr. ROSS. Mr. Speaker, on Thursday, July 26, citizens in my hometown of Prescott, Arkansas, will be honoring one of our most beloved citizens, Mr. John Teeter. Mr. Teeter has devoted almost all of his adult life to serving his community and the people of Nevada County.

For decades, he served as a weather reporter in Prescott for the National Weather Service. His work helped to warn the weather service and the community of incoming severe weather, which no doubt helped to save the lives of friends and neighbors. Whether rain, sleet, snow or shine—through the heat of summer and the cold of winter, through

● 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.

droughts and floods—Mr. Teeter was there to record and report the conditions. As a weather reporter, he also worked with the Nevada County Rescue Unit to help them anticipate and respond to any severe weather disaster.

In addition to his service to the National Weather Service and the rescue unit, Mr. Teeter has been a member of the Kiwanis Club for over 40 years, helping to improve the lives of children in our community and throughout the world, and he is still active with the organization. He also continues to man the Nevada County Depot Museum in Prescott, which he has done for several years, showing students, visitors, and their families around the local museum at any time.

John Teeter is an outstanding example of the value of giving back to the community and an inspiration to so many of us. As a young boy growing up in Nevada County, he was a role model for me. Although I will be unable to attend the celebration on Thursday due to my responsibilities here in our nation's capitol, I join his family and friends in honoring him for his lifetime of achievements, and I am grateful for his many contributions to people of Prescott, Nevada County, and the State of Arkansas. I extend my warmest wishes to him for continued health and happiness in the years to come.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 18, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Mr. RUSH. Mr. Chairman, I rise in support of Representative WATERS and Representative KUCINICH's amendment to restore the ability of developing countries to make HIV/AIDS drugs available to their citizens. While I understand the importance of the intellectual property rights of the companies that create these vital drugs, my consciousness compels me to support this amendment. I must support this amendment out of a sense of morality and concern for my fellow mankind in Africa and other developing countries.

HIV/AIDS is ravaging developing countries and wiping out a whole generation of men and women. More than 25 million Africans are now living with HIV and last year alone, 2.4 million Africans died from the disease. Sub-Saharan African women are now the fastest-growing HIV-positive population.

The loss of mothers and fathers in Sub-Saharan Africa has resulted in a new social epidemic, parentless children. Two-thirds of 500,000 orphaned children in South Africa lost parents to HIV/AIDS, and over 30% of the children born to HIV + women will develop pediatric AIDS. I have witnessed the orphanages over-flowing with children who have lost parents to this disease and it is astonishing.

I commend the pharmaceutical companies who have made efforts to provide HIV/AIDS medications available to Sub-Saharan Africa. Also, I thank the 39 pharmaceutical companies for placing humanitarian concerns over profits by dropping their suit against the South African HIV/AIDS law earlier this year.

However, if we do not act now whole cultures may perish before our very eyes. If we do nothing, our tacit acceptance of the HIV/AIDS crisis in Africa and other developing countries is unforgivable. We must pass this amendment and allow developing countries the flexibility they need to provide cost-effective treatment for people with HIV/AIDS. If for any other reason, we should pass this amendment for the children whose parents these drugs can keep alive.

## SPEND COLOMBIA MONEY AT HOME

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

Ms. SCHAKOWSKY. Mr. Speaker, I want to share with all of my colleagues the attached editorial from the July 21, 2001 Chicago Tribune that articulates a position that I share. That is that our counter-narcotics efforts in Colombia are misguided, have not achieved the stated goals of US policy toward that country, and the funds required for implementation of this policy would be better spent working to address substance abuse here in the United States.

In the US, there are some 5.5 million people in need of substance abuse treatment. The federal government only provides treatment funding sufficient to cover 2 million of those individuals. That means that 3.5 million people in this country who are seeking treatment for their substance abuse problems are turned away. We know from a study conducted by the Rand Foundation that dollar for dollar it is twenty three times more effective to reduce drug consumption by investing in education, prevention, and providing treatment rather than trying to eradicate drugs at their source. Again, I strongly support the suggestion put forth by the attached editorial, that we should redirect the money we are spending to battle drugs in Colombia toward more effective programs here in the US, and I urge all members to consider it when making decisions on US policy toward Colombia and the Andean region.

[From the Chicago Tribune, July 21, 2001]

SPEND COLOMBIA MONEY AT HOME

In government, failed policies seldom are re-thought let alone abandoned—they tend to expand. Rather than blame flawed thinking or bad information, failure is interpreted as a sign of insufficient time or funding.

During the past 18 months, the $1.3 billion anti-narcotics Plan Colombia has not markedly reduced violence or drug production there—or made it more difficult or expensive to buy cocaine in the U.S. Undeterred by such failure, however, the Bush administration now is pushing a nearly $1 billion sequel, the Andean Counterdrug Initiative, that largely reinforces and expands past mistakes.

Debate began this week on funding the new initiative. Congress ought to consider alternatives, such as rechanneling the money into expanded drug rehabilitation at home

A key component of Plan Colombia has been fumigation of coca crops. After fumigating approximately 128,000 acres of coca—along with people, farm animals and food crops—the effort has only succeeded in relocating the coca fields.

Most of the coca that used to grow in the Putumayo province has moved to nearby Nariño. ''And if they fumigate Nariño, the problem will go to another place,'' warned its governor, while governor of Putumayo estimated that half the fields sprayed in his area were food crops.

The military component of Plan Colombia hasn't fared much better. Colombia guerrillas now are seeking shelter in neighboring Ecuador, spreading the violence. And by failing to deal with the murderous paramilitary units, the plan has increased bloodshed. On April 12 paramilitaries massacred 40 peasants and cut up their bodies with chainsaws, and the war-related body count nationwide is up to about 20 a day.

The Andean Initiative's solution to the spreading mayhem is to continue military aid to Colombia (about $363 million) and increase military aid to its six neighbors to defend themselves from the aftershocks. Ecuador and Brazil, for instance, would get about $32 million and $16.3 million respectively to reinforce their borders with Colombia.

Bush's initiative also provides social and economic aid to these countries—a welcome change—but still nearly 55 percent of the entire package would go to military aid.

Previous U.S. interventions succeeded only in moving coca production and drug violence from neighboring countries to Colombia. Now the process seems to be working in reverse.

American addicts' insatiable craving for narcotics—and the obscene profits to be made by suppliers—doom most supply-side police or military tactics, particularly remote-control operations masterminded from Washington.

Early in his administration, President Bush said he appreciated this reality and wanted to increase funding for drug administration programs.

Rethinking Plan Colombia and channeling some or all of that money into treatment and education programs would be a place to start. Such a U-turn would not be a typical government move, but it is the most sensible thing to do.

## ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. RADANOVICH. Mr. Speaker, today we pause to remember the anniversary of Turkey's invasion of Cyprus. Twenty-seven years ago an estimated 35,000 armed Turkish troops invaded the small peaceful Mediterranean island of Cyprus. Nearly 200,000 Greek Cypriots lost their homes and became refugees in their own country. To this date, Turkish troops continue to occupy 37 percent of Cyprus' territory.

Simply put, the status quo in Cyprus is unacceptable and continues to have a detrimental effect to the interests of the U.S. in the eastern Mediterranean. Without question, improving the relations and cooperation between Greece and Turkey, two key NATO allies, is

key to strengthening the stability of the region. Therefore, I urge the two parties to take the long steps needed to demilitarize and launch a much needed initiative to promote a speedy resolution on the basis of international law and democratic principles. We must have lasting peace and stability on Cyprus.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, and for other purposes:

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Smith-Morella-Slaughter-Lantos-Pitts amendment, to dedicate a total of $30 million of the bill's funds to protect and assist victims of trafficking in persons and help countries meet minimum standards for the elimination of human trafficking.

I was proud to be a lead cosponsor of the Victims of Trafficking and Violence Protection Act of 2000, Rep. SMITH's bill to monitor and eliminate human trafficking here in the U.S. and abroad. After an arduous six year struggle to address the problem of sex trafficking with my own legislation, last October I was pleased to see this bill pass with strong bipartisan support.

In June 1994, I first introduced legislation addressing the growing problem of Burmese women and children being sold to work in the thriving sex industry in Thailand. This legislation responded to credible reports indicating that thousands of Burmese women and girls were being trafficked into Thailand with false promises of good payinng jobs in restaurants or factories, and then forced to work in brothels under slavery-like conditions.

As I learned more and more about this issue it became abundantly clear that this issue was not limited to one particular region of the world. In addition, I found that human trafficking was not exclusively a crime of sexual exploitation. Taken independently, sex trafficking is an egregious practice in and of itself. It is also important, however, to be aware that people are being illegally smuggled across borders to work in sweatshops, domestic servitude, or other slaverylike conditions. I was pleased to see that the Victims of Trafficking and Violence Protection Act recognized the full magnitude of human trafficking and included provisions that effectively seek to address human trafficking.

The Act set forth policies not only to monitor, but to eliminate trafficking here in the U.S. and abroad. More importantly, it does so in a way that punishes the true perpetrators, the traffickers themselves, while at the same time taking the necessary steps to protect the victims of these heinous crimes. It uses our nation's considerable influence throughout the world to put pressure on other nations to adopt policies that will hopefully lead to an end to this abhorrent practice.

In the wake of the passage of the Act, however, there is still a great deal of work to be done. According to the recently issued 2001 Trafficking in Persons Report by the State Department, 23 countries are listed in ''Tier 3''—signifying that they do not satisfy the law's minimum standards to combat trafficking and are not making significant efforts to bring themselves into compliance.

It is my hope that this report will serve as a catalyst for reinvigorated international efforts to end human trafficking. We must continue to work expeditiously to implement the provisions of the Act, that provide tough new penalties for persons convicted of trafficking in the United States.

Beginning in 2003, those countries that are listed in ''Tier 3'' may be denied non-humanitarian assistance from the United States, barring a Presidential waiver. As a result, the U.S. is now in a position to put pressure on other nations to adopt policies that will eradicate human trafficking practices inside and between their borders. We are also in a position to prosecute and punish the traffickers themselves and thereby put an end to coordinated kidnaping and exploitation of the most vulnerable members of society.

I urge my colleagues to join me in supporting this amendment to ensure funding for efforts to assist victims of human trafficking, and aid countries in eliminating this egregious criminal activity.

## THE DUMPING OF FOREIGN STEEL

### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. QUINN. Mr. Speaker, I rise today to share a few remarks about the dumping of foreign steel into U.S. markets. Recently, the Korea Iron and Steel Association dispatched a steel trade mission to the United States to convey the Korean steel makers concern over the United States movement to restrict imports of steel products, as well as to learn the position of the United States government and steel industry. This mission visited the USTR, Department of Commerce, the ITC and the American Iron and Steel Institute to express the Korean industry's concerns over the United States' stance on the recent start of a section 201 antidumping investigation.

Mr. Speaker, it is no secret that the U.S. steel industry is in crisis. As one who represents thousands of people whose livelihood relies on the steel industry, I can assure you that the injury suffered by the U.S. industry and the people it supports is very real.

The steel crisis has produced casualties at every level in America's steel communities. As a result of the most recent wave of dumped steel imports, over 23,000 good steel jobs have been lost and 18 steel companies have filed for bankruptcy since the beginning of 1998. Anyone who thinks that these problems are a thing of the past that were cured by the last round of steel orders should know that ten of those 18 bankruptcies have occurred in the last 8 months.

Several thousand workers, beyond those laid off, were forced to accept reduced work weeks, assignments to lower paying jobs, and early retirement. For those workers affected, alternative employment opportunities in the surrounding area are hard to come by, and those who do find other manufacturing jobs are often paid significantly less than what they previously made. The effects of these losses are felt right down the line—by workers' families and by other community businesses that simply cannot survive if their customers can no longer earn a paycheck.

Mr. Speaker, dumping has become such a problem because foreign producers are able to sell well below market in the United States because their own home markets are closed to competition, allowing them to maintain high at-home prices to subsidize losses abroad. In addition, subsidization of foreign producers by their governments is a primary reason why massive overcapacity in the world steel industry has been created and sustained. The structural problems in the world steel market have been created largely by the illegal practices of foreign producers, and the U.S. industry should not be forced to suffer as a result.

## INTRODUCTION OF THE SAVE MONEY FOR PRESCRIPTION DRUG RESEARCH ACT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. STARK. Mr. Speaker, I rise today to introduce the Save Money for Prescription Drug Research Act of 2001. The pharmaceutical industry is crying wolf, claiming that forced to reduce prescription drug costs for seniors, they will be unable to continue lifesaving drug research and development. This bill allows them to stop wasting money on physician incentives and redirect those funds to R&D. It would do so by denying tax deductions to drug companies for certain gifts and benefits, excepting product samples, provided to physicians and encourage use of such funds on R&D.

Presently, these companies are spending billions of dollars on promotions to entice doctors to prescribe their products, and these dollars are tax deductible. According to a New York Times November 2000 article pharmaceutical companies spent $12 billion in 1999 courting physicians, nurse practitioners, and physician assistants hoping to influence their prescribing habits. Experts estimate that drug companies spend an average of between $8,000 and $13,000 on individual physicians every year. Gifts come in the form of watches, jewelry, trips and expensive meals. The New York Times article lists one example where SmithKline Beecham offered physicians a $250 'consulting fee' and choice of entr6e at an expensive restaurant, merely for agreeing to attend an update on use of a cholesterol-reducing drug. These campaigns contribute to preference and rapid prescribing of new drugs, and decreased prescribing of generics. In other words, tax deductible dollars contribute to the rising prices of prescription drugs.

For years the pharmaceutical industry has claimed that the high price of prescription drugs is due to investment in research and development. A recent Families USA report, however, indicated that this might not be the case. The report showed that at eight major

pharmaceutical companies, investment in marketing, advertising and administration was more than double the investment in R&D. At Pfizer, for example, 39% of the net revenue, more than $11 billion, went to these expenses, while only 15% of revenues were devoted to R&D.

It is unquestionable that the research and development of new drugs is an expensive process. However, if the pharmaceutical industry intends to claim that it cannot afford research if drug prices for seniors are reduced, perhaps they ought to more carefully consider their priorities. Clever marketing ploys that influence physician prescribing habits do little to actually save lives, but do much to increase corporate profits.

Denying the pharmaceutical industry the ability to deduct expenditures for gifts to physicians is a solid step toward providing Americans with access to more lifesaving drugs. By redirecting drug company promotional expenditures to their R&D budgets, the American public would reap the benefit of increased medical breakthroughs. Gifts from pharmaceutical companies do not improve health care for patients.

This bill I am introducing today eliminates the tax incentives currently in place that encourage drug companies to continue to give gifts to doctors to influence their prescribing. It is my hope that the industry will redirect these dollars from existing gift practices to R&D. The pharmaceutical industry claims it needs financial help to increase R&D efforts. This bill gives them billions of new dollars for precisely that purpose. I urge the pharmaceutical industry to use these funds more wisely. I hope that my colleagues will join with me in supporting this endeavor to increase investment in the research and development of life saving drugs in the private sector.

[From the New York Times, Nov. 16, 2000]

HIGH-TECH STEALTH BEING USED TO SWAY DOCTOR PRESCRIPTIONS

(By Sheryl Gay Stolberg and Jeff Gerth)

As a busy internist, Dr. Bruce Moskowitz frequently prescribes cholesterol-lowering medicines and osteoporosis drugs for his elderly patients. Like most physicians, he is no stranger to pharmaceutical sales representatives, and he often chats with them about his preference in medication.

But the drug companies know more about Dr. Moskowitz than he realizes. Over the past decade, with the advent of sophisticated computer technology, pharmaceutical manufacturers have been quietly compiling resumes on the prescribing patterns of the nation's health care professionals, many of whom have no idea that their decisions are open to commercial scrutiny.

These ''prescriber profiles'' are the centerpiece of an increasingly vigorous—and apparently successful—effort by drug makers to sway doctors' prescribing habits. To create them, pharmaceutical marketers are buying information from pharmacies, the federal government and the American Medical Association, which generates $20 million in annual income by selling biographies of every American doctor.

The profiles do not contain patient names. But they do offer drug companies a window into one half of the doctor-patient relationship. And they are raising important public policy questions, both about the privacy of doctors' prescribing decisions, and how much commercial pressures influence them.''As an extension of the doctor-patient relationship, doctors are entitled to privacy,'' said Lawrence O. Gostin, an expert in health privacy at the Georgetown University Law Center.

In describing the profiles as ''a fundamental violation'' of that privacy, Mr. Gostin said they also raise ''an extremely important policy question, which is to what extent are health care prescribing practices influenced by commercial concerns?''

That question is now front and center in the political debate. With the price of prescription medication high on the national agenda, the impact of marketing on the cost of pharmaceuticals is at issue. But while the public discussion has focused largely on the recent trend toward advertising directly to patients, the industry still spends most of its money wooing doctors.

Of the $13.9 billion that the drug companies spent promoting their products last year, 87 percent, or about $12 billion, was aimed at doctors and the small group of nurse practitioners and physicians' assistants who can prescribe some medications, about one million prescribers all told.

''The pharmaceutical industry has the best market research system of any industry in the world,'' said Mickey C. Smith, a professor of pharmaceutical marketing at the University of Mississippi. ''They know more about their business than people who sell coffee or toilet paper or laundry detergent because they truly have a very small group of decision makers, most of whom still are physicians.''

Pharmaceutical sales representatives have been a staple of American medicine for decades. Their courtship of doctors is intensive and expensive, and their largess runs the gamut, from trinkets like prescription pads and pens, to staff lunches at hospitals and medical offices and offers of free weekends at resorts.

Prescriber profiles play a significant role in the courtship; pharmaceutical marketers say they use the reports to help determine which doctors should be offered certain perks. And the perks themselves worry ethics officials at the American Medical Association, who are trying to discourage doctors from accepting them, even as the association's business side sells information that facilitates the giving of gifts.

Dr. Moskowitz, of West Palm Beach, Fla., is one example. In late August, he received an invitation from two drug companies, the Bayer Corporation and SmithKline Beecham, asking him to a private dinner at the Morton's of Chicago Steakhouse, an expensive chain restaurant not far from his West Palm Beach office, on the evening of Sept. 18.

The topic was high cholesterol, including an update on Baycol, a drug the two companies jointly market. For his feedback, Dr. Moskowitz would be designated a consultant and given a $250 honorarium, along with his choice entree. He declined.

''Drug companies ask me, How can we change your prescribing, what would it take, do you want to serve as a consultant?'' Dr. Moskowitz said. ''The schemes get more and more desperate.''

Although most doctors do not believe that such entreaties affect their professional behavior, some studies suggest otherwise. Dr. Ashley Wazana, a psychiatry resident at McGill University in Montreal, recently analyzed 29 studies on the effects of gifts to doctors.

Published in January in The Journal of the American Medical Association, Dr. Wazana's analysis found an association between meetings with pharmaceutical representatives and ''awareness, preference and rapid prescribing of new drugs and decreased prescribing of generics.''

His conclusion? ''We are influenceable,'' Dr. Wazana said.

In an effort to save money, and also to avoid this influence, some clinics and hospitals have imposed a ban on free drug samples and visits from sales representatives and discourage doctors from taking consulting fees like the one offered by Bayer and SmithKline Beecham.

Among them is the Everett Clinic in Washington State, a group practice of 180 doctors that cares for 250,000 patients. Its officials say that drug costs have declined since the ban.

''Pharmaceutical marketing would often lead to physicians prescribing more costly medicines than are necessary,'' the clinic's medical director, Dr. Al Fisk, said.

But Dr. Bert Spilker, a senior vice president with the Pharmaceutical Research and Manufacturers of America, an industry trade group, said marketing ''serves an essential function in the health care delivery system'' by helping to educate doctors, so they can prescribe drugs more appropriately.

Drug companies, however, are often reluctant to disclose details about their marketing efforts, particularly the use of prescriber profiles.

''If we talk about what we do and how we do it,'' said Jan Weiner, a spokeswoman for Merck & Company, ''then our competitors will know a whole lot more than they know now.''

THE A.M.A. MASTER LIST

Singling out doctors is not new, but detailed prescriber profiles have been available only since the early 1990's, when most pharmacies adopted computer systems to process insurance claims, said Pat Glorioso, a marketing executive at I.M.S. Health, a leading pharmaceutical market research concern and one of two companies that specialize in collecting records of pharmacy sales.

Through the profiles, a drug company can identify the highest and lowest prescribers of a particular medicine in a single ZIP code, county, state or the entire country. They can learn, for example, which antidepressants a particular psychiatrist favors.

''It's very flexible in the way we can slice and dice the information,'' Ms. Glojioso said. ''As technology has improved, we havejust ridden that wave.''

When pharmacies sell records of prescription drug sales, they do not show names of patients or, in some cases, their doctors. But those records are typically coded with identification numbers issued by the Drug Enforcement Administration to doctors for the purpose of tracking controlled substances. The government sells a list of the numbers, with the corresponding names attached, for fees that can nin up to $10,200 a month, depending on how widely the list will be distributed.

The American Medical Association, meanwhile, sells the fights to what it calls its ''physicians' master file'' to dozens of pharmaceutical companies, as well as I.M.S. Health and other market research concerns. Though only about 40 percent of American doctors are dues-paying members of the medical association, the database has detailed personal and professional infor-mabon, including the D.E.A. number, on all doctors practicing in the United States.

Pharmaceutical marketers consider Lhe master file the gold standard for reference information about doctors. Combined with the records of pharmacy sales, the file helps create portraits of individual doctors, their specialties and interests. As the nation's largest doctors' group, the medical association has maintained the master file for nearly 100 years, and has licensed it for more than 50. It is so complete, A.M.A. officials say, that even the dead are included.

''We're trying to provide a reliable database, which is accurate, so that it can be used appropriately to focus efforts on

There are some restrictions, Dr. Reardon said: the roster cannot be sold to tobacco companies and it cannot be used to deceive doctors or the public. While they say sale of the master file brings about $20 million in annual income to the association, officials would not say what they charge individual companies.

Much of the information in the association's database is available from sources scattered around the country. But one major element is not: the medical education number, which the A.M.A. assigns to new medical students in order to track them throughout their careers. Most doctors do not even know they have one.

This number, which enables computers to sort through the huge A.M.A. master file, is ''the core element in the database of tracking physicians,'' said Douglas McKendry, a sales executive at the Acxiom Corporation, a pharmaceutical marketing company that recently formed a partnership with the medical association to manage the database.

''The A.M.A. data helps identify the individual physicians that are being targeted,'' Mr. McKendry said.

Doctors who do not want their names sent to marketers can ask the association to remove them from the file, Dr. Reardon said. But in interviews, several prominent doctors said they were unaware that their biographies were being sold.

Among them is Dr. Christine K. Cassel, a former president of the American College of Physicians and chairman of the department of geriatrics at Mount Sinai School of Medicine in Manhattan. In Dr. Cassel's view, information about doctors' prescribing habits may appropriately be used by their health plans to improve quality of care. She called the commercial use of the data outrageous, saying, ''This is not about quality. It's about sales.''

DINNER AND A MOTIVE

Pharmaceutical marketing is big business not only for drug companies, but also for companies firms like I.M.S. Health and Acxiom, which cater to them.

Overall spending on pharmaceutical promotion increased more than 10 percent last year, to $13.9 billion from $12.4 billion in 1998. Experts estimate that the companies collectively spend $8,000 to $13,000 a year per physician. In recent years, as demands on doctors' time have grown more intense, pharmaceutical marketers say they have been forced to become more creative.

''You have to have a hook,'' said Cathleen Croke, vice president of marketing for Access Worldwide Communications Inc., which specializes in drug marketing. ''if you offer them $250, that might get them. Or they are attracted to the prestige of being a consultant, that a company is asking for their opinion.''

The offer of dinner and a $250 consulting fee was sufficient to draw about a dozen South Florida physicians to Morton's in West Palm Beach on Sept. 18. They gathered there, on a muggy Monday night, in a back room called the boardroom, where a slide show and a moderator from Boron, LePore & Associates Inc., the market research firm hosting the event, awaited their arrival.

Dr. Moskowitz, who has been in practice in West Palm Beach since 1978 and heads a group of 12 doctors, says he routinely receives—and rejects—such invitations.

The Morton's dinner was not open to the public; had Dr. Moskowitz accepted, he would have been required to sign a confidentiality agreement. Instead, he told the companies he intended to take a reporter for The New York Times.

But when Dr. Moskowitz and the reporter showed up at Morton's, the Boron LePore moderator, Alexander Credle, told them to leave.

''This is a clinical experience meeting, a therapeutic discussion,'' Mr. Credle said. ''There is an expected degree of confidentiality.''

Dr. Moskowitz asked Mr. Credle why he was invited; Mr. Credle had no answer. But in an interview a few weeks after the dinner, John Czekanski, a senior vice president at Boron LePore, said the invitations were ''based on databases targeting physicians'' who prescribe cholesterol-lowering drugs or who might.

Boron LePore calls these dinner sessions ''peer-to-peer meetings,'' and in 1997, it acted as host at 10,400 of them. Typically, they feature presentations from medical experts, on the theory that doctors are receptive to the views of their peers. With new drugs coming onto the market all the time, physicians are hungry for information about them. Pharmaceutical companies say it is that desire for education, rather than a free meal or modest honorarium, that draws many doctors to the meetings.

But the dinners are creating unease among officials of the American Medical Association's Council on Ethical and Judicial Affairs, which in 1990 published guidelines that limit what gifts doctors may accept. The guidelines, which have also been adopted by the Pharmaceutical Research and Manufacturers' Association, the drug industry trade group, prohibit token consulting arrangements. but permit ''modest meals'' that serve ''a genuine educational function.''

Compliance is voluntary, and Dr. Herbert Rakatansky, who is chairman of the A.M.A.'s ethics council, says doctors routinely ignore the rules. That is in part because they are murky, as the dinner at Morton's reveals.

Whether the dinner was intended to educate doctors, or was part of a marketing campaign, or both, is not clear. In the $7.2 billion market for the cholesterol-lowering drugs known as statins, Baycol ranks last in sales, with just $106 million in sales last year. Bayer and SmithKline Beecham recently introduced a new dosage for the drug, and the companies said

''As far as we're concerned, it's educational,'' said Carmel Logan, a spokeswoman for SmithKline Beecham. But Tig Conger, the vice president of marketing for cardiovascular products at Bayer, said the company intended to teach a select group of doctors about Baycol, then use their feedback to hone its marketing message. And Allison Wey, a spokeswoman for Boron LePore, said the dinner was ''part education and part marketing.''

RAISING ETHICS QUESTION

While Dr. Rakatansky, of the A.M.A., could not comment specifically on the Baycol meeting, he had harsh words for these dinners in general.

''We think 99 percent of those are shams,'' he said. ''They are marketing devices and not true requests for information,''

As to whether the dinner fit the ''modest meal'' criteria, that, too, is unclear, because the guidelines offer no specifics. At Morton's in West Palm Beach, the entrees range from $19.95 for chicken to $32.95 for filet mignon—a la carte. The sales manager, Lauren Carteris, said the restaurant frequently was the site of pharmaceutical meetings for Boron LePore.

''Doctors,'' Ms. Carteris said, ''will only go to an expensive restaurant.''

To heighten doctors' awareness about the ethics of accepting gifts, the medical association is beginning an educational campaign. In addition, The Journal of the American Medical Association devoted the bulk of its Nov. I issue to conflict of interest in medicine, including an essay entitled ''Financial Indigestion'' that questioned the effects of pharmaceutical company gifts on doctors' professional behavior.

But some prominent doctors say the medical association needs to address its own role, as a seller of information that helps drug marketers select which doctors to target.

''It potentiates this gift giving, and implicitly endorses it,'' said Dr. David Blumenthal, a professor of health policy at Harvard Medical School who has used the A.M.A.'s data for his academic research.

The sale of the master file to drug companies, Dr. Blumenthal said, ''hands the weapon to the drug company that the A.M.A. is saying is an illicit weapon.''

Dr. Reardon, the past president of the medical association, dismisses such a connection. Doctors are responsible for their own decisions about whether to accept gifts, he said, adding, ''I don't think the database has anything to do with ethical behavior of physicians.''

Dr. Reardon noted that drug marketers could obtain information about doctors from other sources, including the federal government. But Mr. Gostin, the privacy expert at Georgetown, who is also the health law and ethics editor of The Journal of the American Medical Association, said that did not justify the association's action.

''We live in a society where, if you comb long enough and hard enough with sophisticated enough search tools, you can find just about everything,'' Mr. Gostin said. ''That doesn't mean it's all right for people to assemble it, make it easy and sell it.''

As for Dr. Moskowitz, he is still receiving invitations from drug companies, despite his longstanding habit of spuming them. One arrived on Oct. 18, from Aventis Pharmaceuticals and Procter & Gamble Pharmaceuticals, who jointly market Actonel, an osteoporosis drug.

Attendance at the meeting, scheduled for Saturday , will be limited to 12 doctors, the invitation said. Breakfast and lunch will be served; in between, there will be a clinical discussion of osteoporosis, with 30 minutes reserved for doctors' feedback. The honorarium is $1,000.

## HONORING PILGRIM ARMENIAN CONGREGATIONAL CHURCH

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Pilgrim Armenian Congregational Church for its 100 years of service to the Armenian community. The church was founded with only fourteen members on January 26, 1901.

The first Armenian settlers to the area did not speak English. They formed the Armenian Congregational Church so they could worship together, in their native tongue. Although it started with small numbers, church membership has grown steadily over the years. In its 100 years, the church has had eight full-time pastors and several interim pastors who have

all served with much pride. Church members remain very dedicated to the church congregation, and the numbers continue to increase.

Members of the church are committed to their congregation, raising every dollar themselves for the construction of new buildings. Pilgrim Armenian Congregational Church has had three different houses of worship, all increasing in size to meet the demands of the congregation. The church has also established two additional funds, with all the income from those funds to be used solely for church needs. Many community members have found a home within Pilgrim Armenian Congregational Church.

Mr. Speaker, I want to congratulate Pilgrim Armenian Congregational Church for its dedication to the community over the past 100 years. I urge my colleagues to join me in wishing Pilgrim Armenian Congregational Church and its members many more years of continued success.

## TRIBUTE TO WAYNE DeFRANCESCO, 2001 PGA CLUB PROFESSIONAL CHAMPION

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. CARDIN. Mr. Speaker, I rise today to honor Mr. Wayne DeFrancesco, an assistant professional at the Woodholme Country Club in Baltimore, Maryland. Mr. DeFrancesco has just won the 34th annual PGA Club Professional Championship and has done so in dramatic style.

He won the Club Professional Championship with an amazing three stroke victory, overcoming a double bogey on the fourth and a bogey on the fifth hole. He solidified his win with a 17 foot, par-saving putt on the twelfth hole and a 15 foot uphill birdie on the sixteenth hole. Mr. DeFrancesco became just the third person ever to win this championship wire-to-wire, but the first in tournament history to have sole possession of first place in all four rounds.

This great victory is of little surprise considering that Mr. DeFrancesco has devoted a lifetime to the sport. He started his career as a Washington D.C. area high school champion and as letterman for Wake Forest University. Over the last twenty five years, Mr. DeFrancesco has won countless numbers of regional tournaments while at the same time working as an instructor in clubs along the East Coast. He has served as an editor to the Washington Golf Monthly Magazine and as a guest instructor on the Golf Channel. In 2000, he was recognized for his expert instruction as #42 among golf's greatest teachers, by Golf Digest.

We are living in a time when golf has a renewed excitement. Tiger Woods and Annika Sorenstam have captured the imaginations of people from all across the country. They have done so with skill, perseverance, and a strong work ethic that have brought this great game to new heights of popularity. In that same spirit Wayne DeFrancesco has mastered his craft.

Mr. Speaker, I want to congratulate this fine athlete on a terrific accomplishment and I wish him the best of luck when he competes for the PGA Championship at the Atlanta Athletic Club in August.

## IN SUPPORT OF THE IRAN-LIBYA SANCTIONS ACT

SPEECH OF

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

Ms. HARMAN. Mr. Speaker, I rise today to speak in support of the Iran-Libya Sanctions Act. ILSA is an important part of our commitment to prevent the proliferation of weapons of mass destruction and missile technology to Iran and Libya.

I wish I could stand here today and say that sanctions on Iran were no longer necessary. I wish I could say that Iran has responded to diplomatic overtures, halted its weapons programs, or stopped threatening Israel and our other allies in the Middle East.

But the reasons why we passed this law five years ago are even more pressing today.

While moderate leaders may be gaining power in Iran, reform has yet to reach their foreign policy.

In fact, Iran and Libya are both seeking to enhance their capabilities for producing and using weapons of mass destruction. Tehran is intent on bolstering her already significant chemical weapons arsenal and developing nuclear and biological weaponry, while Libya is again openly seeking expertise and technology needed for chemical weapons. In the case of Iran at least, this has led the CIA to conclude that it ''remains one of the most active countries seeking to acquire weapons of mass destruction,'' and the State Department to find that it ''remained the most active state sponsor of terrorism in 2000.''

Sanctions work best when part of a comprehensive plan to combat proliferation. They require the support of our partners abroad. Sanctions under ILSA are therefore an important tool not simply to increase pressure on Iran but also to encourage Europe and Russia to cooperate with us on nonproliferation and counter-terrorism. While ILSA is often a sore spot in our relations with Europe, the threat of sanctions is getting the job done. When President Clinton waived sanctions against a foreign investment consortium, including Total SA of France and Gazprom of Russia, the EU and Russia promised greater cooperation on counter-terrorism and limiting the transfer of technology to Iran.

On a recent delegation to Russia led by DICK GEPHARDT, I met with members of the Russian Space Agency and found that our programs to counter the proliferation of missile technology are paying off We have invested much time and money in working with the Russian Space Agency on the International Space Station, and the result is that they have also improved cooperation on preventing the sale of missile technology to Iran. We need to expand these joint efforts with the Russians, so that we may begin to make progress in areas where they have not been as cooperative—such as the transfer of nuclear technology.

We cannot ease our commitment to prevent proliferation of weapons of mass destruction to Iran—we must step up our efforts with passage of ILSA. I await the day when reform in Iran means that they will no longer threaten the United States and Israel. Until then, we must maintain effective, targeted sanctions.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, and for other purposes:

Ms. SLAUGHTER. Mr. Chairman, had the Kaptur amendment been made in order, I would have supported it. The Kaptur amendment would have required that no less than $125 million of the bill's funds be provided to Ukraine. The bill caps funding to Ukraine at $125 million, 90 percent of which goes to humanitarian aid and non-governmental assistance programs. This represents a $44 million reduction in funding from last year. While I support measures to ensure funding for Ukraine, I also have serious concerns about recent events in Ukraine that have impeded steps toward a fully democratic society.

I have been a strong supporter of Ukraine throughout my tenure in Congress. In past years, I have taken a leading role in supporting increased funding for Ukraine. These efforts, along with those of my colleagues, have made Ukraine the third-largest recipient of U.S. aid. But, evidence of political corruption, suppression of the media and instability in the Ukrainian government have called this aid into question.

In April, the Communist-dominated Ukrainian parliament voted to dismiss Prime Minister Viktor Yushchenko and his government. The ouster of Prime Minister Yushchenko and his cabinet, widely viewed as the most successful govenmnent since Ukraine gained independence in 1991, is likely to slow down reforms at this most crucial time. This vote comes in the midst of the ongoing political crisis sparked by revelations on secretly recorded tapes implicating the involvement of President Leonid Kuchma and high government officials in the case of murdered journalist Heorhiy Gongadze. Most recently, another journalist, Ihor Oleksandrov, who sought to expose corruption and organized crime was brutally murdered by four men with clubs.

The State Department Annual Human Rights Country Report on Ukraine cites a mixed human rights record and notes the failure to curb institutional corruption and abuse in the Ukrainian government. One starling example of government corruption that has come to my attention is the case of U.S. investment fund, New Century Holdings. This investment company has been repeatedly thwarted in its efforts to develop a hotel it owns along with the City of Kiev. Despite owning a controlling interest in the hotel, New Century Holdings has been prevented access to the hotel, as local police have taken over the building for themselves. New Century Holdings has appealed to the Mayor and other local officials to no avail, and the Ukrainian government has been unable or unwilling to help. Meanwhile,

the hotel remains undeveloped and the company's investment in Ukraine remains unrealized.

I value the strong relationship between the United States and Ukraine. However, Ukraine will never be a full partner of the United States, unless it fully embraces democracy and human rights. Ukraine has made significant progress in the ten years since it became independent, but pervasive corruption, lack of media freedoms, and the conduct of the investigation of the Gongadze case call into question Ukraine's commitment to being a fully democratic nation and hold Ukraine back from reaching its immense potential.

It is my hope that the debate on this amendment will send a positive message to the government of Ukraine, that the U.S. Congress will not simply rubber stamp funding requests for the Ukraine, without also considering the serious issues involved in Ukraine's democratic development. I am prepared to continue to work with Ukraine to determine how Congress can best assist them in staying on the road toward democracy and a free-market economy.

With this in mind, this fall the Congress-Rada Parliamentary Exchange Group will convene for the first time here in Washington. I urge all Members concerned about the evident setbacks in Ukraine, to take advantage of this opportunity to meet with our Ukrainian counterparts to share views on how both our countries can work to continue Ukraine on its path toward a fully democratic society.

## HONORING SAM KADORIAN

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Sam Kadorian for being named ''Man of the Year'' by the Armenian-American Citizen's League (A.A.C.L.). Mr. Kadorian received the award at the A.A.C.L.'s 68th Annual State Convention held in Van Nuys, CA.

Sam Kadorian is a survivor of the Armenian Genocide of 1915 and a longtime member of the A.A.C.L. Sam was eight years old at the time of the genocide and narrowly escaped death. He was on the bottom of a pile of bodies that were being stabbed with swords. One of the swords missed his chest by inches, leaving only a scar on his right cheek. Sam and his mother survived, but unfortunately Sam lost his father, brother, two sisters, and other friends and relatives in the Armenian Genocide.

Sam and his mother eventually boarded a ship for the United States, deciding to settle in Chicago. At the age of 35 Sam joined the United States Army where he served as a photographer. After his time in the U.S. Army, Sam moved to Southern California where he joined the Arrmenian-American Citizens' League. Since joining the A.A.C.L. Mr. Kadorian has been very active in the Los Angeles Chapter, serving in many capacities.

Mr. Speaker, I want to honor Sam Kadorian for being named ''Man of the Year'' by the Armenian-American Citizen's League. I urge my colleagues to join me in wishing Sam Kadorian many years of continued success.

## PUERTO RICAN CONSTITUTION DAY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. KUCINICH. Mr. Speaker, I rise to honor the citizens of Puerto Rico on Constitution Day, July 25, 2001. The people of Puerto Rico established the Constitution of the Commonwealth of Puerto Rico for the very same reasons our forefathers wrote the Constitution of the United States of America, to establish themselves as a democracy.

The Puerto Rican Constitution ensures basic welfare and human rights for the people, ensconces the idea of a government which reflects the will of the people, and pays tribute and loyalty to the Constitution of the United States of America.

The Puerto Rican culture is a distinctly unique culture. By pledging allegiance to the Constitution of the United States of America, the people of Puerto Rico celebrate shared beliefs and the co-existence of both cultures. By ratifying their own Constitution, the people of Puerto Rico retain and honor their original heritage while expressing the desire to pursue democracy and happiness for themselves.

Mr. Speaker, I would like to recognize the following individuals for their contributions to the Greater Cleveland community: Ana Iris Rosario, Roberto Ocasio, Hector Vega, Maria Senquis, Dolly Guerrero Velez, Pastor Jose Jimenez, Victor Matos, Henry Guzman, Esther Monclova Johnson, Abelino ''Al'' Lopez, Yolanda Figueroa, Betty Villanueva, and Juan Alberto Gonzalez. I hope that my fellow colleagues will join me in honoring these individuals and praising the Puerto Rican people as they celebrate Constitution Day.

## RECOGNIZING STUDENTS FROM NEW YORK

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize four of New York's outstanding young students: Anne Caruso, Megan Lockhart, Arielle Buck, and Rebecca Ambrose. In August, the young women of their troop will honor them by bestowing upon them the Girl Scouts Gold Medal.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by Junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Anne, Megan, Arielle, and Rebecca, and bring the attention of congress to these successful young women on their day of recognition.

## HONORING SUSAN AND JAMES PETROVICH

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mrs. CAPPS. Mr. Speaker, I would like to pay special tribute to two extraordinary citizens of the Santa Barbara community, Susan and James Petrovich. This couple has devoted so much of their time to various community organizations and events that it is difficult to imagine what Santa Barbara would be like without them. Because of their dedication, the United Boys and Girls Club will be honoring them on July 28, 2001.

As graduates of the University of California at Santa Barbara, the Petrovichs realized they had stumbled upon their ideal community, and decided to make Santa Barbara their permanent home. After her graduation, Susan attended the Hastings College of Law in San Francisco, but soon returned to the Central Coast to become one of the few female lawyers in Santa Barbara during the 1970s. Throughout her legal career, Susan has consistently dedicated her legal talents to helping others. She helped write the Santa Barbara County Agricultural Element in attempt to preserve agricultural lands, and authored a ballot measure to regenerate oak trees. She also serves on the site location committee for the Santa Barbara Montessori School, and supports the Legal Aid Foundation, the Santa Barbara Women Lawyers Scholarship Foundation, and the Santa Barbara County Cattlemen's Association. Her active involvement on all of those committees clearly demonstrates Susan's dedication.

Susan's committed dedication to Santa Barbara is only equaled by the involvement her husband James has demonstrated towards the community. James has been a local real estate broker and investor for over 25 years, and his talents in these fields have earned him several national and lifetime achievement awards. His talents have been especially apparent in Santa Barbara, where he has managed to negotiate properties ranging from beachfront motels to the open space that is now Santa Barbara's largest regional park, Elings Park.

However, James' community activism doesn't end with his real estate skills. He is the past president of the Santa Barbara Lions Club and the immediate past president of the Santa Barbara County Sheriff's Council. He has been an active fund-raiser for the Ben Page Youth Center, and is a member on several boards, including that of the Music Theater of Santa Barbara, the Elings Park Foundation, and the City's PARC Foundation, which funds many park projects. James has

also served on the boards of CALM and is a founding trustee of United Against Crime. He has also co-chaired the site committee for the City's new police headquarters.

Because James and Susan Petrovich truly appreciate how wonderful it is to live in Santa Barbara, they have adapted a unique philosophy about the community, and strive to give back to the community the same amount of joy and success the community has given to them. It is obvious that the Petrovichs have more than adequately given their share back to this community, and have aptly contributed in making Santa Barbara a truly special place to live. I hope all of my colleagues will join me in acknowledging the Petrovichs on their honorable contributions to the Santa Barbara Community.

## IN RECOGNITION OF COLONEL KENNETH S. KASPRISIN

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. POMEROY. Mr. Speaker, I rise today to recognize Colonel Kenneth S. Kasprisin. Three years ago, Ken assumed the position of Commander with the St. Paul District of the Corps of Engineers. During that time, I have come to know Ken not only as a fine, trusted public servant, but also as an extraordinary friend.

Throughout his time with the Corps, Ken has set the highest standards for himself and the people with the St. Paul District. Ken's drive and determination in working to make the Corps and the St. Paul District truly responsive to the needs of the people has resulted in service that is unmatched and pales in comparison to other districts within the Corps of Engineers. He is a man of great integrity, with a deep commitment to the issues he works on. I have been impressed both by his sincerity and his ability to look beyond the box to understand and advocate for proposals that are in the best interests of communities throughout the district. As Ken departs from his service with the Corps, he leaves behind a remarkable record of accomplishments that is matched by the dedication with which he has served.

No matter what challenge is posed, Ken is able to tackle it head on and is always able to meet or exceed it. Ken's keen ability to sift through complex issues has been well recognized by those within the Corps of Engineers and by Members of Congress. His work ethic has been nothing but top-notch as he has fought for improvements within the district. In particular, Ken has been diligent in his efforts to bring much needed relief to the folks in the Devils Lake Basin who have been plagued by years of flooding. He has fought hand and hand with the North Dakota congressional delegation as we have worked to implement workable solutions to this crisis.

Earlier this year, as communities in North Dakota and Minnesota battled the rising water of the Red River, Ken led efforts coordinating the emergency response to ensure residents and businesses received the vital protection they needed. But his commitment does not end there. Ken has worked with many communities throughout my state of North Dakota in developing long-term flood protection and solutions. Cities from Wahpeton to Grand Forks to my hometown of Valley City, will have the flood protection so desperately needed thanks to the leadership and dedication of Ken Kasprisin. There is no doubt that the Corps and North Dakota has been well-served under his leadership.

While Ken will be leaving the Corps of Engineers and the U.S. Army after a distinguished career of 26 years, we are very fortunate that he will continue in public service with the Federal Emergency Management Agency (FEMA). FEMA Director Joe Allbaugh could not have made a better choice! As he takes the reigns as regional director for Region X at FEMA, Ken will continue to serve as an effective public servant. I have no doubt that Ken will be a true asset to the agency and to the many people who are impacted by natural disasters each year. I wish him all the best in his new position.

## INDIAN CHILD WELFARE ACT AMENDMENTS OF 2001

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation with my colleagues, Congressman J.D. HAYWORTH of Arizona, Congressman DAVE CAMP of Michigan and Congressman CHRIS CANNON of Utah to amend the Indian Child Welfare Act (ICWA). This legislation has been drafted with the input of the Association on American Indian Affairs, Tanana Chiefs Conference, National Indian Child Welfare Association, National Congress of American Indians, tribal attorneys and the American Academy of Adoption Attorneys. It has always been my intent to have all affected parties participate in the legislative process in the drafting of ICWA amendments.

In 2001, we still have American Indian and Alaska Native children being adopted out of families, tribal communities and states. We continue to have this problem in Alaska and I have been asked to introduce ICWA amendments to further clarify ICWA.

Specifically, the bill details jurisdiction of child custody and child adoption proceedings that involve an Indian child.

The bill has a couple of specific provisions which outline jurisdiction in Alaska since Alaska is not a reservation state (outside of Metlakatla). The bill states that an Indian tribe in Alaska shall have concurrent jurisdiction with the State of Alaska over voluntary and involuntary child custody proceedings involving an Indian child who resides or is domiciled in Alaska. Additionally, a person seeking to adopt an Indian child in the State of Alaska, may file an adoption petition at any time in the tribal court of the Indian child's tribe. If the tribal court agrees to assume the jurisdiction over the proceeding, that tribal court has exclusive jurisdiction and no adoptive placement or proceeding can continue in the state court.

The bill makes conforming technical amendments conditioning an Indian tribe's existing right of intervention.

It clarifies that State and tribal courts are required to accord full faith and credit to tribal court judgments affecting the custody of an Indian child in ICWA child custody proceedings, and in any other proceedings involving the determination of an Indian child's custody, including divorce proceedings.

It clarifies that ICWA applies to voluntary consents to termination of parental rights and voluntary consents to adoptive, preadoptive and foster care placements.

It clarifies and adds exacting details on setting limits on when an Indian birth parent may withdraw his or her consent to an adoption.

It clarifies that tribe's are to receive notice of voluntary adoptive placements of Indian children and details the content of notice when an Indian child is placed for an adoption.

It clarifies in detail the intervention by an Indian tribe and sets specific time frames for intervention by a tribe in the voluntary foster care placement proceeding and voluntary adoptive proceeding. It also requires tribes to show why it considers a child to be covered by the ICWA.

It provides for a detailed notice to parents when a child is placed for adoption.

It provides detailed requirements for resumption of jurisdiction over child custody proceedings.

It imposes criminal sanctions on any individual, group or association who knowingly conceals whether a child is an Indian child or whether a parent is an Indian.

Finally, the bill provides further clarification of the definition of ''Indian child'' and ''Indian child's tribe'' as applied in child custody proceedings.

I think it is appropriate that Congress further clarifies the ICWA to ensure that American Indian and Alaska Native children are not snatched from their families or tribal communities without cause. In a recent July 1, 2001 article in the San Antonio Express News, the story stated that ''This year, the head of the Child Welfare League of America offered American Indians something they have longed to hear for more than three decades: an apology for taking American Indian children.'' (San Antonio Express News, Sunday, July 1, 2001 Article ''Torn from their roots; The unfortunate legacy of the Indian Adoption Project is that it has separated many Native Americans from their culture'').

''It was genuinely believed that Indian children were better off in white homes,'' said Terry Cross, Executive Director of the National Indian Child Welfare Association. (San Antonio Express News, Sunday, July 1, 2001 Article).

That changed in 1978 when Congress passed the Indian Child Welfare Act. ''Even now, Cross cites problems. Sometimes social workers are not properly trained to identify children as Indian. Or agencies fail to notify tribes of adoptions''. (San Antonio Express News, Sunday, July 1, 2001 Article).

I believe that these FY 2001 ICWA amendments to be acceptable legislation which will protect the interests of prospective adoptive parents, Native extended families, and most importantly, American Indian and Alaska Native children.

The Committee on Resources will seek additional input from the Department of Justice, the Department of the Interior and the Department of Health and Human Services. I am hopeful that these agencies will again embrace this legislation so that we can affirm this country's commitment to protect Native American families and promote the best interest of Native children.

I urge and welcome support from my colleagues in further clarifying the ICWA to ensure no more American Indian or Alaska Native children are lost.

## FIVE STRAIGHT STATE TITLES FOR SIXTH DISTRICT BASEBALL TEAM

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. COBLE. Mr. Speaker, on June 25, the Sixth District of North Carolina became the home of the AAU North Carolina State Championship baseball team for the fifth straight year. The Jamestown Jaguars captured the title after five tough games, winning four of them and losing only one. The Jaguars have been the North Carolina State Champions since 1997.

Concord, North Carolina was the site of the final showdown between the Jaguars and the Catawba Valley Storm. The Storm gave the Jaguars their only tournament loss in the third game, by a score of 3–2. The rematch for the Championship ended with the Jaguars winning 5–1.

Coach Dean Sink complemented the team's athletic ability and effort, telling the Jamestown News that ''their maturity and camaraderie on and off the field is what really sets them apart.''

The Jaguars are in Tennessee to begin the AAU Nationals in Kingsport from July 26 through August 3.

Congratulations are in order for Head Coach Dean Sink and his assistant coaches.

Members of the championship team include Anthony Autry, Chad Baker, T.J. Clegg, Travis High, Gator Lankford, Jessie Lewter, Matt McSwain, Mitch Sailors, Alex Sink, J.K. Whited, and Kunta Hicks. The Jaguars are coached by Dean Sink and his assistants, David Baker, Chuck Sharp, and Tony Clegg.

On behalf of the citizens of the Sixth District, we congratulate the Jamestown Jaguars on winning the state title and we wish them the best of luck in the coming national tourney.

## H. CON. RES. 197: COPD AWARENESS MONTH—OCTOBER 2001

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. STEARNS. Mr. Speaker, today along with my distinguished colleague from Georgia, I rise to introduce a resolution that would designate this October as Chronic Obstructive Pulmonary Disease awareness month. This resolution will address the unmet need of raising the level of national awareness of Chronic Obstructive Pulmonary Disease, or COPD—a debilitating disease that affects an estimated 32 million Americans, is currently the nation's fourth leading cause of death, but yet little is known about it. In 1998 COPD was responsible for approximately 107,000 deaths and 668,362 hospitalizations. Furthermore, its devastating effects drain the U.S. economy of an estimated $30.4 billion each year.

COPD is an umbrella term used to describe the airflow obstruction associated mainly with emphysema and chronic bronchitis. Emphysema—which affects three million Americans causes irreversible lung damage by weakening and breaking the air sacs within the lungs. An additional nine million Americans suffer from chronic bronchitis, an inflammatory disease that begins in the smaller airways of the lung and gradually advances to the larger airways. Both conditions decrease the lungs' ability to take in oxygen and remove carbon dioxide. Long-term smoking—the most common cause of COPD—is responsible for 80–90 percent of all cases, while other risk factors include heredity, second-hand smoke, air pollution, and a history of frequent childhood respiratory infections. Common symptoms of COPD include shortness of breath, chronic coughing, chest tightness, and increased effort to breathe.

Mr. Speaker, I have focused on respiratory health care issues for many years, and I receive numerous letters from my constituents back in Florida, who live with progressive chronic respiratory illnesses, asking me to raise their voices on Capitol Hill. COPD is devastating and is not receiving the appropriate amount of attention. In 1999, COPD was the fourth leading cause of death in Florida, and the most current estimates from the National Health Lung and Blood Institute show COPD incident rates to be on the rise—in fact, while incident rates of all other leading causes of death in America are decreasing, COPD is increasing. By 2020, the Center for Disease Control believes COPD will be the third leading cause of death in the United States.

Unfortunately, there is no cure for this progressive and irreversible disease. But, if patients receive early diagnosis, there are treatment plans available to provide symptom relief and slow the progression of COPD. 16 million Americans have been diagnosed with COPD, and an equal number suffer from the disease but have yet to be diagnosed.

It is likely that we all know somebody with COPD—whether we live with it personally, or have a family member, friend or staff member with COPD. Designating the month of October as COPD awareness month is an opportunity for us all to familiarize ourselves with COPD so that we can attempt to alleviate the suffering and hopefully reduce the death rate associated with COPD. Please support this much-needed resolution.

## ROUND II EMPOWERMENT ZONE/ENTERPRISE COMMUNITY FLEXIBILITY ACT OF 2001

### HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. LoBIONDO. Mr. Speaker, today, I am introducing, along with my colleague Congressman Capuano and other Members of the Empowered Communities Caucus, the Round II Empowerment Zone/Enterprise Community (EZ/EC) Flexibility Act of 2001, to provide funding authority and correct some inequities and inconsistencies with the Round II program. In 1999, 15 Round II urban and 5 rural empowerment zones were awarded to communities which designed the best strategic plans for comprehensive revitalization. The Empowerment Zone program is a 10 year project that targets federal grants to distressed urban and rural communities for community and economic development and provides tax and regulatory relief to attract or retain businesses.

Cumberland County, located in my Congressional District, is one of the 15 urban sites nationwide to win this designation, which is expected to create more than 6,000 new jobs over 10 years. Unfortunately, Cumberland County has only received approximately $8.5 million of the $30 million expected over the past 3 years. Round II empowerment zones did not receive the same Title XX block grant mandatory spending authority as the Round I zones did in 1997 and have to rely on the discretionary appropriations process each year. Even though the President requested full funding in FY02 ($150 million for the EZ program) the House Appropriations Committee did not include any funding for urban zones for the next fiscal year.

The legislation I am introducing today provides general funding authorization for the Round II EZ/ECs by authorizing the Secretary of HUD to make grant awards totaling $100,000,000 to each of the 15 Round II urban empowerment zones and the Secretary of Agriculture to make grant awards totaling $40,000,000 to each of the Round II rural empowerment zones and grant awards totaling $3,000,000 to each of 20 rural enterprise communities. This designation runs until 2009, and our zones must receive assurance that Congress will support continued funding, otherwise, they cannot be expected to operate and achieve long term capital plans or leverage private sector commitments to major infrastructure projects.

This legislation also includes clarification of the law which allows EZ/ECs to apply for community renewal status without the risk of losing already appropriated Federal funds. We have included language to broaden the definition of ''economic development'', which is the essence of the Zone's strategic plan, and have granted specific authorization for grants to be used as matching funds for other relevant federal grant programs, all in an effort to offer the EZ/EC program maximum flexibility. For every federal EZ dollar obligated, there are ten more dollars from the private sector committed to economic development in Cumberland County.

Our communities have already invested considerable resources in securing the Round II EZ/EC designations. Congress has a responsibility to carry out its promise to these distressed communities by making federal funding and tax incentives available to ensure new jobs, revitalize neighborhoods and spur economic growth over the next decade.

It is vital that we secure full funding for Round II Empowerment zones and Enterprise communities, so they may continue and complete their federally approved economic development plans. I urge the House to adopt the legislation before us today.

## IN MEMORY OF JACQUELINE CARDELUCCI

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well being of the city of Riverside, California, was unparalleled. Riverside was indeed fortunate to have such a dynamic and dedicated business and community leader who willingly and unselfishly gave of her time and talents to make her community a better place in which to live and work. The individual I am speaking of is Jacqueline ''Jackie'' Cardelucci. I was fortunate to have been able to call her my friend. She died this week in her home after a long battle with cancer at the age of 63.

Jackie Cardelucci gave much during her years to her community and the whole of the Inland Empire. Born in Huntington Park, Jackie Cardelucci moved to Riverside where she lived for 18 years. A fixture in the community, Jackie was a talented businesswoman and never shied away from community involvement. She was co-owner of National Environmental Waste Corporation (NEWCO) and International Rubbish Service with her husband, Sam, for over 32 years. In that capacity she served as the companies' Public Relations Director with the City of Riverside business customers.

On a community level, Jackie served in an impressive array of boards and organizations even while receiving chemotherapy treatments for her cancer over the past eight years. Her philanthropic endeavors included the Mission Inn Foundation Executive Board, Riverside Art Alliance, Riverside Art Museum, Associate University of California at Riverside, Riverside Community Hospital 2000 Century, President of the Riverside Republican Women Federated for three years, Riverside Opera Guild, and Armenian & International Women's Association.

My deepest condolences go to her husband of 43 years, Sam; her son and daughter-in-law, Mark and Cathie; two brothers, Elisha and Ben; and two grandchildren, Jessica and Catherine. I send my prayers to them during this time of loss.

Mr. Speaker, looking back at Jackie's life, we see a life full of courage, tenacity and devotion to her family and community. Her gifts to Riverside and the Inland Empire led to the betterment of those who had the privilege to come in contact or work with Jackie. Honoring her memory is the least that we can do today for all that she gave over her lifetime.

## HONORING IMAM W. DEEN MOHAMMED

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Imam W. Deen Mohammed for work to promote peace and Justice in the Islamic community. Mr. Mohammed is the current President of the Muslim American Society.

In 1992, Imam W. Deen Mohammed was the first Muslim to deliver an invocation on the floor of the United States Senate. In addition, he was invited to participate in the Presidential Inaugural Ceremonies and offered a prayer at those ceremonies. In 1995, the World Conference on Religion and Peace selected Mohammed as International President of their organization.

Imam W. Deen Mohammed is a recipient of the Luminosa Award from the Focolare Movement for his promotion of peace and inter-religious dialogue. In 1997, President Bill Clinton appointed Mohammed to the Religious Advisory Council within the State Department. Mohammed has also worked to establish a genuine dialogue with leaders of Christianity, Judaism, Islam and other faiths in his promotion of universal human excellence.

Mr. Speaker, I wish to honor Imam W. Deen Mohammed for his efforts in support of human excellence. I urge my colleagues to join me in wishing him many more years of continued success.

## TRIBUTE TO WEST GENESEE'S WOMEN'S VARSITY LACROSSE TEAM

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. WALSH. Mr. Speaker, on Saturday, June 9, 2001, the West Genesee Wildcats defeated Bay Shore to win the New York State Class A Women's Lacrosse Championship. The Wildcats won the Class A final with a 16–10 victory over Bay Shore to top off an impressive 22–1 season and a dominant playoff run.

This talented group was guided by this year's All-CNY girls lacrosse coach, Bob Elmer, who is now in his second year leading the Wildcats. The State Champion Lady Wildcats previously won the Section III Championship and Upstate Regional to advance to the State Championship game.

The Lady Wildcats' star player is none other than the CNY Player of the Year, Martha Dwyer. West Genesse is also home to three other CNY team members: Chrissy Zaika, Meghan O'Connell and Nicole Motondo. The 2001 Class A Championship team also includes: Eileen Gagnon, Vanessa Bain, Shannon Burke, Laura Corso, Lindsey Shirtz, Kelly Fitzgerald, Colleen O'Hara, Milly Yackel, Kelly Kuss, Keri Rubeis, Nelli Nash, Katie Kozloski, Carolyn Maurer, Kim Capraro, and Eileen Flynn.

I am very proud of these young women and wish to celebrate the outstanding athletic achievements they have made this season. I am equally proud of the coaching staff and wish to join them, as well as the parents and other family members, teachers and administrators, in extending sincere congratulations for a job well done. This strong group of fine young athletes deserves special recognition.

## HEALTH CARE SERVICES TO UNDOCUMENTED RESIDENTS

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. GREEN of Texas. Mr. Speaker, I rise to introduce legislation which would allow states and localities to provide primary and preventive health care services to undocumented residents.

According to some estimates, there are as many as nine million undocumented residents currently living in the United States. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) prohibits public hospitals from providing free or discounted preventive service to undocumented immigrants—even if they pay for such services with State or local funds. PRWORA does, however, allow public hospitals to provide emergency room services.

This system has created a crisis in our nation's emergency rooms. Because undocumented residents cannot afford to see the doctor for routine physicals and preventive medicine, they arrive in the emergency room with costlier, often preventable, health problems. The Federation for American Immigration Reform estimates that 29 percent of this population uses hospital and other emergency services in a given year, compared to the 11 percent use by the general U.S. population.

The costs of this broken system are especially burdensome for our nation's public hospitals. Harris County Hospital District, in my hometown of Houston, Texas, estimates that emergency room care for undocumented residents cost taxpayers, insurance companies, and patients $225 million over the last three years. Hospitals in New York State provide a total uncompensated care for undocumented residents of $300 million to $380 million each year—almost one third of uncompensated care for the state.

Mr. Speaker, people should not enter any nation illegally, But I cannot understand a health care system that forces patients to let their health problems escalate into full fledged emergencies before it will provide them care. Wouldn't it make more economic sense to cover preventive services rather than let illnesses develop into painful and expensive complications? Most importantly, should the federal government be telling states and localities how they can and can't spend their own health care dollars?

That is why I am introducing legislation which would allow—not require—state and local programs to provide preventive and primary health care to undocumented aliens. This legislation would not provide a new benefit for undocumented residents. However, it would make sure that our health care dollars are spent more wisely by preventing emergencies—not treating them.

## CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 17, 2001*

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of our American flag and as a cosponsor of H.J. Res. 36, which would amend the Constitution to allow Congress to protect the United States flag from acts of physical desecration.

Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom. As an international emblem of the world's greatest democracy, the American flag should be treated with respect and care. I do not believe our free speech rights should entitle us to consider the flag as mere ''personal property,'' which can be treated any way we see fit, including physically desecrating it as a form of political protest.

The American flag is a source of inspiration wherever it is displayed, and a symbol of hope to all nations struggling to build democracies. As a proud member of the House Armed Services Committee, I deeply admire those who have fought and died to preserve our freedoms. These men and women have bravely defended our flag and the fundamental principles for which it stands. They deserve to know that their government treasures the flag and all it represents as much as they do.

For these reasons I, as well as a great number of Americans, believe that our flag should be treated with dignity and deserves protection under the law. I urge my colleagues to join me in protecting one of the most enduring symbols of our nation and our democracy by adopting this resolution today.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes:

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Lee-Leach Global HIV/AIDS Amendment to the Foreign Operations Appropriations bill, which will increase the United States' contribution to the international AIDS trust fund from $100 million to $160 million.

In June 1981, scientists reported the first evidence of a disease that would become known as AIDS. Twenty years later, the AIDS pandemic has spread to every corner of the world. Almost 22 million people have already lost their lives to the disease, and over 36 million people are currently infected with the HIV virus. The numbers are indeed staggering.

Yet, the consequences of the AIDS pandemic extend far beyond the death tolls. The AIDS pandemic is much more than just a health crisis. It is a social crisis, an economic crisis, and a political, crisis. AIDS knows no borders, and respects no boundaries.

A world with AIDS is a world in chaos. Imagine growing up without parents, without teachers. Imagine living in a community with no options for work, no options for education, no mentors or civic leaders to help mold the community's youths into productive members of society. Imagine living in a world where people have no reason to plan for the years ahead, no reason to want to better themselves or improve society. This is the world of AIDS. This is the world we live in.

As the world's greatest nation—the nation that is most admired, most respected, and most powerful—we must take a leading role in the fight against AIDS. We must demonstrate to the global community the depth of our compassion, the breadth of our courage, and the strength of our commitment to the greater good. To do otherwise would be irresponsible and inhumane. Therefore, I wholeheartedly Support the Lee-Leach Global HIV/AIDS Amendment, and I urge my colleagues to do the same.

## HONORING DAVID AND SUE ANN SMITH

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. MCINNIS. Mr. Speaker, I would like to take time to recognize two individuals, David and Sue Ann Smith. They have shared a life together for fifty years. These two were married in Gallup, New Mexico on December 28, 1951. This is a special and ''golden'' occasion, and quite an event in times when marriage doesn't always endure these long years. It shows great dedication and hard work, exemplifying such values for future generations in their family. As family and friends will gather to celebrate this joyous occasion, I too would like to recognize them at this special time.

David and Sue Ann have built and shared their life together these fifty years in Meeker, Colorado on the Smith Family Ranch that has been in the family for well over 100 years. It is a Centennial Ranch in Colorado. David and Sue Ann expanded the ranch in the late 1960's by adding the Barrett ranches and the Ed Sprod Ranch, and the ranch now surrounds the town of Meeker on all four sides.

In addition to the responsibilities of the ranch work, David and Sue Ann both have been heavily involved with their community. Both have been active on numerous Community Boards. David served on the School Board, worked with the Cub Scouts, served on the Planning and Zoning Commission and served as a Rio Blanco County Commissioner. He has been and still is involved with many water issues. He currently serves on the Meeker Town Ditch Committee, the Highland and Yellow Jacket Ditch Groups, and is also a long-standing member of the Colorado River District Board and the Colorado Water Conservancy Board.

Sue Ann has worked as a den mother for the Cub Scouts and has been a leader for various Girl Scout troops. She has also been active with the Colorado West Mental Health Group and many 4-H groups. She is now working with the Safe House Group, the Build a Generation Group, and she started the Walbridge Wing Family Support Group. As you can see, these two individuals have contributed and still contribute many hours of service and dedication to their community.

Their largest contribution has always been to their family. They have raised five children: David W. Smith, Brent A. Smith, Phillip M. Smith, Lori E. McInnis, and Brian E. Smith. They now have eleven grandchildren. Through their work on their ranch and all of their community service, they have provided their children and grandchildren with morals and values for hard work and the giving of oneself to others. The largest gift given is the example set forth through fifty years of a strong and determined love for each other.

David and Sue Ann, congratulations on your fifty years together. We wish you many more great years together.

## HONORING GEORGE C. SPRINGER FOR OUTSTANDING SERVICE TO THE COMMUNITY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Connecticut Federation of Educational and Professional Employees, AFT, AFL–CIO in paying tribute to their president of twenty-two years, and my dear friend, George C. Springer as he celebrates the occasion of his retirement. His outstanding leadership and unparalleled dedication has made a difference in the lives of thousands of families across Connecticut.

I have always held a firm belief in the importance of education and a deep respect for the individuals who dedicate their lives to ensuring that our children—our most precious resource—are given a strong foundation on which to build their futures. As a twenty year veteran of the New Britain, Connecticut school system, George made it his personal mission to help our students learn and grow—touching the lives of thousands of students.

During his tenure in the New Britain school system, George also served as an officer and negotiator for the New Britain Federation of Teachers, Local 871. Twenty-two years ago, he was elected to the position of state federation president. As the state president, George has been a tireless advocate for his membership and their families. I have often said that we are fortunate to live in a country that allows its workers to engage in efforts to better employee standards and benefits. George has been a true leader for teachers across the state, providing a strong voice on their behalf.

George set a unique tone for this organization, extending their mission beyond the fight for better wages, better work environments, and more comprehensive health benefits. He has led the effort of the Connecticut chapter to become more involved with the larger issues of how to improve our schools—for teachers and for students. Though we will miss him in

the long battle ahead, George's leadership and outspoken advocacy on behalf of our public school system will continue to be an inspiration to us all.

In addition to his many professional contributions, George has also been involved with a variety of social service organizations in the community. The John E. Rodgers African-American Cultural Center, New Britain Boys Club, Amistad America, Inc., Coalition to End Child Poverty, and the New Britain Foundation for Public Giving are just a portion of those organizations who have benefited from his hard work and contagious enthusiasm.

It is my great honor to rise today to join his wife, Gerri, their four children, ten grandchildren and four great-grandchildren, as well as the many family, friends, and colleagues who have gathered this evening to extend my deepest thanks and appreciation to George C. Springer for his outstanding contributions to the State of Connecticut and all of our communities. He will certainly be missed but never forgotten.

## ILSA EXTENSION ACT OF 2001

SPEECH OF

### HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

Mr. NETHERCUTT. Mr. Speaker, I am very concerned by public reports I read of continuing Iranian efforts to develop ballistic missiles and by the apparent coordination between Iran and other regional proliferators. I am equally troubled by the lack of contrition shown by Libya's leadership for their role in the bombing of Pan Am Flight 103. The sponsors of this bill argue that this measure will significantly advance efforts to constrain Iranian proliferation and will force Libya's government to demonstrate greater remorse for their previous sponsorship of terrorism.

These claims may well be true. But I am concerned by efforts to force through this bill under suspension procedures without opportunity for open debate and amendment.

The 106th Congress made very clear its support for substantially revising U.S. sanctions policy by adopting the Trade Sanctions Reform and Export Enhancement Act. This bill was signed into law by the President last year and lifted all unilateral sanctions on food and medicine, and significantly restricted the future application of such sanctions. The regulations governing the sale of food and medicine to formerly sanctioned states, including Iran and Libya, will be effective next week, and sales will be able to go forward.

I would like to believe that last year marked a significant philosophical shift in how the United States deals with sanctions policy. Generally, most Members agree that unilateral sanctions tend to have very little effect on targeted states, while they do hurt American interests. Unilateral sanctions also have a way of hardening opposition to the United States within the targeted country, and allow repressive governments to maintain a siege mentality that generally benefits the oppressors more than the oppressed. And the perception of hostility that accompanies such sanctions has a way of marginalizing reformist elements within the countries we seek to improve.

At the same time, unilateral sanctions have a way of greatly complicating our trading relationships with our allies. Extraterritorial sanctions, such as would be applied under this measure, are even more antagonizing to our most prominent trade partners.

Certainly, the House should, and regularly does, go on record with concerns about terrorism and proliferation. It is our responsibility to promote policies that change these reprehensible regimes. But I am concerned when this body debates sanctions policy with no opportunity for amendment on the floor. Sanctions go to the heart of our foreign policy, and are important enough to be deliberated in the open, during regular hours, with full participation by Members. Regretfully, this was not the case with H.R. 1954.

## RECOGNIZING CARLIN MANUFACTURING

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Carlin Manufacturing on the occasion of their 20 year anniversary. Carlin Manufacturing is the world's leading manufacturer of mobile kitchens and specialty vehicles.

Carlin Manufacturing built its first mobile kitchen in 1980. Today, Carlin Manufacturing does business in over 30 countries. Each unit is custom built to suit the needs of their customers. Carlin Manufacturing has proven that high quality is essential through their careful quality checks during construction of the units.

Carlin Manufacturing has designed a wide variety of mobile kitchens for various uses. They have designed everything from units for commercial mobile restaurants to camouflage kitchen units that were used in Kuwait during the Gulf War. No matter the need, Carlin Manufacturing has always provided high quality mobile kitchens and serving facilities.

Mr. Speaker, I rise today to congratulate Carlin Manufacturing for its innovation and twenty year career in design of mobile kitchens. I urge my colleagues to join me in congratulating Carlin Manufacturing and wishing them many more years of continued success.

## HONORING IMAM ABDUL-MAJID KARIM HASAN ON THE OCCASION OF HIS RETIREMENT

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Muhammad Islamic Center of Hamden, Connecticut and the Interfaith Cooperative Ministries of New Haven, Connecticut in paying tribute to Abdul-Majid Karim Hasan as he celebrates his retirement.

For over twenty years, Imam Hasan has worked diligently as the Islamic Chaplain and director of Islamic Affairs for the Connecticut State Department of Corrections. What began as a volunteer effort to provide Islamic services to prisoners became a life-long career when in 1980 then Commissioner of the Department of Corrections, John Manson asked Imam Hasan to assume the responsibilities of Islamic Chaplain. As the first full-time Islamic Chaplain, Imam Hasan has been an invaluable resource for those of Islamic faith in the corrections system. Throughout this time he has been responsible for the implementation, evaluation, and oversight of all Islamic programs for both male and female correctional facilities throughout Connecticut. Serving as liaison between inmates, administration and the federal courts, Imam Hasan has left an indelible mark on the Department—a legacy that will not soon be forgotten.

In addition to his professional career, Imam Hasan has played a vital role in the Islamic community of New Haven for over thirty years. Imam Hasan's work with the Muslim American Society has spanned over four decades. First appointed as Minister of Muhammed's Mosque #40 in New Haven in 1971, he has been an invaluable asset to the Muslim community of Greater New Haven for over thirty years. As the spiritual director of the Muhammed Islamic Center, Imam Hasan has devoted countless hours to nurturing the spiritual needs of Muslims throughout the Greater New Haven region. His commitment and dedication to the mission of the Muslim American Society and his fellow Muslims is reflected in the myriad of awards and citations that adorn his walls.

This evening, as family, friends, and colleagues gather to pay him tribute, I am honored to extend my sincere thanks and appreciation for his many years of dedicated service and best wishes for many more years of health and happiness.

## PERSONAL EXPLANATION

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable scheduling conflict in my Congressional District on Monday, July 23, 1 was not present for rollcall votes Nos. 257–259. Had I been present, I would have voted ''yea'' on all three votes.

## THE REPUBLIC OF KAZAKSTAN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. TOWNS. Mr. Speaker, I would like to draw the attention of my colleagues to the issue of strengthening trade relations with one of the most promising countries of the post-Soviet era—the Republic of Kazakhstan. Kazakhstan has long been seen as a crossroads between East and West—a meeting place not only of continents, but of cultures, values, ideas, resources and trade.

Kazakhstan today has the best economic prospects in the region. It has highest rate of economic growth, especially throughout the current year. Already well-known for its abundant natural resources, the recent discovery of major hydrocarbon deposits in the offshore

East Kashagan field on the Caspian Sea is expected to put Kazakhstan among ten leading world oil exporters in the first quarter of this century. Kazakhstan is also rich in natural gas, and has vast gold, uranium, ferrous, nonferrous and rare earth metal deposits. In addition, Kazakhstan has a highly developed agricultural sector, noted especially for grain and meat production.

The potential for cooperation and progress is great, and the time for action now. We must break away from the outdated constraints of a past era and seize the opportunity to put trade ties with Kazakhstan on a more solid, mutually beneficial basis.

Mr. Speaker, keeping in mind the importance of promoting and developing active U.S. trade relations with Kazakhstan which will not only open this huge market for Americans but also help to pave the way for true democracy in this country, I proudly cosponsored the legislation (H.R. 1318) that would grant permanent trade relations to Kazakhstan.

I am enclosing a letter from the U.S.-Kazakhstan Business Association signed by U.S. companies asking for our support to strengthen bilateral trade relations with this country by passing H.R. 1318 and the article ''Cheney Aims To Drill Afar and Wide'', published in ''Washington Times'' on July 20, 2001.

U.S.-KAZAKHSTAN
BUSINESS ASSOCIATION,
*July 23, 2001.*

Representative EDOLPHUS TOWNS,
*Rayburn House Office Building,*
*Washington, DC.*

DEAR REPRESENTATIVE TOWNS: On behalf of the U.S.-Kazakhstan Business Association, I wish to convey the Association's strong support for the granting of permanent normal trade relations (PNTR) to Kazakhstan. We wish to encourage early approval by the Ways and Means Committee of H.R. 1318, introduced by Representative Pitts, and supported by you and other co-sponsors.

Association members include major U.S. corporations that have been in the forefront of Western investment in Kazakhstan. They are very deliberate about their decisions to enter emerging market economies and have seen the many positive advantages that investment in Kazakhstan affords. As energy sector revenues grow and spread through the country's economy, the Association seeks to encourage diversified investment in other sectors, such as agribusiness, mining, petrochemicals, and telecommunications. For these investments to be economic, however, it will be important for Kazakhstani firms, as well as joint ventures formed with American investors, to have predictable nondiscriminatory access to U.S. markets. Looking ahead to Kazakhstan's eventual accession to the World Trade Organization (WTO), our members will be particularly interested in our government being able to avail itself of all its rights under the WTO with respect to Kazakhstan.

Historical criteria that have withheld nondiscriminatory access for Kazakhstan products are no longer relevant. The country continues to make stepwise political and economic reforms that are attracting and retaining foreign investors. Kazakhstan courageously chose to de-nuclearize after independence and has fully supported nuclear nonproliferation objectives, dismantling bombers, missiles, and related facilities. It has complied with U.S. emigration requirements, and recently has taken considerable strides toward creating a free-market economic system—a development already recognized by the European Union. While the U.S. and Kazakhstan concluded a bilateral investment treaty in 1992, from its independence, Kazakhstan has demonstrated a strong desire to build friendly and cooperative ties with the U.S. across a broad range of relationships. The Association, therefore, believes it is in the best interests of the United States to approve PNTR for Kazakhstan and promote further development of more normal trade and investment relations between the two countries.

Similar letters have been sent to Representative Thomas and Representative Rangel of the House Ways and Means Committee, the Chairman and Ranking Minority member of the House International Relations Committee, and, regarding S. 168, to the Chairmen and Ranking Minority Members of the Senate Finance Committee and the Senate Foreign Relations Committee. In addition, sponsors, co-sponsors, and each member of the above committees have received courtesy copies.

The member companies and organizations listed below support the Association's position favoring PNTR for Kazakhstan and the respective House and Senate bills. Should you or your staff have any questions, please do not hesitate to contact me at (202) 434–8791.

Sincerely,

WILLIAM C. VEALE,
*Executive Director.*

List of Members Supporting H.R. 1318: ABB Inc.; Access Industries, Inc.; ACDI/VOCA; The AES Corporation; American Councils for Int'l Education; Bechtel Corporation; Chevron Corporation; Citizens Network for Foreign Affairs; Columbia University Caspian Project; Coudert Brothers; Exxon Mobil Corporation; Deere & Company; Fluor Corporation; Halliburton Company; International Tax & Investment Center; NUKEM Inc.; Parker Drilling Company; Parsons Corporation (membership currently being processed); Phillips Petroleum Company; Texaco Inc.

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[From the Washington Times, July 20, 2001]

CHENEY AIMS TO DRILL AFAR AND WIDE

(By David R. Sands)

Debates over drilling at home have dominated the headlines, but the Bush administration's energy plan also calls for some aggressive prospecting in overseas markets as well.

Kazakhstan, Russia, India and even Venezuela stand to be big winners under key sections of the energy program, released by a task force headed by Vice President Richard B. Cheney on May 18.

Energy needs would assume a much greater role in considering whether to apply economic or other sanctions against unfriendly governments.

''There's a lot going on, on the international side in that report, and it's going to matter a lot to the entire global energy market,'' said Robert E. Ebel, director of the energy and national security program at the Washington-based Center for Strategic and International Studies (CSIS).

''The path the U.S. chooses on production and consumption will have a huge impact on the rest of the world,'' Mr. Ebel said.

The Bush plan calls for a major diversification of oil suppliers, away from the longstanding reliance on unstable or unfriendly Middle Eastern producers.

''Concentration of world oil production in any one region of the world is a potential contributor to market instability, benefiting neither oil producers nor consumers,'' the report said.

A survey released by the American Petroleum Institute (API) on Wednesday could boost the Bush plan, which faces a tough time in Congress.

The oil industry trade group found that U.S. crude oil imports for the first half of 2001 hit a record average of 60 percent of total demand, or 9.2 million barrels per day. Oil imports in April accounted for 62.8 percent of total demand, ''the largest (monthly) share in history,'' API said.

Officials in the Central Asian country of Kazakhstan have expressed satisfaction with the Bush administration's focus on their market, where recent oil field discoveries have attracted intense industry interest.

''The new administration has showed a very complete and mutual understanding of the cooperation we hope to have in the future,'' Vladimir Shkolnik, Kazahstan's vice minister for energy and natural resources, said in an interview during a Washington trip this spring.

''I get the feeling they understand very well our potential,'' Mr. Shkolnik said.

While saying private investors must lead the way, the Cheney report devotes considerable time to the Kazakh market, urging U.S. government agencies to ''deepen their commercial dialogue'' with Kazakhstan.

The report also endorses the proposed pipeline from Baku, Azerbaijan, through Georgia to the Turkish port of Ceyhan. Enthusiastically backed by the Clinton administration, the Baku-Ceyhan pipeline has been resisted by Moscow, which sees the project as an effort to bypass Russia.

''The big question has always been how to get the oil and gas to market. With private companies like (British Petroleum) really pushing the pipeline, it's hard to see how the Bush administration could do a 180-degree turn from what the Clinton people were recommending,'' Mr. Ebel said.

To complete the bypass of both Russia and Iran, the Cheney report's authors called for the State Department to push for Greece and Turkey to link their gas pipeline systems, allowing even easier access to European markets for Caspian gas.

But Russia is also one of several other international producers that the Cheney task force recommends should be encouraged. Russia has about 5 percent of the world's proven oil reserves and a third of the world's natural gas, but needs major Western investment and significant legal and commercial reforms to exploit its potential.

While urging continued pressure on Middle East suppliers like Saudi Arabia and Kuwait to open their markets to foreign investors, the Bush administration blueprint seeks suppliers much farther afield.

Despite a series of sharp political and diplomatic exchanges with Venezuelan President Hugo Chavez, the United States should push to conclude a bilateral investment treaty with Caracas, said the administration proposal, and begin talks with Brazil to boost ''energy investment flows'' with both of the South American powers.

The report also directs U.S. agencies to help India ''maximize its domestic oil and gas production,'' as well. One foreign policy recommendation that has taken some hits is the Bush proposal to include ''energy security'' as a factor when considering the usefulness of economic sanctions.

The administration was forced to retreat in the first congressional fight over such sanctions, in the face of strong bipartisan support for maintaining current restrictions on trade and investment with Iran and Libya.

## HONORING DOCTOR PAUL ERRERA ON THE OCCASION OF HIS RETIREMENT

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family, friends, and colleagues who gathered today to pay tribute to Doctor Paul Errera as he celebrates his retirement from service with the United States Department of Veterans Affairs.

Dr. Errera began his forty-seven year career with the VA as a first year resident in psychiatry at the West Haven, Connecticut VA Medical Center. He later went on to serve as the Chief of Psychiatry for fifteen years. In addition to his work in Connecticut, Dr. Errera spent nearly a decade in Washington, D.C. as the national Director of Psychiatry and Psychological Services. In that role, he was charged with the oversight of 172 VA hospitals across the country. In a career that has spanned nearly half a century, Dr. Errera has demonstrated a unique commitment to our nation's veterans and the quality of care they receive.

Throughout his tenure, Dr. Errera has been a visionary leader, stimulating fundamental change in the way mental health care is delivered. He has played an integral role in the development and implementation of innovative, community-based programs to meet the diverse mental health treatment needs of veterans. Dr. Errera's commitment and diligence has had a dramatic impact on the VA's treatment of its mentally ill patients—effectively changing the face of their approach and service to many of our nation's most vulnerable citizens.

Dr. Errera attributes his dedication to the historic role the United States played in twice freeing his homeland of Belgium—believing that the citizens of Belgium owe a great debt to the brave men and women who liberated his native country. I have often spoke of our nation's need to provide the best possible care to our veterans. These are the men and women who fought for the freedoms and values we hold so dear. Dr. Errera, with his unparalleled record of service to the veterans of this country, has set a new standard for us all to strive to achieve.

Dr. Errera, through his infinite good work has made a real difference in the lives of many US veterans and for that we owe him a great debt of gratitude. It is my great honor to rise today to extend my deepest thanks and appreciation to Dr. Paul Errera for his outstanding service at the United States Department of Veterans Affairs and my very best wishes to him and his family for many more years of health and happiness.

## ILSA EXTENSION ACT OF 2001

SPEECH OF

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2001*

Mr. ROTHMAN. Mr. Speaker, as a proud cosponsor of this well crafted legislation, I rise today in support of House Resolution 1954, the Iran Libya Extensions Act of 2001.

When this law was first enacted by the United States Congress in 1996 it imposed a number of economic sanctions against foreign companies that invest in the energy sectors of either Iran or Libya. Given those two nation's support for violence and terrorism, the bill passed overwhelmingly.

Unfortunately, nothing in those nations' behavior has changed since that bill passed unanimously by a vote of 415–0. Therefore, we must pass this bill to extend the Iran-Libya Sanctions Act (ILSA) for an additional five years.

As recently as March 13, 2001, President George W. Bush issued a statement declaring that Iran's government is, ''a threat to the national security, foreign policy, and economy of the United States''—due to—''its support for international terrorism, efforts to undermine the Middle East peace process, and acquisition of weapons of mass destruction and the means to deliver them.''

And to add to this concern, in early March of this year, the Islamic Republic of Iran reportedly signed a cooperation agreement with Russia that will give it access to sophisticated arms technology.

As for Libya, the Iran Libya Sanctions Act of 2001 extends sanctions against Libya designed to end only if our President determines that Libya has fulfilled the requirements of all U.N. resolutions relating to the horrific downing of Pan Am 103 in December of 1998.

Given that Libya has not yet accepted responsibility nor compensated the families of the victims of Pan Am 103, I think it is only just that ILSA's sanctions remain against Libya.

Mr. Speaker, for the reasons I have outlined, I believe it is important to continue these restrictions on trade with companies who do business with Iran and Libya.

I urge my colleagues to vote for H.R. 1954, brought to the floor by my good friend and the Chairman of the House International Relations Committee's Subcommittee on the Middle East and South Asia, Representative BEN GILMAN and the distinguished Ranking Member of the House International Relations Committee, Representative TOM LANTOS.

## RECOGNIZING MR. DIONICIO MORALES OF THE MEXICAN AMERICAN OPPORTUNITY FOUNDATION

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. SOLIS. Mr. Speaker, I rise today to recognize one of the most inspiring and influential Latino leaders in the United States. Dionicio Morales is the founder and former President of the Mexican American Opportunity Foundation (MAOF), the largest Latino social-service agency in the United States. Mr. Morales has helped improve the lives of thousands of people, especially Latino youth and the elderly, by providing vital resources such as job training, senior services, naturalization services and child care programs in communities throughout California. The Mexican American Opportunity Foundation has established programs in the San Gabriel Valley, East Los Angeles, San Diego, Santa Ana, Oxnard, Salinas, and Bakersfield.

Mr. Morales' inspiring life is depicted in his autobiography entitled ''Dionicio Morales: A Life in Two Cultures.'' In the book, Mr. Morales is described as a passionate leader who has led by example and knows first hand the struggles of the poor in detail. For many decades he has tirelessly organized and has fought to protect the rights of these individuals.

In the early 1960's Mr. Morales called the White House to request help in establishing programs to help employ and train Mexican Americans. Incredibly, Mr. Morales obtained a meeting with Vice President Lyndon Johnson, who agreed to help Mr. Morales through the President's Committee on Equal Employment Opportunity.

Nearly four decades later, due to that fateful call made by Mr. Morales, the Mexican American Opportunity Foundation now has a budget of over $60 million, making it the largest Latino organization in the United States.

Mr. Morales continues to be actively involved in the Mexican American Opportunity Foundation. He is a trailblazer and a true leader. I am privileged to recognize Mr. Morales' incredible life and applaud his work.

## HONORING FENMORE SETON FOR HIS OUTSTANDING SERVICE TO THE UNITED STATES OF AMERICA

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. DELAURO. Mr. Speaker, earlier this month I had the distinct privilege of reading one of the most touching personal memoirs of the events of the invasion of Normandy, the turning point of World War II. A defining moment in our history, it is important to take a moment to reflect on the tremendous undertaking of the Allies and the unparalleled courage and bravery of the soldiers who fought, many making the ultimate sacrifice, for world freedom. It is my great pleasure to rise today to honor both the many servicemen who participated in the D-day invasion and my very dear friend, Fenmore Seton, by recounting his remarkable story.

In his memoirs Fen, a First Lieutenant in the Ninth Air Force of the United States Army Corps, captured the spirit and atmosphere of those first few memorable days. Hundreds of officers and soldiers were transported on Liberty Ships, normally equipped for crews of thirty. Under other circumstances such conditions would be considered intolerable, yet as they embarked from their staging area in Wale, there was little or no complaint from these exemplary men. Hour after hour the deafening roar of the planes overhead could be heard by the troops aboard the Liberty Ships in the Allies' Armada which stretched as far as the eye could see. Shortly before they began their mission, each man was given a printed letter of inspiration from the Allied Commander in Chief of ''Operation Overload,'' Dwight D. Eisenhower. Climbing down the side of their Liberty Ships, on rope netting into the individual Landing Craft Infantry's, Fen and thousands of

other soldiers began to make their way ashore.

Fen disembarked from an invasion landing craft on Omaha Beach on D-day plus three. Though they were supposed to make their beach landing one day earlier, the Ranger Infantrymen who were fighting for a foothold on the designated beach landing zone, had met intense firepower from the reinforced concrete German Pillboxes which delayed their arrival. Under strict blackout instructions, they moved to their rendezvous point in a completely unfamiliar place in the pitch dark, finding refuge in a nearby shelter only to awaken amid chickens and manure and the realization that they had slept in a cattle barn.

This was the first of seven battle campaigns, including the Battle of the Bulge, that Fen participated in as a member of the Ninth Air Force. In addition to the six battle stars that decorate his European Theatre ribbon, Fen was honored with the ribbon for Meritorious Service and Belgium's royal ''Fourragere d'Honneur'' for his service with the 70th Fighter Wing. However, it is not the honors, commendations, or medals that led Fen to take down his thoughts and memories of his extensive World War II experiences. It was, as he wrote, ''because all Officers and Soldiers felt that World War II was a 'just' war . . . that had to be fought in order to defend civilization and to preserve our treasured American way of life.''

As he concluded, Fen wrote: ''Younger people particularly have little to no curiosity concerning World War II or the fact that the Normandy Invasion marked the turning point for the defeat of the Nazi Empire. I sadly suspect that most of the younger generation do not even recognize the significance of Pearl Harbor.'' It is my sincere hope that the young people of our nation and future generations remember the tremendous efforts that were made to preserve the freedoms we hold so dear. As the daughter of a veteran and a Member of this great body, I take pride in paying tribute to the veterans of World War II for their outstanding contributions to our great nation. They changed the course of history and for that we owe them a debt of gratitude that can never be repaid.

Today, I stand to extend my sincere thanks and appreciation to Fenmore Seton for his outstanding service to our country and for bringing this remarkable story to light. It is veterans, like Fen, whose stories will never allow future generations to forget one of the free world's greatest victories.

## PERSONAL EXPLANATION

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. DEGETTE. Mr. Speaker, on July 18, 2001, my vote on final passage of H.R. 2500, the ''Commerce, Justice, and State Appropriations Act for Fiscal Year 2002'' was not recorded. I support the bill and intended to vote ''yes.''

I support this bill because it is fair and bipartisan, and appropriately funds many important programs and agencies in the government. This bill appropriates $41.5 billion, which is 4 percent more than the current level and 2 percent more than requested by the president.

I am pleased that this bill adequately funds many important programs that have not received appropriate funding in the past. Specifically, H.R. 2500 provides $1.01 billion for the Community Oriented Policing Services, a program that I strongly support and that contributes to the safety of our neighborhood streets. It also provides $844 million for international peacekeeping efforts, including $2 million to conduct programs that monitor and combat human trafficking. $440 million is included for conservation programs to clean oceans and waterways. Additionally, the bill appropriates $329 million for the Legal Services Corporation which provides legal assistance to lower-income Americans.

## COMMUNITY SOLUTIONS ACT OF 2001

SPEECH OF

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 19, 2001*

Mr. MOORE. Mr. Speaker, I rise to express my grave concerns with the bill before us today. I have seen firsthand and know well the vital role that churches, mosques, synagogues and other religious institutions play in our communities. I believe, however, that both H.R. 7 and the Democratic substitute offer us a false choice and fail to protect our constitutional rights.

For more than 200 years, the U.S. Constitution has protected religious freedom by upholding each American's right to free exercise of religion and maintaining a separation between church and state. H.R. 7 would break down that historic wall.

Although the bill specifically states that government funds should not be used for worship or proselytization, meaningful safeguards to prevent such action are not included in the provisions. Indeed, as this bill is written, safeguards would be impossible. For example, if the purpose of a program is to end addiction by the adoption of a specific faith, it is impossible to separate the government service (drug and alcohol counseling) from the message of faith (proselytization). Even an ''opt-out,'' which provides for a secular alternative to the services, does not change the fact that this bill provides government funding for religious activities.

Furthermore, both H.R. 7 and the Democratic substitute would provide direct funding to houses of worship. H.R. 7 gives federal agencies, at the discretion of the Secretary, the ability to take all the funding for a program and convert it into vouchers to religious organizations. This alarming provision takes $47 billion in federal funds away from the oversight of elected representatives in Congress. Furthermore, the bill expressly permits federal funding of worship and proselytization with these ''indirect funds.'' The Democratic substitute, although it attempts to close the voucher loophole, does not alleviate my concerns with direct government funding of religion.

I am also deeply concerned that efforts to make religious organizations dependent on federal funds will cause them to lose their independence, autonomy and unique voice in our society. With public funding comes public scrutiny and accountability. Also, the provisions of H.R. 7 will inevitably put the federal government in the position of choosing one religion over another in awarding federal grants and contracts. Despite the fact that the bill assures us that the awarding of charitable choice funds would not constitute an ''endorsement'' of a certain religion, it takes little to imagine what will happen when a federal agency is forced to choose between two equally meritorious grants from different religious groups. Even worse will be the consequences when a cabinet secretary, by fiat, turns the program into a ''voucher.'' A more egregious violation of the Establishment Clause can hardly be imagined.

I cannot state strongly enough my belief that religious organizations are an important part of our social fabric and provide absolutely vital services to people in need. Those services already can be provided by religious organizations in a way that is constitutionally sound. I encourage my colleagues to take this bill back to the drawing board and build on that record of service.

## HONORING OTELLO AND CAROLYN MASSONI ON THEIR 50TH ANNIVERSARY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to extend my sincere congratulations to two outstanding community members and my good friends, Otello and Carolyn Massoni, as they celebrate their 50th wedding anniversary. Married for a half a century, they are a wonderful couple who have both done much for their community in Wallingford, Connecticut.

Perhaps best known for their incredible working relationship, Otello and Carolyn are a true inspiration for any couple. They have worked on a variety of projects—always together—though their most popular are their beautiful reproductions of Faberge Eggs and fabulous dollhouses.

Their dollhouse hobby began when Otello was recuperating from a surgical procedure. Working from a kit, Otello has built a number of breathtaking buildings in a wide variety of architectural styles. Carolyn took on the responsibility of decorating the houses. From hand-made curtains trimmed with lace to the smallest details on a miniature reproduction of a Sears catalog, no detail has been overlooked. Victorian, Gothic, Colonial and Tudor styles, as well as some cottages, a gazebo, and even a brick outhouse, Otello and Carolyn's collection is truly impressive.

Intricate detail, unparalleled patience, love and care—characteristics similar to the traditional ingredients thought to be included in marriage—have gone into each of the delicate reproductions of Faberge Eggs that decorate the Massoni's home. This remarkable hobby has drawn much attention to Otello and Carolyn's creative talents. With each taking on a different task, they are not only creating beautiful ornaments, but cherished memories. Featured in local newspapers on a variety of occasions, Otello and Carolyn's work has sparked the imaginations of many in area communities.

In addition to their creative hobbies, Otello and Carolyn have always been active in the Wallingford political arena. Their outstanding work with the Democratic Town Committee has benefitted many local elected officials, including myself. Their tireless efforts have gone a long way in bringing a strong voice to local residents and their interests.

Enjoying their retirement years together, Otello and Carolyn have found what may be the key to a successful marriage—teamwork. Whether with their hobbies or in the community, it is a rare moment not to see these two working together. It is with great pride that I rise today to join family and friends in congratulating my dear friends Otello and Carolyn Massoni as they celebrate their 50th Anniversary. My very best wishes to them for many more years of health and happiness.

## TRIBUTE TO STATE SENATOR REGIS GROFF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to a man considered, after twenty years of service to be the ''Conscience of the Colorado Senate.'' As a State Senator Regis Groff was a man who never backed down from a fight and always stood up for what he believed in. Although he often stood alone, he never hesitated to do what he believed was right.

As an African-American political leader from West, Regis was often pitted against the forces of discrimination, a battle in which he was consistently outnumbered. He pushed for Colorado to divest itself from business relationships with the apartheid regime of South Africa, and was a strong voice for enhancing voter registration. When it wasn't popular, he was also a voice for rational gun control. He was responsible for carrying Senate legislation in Colorado designating the birthday of Reverend Martin Luther King Jr. as a state holiday.

Regis Groff's convictions earned him respect from both sides of the aisle. One former colleague remarked, ''there would be a hush when Regis went to the microphone.'' The former Colorado Senate President, a member of the opposing party, said, ''Regis was the most fun and challenging person to debate at the microphone of anyone I served with in the legislature.''

I would ask my colleagues to join me in paying tribute to a great and dedicated public servant. I am including an article from a recent edition of the Denver Post that recognizes the significant contributions of Regis Groff to the people of Colorado.

WHATEVER HAPPENED TO ... REGIS GROFF?: FORMER ''CONSCIENCE OF COLORADO'' SPEAKS FROM SIDELINES

(By James B. Meadow)

The former ''Conscience of the Colorado Senate,'' the man who spent 20 years fighting—and mostly losing—the good fight is staring out the window of the clubhouse of the Park Hill Golf Course sympathetically watching grown men flail at a little white ball.

''Most retirees assume their golf game will be much, much better, but it doesn't happen that way,'' says Regis Groff. He flashes his trademark megawatt smile as he adds, ''At least it didn't happen to *me*. But then I only play one-third as much golf as I want to.''

Not that he's complaining, because these days life is better than just OK for Groff. For one, he looks a decade younger than his 66 years, almost too youthful to be the grandfather of four. For another, he takes a winter hiatus in Las Vegas every year.

He also indulges his passion for baseball by taking advantage of his Colorado Rockies season tickets. True, they're not his beloved Chicago Cubs, but few know better than Groff that life is riddled with compromise.

For two decades, he was the impassioned, eloquent spokesman for liberal causes in the Colorado Senate, a man whose flights of oratory were legendary.

''There would be a hush when Regis went to the microphone,'' says former Sen. Mike Feeley, calling the Democrat ''the finest public speaker ever to grace the floor of the state Senate.''

Even those at the opposite end of the political spectrum were Groff fans.

''Regis was the most fun and challenging person to debate at the microphone of anyone I served with in the legislature,'' says Tom Norton, former Senate president. ''I don't know that he ever passed a whole bunch of bills. But he always made sure the point of view he represented was adequately considered.''

Norton isn't exaggerating in his remarks about Groff not passing a whole bunch of bills.

''Oh, it was thorough frustration to have zero influence, no power,'' says Groff of his 20 years in the minority party; years of futilely fighting to ban capital punishment, have the state divest itself from business relationships with the apartheid regime of South Africa, enhance voter registration and establish gun control.

''But you have to raise issues that aren't popular,'' says Groff. ''You try to raise issues that touch the conscience of each human being.''

Although Groff dismisses Sen. Jana Mendez's claim that he was the conscience of the Senate as ''overspeak,'' he doesn't deny that he was loath to back down from an issue.

That's why in April 1993, only months after Coloradans passed Amendment 2—largely seen as a slap at homosexual rights—Groff tried to get the Senate to put it back on the ballot to let voters ''revisit'' the measure.

That same session, he was blunt about his feelings for Douglas Bruce, author of Amendment 1, which limited the state's ability to raise taxes and spend money.

On the Senate floor, Groff said that Bruce, a California transplant, ''slithered into Colorado and hoodwinked the state.''

Standing alone was second nature to Groff: He was the Senate's only black. And political ostracism was nothing new for a guy who knew all about racial discrimination.

When he first arrived in Denver in 1963, to begin what would be a lengthy career as an educator, he and his wife were repeatedly denied rental homes in Park Hill because, as landlords told him, ''We don't rent to coloreds.''

Growing up the son of a potter in Monmouth., Ill., a small rural community, Groff wasn't allowed in the YMCA pool.

Racial intolerance was still an emphatic given when he was attending Western Illinois University. Along with a group of other black students, Groff led a successful push to force a local barbershop to serve black students.

His proudest moment as a legislator came in 1984, when he persuaded the Senate to pass a bill making Martin Luther King's birthday a state holiday.

He recalls that debate over the bill almost caused a fist fight with another senator. ''I told him, 'I should kick your ass!,' and he said, 'C'mon!' but others stepped between us,'' laughs Groff.

Groff left the Senate in 1994 to head the state's Youth Offender System, a multimillion-dollar rehabilitation facility for violent juveniles. He quit in 1998 and then headed the Metro Denver Black Church Initiative.

These days, he says, ''I have no gainful employment,'' content to be a grandfather, serve on boards, travel, golf, watch baseball, adjust to life as a divorced male after 33 years of marriage and basically do what he pleases.

Would he ever again consider elective office?

''No, no, no!'' he says, recoiling in mock horror. ''If 20 years of politics doesn't fill you appetite, then that appetite is so insatiable as to be dangerous.''

Still, he does confess to more than a trace of envy now that Democrats control the Senate.

''You bet I'm jealous. I'd like to know how it feels to be in the majority,'' he says.

But then you'd expect a frank answer. After all, anything less from the Senate's former conscience would be, well, unconscionable.

## HONORING THE LATE GLADYS ''SKEETER'' WERNER WALKER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to remember the accomplished and unforgettable life of Gladys ''Skeeter'' Werner Walker. She was truly a kind person and an outstanding athlete. As family and friends mourn her passing, I would like to pay tribute to this longtime resident of Steamboat Springs, Colorado.

Skeeter was born in Steamboat Springs, Colorado, with the rest of her family, and was the oldest of three siblings who grew up to ski in the Olympics. She and her two brothers, Buddy and Loris, trained locally on Howelsen Hill and traveled later to ski in the Alps. The Werner family's prominence in the skiing world flourished to such an extent that the name of the ski mountain in Steamboat Springs was changed from Storm Mountain to Mount Werner in their honor.

Skeeter began skiing at age one and entering competitions by the age of five. Perhaps one of her greatest achievements was being selected as the youngest member of the U.S. Alpine World Championship Team in 1954, at the age of 21. At the downhill event in Sweden, Skeeter placed 10th. Her triumph was awarded when she graced the cover of Sports Illustrated and became recognized as one of America's great Olympians. When Skeeter again returned to the Olympics in 1956 in Italy, she again garnered a 10th place finish in the downhill race.

Skiing was not Skeeter's only career. After retiring from skiing in 1958, she relocated to New York where she was a model and a fashion designer. The Yampa Valley drew Skeeter back in 1962, and along with her brother Buddy and his wife Vanda, they opened two ski shops in Steamboat and Skeeter initiated

the first ski school at Storm Mountain. Every step of the way opened a new opportunity for Skeeter and her family that allowed them to have a dramatic impact on the Yampa Valley that will last forever. She fell in love with and, in 1969, married Doak Walker, the 1948 Heisman Trophy winner. Together, Doak and Skeeter helped to shape Steamboat and the skiing community. Doak passed away in 1998 following a skiing injury several months earlier.

As you can see, Mr. Speaker, Skeeter was a person who lived an accomplished life. Although friends and family are profoundly saddened by her passing on Friday, July 20, each can take solace in the wonderful life that she led. At the age of 67, Skeeter was an outstanding member of the community and a heroic role model for others. I know I speak for everyone who knew Skeeter well when I say she will be greatly missed.

## PERSONAL EXPLANATION

### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. MORAN of Kansas. Mr. Speaker, I rise today to acknowledge an error I made earlier today in voting for the previous question motion on the Treasury, Postal Appropriations bill. As is customary on such procedural motions I voted ''aye.'' Had I been aware of the implications of the vote, I would have voted ''no.''

I have been and continue to be an opponent of Congressional pay raises. Fiscal discipline must start with our elected officials. My constituents don't get a cost of living increase every year and neither should we. Had I known the previous question vote would be construed as having anything to do with a congressional COLA, I would have opposed it.

Not only do I oppose the pay raise itself, but I strongly oppose the manner in which this issue is handled. We ought to have a clear ''yes'' or ''no'' vote on the pay raise and let the chips fall where they may. When given the opportunity to vote on the pay raise directly, I have always voted ''no.'' If others feel differently, let them cast their vote in the light of day and explain it to their constituents. To disguise an issue as important as a congressional pay raise inside a procedural motion is less than honest. Such gimmicks further erode this institution's credibility and member integrity.

It is my responsibility to know all the implications of the motions and bills that I vote on. My constituents deserve my attention on each and every vote. One the issue of a congressional pay raise, the American people deserve better from all of us.

## VETERANS HAVING HEALTH-CARE

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to introduce legislation to ensure that all veterans, regardless of where they live, have equitable access to the best health care at VA medical centers across America, and especially in the Northeast.

Along with Congresswoman KELLY and Congressmen GRUCCI, HINCHEY and GILMAN, we are introducing two bills to improve the way the VA allocates funding for veterans medical care across the nation.

In 1997, Congress passed legislation that authorized the VA to develop a new formula for allocating veterans medical care dollars across the country. At the time, veterans were moving from the Northeast and Midwest to the South and West, and the VA's formula then did not address how to allocate funding with this shift.

Unfortunately, the new formula developed by the VA still failed to address the changing demographics of the veterans population. The so-called Veterans Equitable Resource Allocation formula (VERA) did begin to provide additional medical care dollars to areas with growing veterans populations, but unfortunately, the VA did so by slashing funding to states with veterans populations that remained stable, like my own state of New Jersey and others in the Northeast.

I know firsthand about the law of unintended consequences. VERA has had the terrible effect of restricting access of veterans to medical care in my part of the country because my district in New Jersey is part of Veterans Integrated Service Network (VISN) 3. This VISN has borne the brunt of VERA's funding shift. According to the VA's own figures, funding for VISN 3 has been reduced by 6 percent, or $64 million, at a time when other VISNs saw their allocations increase by as much as 47 percent or even 53 percent!

I continue to ask the VA how this practice is equitable and why medical care in the Northeast should be reduced.

New Jersey has the second oldest veterans population in the nation, behind Florida. Our state has the fourth highest number of complex care patients treated at VA's hospitals. Yet New Jersey's older, sicker veterans are routinely left waiting months for visits to primary care physicians and specialists or denied care at New Jersey's two VA nursing homes.

Something is fundamentally wrong with the VERA allocation formula if it continues to decrease funding for areas where veterans have the greatest medical needs. All veterans, regardless of where they live, have earned and deserve access to the same quality of medical care—care that is too often denied under the current formula based.

That is why I rise today with nearly 30 of my colleagues to introduce these two bills.

The first bill, the Veterans Equal Treatment Act, would repeal the VERA formula and direct the VA to devise a truly equitable allocation formula based on need.

The second bill, the Equitable Care for All Veterans Act, would require the VA to take steps to account for regional differentials—the differences in the costs of providing care in some areas of the country due to the high cost of living, long travel distances, and like—in determining the national means test threshold. This threshold currently stands at $24,000 for veterans across the country, regardless of where they live.

We know that the costs of such basic necessities as housing and utilities differ across the country. According to the National Low Income Housing Coalition, the ten least affordable States include New Jersey, New York, Pennsylvania, New Hampshire, Massachusetts, Maine, Vermont and Rhode Island. These States are parts of VISNs 1, 2 and 3—all three VISNs fare the worst under the present VERA allocation formula.

Mr. Speaker, VERA should be adjusted to reflect factors such as the high cost of housing in the means test. It is the least we can do to ensure that all veterans who need and deserve care are provided with access to VA medical centers.

I strongly encourage the Chairman of the House Veterans' Affairs Committee to hold hearings on these issues, and to move forward with changes to the VERA allocation formula as outlined in these two bills.

## PERSONAL EXPLANATION

### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. DEFAZIO. Mr. Speaker, earlier today on the vote to consider the previous question on this bill I intended to vote ''no'' but inadvertently voted ''aye''.

## PERSONAL EXPLANATION

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 255 on H.J. Res. 50, I mistakenly recorded my vote as ''no'' when I should have voted ''aye''.

## TRIBUTE TO THE ORIGINAL 29 NAVAJO CODE TALKERS

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the original 29 Navajo Code Talkers, who courageously served this country during WWII. The original 29 Navajo code talkers developed a Navajo language-based code to transmit information while in the Pacific theatre. Their efforts were invaluable to this nation and helped bring the war in the Pacific to a close, impacting all Americans. Today these men or their surviving family members are receiving Congressional gold medals of honor as a symbol of our Nation's appreciation for their valor.

In early 1942 the Marines started to recruit Navajo men to serve as code talkers in the Pacific. The Marines were searching for a code, which the Japanese would be unable to break. Since the Navajo language is incredibly complex and consists of complicated syntax and tonal qualities, plus different dialects it was an ideal code. The original 29 Navajo Code Talkers developed a code dictionary, which had to be memorized. This code consisted of English translations of Navajo phrases. The Japanese were never able to break the complicated code. The Navajo Code

Talkers successfully sent thousands of messages, enabling the Marines and this Nation to achieve victory.

The war in the Pacific was brought to a close with the help of these original 29 Navajo code talkers and the hundreds of code talkers who followed. The Navajo, who bravely served this country, despite poor governmental treatment at home, should be commended for their service. I would ask my colleagues to join me, now and forever, in paying tribute to the original 29 Navajo Code Talkers who bravely served this nation. I am including an article from a recent edition of Indian Country Today, which recognizes the significant contributions of the Navajo Code Talkers.

[From Indian Country Today, July 11, 2001]

NAVAJO CODE TALKERS TO GET CONGRESSIONAL GOLD MEDALS

TRUE RECOGNITION A DECADE AFTER HEROISM

(By Brenda Norrell)

SANOSTEE, N.M.—The late Harrison Lapahie's Dine name Yieh Kinne Yah means ''He finds things.'' His son, Harrison Lapahie Jr., is honoring his father's name by finding Navajo Code Talkers who will receive Congressional gold and silver medals.

Born here in Sanostee, officially in 1923 but closer actually to 1928, Harrison Lapahie served in the U.S. Marines using his Native tongue to transmit the code never broken by the Japanese during World War II. Aircraft bombers were ''Jay-Sho'' buzzards, dive-bombers were ''Gini'' chicken hawks and battleships were ''Lo-Tso'' whales.

The original 29 Navajo Code Talkers who created the code will join George Washington, Robert Kennedy, Mother Teresa and Nelson Mandela as recipients of the Congressional gold medal, the nation's highest civilian honor.

With beautiful piano music and galloping horses, an eagle and an American flag on his Web site, Harrison Lapahie's son Harry links readers worldwide to the legacy and history of the Navajo warriors being honored more than half a century after their heroism with their Dine-based military code.

Charles Hedin, Navajo working in health recovery with veterans in Denver, discovered the search for his uncle on the Web site. The late John Willie Jr. was among the original 29 being sought to be honored in Washington this month.

''I was surfing the Web and I landed on Mr. Lapahie's Web site. I didn't know Zonnie Gorman was searching for relatives of Code Talkers. Filled with overwhelming pride, I called her and explained that John Willie Jr. was my uncle.''

''We compared some notes and I also helped her to find Adolf Murgursky, another Code Talker.''

Willie did not live long enough to receive his recognition.

''I have mixed emotions because the recognition for my uncles' war contributions has come 50 years later,'' Hedin said, ''He was one of the first 29.''

Still, he said, ''I am so proud it is hard to express the feelings.''

Like Lapahie, Zonnie Gorman honors the memory of her father, Carl Nelson Gorman. The late artist, professor and storyteller and father of internationally renowned artist R. C. Gorman was president of the Navajo Code Talkers Association before his death in 1998.

Gorman, struggling to find the last five of the original 29 code talkers, said plans are being completed with the White House for the award ceremony. Another ceremony later in the summer on the Navajo Nation will honor nearly 400 other Navajo Code Talkers with silver medals.

Lapahie's Web site includes rare, original letters concerning creation of the code and his father's original maps from World War II in the Pacific, along with recognition from Sen. Jeff Bingaman, D–N.M.

Bingaman introduced legislation in April 2000 and pressed Congress to honor Navajo Code Talkers with gold and silver medals. The bill was signed into law Dec. 21, 2000, and the U.S. Mint began designing the special gold and silver medals.

''It has taken too long to properly recognize these soldiers, whose achievements have been obscured by twin veils of secrecy and time. As they approach the final chapter of their lives, it is only fitting that the nation pay them this honor,'' Bingaman said.

Another secret is revealed in the House bill that describes the code kept secret for 23 years and declassified in 1968.

''Some code talkers were guarded by fellow Marines, whose role was to kill them in case of imminent capture by the enemy.''

There are also the names of others who did not live long enough to be recognized, young Navajos who died in combat in Okinawa, Guam, Iwo Jima and other on far away shores and hilltops.

Navajo Code Talkers killed in action were Paul Begay, Johnson Housewood, Peter Johnson, Jimmy Kelly Sr., Paul Kinlachcheeny, Leo Kirk, Ralph Morgan, Sam Morgan, Willie Notah, Tom Singer, Alfred Tsosie, Harry Tsosie and Howard Tsosie.

In the Web tribute to his father, Lapahie says Navajos have been warriors time and again since they signed the Treaty of 1868 with the United States.

''When the United States entered World War II in 1941, the Navajos again left the canyons, plains and mesa's of their reservation homes to join the armed forces and played a crucial role in such combat arenas as Guadalcanal, Saipan, Bougainville, Tinian, Anzio, Salerno, Normandy, Tarawa, Iwo Jima, and countless other bloody islands and forgotten battlefields.''

More than 3,600 young Navajo men and women joined the armed forces during World War II.

''Proportionately, that figure represents one of the highest percentages of total population in the armed service of any ethnic group in the United States.''

Lapahie's Web site includes his father's translation of the Marine Corps Hymn into Navajo and a letter from the president of the Marine Corps Heritage Foundation. Lt. Gen. Ron Christmas writes of an upcoming print honoring the Navajo Code Talkers and notes Lapahie's translation of the corps hymn.

In remembering his father, Harry said, ''There is a story when Dad was strolling on one of the islands, and went into a Japanese military site.''

''Yet he was untouched because the Japanese though that he was Japanese!''

Harry's father died in his Los Angeles apartment Nov. 26, 1985, and is buried near Aztec, N.M., not far from the Ute Boarding School in Ignacio, Colo., he attended as a child where he learned his baking skills.

## 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, July 26, 2001 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### JULY 27

9:30 a.m.
Energy and Natural Resources
To hold hearings on H.R. 308, to establish the Guam War Claims Review Commission; and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.
SD–366

10 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to examine the problem, impact, and responses of predatory mortgage lending practices.
SD–538

### JULY 30

9:30 a.m.
Governmental Affairs
To hold hearings to examine the rising use of the drug ecstacy, focusing on ways the government can combat the problem.
SD–342

1 p.m.
Judiciary
To hold hearings on the nomination of Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation, Department of Justice.
SH–216

### JULY 31

10 a.m.
Indian Affairs
To hold hearings on the implementation of the Indian Health Care Improvement Act, focusing on urban Indian Health Care Programs.
SR–485

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine early detection and early health screening issues.
SD–430

Finance
To hold hearings on the nomination of Robert C. Bonner, to be Commissioner of Customs, and Rosario Marin, to be Treasurer of the United States, both of California, both of the Department of the Treasury; the nomination of Jon M. Huntsman, Jr., of Utah, to be a Deputy United States Trade Representative; and the nomination of Alex Azar II, of Maryland, to be General Counsel, and the nomination of Janet Rehnquist, of Virginia, to be Inspector General, both of the Department of Health and Human Services.
SD–215

11 a.m.
Foreign Relations
To hold hearings on the nomination of Vincent Martin Battle, of the District of Columbia, to be Ambassador to the Republic of Lebanon; the nomination of Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan; the nomination of Edmund James Hull, of Virginia, to be Ambassador to the Republic of Yemen; the nomination of Richard Henry Jones, of Nebraska, to be Ambassador to the State of Kuwait; the nomination of Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic; and the nomination of Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar.
SD–419

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine asbestos issues.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine spectrum management and third generation wireless.
SR–253

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for the fiscal year 2002 for MILCON budget overview, defense agency, and Army construction.
SD–138

Armed Services
SeaPower Subcommittee
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 Navy shipbuilding programs.
SR–222

4 p.m.
Foreign Relations
To hold hearings the nomination of Robert Geers Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho; and the nomination of Joseph Gerard Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe.
SD–419

### AUGUST 1

9 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the business of environmental technology.
SR–428A

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine trade issues.
SR–253

Armed Services
To hold hearings on the nomination of Gen. John P. Jumper, USAF, for reappointment to the grade of general and to be Chief of Staff, United States Air Force.
SD–106

Energy and Natural Resources
Business meeting to consider energy policy legislation and other pending calendar business.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider proposed legislation entitled The Stroke Treatment and Ongoing Prevention (STOP STROKE) Act of 2001; the proposed Community Access to Emergency Defibrillation (Community AED) Act of 2001; the proposed Health Care Safety Net Amendments of 2001; S. 543, to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; and S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.
SD–430

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings on S. 989, to prohibit racial profiling.
SD–226

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board; the nomination of Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation; and the nomination of Nancy Victory, to be Assistant Secretary for Communications and Information, and the nomination of Otto Wolff, to be an Assistant Secretary and Chief Financial Officer, both of Virginia, both of the Department of Commerce.
SR–253

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for the fiscal year 2002 for Navy construction and Air Force construction.
SD–138

### AUGUST 2

9:30 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Energy and Natural Resources
Business meeting to consider energy policy legislation.
SD–366

10 a.m.
Indian Affairs
To hold hearings on S. 212, to amend the Indian Health Care Improvement Act to revise and extend such Act.
SR–485

Health, Education, Labor, and Pensions
To hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration.
SD–430

Judiciary
Business meeting to consider pending calendar business.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Energy and Natural Resources
To hold joint hearings to examine the effect of energy policies on consumers.
SH–216
Veterans' Affairs
To hold hearings on the nomination of John A. Gauss, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology; the nomination of Claude M. Kicklighter, of Georgia, to be Assistant Secretary of Veterans Affairs for Policy and Planning; to be followed by a business meeting to consider pending calendar business.
SR–418

SEPTEMBER 19

2 p.m.
Judiciary
To hold hearings on S. 702, for the relief of Gao Zhan.
SD–226

# *Daily Digest*

## HIGHLIGHTS

**Senate passed Iran and Libya Sanctions Act.**

**The House passed H.R. 2590, Treasury and General Government Appropriations, 2002.**

**House Committees ordered reported 11 sundry measures.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S8147–S8249***

**Measures Introduced:** Sixteen bills were introduced, as follows: S. 1234–1249. **Page S8203**

**Measures Reported:**

S. 407, to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, with an amendment in the nature of a substitute. (S. Rept. No. 107–46)

S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers. **Pages S8202–03**

**Measures Passed:**

***Iran and Libya Sanctions Act:*** By 96 yeas to 2 nays (Vote No. 251), Senate passed S. 1218, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, after taking action on the following amendment proposed thereto:

**Pages S8172–82, S8194–95**

Withdrawn:

Murkowski Amendment No. 1154, to make the United States' energy policy toward Iraq consistent with the national security policies of the United States. **Pages S8176–79**

**Department of Transportation and Related Agencies Appropriations Act:** Senate continued consideration of H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto: **Pages S8155–71, S8195**

Adopted:

Graham Amendment No. 1064 (to Amendment No. 1025), to ensure that the funds set aside for Intelligent Transportation System projects are dedicated to the achievement of the goals and purposes set forth in the Intelligent Transportation Systems Act of 1998. **Pages S8156–58**

By 90 yeas to 8 nays (Vote No. 249), Cleland Amendment No. 1033 (to Amendment No. 1025), to direct the State of Georgia, in expending certain funds, to give priority consideration to certain highway projects. **Pages S8159–63**

Rejected:

Gramm/McCain/Domenici Amendment No. 1065 (to Amendment No. 1030), to prevent discrimination, in the application of truck safety standards, against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers. (By 65 yeas to 35 nays (Vote No. 250), Senate tabled the amendment.) **Pages S8160–71**

Pending:

Murray/Shelby Amendment No. 1025, in the nature of a substitute. **Pages S8155–71**

Murray/Shelby Amendment No. 1030 (to Amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals. **Pages S8155–71**

A motion was entered to close further debate on Amendment No. 1025 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and by prior unanimous consent, the vote on the cloture motion will occur on Thursday, July 26, 2001. **Page S8195**

A motion was entered to close further debate on the bill and, in accordance with the provisions of

Rule XXII of the Standing Rules of the Senate, and by prior unanimous consent, the vote on the cloture motion will occur on Thursday, July 26, 2001.

Page S8195

A unanimous-consent agreement was reached providing for the filing of second degree amendments until 12:30 p.m., on Thursday, July 26, 2001.

Page S8249

A unanimous-consent agreement was reached providing for further consideration of the bill at 12 noon, on Thursday, July 26, 2001. Page S8249

**Nominations Confirmed:** Senate confirmed the following nominations:

Wade F. Horn, of Maryland, to be Assistant Secretary for Family Support, Department of Health and Human Services.

Hector V. Barreto, Jr., of California, to be Administrator of the Small Business Administration.

Pages S8182–94, S8249

**Nominations Received:** Senate received the following nominations:

James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

Kenneth M. Donohue, Sr., of Virginia, to be Inspector General, Department of Housing and Urban Development.

Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2006. (Reappointment)

Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

P. H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority. (New Position)

Joseph M. DeThomas, of Pennsylvania, to be Ambassador to the Republic of Estonia.

Patrick Francis Kennedy, of Illinois, to be Representative of the United States of America to the United Nations for the U.N. Management and Reform, with the rank of Ambassador, vice Donald Stuart Hays.

Michael E. Malinowski, of the District of Columbia, to be Ambassador to the Kingdom of Nepal.

Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire.

Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years. Page S8249

**Executive Communications:** Pages S8201–02

**Executive Reports of Committees:** Page S8203

**Messages From the House:** Page S8201

**Measures Referred:** Page S8201

**Statements on Introduced Bills:** Pages S8205–36

**Additional Cosponsors:** Pages S8203–05

**Amendments Submitted:** Pages S8236–48

**Additional Statements:** Pages S8200–01

**Enrolled Bills Presented:** Page S8201

**Notices of Hearings/Meetings:** Page S8248

**Authority for Committees:** Pages S8248–49

**Privilege of the Floor:** Page S8249

**Record Votes:** Three record votes were taken today. (Total—248) Pages S8163, S8171, S8194

**Adjournment:** Senate met at 9 a.m., and adjourned at 7:15 p.m., until 12 noon, on Thursday, July 26, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8249.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BUSINESS MEETING

*Committee on Agriculture, Nutrition, and Forestry:* Committee ordered favorably reported an original bill (S. 1246), to respond to the continuing economic crisis adversely affecting American agricultural producers.

## EDUCATION TECHNOLOGY

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine technology's effectiveness as a teaching and learning tool in schools, integrating it into classroom curriculum, proper training for teachers, and what the federal government should do to help fund educational technology programs, after receiving testimony from Margaret Honey, Education Development Center's Center for Children and Technology, New York, New York; Gail Maxwell, Griswold Community School District, Griswold, Iowa; Cheryl Scott Williams, Corporation for Public Broadcasting, Washington, D.C., on behalf of the International Society for Technology in Education; Thomas Gann, Sun Microsystems, Inc., Chevy Chase, Maryland; and David H. Rose, Center for Applied Special Technology, Peabody, Massachusetts.

## AUTHORIZATION—DEFENSE GLOBAL POWER PROTECTION

*Committee on Armed Services:* Subcommittee on Strategic concluded hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on global power projection, after receiving testimony from James G. Roche, Secretary of the Air Force; Gen. John P. Jumper, USAF, Commander, Air Combat Command, United States Air Force; Maj. Gen. John R. Baker, USAF, Deputy Director of Air and Space Operations, United States Air Force; Lt. Gen. Joseph H. Wehrle, Jr., USAF, Deputy Chief of Staff for Plans and Programs, United States Air Force; Maj. Gen. Paul A. Weaver, Jr., ANG, Director, Air National Guard; Brig. Gen. John D. W. Corley, USAF, Mission Area Director of Global Power Programs, Office of the Assistant Secretary of the Air Force for Acquisition.

## U.S. BALANCE OF PAYMENT DEFICIT

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Economic Policy concluded hearings to examine the risks of a growing U.S. balance of payments deficit, which is the trade deficit plus the deficit in net payments, including interest, dividends and the like, and its significance for particular sectors of the economy and trade related matters as a whole, after receiving testimony from Robert E. Rubin, Citigroup, Inc., former Secretary of the Treasury, William C. Dudley, Goldman, Sachs and Company, and Stephen S. Roach, Morgan Stanley, all of New York, New York; and Paul A. Volcker, Princeton University Woodrow Wilson School of Public and International Affairs, Princeton, New Jersey, former Chairman, Board of Governors of the Federal Reserve System.

## NOMINATION

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on the nomination of Mary Sheila Gall, of Virginia, to be Chairman of the Consumer Product Safety Commission, after the nominee testified and answered questions in her own behalf.

## COMPREHENSIVE ELECTRICITY RESTRUCTURING

*Committee on Energy and Natural Resources:* Committee held hearings on proposals relating to comprehensive electricity restructuring that promotes competition, protects consumers, enhances reliability, promotes renewable energy, improves efficiency, repeals the Public Utility Holding Company Act of 1935, and reforms the Public Utility Regulatory Policies Act of 1978, and related provisions contained in the Committee's White Paper on Electricity Legislation (a discussion of the developments that necessitate the change of the legal structure of the electricity industry and legislative solutions), S. 597, Comprehensive and Balanced Energy Policy Act of 2001, S. 388, National Energy Security Act of 2001, and S. 1273, Federal Power Act Amendments of 1999, and S. 2098, Electric Power Market Competition and Reliability Act of 2000, receiving testimony from Francis S. Blake, Deputy Secretary of Energy; Glenn English, National Rural Electric Cooperative Association, Arlington, Virginia; John W. Rowe, Exelon Corporation, Chicago, Illinois, on behalf of the Edison Electric Institute; Roy Thilly, Wisconsin Public Power, Inc., Sun Prairie, on behalf of the American Public Power Association; Jeffrey D. Ayers, Aquila, Inc., Kansas City, Missouri, on behalf of the Electric Power Supply Association; James L. Dushaw, International Brotherhood of Electrical Workers, and David Hamilton, Alliance to Save Energy, both of Washington, D.C.; James B. Rouse, Praxair, Inc., Danbury, Connecticut, on behalf of the Electricity Consumers Resource Council; David N. Cook, North American Electric Reliability Council, Princeton, New Jersey; and William M. Nugent, Maine Public Utilities Commission, on behalf of the National Association of Regulatory Utility Commissioners, and Stephen Ward, on behalf of the National Association of State Utility Consumer Advocates, both of Augusta, Maine.

Hearings continue tomorrow.

## BUSINESS MEETING

*Committee on Environment and Public Works:* Committee adopted its rules of procedure for the 107th Congress, and announced the following subcommittee assignments:

*Subcommittee on Transportation, Infrastructure, and Nuclear Safety:* Senators Reid (Chairman), Baucus, Graham, Lieberman, Boxer, Wyden, Inhofe (Ranking Member), Warner, Bond, Voinovich, and Chafee.

*Subcommittee on Clean Air, Wetlands, and Climate Change:* Senators Lieberman (Chairman), Reid, Carper, Clinton, Corzine, Voinovich (Ranking Member), Inhofe, Crapo, and Campbell.

*Subcommittee on Fisheries, Wildlife, and Water:* Senators Graham (Chairman), Baucus, Reid, Wyden, Clinton, Corzine, Crapo (Ranking Member), Bond, Warner, Chafee, and Campbell.

*Subcommittee on Superfund, Toxics, Risk, and Waste Management:* Senators Boxer (Chairman), Lieberman, Wyden, Carper, Clinton, Corzine, Chafee (Ranking Member), Warner, Inhofe, Crapo, and Specter.

## NOMINATIONS

*Committee on Environment and Public Works:* Committee concluded hearings on the nominations of

David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development, and Robert E. Fabricant, of New Jersey, to be General Counsel, George Tracy Mehan III, of Michigan, to be Assistant Administrator for the Office of Water, Judith Elizabeth Ayres, of California, to be Assistant Administrator for the Office of International Activities, and Donald R. Schregardus, of Ohio, to be Assistant Administrator for the Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency, after the nominees testified and answered questions in their own behalf. Mr. Sampson was introduced by Senator Hutchison and Representative Frost.

## NOMINATIONS

*Committee on Foreign Relations:* Committee conclude hearings on the nominations of Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea, Franklin L. Lavin, of Ohio, to be Ambassador to the Republic of Singapore, Marie T. Huhtala, of California, to be Ambassador to Malaysia, and John Thomas Schieffer, of Texas, to be Ambassador to Australia, after the nominees testified and answered questions in their own behalf. Mr. Schieffer was introduced by Senators Hutchison and Gramm.

## ENTERTAINMENT RATINGS SYSTEM

*Committee on Governmental Affairs:* Committee concluded hearings to examine the current entertainment ratings system, focusing on evaluation of the criteria and standards for the ratings, accusations of leniency, the potential need for independent judgment, and improvement of the ratings in order to provide parents and consumers with accurate information in a manner that is accessible, simple, reliable, and responsive, after receiving testimony from Senator Brownback; Dale Kunkel, University of California Department of Communications, Santa Barbara; Roger Pilon, Cato Institute Center for Constitutional Studies, Douglas Lowenstein, Interactive Digital Software Association, Doug McMillon, Wal-Mart Stores, Inc., Hilary Rosen, Recording Industry Association of America, and Jack Valenti, Motion Picture Association of America, all of Washington, D.C.; Michael Rich, Harvard Medical School/Children's Hospital, Boston, Massachusetts; William Baldwin, Creative Coalition, New York, New York; and Laura Smit, Columbia, Maryland.

## WHISTLEBLOWER PROTECTION ACT

*Committee on Governmental Affairs:* Subcommittee on International Security, Proliferation and Federal Services concluded hearings on S. 995, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, and provide certain authority for the Special Counsel, after receiving testimony from Senator Grassley; Elaine D. Kaplan, Special Counsel, Office of Special Counsel; Beth S. Slavet, Chairman, Merit Systems Protection Board; and Thomas M. Devine, Government Accountability Project, Washington, D.C.

## GENETIC RESEARCH

*Committee on Health, Education, Labor, and Pensions:* Committee held hearings on S. 318, to prohibit discrimination on the basis of genetic information with respect to health insurance, and related genetics research issues regarding employment discrimination and prevention of disclosure of genetic information to third parties, receiving testimony from Senator Daschle; Francis S. Collins, Director, National Human Genome Research Institute, National Institutes of Health, Department of Health and Human Services; Kathleen Zeitz, Omaha, Nebraska, on behalf of the National Breast Cancer Coalition; and David Escher, Burlington Northern Santa Fe Railroad, McCook, Nebraska, on behalf of the Brotherhood of Maintenance of Way Employees.

Hearings recessed subject to call.

## INDIAN GAMING REGULATORY ACT

*Committee on Indian Affairs:* Committee held oversight hearings on the implementation of the Indian Gaming Regulatory Act, focusing on the current status of tribal gaming operations, the growth in the Indian gaming industry, the extent to which gaming is being conducted by tribal governments, and the regulatory framework for Indian gaming, receiving testimony from M. Sharon Blackwell, Deputy Commissioner of Indian Affairs, Bureau of Indian Affairs, Department of the Interior, who was accompanied by an associate; Montie R. Deer, Chairman, Elizabeth Homer, Vice-Chair, and Teresa Poust, Commissioner, all of the National Indian Gaming Commission; Ernest L. Stevens, Jr., National Indian Gaming Association, Washington, D.C.; Keller George, United South and Eastern Tribes, Inc., Nashville, Tennessee; Daniel J. Tucker, California Nations Indian Gaming Association, Sacramento; David LaSarte, Arizona Indian Gaming Association, Phoenix; and Tracy Burris, Oklahoma Indian Gaming Association, Norman.

Hearings recessed subject to call.

## DAIRY CONSUMERS

*Committee on the Judiciary:* Committee concluded hearings on S. 1157, to reauthorize the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern

Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact, after receiving testimony from Massachusetts Commissioner of Agriculture Jonathon L. Healy, Boston; North Carolina State Representative Harold Brubaker, Asheboro; former Massachusetts State Senator Lois G. Pines, Newton; Daniel Smith, Northeast Dairy Compact Commission, Montpelier, Vermont; Grover G. Norquist, Americans for Tax Reform, Washington, D.C.; Stephen H. Burrington, Conservation Law Foundation, Boston, Massachusetts; Burt Neuborne, New York University School of Law, New York City; James F. Beatty, Louisiana State University, Franklinton; and Richard Gorder, Mineral Point, Wisconsin, on behalf of the Wisconsin Farm Bureau Federation.

**CYBERCRIME**

*Committee on the Judiciary:* Subcommittee on Technology, Terrorism, and Government Information concluded oversight hearings to examine the General Accounting Office report entitled "Critical Infrastructure Protection: Significant Challenges in Developing National Capabilities", focusing on the operation of the National Infrastructure Protection Center and the fight against cybercrime, after receiving testimony from Ronald L. Dick, Director, National Infrastructure Protection Center, Federal Bureau of Investigation, Department of Justice; Robert F. Dacey, Director, Information Security Issues, General Accounting Office; Sallie McDonald, Assistant Commissioner, Office of Information Assurance and Critical Infrastructure Protection, Federal Technology Service, General Services Administration; James A. Savage, Jr., Deputy Special Agent in Charge, Financial Crimes Division, United States Secret Service, Department of the Treasury; Michehl R. Gent, North American Electric Reliability Council, Princeton, New Jersey; and Christopher Klaus, Internet Security Systems, Inc., Atlanta, Georgia, on behalf of the Information Technology Association of America.

# House of Representatives

## *Chamber Action*

**Bills Introduced:** 25 public bills, H.R. 2621–2645; and 7 resolutions, H.J. Res. 58; H. Con. Res. 197–200, and H. Res. 207–208, were introduced.

**Pages H4633–34**

**Reports Filed:** Reports were filed as follows:

H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002 (H. Rept. 107–159).

H.R. 2436, to provide secure energy supplies for the people of the United States, amended (H. Rept. 107–160, Pt. 1);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2002 (H. Rept. 107–161);

H.R. 2587, to enhance energy conservation, provide for security and diversity in the energy supply for the American people, amended (H. Rept. 107–162, Pt. 1); and

H. Res. 209, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 107–163). **Page H4633**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Rev. Thomas A. Cappelloni, Holy Name of Jesus Parish of Scranton, Pennsylvania.

**Page H4545**

**Treasury and General Government Appropriations, 2002:** The House passed H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, by a yea-and-nay vote of 334 yeas to 94 nays, Roll No. 274.

**Pages H4553–H4622**

Agreed To:

Istook amendment that consolidates appropriations for various accounts within Title III, Executive Office of the President; **Pages H4570–71**

Collins amendment that makes available $14 million from the Federal Buildings Fund for a National Archives and Records Administration building in Georgia; **Pages H4588–89**

Traficant amendment No. 6 printed in the Congressional Record of July 24 that prohibits funds to any person or entity that have been convicted of violating the Buy American Act; **Pages H4589–90**

Frank amendment that prohibits payments to persons in positions which he or she has been nominated after the Senate has voted not to approve the nomination; **Pages H4590–92**

Sanders amendment that prohibits the release of merchandise for which the United States Customs Service has a detention order on the basis that it was made by forced or indentured child labor;

**Pages H4593–94**

Flake substitute amendment to the Smith of New Jersey amendment No. 5 printed in the Congressional Record that prohibits funding to administer the Cuban Assets Control Regulations with respect to any travel or travel related transaction (agreed to by a recorded vote of 240 ayes to 186 noes, Roll No. 270); and **Pages H4599–H4604, H4607**

Smith of New Jersey amendment No. 5 printed in the Congressional Record of July 24, amended, that prohibits funding to administration of the Cuban Assets Control Regulations with respect to any travel or travel related transaction (the Smith amendment as originally offered prohibited the funding only after the President had certified that the Cuban government had released political prisoners and returned to United States jurisdiction all persons residing in Cuba who are sought for crimes of air piracy, narcotics trafficking, or murder.

**Pages H4598–H4604, H4607**

Rejected:

Inslee amendment No. 9 printed in the Congressional Record of July 24 that sought to strike section 634 that consolidates the vice presidential residence utility costs at the Naval Observatory with other activities of the Department of the Navy (rejected by a recorded vote of 141 ayes to 285 noes, Roll No. 268); **Pages H4577–86, H4595**

Hinchey amendment that sought to strike section 635 that allows the donation of food and beverages for official events at the vice presidential residence (rejected by a recorded vote of 151 ayes to 274 noes, Roll No. 269); **Pages H4586–88, H4595–96**

Wynn amendment that sought to prohibit funding to initiate the process of contracting out, outsourcing, privatizing, or converting any Federal Government services in contravention of Public Law 105–270, Federal Activities Inventory Reform Act of 1998; **Pages H4596–98**

Rangel amendment No. 7 printed in the Congressional Record that sought to prohibit funding to implement, administer, or enforce the economic embargo of Cuba except for provisions that relate to the denial of foreign tax credits or the implementation of the Harmonized Tariff Schedule of the United

States (rejected by a recorded vote of 201 ayes to 227 noes, Roll No. 271); **Pages H4604–07, H4607–08**

Traficant amendment that sought to prohibit bonus or incentive payments to senior officials of the Internal Revenue Service (rejected by a recorded vote of 24 ayes to 401 noes, Roll No. 272); and **Pages H4608–09, H4620–21**

Filner amendment that sought to prohibit funding to implement the final report of the President's Commission to Strengthen Social Security (rejected by a recorded vote of 188 ayes to 238 noes, Roll No. 273). **Pages H4614–20, H4621**

Withdrawn:

Weldon of Florida amendment No. 4 printed in the Congressional Record of July 23 was offered but subsequently withdrawn that sought to prohibit the implementation of proposed IRS regulations that require banks to report the deposit interest paid to nonresident aliens; and **Pages H4592–93**

Hastings of Florida amendment No. 8 printed in the Congressional Record was offered but subsequently withdrawn that sought to increase funding for the Federal Election Commission by $600 million to assist state and local governments update their voting systems with offsets from an across the board reduction to all discretionary accounts. **Pages H4610–14**

Point of Order Sustained Against:

Kucinich amendment No. 4 printed in the Congressional Record of July 24 that sought to establish a commission to oppose the privatization of Social Security. **Pages H4567–68**

By voice vote, rejected the Obey motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. **Pages H4583–84**

H. Res. 206, the rule that provided for consideration of the bill was agreed to by voice vote. Agreed to order the previous question by a yea-and-nay vote of 293 yeas to 129 nays, Roll No. 267. **Pages H4549–53**

**Suspension—ILSA Extension Act of 2001:** The Chair postponed further proceedings on the motion to suspend the rules and pass H.R. 1954, amended, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, debated on Tuesday, July 24 until Thursday, July 26. **Page H4622**

**Committee Election:** The House agreed to H. Res. 207, electing Representative Larsen of Washington to the Committee on Armed Services. **Page H4622**

**Consideration of Joint Resolution Disapproving the Extension of Normal Trade Relations Treatment to Vietnam:** Agreed that it be in order at any time on July 25, 2001, or any day thereafter, to consider in the House H.J. Res. 55, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; that it be considered read; that all points of order be waived; that it be debatable for 1 hour, equally divided and controlled by the Chairman of the Committee on Ways and Means in opposition and a Member in support of the joint resolution, that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered to final passage without intervening motion; and that the provisions of section 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder of the first session of the One Hundred Seventh Congress. **Pages H4622–23**

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages 4635–37.

**Quorum Calls—Votes:** Two yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages H4552–53, H4595, H4595–96, H4607, H4608, H4620–21, H4621, and H4622. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 10:20 p.m.

# *Committee Meetings*

## MEDICARE: THE NEED FOR REFORM

*Committee on the Budget:* Held a hearing on Medicare: The Need for Reform. Testimony was heard from the following officials of the GAO: David M. Walker, Comptroller General; and William J. Scanlon, Director-Health Care Issues; Ruben Jose King-Shaw, Deputy Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Financial Services:* Ordered reported the following bills: H.R. 2510, Defense Production Act Amendments of 2001; and H.R. 2589, Office of Multifamily Housing Assistance Restructuring Extension Act of 2001.

## MISCELLANEOUS MEASURES

*Committee on Government Reform:* Ordered reported the following measures: H. Res. 125, expressing the sense of the House of Representatives that the National Capital Planning Commission should adopt a plan that permanently returns Pennsylvania Avenue to the use of residents, commuters, and visitors to the Nation's capital and that protects the security of the people who live and work in the White House, and that the President should adopt and implement

such a plan; H.R. 1499, District of Columbia College Access Act Technical Corrections Act of 2001; H.R. 2061, to amend the charter of Southeastern University of the District of Columbia; H.R. 2199, District of Columbia Police Coordination Amendment Act of 2001; H.R. 2291, to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute; H.R. 2456, to provide that Federal employees may retain for personal use promotional items received as a result of travel in the course of employment; and H.R. 2559, to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

### MISCELLANEOUS MEASURES

*Committee on International Relations:* Ordered reported H.R. 2602, to extend the Export Administration Act until November 20, 2001.

The Committee also favorably considered and adopted a motion urging the Chairman to request that H. Con. Res. 178, concerning persecution of Montagnard peoples in Vietnam, be considered on the Suspension Calendar.

### DAYTON ACCORDS

*Committee on International Relations:* Held a hearing on the Dayton Accords: A View From the Ground. Testimony was heard from public witnesses.

### CONSERVATION AND REINVESTMENT ACT

*Committee on Resources:* Ordered reported, as amended, H.R. 701, Conservation and Reinvestment Act.

### SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

*Committee on Rules:* Granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applies the waiver to a special rule reported on the legislative day of Thursday, July 26, 2001, providing for consideration or disposition of H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002.

### VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

*Committee on Rules:* Held a hearing on H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 2002. Testimony was heard from Representatives Walsh, Mollohan, Obey, Bishop, and Jackson-Lee of Texas.

### BIENNIAL BUDGETING

*Committee on Rules:* Subcommittee on Legislative and Budget Process held a hearing on Biennial Budgeting. Testimony was heard from Representatives Bass, Luther, Hobson, Knollenberg, Price of North Carolina and Barton of Texas; Mitchell E. Daniels, Director, OMB; and public witnesses.

### REDUCING REGULATORY AND PAPERWORK BURDENS ON SMALL HEALTHCARE PROVIDERS

*Committee on Small Business:* Held a hearing entitled "Reducing Regulatory and Paperwork Burdens on Small Healthcare Providers: Proposals from the Executive Branch." Testimony was heard from the following officials of the Department of Health and Human Services: Thomas Scully, Administrator, Centers for Medicare and Medicaid Services; and George Grob, Deputy Inspector General; and John Graham, Administrator, Office of Information and Regulatory Affairs, OMB.

### AMTRAK AND HIGH SPEED RAIL—CURRENT STATUS AND FUTURE PROSPECTS

*Committee on Transportation and Infrastructure:* Subcommittee on Railroads held a hearing on Current Status and Future Prospects of Amtrak and High Speed Rail. Testimony was heard from Kenneth Mead, Inspector General, Department of Transportation; JayEtta Hecker, Director, Physical Infrastructure Team, GAO; George Warrington, President and CEO, National Railroad Passenger Corporation (AMTRAK); and public witnesses.

### INTELLIGENCE BUDGET ISSUES

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on Intelligence Budget Issues. Testimony was heard from departmental witnesses.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST *of July 10, 2001, p. D678)*

H.R. 2216, making supplemental appropriations for the fiscal year ending September 30, 2001. Signed on July 24, 2001. (Public Law 107–20)

## COMMITTEE MEETINGS FOR THURSDAY, JULY 26, 2001

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Special Committee on Aging:* to hold hearings to examine Medicare enforcement actions focusing on the federal governments anti-fraud efforts, 10 a.m., SD–124.

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings on the nomination of Hilda Gay Legg, of Kentucky, to be Administrator, Rural Utilities Service, and the nomination of Mark Edward Rey, of the District of Columbia, to be Under Secretary for Natural Resources and Environment and to be a Member of the Board of Directors of the Commodity Credit Corporation, both of the Department of Agriculture; to be followed by a business meeting to consider pending calendar business, 10:30 a.m., SR328A.

*Committee on Appropriations:* business meeting to mark up proposed legislation making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002; and making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, 3 p.m., S–128, Capitol.

*Committee on Banking, Housing, and Urban Affairs*: to hold hearings to examine the problem, impact, and responses of predatory mortgage lending practices, 10 a.m., SD–538.

Full Committee, to hold hearings on the nomination of Linda Mysliwy Conlin, of New Jersey, to be Assistant Secretary of Commerce for Trade and Development; the nomination of Michael J. Garcia, of New York, to be Assistant Secretary of Commerce for Export Enforcement; the nomination of Melody H. Fennel, of Virginia, to be Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Relations; and the nomination of Michael Minoru Fawn Liu, of Illinois, to be Assistant Secretary of Housing and Urban Development for Public; and Indian Housing and the nomination of Henrietta Holsman Fore, of Nevada, to be Director of the Mint, Department of the Treasury, 2:30 p.m., SD–538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine chemical harmonization issues, 9 a.m., SR–253.

*Committee on Energy and Natural Resources:* to continue hearings on legislative proposals relating to comprehensive electricity restructuring legislation, including electricity provisions of S. 388, the National Energy Security Act; S. 597, the Comprehensive and Balanced Energy Policy Act; and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress, 9:45 a.m., SH–216.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 423, to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon''; S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area; S. 1057, to authorize the addition of lands to Pu'uhonua o Honaunau National Historical Park in the State of Hawaii; S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park; and H.R. 640, to adjust the boundaries of Santa Monica Mountains National Recreation Area, 2:45 p.m., SD–366.

*Committee on Environment and Public Works:* to hold hearings to examine the environmental and public health impacts of power plant emissions, 9:30 a.m., SD–406.

*Committee on Finance:* business meeting to consider S. 643, to implement the agreement establishing a United States-Jordan free trade area; and to consider an original committee resolution calling for an investigation of the importation of certain steel products, 10 a.m., SD–215.

*Committee on Foreign Relations:* business meeting to consider proposed legislation entitled ''Foreign Relations Authorization Act'', fiscal year 2002 and 2003; S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; the nomination of Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark; the nomination of Sue McCourt Cobb, of Florida, to be Ambassador to Jamaica; the nomination of Russell F. Freeman, of North Dakota, to be Ambassador to Belize; the nomination of Michael E. Guest, of South Carolina, to be Ambassador to Romania; the nomination of Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden; the nomination of Thomas J. Miller, of Virginia, to be Ambassador to Greece; the nomination of Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan; the nomination of Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States; the nomination of Jim Nicholson, of Colorado, to be Ambassador to the Holy See; and the nomination of Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, 11 a.m., SD–419.

*Committee on Governmental Affairs:* to hold hearings on the nomination of Lynn Leibovitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, 9:30 a.m., SD–342.

*Committee on the Judiciary:* business meeting to consider S. 778, to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; S. 754, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes; S. 1099, to

increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants; the nomination of Asa Hutchinson, of Arkansas, to be Administrator of Drug Enforcement, and the nomination of James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization, both of the Department of Justice, 10 a.m., SD–226.

## House

*Committee on Agriculture,* to consider the Farm Bill, 10 a.m., 1300 Longworth.

*Committee on Appropriations,* to mark up the Legislative Branch appropriations for fiscal year 2002,10 a.m., 2359 Rayburn.

*Committee on Armed Services,* Special Oversight Panel on the Merchant Marine, to consider recommendations to H.R. 2586, National Defense Authorization Act for Fiscal Year 2002, 9 a.m., 2216 Rayburn.

Special Oversight Panel on Morale, Welfare and Recreation, to consider recommendations to H.R. 2586, National Defense Authorization Act for Fiscal Year 2002, 10 a.m., 2212 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Commerce, Trade and Consumer Protection, hearing on "How Do Businesses Use Customer Information: Is the Customer's Privacy Protected?" 9:30 a.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled "Medicare Modernization: Examining the President's Framework for Strengthening the Program," 9:15 a.m., 2123 Rayburn,

*Committee on Financial Services,* Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "Market Data II: Implications to investors and market transparency of granting ownership rights over stock quotes," 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Viewpoints of Select Regulators on Deposit Insurance Reform," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* Subcommittee on Census, hearing on American's Abroad, How Can We Count Them? 1:30 p.m., 2247 Rayburn.

Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, "Oversight hearing on the Department of Defense's Illegal Manipulation of Appropriated Funds," 10 a.m., 2154 Rayburn.

*Committee on International Relations,* Subcommittee on East Asia and the Pacific, hearing on U.S.-Korea Relations after the Policy Review, 10 a.m., 2200 Rayburn.

Subcommittee on Middle East and South Asia, hearing on U.S. Policy Towards the Palestinians-Part I, 10 a.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 2522, Federal Courts Improvement Act of 2001, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, hearing and markup of H.R. 2621, Consumer Product Protection Act of 2001, 2 p.m., 2237 Rayburn.

*Committee on Resources,* Subcommittee on Forests, and Forest Health, hearing on the following bills: H.R. 1576, James Peak Wilderness, Wilderness Study, and Protection Area Act; and H.R. 1772, to provide for an exchange of certain property between the United States and Ephraim City, Utah, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 2385, Virgin River Dinosaur Footprint Preserve Act; and H.R. 2488, to designate certain lands in the Pilot Range in the State of Utah as wilderness, 2 p.m., 1334 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 1985, Short-Term and Long-Term California Water Security; and H.R. 2404, California Water Quality and Reliability Act of 2001, 2 p.m., 1324 Longworth.

*Committee on Science,* Subcommittee on Environment, Technology and Standards, hearing on Combating the Invaders: Research on Non-Native Species, 11 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation, oversight hearing on the Competitiveness of the U.S. Aircraft Manufacturing Industry, 10 a.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, executive, oversight hearing on Drug Interdiction, 2 p.m., 2167 Rayburn.

*Committee on Ways and Means,* to mark up the following measures: H.J. Res. 51, approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam; and H.R. 2603, United States-Jordan Free Trade Area Implementation Act of 2001, 2 p.m., 1100 Longworth.

Subcommittee on Social Security, hearing on Misleading Mailings Targeted to Seniors, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence,* executive, hearing on Counternarcotics Issues, 1:30 p.m., H–405 Capitol.

*Next Meeting of the* **SENATE**

**12 noon, Thursday, July 26**

**Senate Chamber**

**Program for Thursday:** Senate will continue consideration of H.R. 2299, Department of Transportation and Related Agencies Appropriations Act, with a vote on the motion to close further debate on Amendment No. 1025 to occur at 1 p.m.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**10 a.m., Thursday, July 26**

**House Chamber**

**Program for Thursday:** Consideration of H.J. Res. 55, Disapproving Normal Trade Relations with Vietnam (unanimous consent, 1 hour of debate); and

Consideration of H.R. 2620, VA/HUD Appropriations Act for Fiscal Year 2002 (Subject to a Rule).

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