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# *House of Representatives*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*November 27, 2001.*

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Gracious and living God, we praise You and bless You for faith, family, and friends. We are blessed to be part of this Nation which annually turns to You on Thanksgiving to acknowledge Your history of blessings on these United States.

We have been blessed again this year to have celebrated this feast with table companions who are dear to us, and whom we count as one of Your blessings.

Now that Members have returned to the work of this 107th Congress, we ask You to guide them in their deliberations. May the gracious attitude of the recent holiday descend upon this House so that everyone may be a blessing to one another in spoken wisdom and listening and in friendship.

In gratitude to You for serving the people of this Nation all find a commonality that supersedes differences. Make all the Members of Congress grateful for Your calling them to serve here, now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN 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.

## LET THE PEOPLE INTO THE WHITE HOUSE AND THEIR U.S. CAPITOL

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

Ms. NORTON. Madam Speaker, I want to welcome my colleagues back after the Thanksgiving recession. While they were gone, Christmas almost got canceled; but this morning, there is a reversal of the Secret Service decision to close the National Christmas Tree lighting to the public, I believe because the White House intervened. I very much appreciate it, if that is what happened.

With a little more thought, the White House could reverse the decision to deny access to the beautiful Christmas tree decorations in the White House itself. For example, if people were to leave their Social Security numbers ahead of time, as visitors do now, we could give at least some access.

The House needs to follow suit and begin tours of the Capitol again. This, too, is not rocket science. It is particularly inappropriate for the people's House to continue to deny access. Let us resume the Christmas spirit that has always been a part of the Nation's Capitol, and especially of the people's House. Let the people into this House and into this Capitol.

**NOTICE**

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Michael F. DiMario, *Public Printer*

## RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The Speaker pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, November 15, 2001.*

Hon. J. DENNIS HASTERT,
*The Office of the Speaker,*
*Capitol, Washington, DC.*

DEAR DENNY: I am writing to inform you that February 15, 2002 has been set in Oklahoma as the date for my resignation from Congress. I am pleased to report that the Oklahoma legislature recently passed a law that will ensure that Oklahoma's 1st Congressional District will not go unrepresented as I make the transition to a full-time campaign for governor. The law required that I make my intent to resign irrevocable, which I have communicated to Oklahoma's Secretary of State.

Serving in the House of Representatives has been one of the greatest honors and challenges of my life. I want to thank you for your leadership, your steadfastness in the pursuit of our ideals, and for your friendship during the past few years. While I will miss working alongside my colleagues in Congress, I am eager to fight for the principles our party stands for as the next governor of Oklahoma.

Please do not hesitate to contact me or my chief of staff, Mike Willis, if you have any questions regarding this transition.

Sincerely,

STEVE LARGENT,
*Member of Congress.*

Enclosure.

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HOUSE OF REPRESENTATIVES,
*Washington, DC, October 26, 2001.*

Hon. MIKE HUNTER,
*Oklahoma Secretary of State,*
*Oklahoma City, OK.*

DEAR SECRETARY HUNTER: Pursuant to enrolled Senate Bill Number 7X, enacted and signed by the Governor this week during the first extraordinary session of the 48th Legislature, please accept this letter as official notice of my resignation as Congressman of the First District of Oklahoma. This resignation is irrevocable and shall become effective on February 15, 2002.

My decision to leave was made after much prayer and consideration for the constituents I now serve. It has been an honor and a privilege to have served as the Representative for the people of the First District.

Sincerely,

STEVE LARGENT,
*Member of Congress.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after debate has concluded on motions to suspend the rules, but not before 6:30 p.m. today.

Any record vote, if ordered, on a concurrent resolution expressing the gratitude of the House of Representatives to the General Accounting Office and its employees will be taken tomorrow.

## AFGHAN WOMEN AND CHILDREN RELIEF ACT OF 2001

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1573) to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

The Clerk read as follows:

S. 1573

*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 ''Afghan Women and Children Relief Act of 2001''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) In Afghanistan, Taliban restrictions on women's participation in society make it nearly impossible for women to exercise their basic human rights. The Taliban restrictions on Afghan women's freedom of expression, association, and movement deny women full participation in society and, consequently, from effectively securing basic access to work, education, and health care.

(2) Afghanistan has one of the highest infant (165 of 1000) and child (257 of 1000) mortality rates in the world.

(3) Only 5 percent of rural and 39 percent of urban Afghans have access to safe drinking water.

(4) It is estimated that 42 percent of all deaths in Afghanistan are due to diarrheal diseases caused by contaminated food and water.

(5) Over one-third of Afghan children under 5 years of age suffer from malnutrition, 85,000 of whom die annually.

(6) Seventy percent of the health care system in Afghanistan is dependent on foreign assistance.

(7) As of May 1998, only 20 percent of hospital medical and surgical beds dedicated to adults were available for women, and thousands of Afghan women and girls are routinely denied health care.

(8) Women are forbidden to leave their homes without being escorted by a male relative. This prevents many women from seeking basic necessities like health care and food for their children. Doctors, virtually all of whom are male, are also not permitted to provide certain types of care not deemed appropriate by the Taliban.

(9) Before the Taliban took control of Kabul, schools were coeducational, with women accounting for 70 percent of the teaching force. Women represented about 50 percent of the civil service corps, and 40 percent of the city's physicians were women. Today, the Taliban prohibits women from working as teachers, doctors, and in any other occupation.

(10) The Taliban prohibit girls and women from attending school. In 1998, the Taliban ordered the closing of more than 100 privately funded schools where thousands of young women and girls were receiving education and training in skills that would have helped them support themselves and their families.

(11) Of the many tens of thousands of war widows in Afghanistan, many are forced to beg for food and to sell their possessions because they are not allowed to work.

(12) Resistance movements courageously continue to educate Afghan girls in secrecy and in foreign countries against Taliban law.

**SEC. 3. AUTHORIZATION OF ASSISTANCE.**

(a) IN GENERAL.—Subject to subsection (b), the President is authorized, on such terms and conditions as the President may determine, to provide educational and health care assistance for the women and children living in Afghanistan and as refugees in neighboring countries.

(b) IMPLEMENTATION.—(1) In providing assistance under subsection (a), the President shall ensure that such assistance is provided in a manner that protects and promotes the human rights of all people in Afghanistan, utilizing indigenous institutions and nongovernmental organizations, especially women's organizations, to the extent possible.

(2) Beginning 6 months after the date of enactment of this Act, and at least annually for the 2 years thereafter, the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives describing the activities carried out under this Act and otherwise describing the condition and status of women and children in Afghanistan and the persons in refugee camps while United States aid is given to displaced Afghans.

(c) AVAILABILITY OF FUNDS.—Funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38), shall be available to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as Chair of the Subcommittee on International Operations and Human Rights, and as an original cosponsor of the House companion, I rise in support of the Afghan Women and Children Relief Act of 2001.

In 1996, a heavy shroud was placed on the people of Afghanistan when the Taliban captured Kabul. From that moment onward, the Taliban took the peaceful and sacred scriptures of the Holy Koran and distorted them into a rulebook of terror.

Through their creation of the Department for Promotion of Virtue and the Prevention of Vice, the Taliban enforced a perverse rendition of Islam which gruesomely joined prayer with the barbaric practices of beatings, torture, rape, and executions.

But the Taliban's brutality and blatant disregard for the lives and well-being of the Afghan people was perhaps most clearly evident among half of its population, the women of Afghanistan, who bear the deepest scars.

Made widows and orphans by the will of the Taliban, the same women who

once made up 50 percent of Afghanistan's doctors, nurses, teachers, college students, and diplomats, have been made destitute, sick, and marginalized.

The Taliban further banned them from receiving any education past the age of 8, for which the curriculum was limited to the Taliban's corrupted version of the Koran. In the year 2000, the United Nations educational, scientific, and cultural organization estimated that as few as 3 percent of Afghan girls were receiving primary education.

The gender adviser to the U.N. in Afghanistan further reported that female literacy was approximately 4 percent versus 30 percent for males.

Women in Afghanistan were further alienated by the denial of proper medical treatment. They could only be treated by male doctors in certain hospitals; and when allowed to be treated, the male doctor was prohibited from examining her unless she was fully clothed in Taliban-approved garb.

Further, the doctor could not touch her, thus limiting the possibility of any medical diagnosis or meaningful treatment.

Throughout, the indomitable will and courage of Afghan women have helped them endure these most deplorable circumstances. While the end of the Taliban's oppressive rule is now palpable, the struggle of Afghan women to save themselves and their children from disease and starvation, their hope for a future for peace, freedom, and democracy continues.

How can we discuss the future of Afghanistan without first addressing the humanitarian crisis which engulfs its people? We cannot. How can we talk about reconstruction when half of its population, its women, have been marginalized, and when many of its future leaders, the children of Afghanistan, barely survive past the age of 5?

This bill seeks to address these grave concerns. The legislation before us today is about helping to save lives by focusing U.S. assistance on providing basic medical care to the women and children inside Afghanistan and those living in refugee camps outside their beleaguered country.

This bill is about helping to secure a future of hope and prosperity for women and children by calling on the President to provide educational assistance for these two critical sectors of Afghan society. It lays the groundwork for democratic principles, as it requires the protection and promotion of human rights for all the people of Afghanistan.

It builds on the ingenuity and the courage of the Afghan population by recommending that institutions and nongovernmental organizations, especially women's organizations, be used to the extent possible.

The U.S. and the international community should invest in these efforts, as they can afford the greatest access to those who are suffering the most.

The value and importance of using indigenous women's organizations is perhaps best reflected in the health sector. In the refugee camps of Pakistan, for example, most medical assistance is provided by the Pakistan directorate for health.

However, in instances where camp-based medical units are operating, women's access is restricted due to the transportation problems and cultural restrictions on mobility which require that women be escorted by a male relative, among many other restrictions. As a result, there have been frequent complaints from Afghan women about the quality of the services provided.

Immediately, Afghan women NGOs began to work on filling the gaps from multiple angles, running small clinics and providing mothers and children with basic medical assistance so they may live long and healthy lives.

□ 1415

This is what the bill that we are considering today supports, Madam Speaker.

The legislation also acknowledges and supports the impressive work of Afghan women's groups in filling the educational void created by the Taliban's oppressive and discriminatory practices against women. Several women-led organizations have established and are operating home schools to afford this forgotten and marginalized sector of Afghan society with the opportunities denied to them by the Taliban and their perverse interpretation of Islam. Many are involved in the provisions of education within the refugee context and running schools in the camps, adult literacy classes, and English language training.

Indeed, Afghan women's groups are not novices to humanitarian response activities. Beginning with the decade-long Soviet occupation of their country, more and more Afghan women's organizations have emerged to address a variety of needs, particularly in the areas of medical care, education and, in recent years, trauma counseling and rights awareness.

Throughout the years they have refined their skills and gained expertise through working in United Nations' agencies as administrative staff and as implementers of assistance programs both inside and outside of Afghanistan. Some examples include UNICEF projects as well as refugee resettlement protection programs with the Office of U.N. High Commissioner for Refugees.

Afghan women and groups that they lead have also entered into symbiotic relationships with international NGOs as implementers of their programs, programs such as CARE's widow's feeding program in Kabul and Action Contre La Faim's programs for malnourished children in many locations.

These are the types of activities that this bill supports, activities which, in turn, are vital to the welfare of Afghan women and children; activities which, in turn, will help ensure that women will be prepared to actively participate in the future of their country.

This bill is about relief and survival. It is about life.

As Surah 5 of the holy Koran reads, ''He who wrongfully slays another would be as if he slew the whole people; and if any one save a life, it would be as if he saved the life of the whole people.''

The Congress of the United States must act to save one life at a time and, by that, do what we can to help save the people of Afghanistan. We can begin by rendering our full support to the legislation before us today.

Madam Speaker, I reserve the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of this bill. We are well aware of the horrendous treatment that women have received in Afghanistan under the Taliban rule. The Taliban restrictions on women's participation in society have made it nearly impossible for women to exercise their basic human rights. Women have essentially been prevented from securing basic access to work, education and health care. These restrictions on women also prevented them from adequately providing and caring for their children.

It will come as no surprise to anyone in this Chamber that, after 2 decades of conflict and 6 years of Taliban rule, Afghanistan has one of the highest infant and child mortality rates in the world. Only 5 percent of rural and one-third of urban Afghans have access to safe drinking water. Over one-third of Afghan children under 5 years of age suffer from malnutrition; 85,000 die annually.

During the years of Taliban rule in Afghanistan, women were not made to feel subservient. It is far more insidious than that. Women were made invisible. They became non-people.

Any woman can endure this for herself, but not to be able to protect your children, to see them go without food and watch their small bodies shrivel up and die, to see them sick and suffering and not being able to provide medicine or medical attention to heal them and save them, to watch their young minds atrophy for lack of an education, this is too much for any woman to bear.

Madam Speaker, this bill takes a significant first step to ensure that, as we move forward in helping the people of Afghanistan reclaim their lives and rebuild their society, that we give particular emphasis to the needs of women and children. I am sure that everyone who rejoiced at the sight of women lifting off their veils, men shaving their beards and children dancing to music in the streets of Kabul just 2 weeks ago will also understand the symbolic importance of this legislation.

H.R. 1573 sends an important message to the women and children of Afghanistan, and I hope all of my colleagues will support it.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 5 minutes to the sponsor of the legislation, the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Madam Speaker, I thank my friend, the gentlewoman from Florida, for yielding me time and for her hard work and dedication to this issue. I would also like to thank my good friend, the gentlewoman from Illinois (Mrs. BIGGERT), for all of her work and assistance on this bill, along with the gentleman from Illinois (Chairman HYDE) for his help.

Madam Speaker, I rise in the strongest support for the Afghan Women and Children Relief Act. This legislation authorizes our President to use funding from the 2001 Emergency Supplemental under such terms and conditions as he may decide to provide health and educational assistance to the women and children of Afghanistan.

As we all know, the plight of women and children under the ruling Taliban regime and their terrorist allies has been dire. As recognized by this legislation, Taliban restrictions on women's participation in society made it nearly impossible for women to exercise their basic human rights. The restrictions on Afghan women's freedom of expression, association and movement denied women full participation in society and, consequently, kept them from effectively securing basic access to work, education and even health care.

Under Taliban rule, women were beaten and in some cases shot for simply leaving their homes unaccompanied, even if only to seek medical attention for a sick child. The heavy suffering of Afghan women has been unthinkable and immeasurable. As described by one Afghan woman, the owner of a secretly run beauty shop, ''It was like being in prison,'' she said. ''We had no life. We were not people.''

Madam Speaker, there is a tide in the course of human history. Taken at its height it can lead to progress, to advancement, to success; but missed it can leave any cause trapped in shallow water. Therefore, we must act with haste and determination when the current moves and the water is deep with opportunity. Madam Speaker, the current is moving.

The tide of history is nearing a peak moment in Afghanistan, and this legislation provides the tools to respond.

The Taliban, along with their record of brutal oppression, are being driven out of the country and out of power, and women have already begun to emerge from beneath their burkas. They are awakening to what I deeply hope will be a new day. There has rarely been a more important moment, a more crucial time than this.

While women may be free of the hand of Taliban injustice, we do not know what lies ahead for them. Therefore, at this time of change and uncertainty we must act to give the women of Afghanistan hope and to help them reclaim their dignity, respect and, ultimately, their right and equal place in society.

Life for women before the Taliban stands in stark contrast to the last 5 years. Over time, the drive towards greater rights for women was moving forward. In the 1920s, Afghan women received the right to vote; and in the 1960s, the Afghan constitution recognized their equality.

By the early 1990s, in Kabul, women represented 70 percent of schoolteachers, 50 percent of government workers and 50 percent of doctors. To say the very least, the cause of women's rights in Afghanistan suffered a major setback under Taliban rule.

President Bush and the First Lady have recognized the dire plight of Afghan women. The administration is already taking steps to cast light on the evil that has been done to Afghan women and has spoken out in favor of giving women a voice in their new government, along with the right to economic freedom.

Congress must do its part in this important effort by giving the President the resources to help these women recover from the years of abuse they have suffered. This means providing most basic health care and educational assistance, which will authorize the President over the next 3 years to provide targeted funding to aid organizations already on the ground. Through our work, we can help Afghan women to regain their footing.

Madam Speaker, we may never be able to understand why the Taliban chose a path of such brutality and oppression. It certainly does not come from Islam, which teaches peace and respects human rights. In fact, in many other parts of the Muslim world, women play important roles as doctors, teachers, journalists, lawyers, diplomats and other professionals. It is not the Muslim religion which has oppressed women in Afghanistan. It is hate, fear and the injustice of the Taliban.

After the Taliban began their retreat, one woman who was among the first women to read the news at Radio Afghanistan burned her burka. She said, ''Now I see the sunlight, and it is so beautiful.'' Madam Speaker, all the women of Afghanistan deserve to see the sunlight. Let us play our part by passing important legislation.

Ms. BERKLEY. Madam Speaker, I yield as much time as she may consume to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentlelady for the recognition and commend her for managing her first bill. How appropriate that the gentlewoman from Nevada (Ms. BERKLEY) would be managing the bill to assist Afghan women, a bill sponsored by women, for women and managed by women, presided over by women.

I commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her excellent statement and leadership and the gentlewoman from Ohio (Ms. PRYCE) for her leadership as the author, along with the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership on this important bill.

I, too, want to join in commending the Bush administration. It was quite a remarkable day when the First Lady of our country, for the very first time maybe, addressed the White House radio address alone on an issue, and how appropriate that that issue would be the plight of Afghan women and the need for there to be more assistance from the United States. Yes, to help with medical and humanitarian assistance but also to ensure that in the government that is formed in Afghanistan that women will have a leadership role and be part of the decision making.

Our colleagues have very clearly spelled out the suffering of the Afghani women during the time of the Taliban regime, and indeed even preceding that girls were not educated fully in Afghanistan. Preceding the takeover by the Taliban, women constituted 70 percent of the teachers in Afghanistan, 50 percent of the government workers, 40 percent of the health professionals; and, of course, with the onset of the Taliban regime they were forbidden from working. Women suffered, girls suffered, but everyone suffered. Who taught the little boys? Because 70 percent of the teachers were women. So everyone in Afghanistan suffered, and everyone in Afghanistan will benefit under the provisions of H.R. 3330 which authorizes educational and health care assistance to the women and children of Afghanistan.

Madam Speaker, I think it is important to note that the United States is the single largest contributor of a huge amount of humanitarian assistance to Afghanistan, and this well preceded September 11, very much preceded September 11.

I was pleased to serve under my ranking member, the gentlewoman from New York (Mrs. LOWEY), and was our former ranking member on the Committee on Foreign Operations with the gentleman from Alabama (Mr. CALLAHAN) as my chairman. He beefed up, I would say, the Child Survival Account, now we call it the Callahan Account, now under the gentleman from Arizona (Mr. KOLBE).

We appreciate this authorization coming as it does. When we go back to do the appropriation for next year, we will be fully armed with the authority to take money as it spells out in the bill from the Child Survival and Health Programs, UNICEF, immunization, safe injections, maternal health, medical equipment, women and development, children's basic education and refugee assistance, and whatever other accounts and amounts might be available under the 2001 Emergency Supplemental Appropriations Act.

One other point I want to make, Madam Speaker, is I think women of America deserve a great deal of commendation because they early on talked about the plight of women in Afghanistan long before September 11.

It is completely appropriate that the Congressional Women's Caucus is taking the lead on this issue. It is a reflection of the mood of our country, as was clearly demonstrated by the willingness of the First Lady to make this her first White House radio address; and how proud we were of her in doing that, as I said before.

□ 1430

But the women of America are the ones who spoke out early and said, look, listen, see what is happening in Afghanistan. It was an early bellwether of awful things to come. So I think this leadership role played by women should be recognized, should be heeded; and one giant step we can take in doing that is to pass H.R. 3330. Again, I commend all my colleagues for their leadership on this.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 4 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), who has been leading the charge on our side on this bill.

Mrs. BIGGERT. Madam Speaker, I appreciate the gentlewoman yielding me this time. As the brutal Taliban regime is coming to an end in Afghanistan, the women and children there need our help. That is why I am proud to support Senate 1573.

For 5 years, the women and children and girls of Afghanistan have been denied medical care and schools have been shuttered. Women have been forced to beg in the streets to feed their children. This bill will provide the much-needed health care and education assistance to begin the long road to recovery.

Afghanistan's women and girls have been singled out by the Taliban for abuse. We have not seen such a state-sponsored systematic program of discrimination and oppression since Nazi Germany or South Africa under apartheid.

A recent State Department report details a shocking story about the shooting of an Afghan woman whose child was in dire need of medical attention. The doctor was across town; and because she did not have a male escort, the woman was prohibited from making the trip to take her child to the doctor. Knowing that without medical care her child could die, the Afghan woman set out to go across town with her child in her arms, but without that male escort. The woman was tragically intercepted by a Taliban officer and shot repeatedly in front of her child.

These and other atrocities will hopefully come to an end with the demise of the Taliban in Afghanistan. But the women and children of that country will continue to need our help to recover from this regime of terror. So far, the United States has been the largest provider of humanitarian aid to the Afghan people. We have contributed more than $1 billion in aid since 1979. I applaud the President's recent decision to contribute an additional $320 million in aid to the Afghan people. There is need for humanitarian aid throughout Afghanistan, but the women and children need it the most.

Afghan women have been forbidden from activity outside their homes unless accompanied by a male relative and dressed in the now-familiar burqa. These women have not felt the sunlight touching their skin for many years. I was moved to see in the photographs the smile on women's faces as they took off their burqas and the sun touch their faces.

Attending a school or university has been out of the question for Afghan women. For years now, the only semblance of education has been for Afghan boys, who learned hatred at those schools. The girls have had no education. In many cases, Afghan women risked their lives to provide secret schools for girls in their homes.

Madam Speaker, children across Afghanistan are dying. Over one-third of Afghan children under 5 years of age suffer from malnutrition, leading to 85,000 needless deaths per year.

The United States has an opportunity to play an integral role in restoring humanity and decency to a country desperately in need of both health care and education after years under this regime. I applaud the President for his charge in leading this.

As the Taliban regime crumbles, the United States has a vested interest in the restoration of a civil society in Afghanistan. This will only be accomplished when healthy women and children are able to walk the streets without fear of assault, realize their potential, and develop the sense of worth to which they are entitled.

I would like to thank Senator KAY BAILEY HUTCHISON for originally introducing this legislation in the Senate and my friend and colleague, the gentlewoman from Ohio (Ms. PRYCE), for carrying this bill in the House. This measure was passed by unanimous consent in the Senate.

I would also like to thank President Bush for his strong support of women in Afghanistan, and women's rights generally. I am told the President is anxious to sign this bill.

I would also like to applaud our good friend, the gentlewoman from California (Ms. MILLENDER-MCDONALD), who serves as co-chair, with me, of the Congressional Caucus for Women's Issues. This has been a top priority of the Congressional Caucus for Women's Issues.

The House leadership should also be thanked for making it a top priority on their agenda and putting it as the number one bill today, as should the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, who was instrumental.

Afghan women need to have a seat at the table when their government is rebuilt. We must pass this legislation now.

Ms. BERKLEY. Madam Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman for yielding me this time; and I especially thank my good friends and colleagues, especially the women of the House and the Senate, who have taken the leadership on this important bill.

There have been lots of wonderful and sincere words on women's rights in the new Afghanistan. What is important about this bill is that it gives these words some teeth. And teeth will be needed. Anyone who looks at the unique oppression that women and children have suffered in Afghanistan will understand that they will not automatically be free when Afghanistan is liberated.

We should remind everybody concerned that the United States of America made victory in Afghanistan possible. We have an obligation, we ourselves, to help make that victory apply to women and children as well; and that is well beyond the indispensable restoration of freedom and equality.

After all, let us be real. Afghanistan is now one of the poorest societies in the world. People are hijacking trucks just to get enough to eat. Women and children do not act that way. To the victors always belong the spoils. And in a society that has been especially brutal to women, we have every reason to believe that will continue to be the case. The first to be denied in Afghanistan have been women and children. It is despicable how everything from food to health care have been denied women and children, who got what little there was left over, not what there was to be had.

What this bill essentially does is to target assistance for women and children. Otherwise, there is no reason to believe that automatically a society which has featured, above all, male macho will revert to equality for women and children. There has to be some march forward, some encouragement of equal opportunity. Men in Afghanistan, let us face it, are going to see the victory as theirs, not the victory of the United States of America, not the victory of the United Nations, and certainly not the victory of women and children.

Afghanistan must rebuild its own society on the basis of freedom and equality. However, we do have a right, I think we have earned the right to insist that these important goals apply not only to all the indigenous groups but to all the women and children in all the indigenous groups. We have an obligation to help reverse Taliban rule that has assured that women and children would be last. This is the way to help rebuild family life in Afghanistan.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), who joins me in thanking our men and women in the Armed Forces whose military offensive have helped to open the corridor for the humanitarian assistance to reach the people of Afghanistan which is spoken of in this bill.

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

Mrs. MORELLA. Madam Speaker, I thank the gentlewoman for her leadership on this issue and for yielding me this time, and I rise in strong support of the Afghan Women and Children Relief Act because I believe it is a pivotal first step in the assurances that the United States must provide to ourselves and to the citizens of Afghanistan that women not be hidden from society in the future of Afghanistan. Children must be educated; girls and boys and women must not die at the second highest rate in the world from lack of maternal health care. The American people will accept no less than to ensure that women are given back the lives they knew before the Taliban and before the decades of civil war.

The liberation of Kabul, Mazar-e Sharif, and other Afghan cities from Taliban rule is cause for celebration, but women are celebrating cautiously. Women were, in essence, banned by Taliban; ordered out of sight stripped of their basic freedoms. It remains to be seen, however, whether the women of Afghanistan will enjoy a fleeting moment in the sun or will truly be allowed to participate in the reconstruction of their country.

The Afghan Women and Children's Relief Act demonstrates a way that the United States can help to educate and provide health care for those in need. But we can also embrace the critically important role that women must play in Afghanistan's reconstruction. The First Lady's recent radio address, and the statements of Secretary of State Colin Powell and Under Secretary of State for Global Affairs Paula Dobriansky demonstrate a commitment by the United States that Afghan women will not be marginalized as soon as this spotlight shifts.

Addressing women's needs and potential is not an academic question for us in the United States. We are paying a dear price for driving hatred and intolerance out of Afghanistan. We have every right to assume that the new government there and the society that emerges will repudiate the values of the Taliban and be a force for regional stability. What the future holds for Afghanistan largely depends on how its women, 54 percent of the Afghan population, are incorporated into the political, economic, and social life of the country.

I do ask this body to pass H.R. 3330 to promote educational opportunities for all children and access to health care, but I also want to point out that as a second step I invite all my colleagues to cosponsor H.R. 3342, which I have introduced along with the gentlewoman from New York (Mrs. MALONEY), and others, the Access For Afghan Women Act. It encourages the State Department and USAID to include women in negotiations to establish a new government in Afghanistan; recognize that women's participation in the foundation of post-conflict stability and their own economic self-sufficiency is necessary; assist the voluntary resettlement and repatriation of refugees; and ensure that peacekeeping operations protect women from violence.

Madam Speaker, when hostilities cease, the Afghan people will have a precious chance to transform their war-torn country. The long-term stability is important to the United States; and both countries will benefit from recognizing and embracing the essential contributions that women can make and must make to the effort.

I applaud the gentlewoman from Ohio (Ms. PRYCE) for introducing H.R. 3330, and I encourage all Members to become engaged in the effort to do the right thing in Afghanistan for men, women, and children.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume.

I believe, Madam Speaker, that one person can make a difference; and I believe that all of us serving in Congress, united, speaking with one voice, will make a significant difference to the people of Afghanistan. If we sit back and do nothing, knowing of the widespread pain and suffering of innocent women and children caught up in the madness of Taliban rule, then I fear we are almost as guilty as those who have perpetrated these crimes against humanity.

Now is our time to speak out, now is our moment in history to make a difference, and I urge all of my colleagues to support this resolution.

Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentlewoman from Nevada (Ms. BERKLEY) for yielding me these 2 minutes, because as we speak, delegates to the summit conference of Afghan groups are discussing a plan for an interim administration in Afghanistan. This would pave the way to a post-Taliban government that protects its citizens and safeguards the fundamental rights of women and children.

However, the road toward fulfillment of this goal begins with the people of Afghanistan, where reconstruction entails educations and empowering the beleaguered population so that they can reclaim control of their own destiny.

Under the Taliban, it was women and children who suffered the most from its abhorrent practices. Thus, to begin to overcome this grim legacy, we must ensure that our efforts give the necessary focus and assistance to programs providing education and relief services to Afghan women.

This bill focuses our humanitarian efforts to help ensure that U.S. assistance has the maximum impact, reaching those refugees and segments of Afghan society most affected by the Taliban's reign of terror.

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Madam Speaker, it is a bill which reinforces the true essence and spirit of the United States, a country committed to the defense of those who are oppressed and subjugated, a Nation of caring people who now and in the past have led the world in providing humanitarian aid to the Afghan people. Let us lead the way once again by rendering our overwhelming support to the Afghan Women and Children Relief Act.

Mrs. JONES of Ohio. Madam Speaker, I rise today in support of educational and health care rights for the women and children of Afghanistan. According to the Journal of the American Medical Association, the current health and human rights status of women in Afghanistan suggests that the combined effects of war-related trauma and human rights abuses by Taliban officials have had a profound effect on Afghan women's health. Moreover, support for women's human rights by Afghan women suggests that Taliban policies regarding women are incommensurate with the interests, needs, and health of Afghan women.

Before the Taliban regime took power, Afghan women were protected by law, had important freedoms and were active participants in society. In 1977, women comprised more than 15 percent of Afghanistan's highest legislative body. By the early 1990s women comprised 70 percent of schoolteachers. Women made up 50 percent of government workers. Forty percent of doctors in Kabul were women. Then came the Taliban and their destruction of the family.

For nearly 20 years, life in Afghanistan has been degraded by foreign and civil wars, but, since 1994, the regime of the Taliban militias has, by decree, officially taken away from women all rights to education, to work, and to health. Denial of freedom of movement renders Afghan women practically prisoners in their own homes, in the most extreme situation of material and moral destitution.

Until 1996, Afghan women were an integral part of society, they worked outside the home, they went to school, and chose their own doctor. Women constituted 50 percent of the student body in the universities, 60 percent of the civil servants, 75 percent of the hospitals workforce, a majority of teachers for boys' and girls' schools, and had businesses of their own. In the city of Kabul alone, there were around 17,000 women teachers. The 1964 and 1977 Constitutions of Afghanistan provided for gender equality and women were fully vested in the political process including the right to vote and get elected. Many women also wore either a chadari or scarf on a voluntary basis.

A child, who was born 12 or 13 years ago, is a young adult now. He was five years old when his father was killed, he was seven years old when his mother was raped and tortured in front of him, and he was only ten years old when his house was burned down to the ground. And now, he lives in a plastic tent with no place to go and, no one to turn to. The psychological impact of the past twenty years shall leave an immutable scar in over one million orphans' memories, unless they receive help now. Two generations of Afghans know only war, deprivation, homelessness, hunger, suffering, and loss, and their futures seem bleak in a world that has largely forgotten them.

In addition, there are estimated to be between 10 and 15 million land mines scattered in the landscape, exploding and injuring at a rate of 20 to 25 per day. They kill or injure predominantly children who are sometimes victims of mines disguised as toys. One out of four Afghan children dies before the age of five. Over one million Afghan children are orphans. Over 500,000 are disabled. Over 400,000 children are amputees, because of land mines. Over one million Afghan children are suffering from post-traumatic stress syndrome.

History has demonstrated that supremacist and totalitarian regimes such as the Taliban militias maintained themselves in power only if the rest of the world remains silent. Human rights are founded on principles that all members of the human family are equal in dignity and rights. However, where discrimination against women and children exists, they are often excluded from effective participation in identifying and securing their rights. In recent years, some have argued that health, defined as ''a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,'' requires the protection and promotion of human rights. In Afghanistan, Taliban restrictions on Afghan women and children's freedom of expression, association, and movement deny women full participation in society and, consequently, from effectively securing equal opportunities for work, education, and access to health care.

I rise today to reiterate my support for the women and children of Afghanistan. Exclusion of women from employment, and women and children from education, jeopardizes their capacity to survive and participate in society. In my opinion, the health and human rights concerns of Afghan women and children are identified and the promotion of Afghan women and children's health is inseparable from the protection and promotion of human rights.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of S. 1573, the Afghan Women and Children Relief Act of 2001. This measure would authorize the President to provide educational and health care assistance to the women and children of Afghanistan from funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

The oppression of Afghan women began when the regressive and repressive Taliban took control of Afghanistan. Under the regime of these Islamic fundamentalists, women became subject to a horrific system of gender apartheid whereby the rights enjoyed by women in so many other areas of the world, the rights they are entitled to, were virtually eliminated.

In Afghanistan, women are totally deprived of the right to an education, of the right to work, to travel, to health care, legal recourse, recreation, and of the right to being human. Islamic fundamentalism, instead, looks upon women as subhuman, fit only for household slavery and as a means of procreation. Women who violate the rules of conduct are beaten or brutalized, often in a public arena for the sake of entertainment.

This type of inhumane treatment will have a profound effect on the future of Afghanistan. As Chair of the Congressional Children's Caucus, I am always concerned about the welfare of children here at home and abroad. Young Afghan girls are also subject to the extreme restrictions imposed by the Taliban—restrictions to education, health care, and a normal way of life. Afghan children are some of the poorest and least healthy in the world. They have the highest mortality rates for children under five. These children have known only war, so they are suffering enormous trauma as well.

As the Taliban regime retreats from the major Afghanistan cities, the masses are rejoicing at the hope of renewed opportunities for the country. The talents and contributions of Afghan women will once again permeate the country. Prior to the Taliban regime, seventy percent of teachers were women, fifty percent of civil servants were women, and university students, and forty percent of doctors were women. This bill will assure that women and children are able to exercise their right to education and healthcare.

Madam Speaker, we, as Members of Congress, now have a tool to help restore the rights and human dignity of Afghan women and children. I urge my colleagues to support S. 1573.

Ms. SOLIS. Madam Speaker, I rise today in support of S. 1573.

I am an educated woman. Not only do I hold an undergraduate degree, I also have earned a master's degree.

I am a healthy woman. Not only do I receive regular medical care from my physician, I also have access to superb emergency care if needed.

I am an independent woman. Not only do I have a challenging career, I also feel secure strolling the streets of this city alone.

Such is not the case, however, for the women and girls of Afghanistan.

During the days of Taliban rule, these women were denied education. They were denied health care. They were denied basic human freedoms.

In these emerging days of post-Taliban rule, it is our duty to ensure that these basic civil liberties are restored.

I commend the authors of S. 1573—and its companion legislation H.R. 3330—for their aim of providing education and health care opportunities to the women and children of Afghanistan. I especially applaud the desire to utilize women-led non-governmental organizations to achieve their goals.

I urge all of my colleagues on both sides of the aisle to support this important piece of legislation.

Ms. HARMAN. Madam Speaker, I rise in strong support of H.R. 3330, the Afghan Women And Children Relief Act. This legislation will ensure that educational and health care assistance reaches the women and children of Afghanistan.

The Taliban's crimes against women have by now become well-known. Against the teaching of Islam and against the will of women across Afghanistan, the Taliban:

Ended education for girls over eight;

Shut down the women's university;

Forbade women doctors from practicing medicine; and

Then forbade women from receiving care from male doctors.

This deliberate, cruel treatment compounded the suffering of more than 20 years of war, extreme poverty, and drought in Afghanistan to create a dire health situation for women and children. Afghanistan has the world's second worst maternal death rate during childbirth. One hundred sixty five out of every thousand babies die before their first birthday. The Taliban has done untold harm to its own people with these actions, and we must now help repair the damage done.

Rebuilding Afghanistan is part of the promise we have made to provide a comprehensive solution to the root causes of terrorism. We must offer hope to the people of Afghanistan, and we must work toward creating a stable Afghan government.

Aid to the women and children of Afghanistan will accomplish both of these goals. It will improve the lives of millions and increase opportunities for all members of Afghan society—including women—to have their voices heard.

The overwhelming bipartisan support by Congress today demonstrates that our support is no short-term political ploy. We are here for the long haul, and we expect to see results.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the Senate bill, S. 1573.

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

A motion to reconsider was laid on the table.

## COMPUTER SECURITY ENHANCEMENT ACT OF 2001

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1259) to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1259

*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 ''Computer Security Enhancement Act of 2001''.

**SEC. 2. FINDINGS AND PURPOSES.**

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

(1) The National Institute of Standards and Technology has responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of sensitive information in Federal computer systems.

(2) The Federal Government has an important role in ensuring the protection of sensitive, but unclassified, information controlled by Federal agencies.

(3) Technology that is based on the application of cryptography exists and can be readily provided by private sector companies to ensure the confidentiality, authenticity, and integrity of information associated with public and private activities.

(4) The development and use of encryption technologies by industry should be driven by market forces rather than by Government imposed requirements.

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

(1) reinforce the role of the National Institute of Standards and Technology in ensuring the security of unclassified information in Federal computer systems; and

(2) promote technology solutions based on private sector offerings to protect the security of Federal computer systems.

**SEC. 3. SECURITY OF FEDERAL COMPUTERS AND NETWORKS.**

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (3) the following new paragraphs:

''(4) except for national security systems, as defined in section 5142 of Public Law 104-106 (40 U.S.C. 1452), to provide guidance and assistance to Federal agencies for protecting the security and privacy of sensitive information in interconnected Federal computer systems, including identification of significant risks thereto;

''(5) to promote compliance by Federal agencies with existing Federal computer information security and privacy guidelines;

''(6) in consultation with appropriate Federal agencies, assist Federal response efforts related to unauthorized access to Federal computer systems;''.

**SEC. 4. COMPUTER SECURITY IMPLEMENTATION.**

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is further amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c)(1) In carrying out subsection (a)(2) and (3), the Institute shall—

''(A) emphasize the development of technology-neutral policy guidelines for computer security and electronic authentication practices by the Federal agencies;

''(B) promote the use of commercially available products, which appear on the list required by paragraph (2), to provide for the security and privacy of sensitive information in Federal computer systems;

''(C) develop qualitative and quantitative measures appropriate for assessing the quality and effectiveness of information security and privacy programs at Federal agencies;

''(D) upon the request of a Federal agency, perform evaluations to assess its existing information security and privacy programs;

''(E) promote development of accreditation procedures for Federal agencies based on the measures developed under subparagraph (C);

''(F) if requested, consult with and provide assistance to Federal agencies regarding the selection by agencies of security technologies and products and the implementation of security practices; and

''(G)(i) develop uniform testing procedures suitable for determining the conformance of commercially available security products to the guidelines and standards developed under subsection (a)(2) and (3);

''(ii) establish procedures for certification of private sector laboratories to perform the tests and evaluations of commercially available security products developed in accordance with clause (i); and

''(iii) promote the testing of commercially available security products for their conformance with guidelines and standards developed under subsection (a)(2) and (3).

''(2) The Institute shall maintain and make available to Federal agencies and to the public a list of commercially available security products that have been tested by private sector laboratories certified in accordance with procedures established under paragraph (1)(G)(ii), and that have been found to be in conformance with the guidelines and standards developed under subsection (a)(2) and (3).

''(3) The Institute shall annually transmit to the Congress, in an unclassified format, a report containing—

''(A) the findings of the evaluations and tests of Federal computer systems conducted under this section during the 12 months preceding the date of the report, including the frequency of the use of commercially available security products included on the list required by paragraph (2);

''(B) the planned evaluations and tests under this section for the 12 months following the date of the report; and

''(C) any recommendations by the Institute to Federal agencies resulting from the findings described in subparagraph (A), and the response by the agencies to those recommendations.''.

**SEC. 5. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.**

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by inserting after subsection (c), as added by section 4 of this Act, the following new subsection:

''(d)(1) The Institute shall solicit the recommendations of the Computer System Security and Privacy Advisory Board, established by section 21, regarding standards and guidelines that are being considered for submittal to the Secretary in accordance with subsection (a)(4). The recommendations of the Board shall accompany standards and guidelines submitted to the Secretary.

''(2) There are authorized to be appropriated to the Secretary $1,030,000 for fiscal year 2002 and $1,060,000 for fiscal year 2003 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues related to computer security, privacy, and cryptography and to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects.''.

**SEC. 6. LIMITATION ON PARTICIPATION IN REQUIRING ENCRYPTION AND ELECTRONIC AUTHENTICATION STANDARDS.**

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by adding at the end the following new subsection:

''(g) The Institute shall not promulgate, enforce, or otherwise adopt standards or policies for the Federal establishment of encryption and electronic authentication standards required for use in computer systems other than Federal Government computer systems.''.

**SEC. 7. MISCELLANEOUS AMENDMENTS.**

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended—

(1) in subsection (b)(8), as so redesignated by section 3(1) of this Act, by inserting ''to the extent that such coordination will improve computer security and to the extent necessary for improving such security for Federal computer systems'' after ''Management and Budget)'';

(2) in subsection (e), as so redesignated by section 4(1) of this Act, by striking ''shall draw upon'' and inserting in lieu thereof ''may draw upon'';

(3) in subsection (e)(2), as so redesignated by section 4(1) of this Act, by striking ''(b)(5)'' and inserting in lieu thereof ''(b)(7)''; and

(4) in subsection (f)(1)(B)(i), as so redesignated by section 4(1) of this Act, by inserting ''and computer networks'' after ''computers''.

**SEC. 8. FEDERAL COMPUTER SYSTEM SECURITY TRAINING.**

Section 5(b) of the Computer Security Act of 1987 (40 U.S.C. 759 note) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) to include emphasis on protecting information in Federal databases and Federal computer sites that are accessible through public networks.''.

**SEC. 9. COMPUTER SECURITY FELLOWSHIP PROGRAM.**

There are authorized to be appropriated to the Secretary of Commerce $5,000,000 for fiscal year 2002 and $5,000,000 for fiscal year 2003 for the Director of the National Institute of Standards and Technology for fellowships, subject to the provisions of section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1), to support students at institutions of higher learning in computer security. Amounts authorized by this section shall not be subject to the percentage limitation stated in such section 18.

**SEC. 10. STUDY OF ELECTRONIC AUTHENTICATION TECHNOLOGIES BY THE NATIONAL RESEARCH COUNCIL.**

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of electronic authentication technologies for use by individuals, businesses, and government.

(b) CONTENTS.—The study referred to in subsection (a) shall—

(1) assess technology needed to support electronic authentication technologies;

(2) assess current public and private plans for the deployment of electronic authentication technologies;

(3) assess interoperability, scalability, and integrity of private and public entities that are elements of electronic authentication technologies; and

(4) address such other matters as the National Research Council considers relevant to the issues of electronic authentication technologies.

(c) INTERAGENCY COOPERATION WITH STUDY.—All agencies of the Federal Government shall cooperate fully with the National Research Council in its activities in carrying out the study under this section, including access by properly cleared individuals to classified information if necessary.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth the findings, conclusions, and recommendations of the National Research Council for public policy related to electronic authentication technologies for use by individuals, businesses, and government. The National Research Council shall not recommend the implementation or application of a specific electronic authentication technology or electronic authentication technical specification for use by the Federal Government. Such report shall be submitted in unclassified form.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $450,000 for fiscal year 2002, to remain available until expended, for carrying out this section.

**SEC. 11. PROMOTION OF NATIONAL INFORMATION SECURITY.**

The Under Secretary of Commerce for Technology shall—

(1) promote an increased use of security techniques, such as risk assessment, and security tools, such as cryptography, to enhance the protection of the Nation's information infrastructure;

(2) establish a central repository of information for dissemination to the public to promote awareness of information security vulnerabilities and risks; and

(3) in a manner consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 nt), promote the development of national standards-based infrastructures needed to support government, commercial, and private uses of encryption technologies for confidentiality and authentication.

**SEC. 12. ELECTRONIC AUTHENTICATION INFRASTRUCTURES.**

(a) ELECTRONIC AUTHENTICATION INFRASTRUCTURES.—

(1) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.—Not later than 18 months after the date of the enactment of this Act, the Director, in consultation with industry and appropriate Federal agencies, shall develop technology-neutral guidelines and standards, or adopt existing technology-neutral industry guidelines and standards, for electronic authentication infrastructures to be made available to Federal agencies so that such agencies may effectively select and utilize electronic authentication technologies in a manner that is—

(A) adequately secure to meet the needs of those agencies and their transaction partners; and

(B) interoperable, to the maximum extent possible.

(2) ELEMENTS.—The guidelines and standards developed under paragraph (1) shall include—

(A) protection profiles for cryptographic and noncryptographic methods of authenticating identity for electronic authentication products and services;

(B) a core set of interoperability specifications for the use of electronic authentication products and services in electronic transactions between Federal agencies and their transaction partners; and

(C) validation criteria to enable Federal agencies to select cryptographic electronic authentication products and services appropriate to their needs.

(3) REVISIONS.—The Director shall periodically review the guidelines and standards developed under paragraph (1) and revise them as appropriate.

(b) LISTING OF PRODUCTS.—Not later than 30 months after the date of the enactment of this Act, and thereafter, the Director shall maintain and make available to Federal agencies a nonmandatory list of commercially available electronic authentication products, and other such products used by Federal agencies, evaluated as conforming with the guidelines and standards developed under subsection (a).

(c) SPECIFICATIONS FOR ELECTRONIC CERTIFICATION AND MANAGEMENT TECHNOLOGIES.—

(1) SPECIFICATIONS.—The Director shall, as appropriate, establish core specifications for particular electronic certification and management technologies, or their components, for use by Federal agencies.

(2) EVALUATION.—The Director shall advise Federal agencies on how to evaluate the conformance with the specifications established under paragraph (1) of electronic certification and management technologies, developed for use by Federal agencies or available for such use.

(3) MAINTENANCE OF LIST.—The Director shall maintain and make available to Federal agencies a list of electronic certification and management technologies evaluated as conforming to the specifications established under paragraph (1).

(d) REPORTS.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Director shall transmit to the Congress a report that includes—

(1) a description and analysis of the utilization by Federal agencies of electronic authentication technologies; and

(2) a description and analysis regarding the problems Federal agencies are having, and the progress such agencies are making, in implementing electronic authentication infrastructures.

(e) DEFINITIONS.—For purposes of this section—

(1) the term ''electronic authentication'' means cryptographic or noncryptographic methods of authenticating identity in an electronic communication;

(2) the term ''electronic authentication infrastructure'' means the software, hardware, and personnel resources, and the procedures, required to effectively utilize electronic authentication technologies;

(3) the term ''electronic certification and management technologies'' means computer systems, including associated personnel and procedures, that enable individuals to apply electronic authentication to electronic information; and

(4) the term ''protection profile'' means a list of security functions and associated assurance levels used to describe a product.

**SEC. 13. SOURCE OF AUTHORIZATIONS.**

There are authorized to be appropriated to the Secretary of Commerce $7,000,000 for fiscal year 2002 and $8,000,000 for fiscal year 2003, for the National Institute of Standards and Technology to carry out activities authorized by this Act for which funds are not otherwise specifically authorized to be appropriated by this Act.

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

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

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1259.

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

There was no objection.

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

Madam Speaker, it is with great pleasure that I rise to offer H.R. 1259, the Computer Security Enhancement Act of 2001. This legislation represents many years of bipartisan work of the Committee on Science. Over the years, the committee has held numerous hearings on various aspects of the bill's provisions and has incorporated many constructive suggestions made by both industry and governmental agencies. This bill provides important updates to current law to ensure the Federal Government's virtual security.

Fourteen years ago, this body passed the Computer Security Act of 1987, which gave authority over computer and communication security standards for Federal civilian agencies to the National Institute for Standards and Technology. Much has changed since then. In the mid-eighties, we were dealing with issues surrounding the migration from mainframes to personal computers and how to provide secure access to extremely limited, site-specific internal networks. Today, with the worldwide web, every PC on the planet represents a potential source of attack, and we need to develop new tools to protect the integrity of our Nation's computers.

While no single piece of legislation can fully protect our Federal computer systems, this act is a vital step to strengthen and update the authority given the National Institute of Standards and Technology to provide guidance to our security efforts.

This bill is an important first step in the right direction. The legislation would allow NIST to: promote the use of commercially available, off-the-shelf security products by Federal agencies; increase privacy protection by giving an independent advisory board more responsibility and resources to review NIST's computer security efforts and make recommendations; support the development of a well-trained workforce by creating a fellowship program in the field of computer security; study the efforts of the Federal Government to develop a secure, interoperable electronic infrastructure; to advise agencies on the deployment of electronic authentication technologies; and, finally, establish an expert review team to assist agencies in identifying and fixing existing information security vulnerabilities.

In today's environment, the intense need for this legislation is obvious. For the last few months, we have been frantically trying to recover from the awful attacks of September 11 and plug the many holes in our society's lax security practices. We have gone to great effort to quickly react to vulnerabilities on many fronts. We passed legislation to secure much of our important infrastructure, and the administration has moved forward with many counterterrorism proposals. But, along with the real world, we need to protect ourselves in cyberspace.

Fortunately, we have not suffered a major cyberattack, but that is hardly a reason not to act. A major cyberoffensive could be every bit as devastating as an actual physical assault. A full third of our recent economic development has been credited to e-commerce and needs to be secure. Never before has so much of our daily lives been documented and placed on Federal computers. Americans have the right to expect that this information does not fall into the wrong hands.

Unfortunately, the government is not very adept at protecting this information. Over the last decade, the General Accounting Office has issued nearly 40 reports describing serious information

security weaknesses at major Federal agencies. Our own House Committee on Government Reform has recently issued its computer security report card and given the government an ''F.''

Quite frankly, this is unacceptable. Now is the time to expand NIST's authority so we can begin to address these issues.

Located in my home district of Montgomery County, NIST already plays a critical control role in our Nation's computer security. They are our Nation's premier developer of standards and guidelines and have worked tirelessly in the information technology area. They work closely with industry, Federal agencies, testing organizations, academicians and other private sector users with the broad mission of improving our competitiveness in IT and computer-related industries.

Specifically, they work to improve awareness of computer security issues, conduct research on new cutting-edge technologies, develop and manage security testing programs, and produce security guidance and planning.

Madam Speaker, I am very proud of their work in this area. They have a well-deserved reputation for excellence and deserve the additional resources to expand their efforts in computer security. They are the recognized leader in this field and the logical choice to coordinate and critique the government's efforts.

Madam Speaker, a wide array of technology organizations have recognized the need for H.R. 1259 to protect our Nation's computer systems and secure our virtual presence. I thank them for their support. I urge my colleagues to stand with these organizations and take the important step towards securing our computer data and resources by passing H.R. 1259.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1259; and, in her usual good practice, the gentlewoman from Maryland (Mrs. MORELLA) has very well outlined the provisions of the legislation. I would just like to make a few observations concerning the need for the legislation before us today.

The Committee on Science developed the Computer Security Act 13 years ago with the goal in mind of improving the security of nonclassified information in the Federal agencies' computer systems. When Congress passed the Computer Security Act back in 1987, most of us realized that this new method of communication needed to be secure in order to realize the full potential that those that brought it forth had hoped for. At that time we had no idea of the growth of the Internet, electronic commerce, or even the growth of e-mail communication from our constituents. In the past few years, the spread of computer viruses, attacks by computer hijackers and electronic identification theft have all been on the rise. Regardless of our reliance on the Internet and computer networks, computer security is still generally regarded as an afterthought.

On September 11, we realized how very vulnerable our Nation could be. We no longer can afford to be complacent about our physical and electronic security. Hearings by the Committee on Science and assessments by the General Accounting Office have revealed that computer security at Federal levels is still, in many people's opinion, sub par.

The National Institute of Standards and Technology has an important role to play here. It is responsible for developing security standards and developing the very best security practices. It should assist agencies in training their computer security personnel and help assess their security weaknesses.

Unfortunately, NIST has never really requested nor received the resources it needs to effectively carry out their statutory role in these areas. The Committee on Science has developed this bipartisan legislation to correct this problem. The goal of this legislation is to strengthen the computer security of Federal agencies, including, of course, the use of electronic authentication technologies.

H.R. 1259 is not merely in response to the events of September 11. Actually, H.R. 1259 is and has been a result of continued and careful study and deliberation by the Committee on Science. We began work on this legislation at the beginning of the last Congress, and it has been the subject of hearings, and we have asked for comments by industry and Federal agencies. It is a thoughtful and straightforward approach for making Federal agencies a model of good security practices.

I congratulate the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Tennessee (Mr. GORDON), and the gentleman from Michigan (Mr. BARCIA) for their hard work on this legislation. Also, we would not be here without the assistance and support of the gentleman from New York (Chairman BOEHLERT) and his efforts to bring this bill to the floor. This a timely piece of legislation, Madam Speaker, and I would urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I commend the ranking member, the gentleman from Texas (Mr. HALL), for his leadership. Together we are a team. The Committee on Science is a very bipartisan, almost nonpartisan committee, and it is my pleasure to thank the gentleman from Texas and the gentleman from New York (Chairman BOEHLERT).

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science, and commend him for his leadership.

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

Madam Speaker, I rise to support H.R. 1259, the Computer Security Enhancement Act of 2001, and to congratulate the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Texas (Mr. HALL) and the gentleman from Tennessee (Mr. GORDON) for their bipartisan work on this legislation and for the leadership of the past chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), who shepherded this bill through the House in the last Congress.

Since the tragedy of September 11, our Nation has awakened to a new world of potential threats. Some of them before now were thought not possible. Some were thought not likely. And, unfortunately, some were simply ignored. But in the last 2 months, the world has changed and we have resolved to fortify our Nation's critical assets, to protect our airports and strengthen our infrastructure.

One compelling need is to improve the security of our Nation's computer systems and the uncountable government services on which they depend. In the last 9 years, the General Accounting Office has issued some three dozen reports detailing the serious information security weaknesses at major Federal agencies. We in the House, and particularly on the Committee on Science, have heeded these warnings. Others must, also.

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Federal systems are not the only ones central to our Nation's smooth functioning. Earlier this year, the Committee on Science held several hearings on cybersecurity. In one of those, Governor Gilmore testified that his commission, which was charged with evaluating our Nation's vulnerabilities to weapons of mass destruction, could not ignore the potential additional havoc that computer attacks could wreak on our country, especially if computer attacks were launched at the same time as some other attack. Computer breaches must not be allowed to hamstring State and local governments as they attempt to respond to other kinds of threats.

This bill, the first of several dealing with cybersecurity that the Committee on Science plans to bring to the floor, begins to make the kinds of improvements necessary to address the concerns these reports have raised. H.R. 1259 will encourage the computer security teams at the National Institute of Standards and Technology to assist other government agencies to improve the security of their computer networks. It will spur the private sector to develop improved computer security products to benefit the public and private sectors alike. And it will help recruit and train future experts in the profession of computer security.

I would also like to point out that this very same bill passed this body a

little over a year ago. Unfortunately, the other body did not have time to pass it and send it on to the President. This time, however, I hope we can work with our colleagues in the Senate to pass this bill to strengthen our Nation's computer security and to help protect the American people.

This bill is a good bill that will help our Nation deal with a serious threat that for too long has been inadequately addressed. I urge my colleagues to support this bill and help put our Nation on the road to better computer security.

In closing, let me once again commend the leadership of the gentlewoman from Maryland and the bipartisan team that she has assembled and led as we have moved this through the committee and now to the House floor. I hope others are paying attention, because they need to follow through.

Mr. HALL of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON), who was ranking member on the Subcommittee on Environment, Technology, and Standards back when this legislation first began and wrote the electronic authentication provisions in it. He is now ranking member on the Subcommittee on Space and Aeronautics.

Mr. GORDON. Madam Speaker, I thank the gentleman from Texas (Mr. HALL) for yielding time, and more importantly I thank him for the leadership he brings to the Committee on Science.

Madam Speaker, I want to thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from New York (Mr. BOEHLERT) for their diligent work to bring this bill to the floor today. When the gentlewoman from Maryland and I began to work to improve Federal agencies' nonclassified computer security more than 4 years ago, I became aware that an important element of any computer security regime is electronic authentication.

Consistent with the goals of the Government Paperwork Elimination Act, I wanted to ensure that Federal agencies deployed electronic authentication technologies in a consistent and uniform manner and that there was a reasonable level of interoperability between electronic authentication systems deployed by Federal agencies.

Federal agencies have made some progress on improved computer security since the Committee on Science began working on this issue. However, significant vulnerabilities remain and much work needs to be done. Earlier this year, the GAO documented continued computer security failings of Federal agencies. And just a few weeks ago, a Committee on Government Reform assessment of Federal agencies' computer security was uniformly dismal.

The events of September 11 made it evident that we cannot remain so complacent and lax about the security of electronic documents and transactions. The disruption of traditional document carriers like our mail and airline systems highlighted that we need to be able to transfer documents over an open and secure electronic communications system. Such a system must include robust and widely deployed electronic authentication technologies. Unfortunately, electronic authentication technologies have yet to be widely used. One of the goals of this bill is to ensure the effective deployment of electronic authentication technologies by Federal agencies.

The Computer Security Enhancement Act is the result of discussions with industry, the National Institute of Standards and Technology, and the Department of Commerce. Under the bill, NIST, working with industry, is to develop minimum technical standards and guidelines to assist Federal agencies in deploying electronic authentication technologies. It is my intent that Federal agencies serve as models of how such technologies could be effectively implemented.

I want to clarify that NIST is not developing standards but only guidelines and best practices. When I drafted these provisions relating to electronic authentication, I tried to ensure that the private sector would have a strong voice in the development of any guidelines. NIST has a strong record of working cooperatively with industry. I believe the result will be greater security and lower cost for everyone as we move toward an electronic transaction-based economy.

Finally, Madam Speaker, I want to thank all the staff that have spent so many hours on this bill, particularly Mike Quear that assisted me on the bill. As they did in the 106th Congress, I would urge my colleagues to again support this legislation.

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

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

It appears as though everyone recognizes the need for this bill and is in support of it. In addition to the numerous technology organizations that have indicated their strong support and have worked on the bill through the years, the President's Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction chaired by Governor Gilmore has called for an expanded role for NIST. That is what this bill does.

I urge my colleagues to stand with these organizations and take an important step toward securing our computer data and resources by passing H.R. 1259. I also want to add my thanks to the gentleman from Tennessee (Mr. GORDON). He was my ranking member on the Subcommittee on Environment, Technology, and Standards when this bill was crafted. I thank him for his important contributions. Again I reiterate my thanks to ranking member HALL, to Chairman BOEHLERT, to the gentleman from Michigan (Mr. BARCIA), who also served on that subcommittee, and certainly the staff on both sides of the aisle. I want to commend Barry Beringer and certainly thank Ben Wu, who was my staffer who is no longer with us but is now the Deputy Under Secretary of Science and Technology at the Department of Commerce, Carl Piccanatto from the National Academy of Science, Jason Cervenak and the various staff that we have again on both sides of the aisle. I urge everyone to support H.R. 1259.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of this legislation H.R. 1259, the Computer Security Enhancement Act of 2001.

In the world of technology today, interactive computer applications are a standard worldwide and virtually anyone in the world can gain access to government information. A lack of security in the computer systems of key government agencies is a vulnerability that has persisted for too long and will still be around if it is not dealt with at once. The number of attacks have soared in recent years and it is not just hackers and terrorists that we have to be worried about, but foreign governments and other nation states as well. Less than 3 years ago, the Federal Computer Incident Response Center calculated 376 occurrences upsetting 2,732 Federal systems and 86 military systems. Last year, the number of incidents reported was 586, which involved 575,568 Federal systems and 148 military systems.

A few months ago, Chinese hackers invaded government and business Web sites, including those run by the Navy and the Departments of Labor and Health and Human Services. Last year, a program called, ''ILOVEYOU'' penetrated systems at the Defense Department, the CIA and at least a dozen other agencies, attacking their infrastructure and networks.

There is a clear risk that exists, as computer strikes become more sophisticated. Terrorists or hostile foreign states could unleash attacks through computers, severely damaging or disrupting systems that support critical infrastructure. This can lead to disorder in our Nation's defense and public operations or stolen data of sensitive material. The disturbing element is that the vast majority of these kinds of incidents are never reported, in part, because some agencies cannot detect when a hacker has even gained access to their files.

H.R. 1259, Computer Security Enhancement Act of 2001 will amend the National Institute of Standards and Technology Act by requiring the Institute to provide assistance to Federal agencies. The assistance will include developing cost-effective and uniform standards for the security and privacy of sensitive information in certain Federal systems, providing a list of certified commercial Federal computer system security products, and reporting annually on Federal computer system evaluations. Their aid will be used to protect computer networks, promote Federal compliance with computer information security and privacy guidelines, as well as assist Federal response efforts when there is unauthorized access to Federal systems.

H.R. 1259 will focus the energy of the Institute as well as agencies' such as the National Research Council of he National Academy of

Sciences and the Undersecretary of Commerce for Technology on security and encryption issues. Studies, training, and adoption of standards and products will be developed.

This bill will also authorize appropriations for fellowships to students in computer security. There is a need for specialists in the United States and this bill will hopefully be part of a solution to the growing shortage of security professionals within government and this industry.

According to government reports, 24 Federal agencies, have not adopted effective security to protect their computers and networks from attacks. Many agencies still do not use passwords properly and cannot detect intruders. Federal agencies who support this bill: the Defense Department, the Departments of Labor and Health and Human Services, the CIA, the Department of Transportation, Departments of Justice, State and the Treasury, Nuclear Regulatory Commission, U.S. Army Corps of Engineers, the Environmental Protection Agency, the Commerce Department as well as the Federal Aviation Administration.

On a particular occasion last year, a computer virus breached the Defense Department's security system, damaging some computers and infecting several classified systems. Computer attacks could disable sensitive operations such as the FAA flight control system or Pentagon war efforts. This disruption could have chaotic consequences.

This bill is a step forward in combating our current vulnerability of a lack of proper protection on Federal computer systems. With the passing of this bill will come Federal standards that will implement much needed assistance and programs. It is an imperative part of a solution to better respond to current attacks as well as potential ones.

Mr. SMITH of Michigan. Madam Speaker, I rise in strong support of this legislation, offered by the gentlewoman from Maryland, to strengthen the security of sensitive Federal computer systems.

Information security has taken on new significance. Today, the economy and our national security rely on computers as never before. Protecting these systems by reducing their vulnerability to cyber-attack must therefore be a high priority. The same techniques that agencies are employing to cut costs and improve public services—interconnected systems, readily accessible information, and paperless processing—are also factors that increase the vulnerability of these systems to hackers.

Key strengths of this bill are its emphasis on cost-effective solutions and government adoption of commercially available products. Equally important are provisions to address privacy issues and ensure public participation in the development of guidelines. I would emphasize the bill does not mandate Federal guidelines or standards for the private sector.

In a series of hearings held by the Science Committee, we learned a great deal about the existing and emerging threats to computer systems. Despite these threats, there is relatively little university-based research.

The computer security fellowship program in this bill is a start. I plan to move an information technology research bill that will increase cyber-security research even further.

As a senior member of the Science Committee, the gentlewoman from Maryland has produced an important piece of legislation that is very much needed. I urge my colleagues to support it.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 1259, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## RECOGNIZING JOSEPH HENRY FOR HIS ROLE IN DEVELOPMENT OF SCIENCE AND ELECTRICITY

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 157) recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity.

The Clerk read as follows:

H. CON. RES. 157

Whereas Joseph Henry was born December 17, 1797, in Albany, New York, the son of William and Ann Henry;

Whereas Joseph Henry served as an apprentice to John Doty, a watchmaker and jeweler, in preparation for attendance at the Albany Academy;

Whereas from 1819 to 1822, Joseph Henry attended advanced classes at the Albany Academy and, in the spring of 1826, was elected to the professorship of Mathematics and Natural Philosophy in the Albany Academy;

Whereas Joseph Henry revolutionized scientific education by using experiment-based teaching methods at the Albany Academy, and in 1829 was awarded an honorary Masters degree by Union College, despite having no formal college education;

Whereas Joseph Henry conducted many experiments with electromagnets, which led to his successful design and construction of an electromagnet capable of lifting 750 pounds;

Whereas Joseph Henry continued to improve upon the development of the electromagnet, building an electromagnet for Yale University in 1831 that was capable of lifting 2,300 pounds, and another electromagnet, known as ''Big Ben'', that was capable of lifting 3,500 pounds, which was, at the time that it was built in 1833, the most powerful electromagnet ever built;

Whereas in January 1831, Joseph Henry helped lay the groundwork for the development of the electromagnetic telegraph by distinguishing between quantity and intensity magnets and by publishing those findings in the American Journal of Science;

Whereas the modern practical unit of induction is commonly referred to as the ''Henry'' in honor of Joseph Henry's research and discoveries regarding self-induction;

Whereas Joseph Henry, while conducting research at the Albany Academy, invented an electromagnetic motor made of a horizontally poised bar electromagnet that would rock back and forth as the current through it was automatically reversed;

Whereas Joseph Henry, while serving as Professor of Natural Philosophy in the College of New Jersey at Princeton (currently known as ''Princeton University''), conducted experiments from 1838 to 1842 which laid the theoretical groundwork for modern step-up and step-down transformers;

Whereas, on December 14, 1846, Joseph Henry was selected as the first Secretary and Director of the Smithsonian Institution;

Whereas, in his first report to the Board of Regents of the Smithsonian Institution, Joseph Henry proclaimed that the purpose of the Smithsonian Institution, the increase and diffusion of knowledge among men, would be best achieved by supporting original research and providing for the wide distribution of the most recent findings in the various fields of natural sciences;

Whereas in 1850 Joseph Henry, as Secretary of the Smithsonian Institution, established the system of receiving weather reports by telegraph and utilizing such reports to predict weather conditions and issue storm warnings;

Whereas in 1869 Congress established a national weather bureau upon the recommendation of Joseph Henry;

Whereas Joseph Henry was appointed as a member of the Light House Board in 1852, and served as its president from 1871 until his death in 1878;

Whereas Joseph Henry was an original member of the National Academy of Sciences, its vice-president in 1866, and its president from 1868 until his death in 1878;

Whereas Joseph Henry died in the District of Columbia on May 13, 1878;

Whereas a memorial service was held in honor of Joseph Henry on January 16, 1879, in the Hall of the House of Representatives, and was attended by the President, Vice President, members of the President's Cabinet, Justices of the Supreme Court, Members of Congress, and members of the Board of Regents of the Smithsonian Institution; and

Whereas the memory of Joseph Henry was honored at the opening of the Library of Congress in 1890 by including a statue of Joseph Henry among the 16 bronze portrait statues on display which represent human development and civilization: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress recognizes and honors Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity.

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

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

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution now under consideration.

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

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume. I rise in support of House Concurrent Resolution 157. I commend my

distinguished colleague, the gentleman from New York (Mr. MCNULTY), for introducing this resolution and for working so hard to bring it to the floor.

This resolution honors Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity. Joseph Henry, considered by many the foremost American scientist of the 19th century, was born on December 17, 1797. Although he was largely self-educated, Henry studied at the Albany, New York, academy from 1819 to 1822. Henry began teaching at the academy in Albany in 1826 where he remained until 1832 when he accepted a position at the College of New Jersey, now Princeton University.

His experimental work in chemistry, electricity, and magnetism reflected only a small portion of his broad scientific interest. Henry is known primarily for his discovery of electromagnetic induction and self-induction. He is also credited with the invention of the electric motor.

In 1846, Henry became the first secretary of the newly organized Smithsonian Institution where he established a continuing tradition of research. Under his leadership, weather reporting stations were connected by telegraph in the United States. These weather reporting stations were organized and maintained by the U.S. Army Signal Corps. This organization would become, in 1891, the U.S. Weather Bureau, which is now the U.S. Weather Service. Henry also directed the resources of the Smithsonian Institution to encourage research in the areas of astronomy, botany, and Native American anthropology.

In the spring of 1863, Mr. Henry became one of the founding members of the National Academy of Science. He served as academy president beginning in 1867 and served both as the National Academy of Science president and secretary of the Smithsonian Institution until his death in 1878. In 1893 his name was given to the standard electrical unit of inductive resistance, the henry. When the statue of Joseph Henry was placed in front of the Smithsonian Castle in 1883, it was hailed as a symbol of rising American science, a rise that continues to this day and will continue well into the future.

Madam Speaker, again I commend the gentleman from New York (Mr. MCNULTY) for introducing this resolution. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume. I rise, of course, in strong support of this resolution that recognizes and honors Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity in another century and in another day and time. I think it is great that my friend, the gentleman from New York (Mr. MCNULTY), has pursued this and to bring up again today the efforts of those of the past. He has been a dogged advocate for it. He is the reason we are here today. I surely do appreciate that. The gentlewoman from Maryland has given us some of the background on Joseph Henry. I am sure the gentleman from New York (Mr. MCNULTY) and the gentleman from New Jersey (Mr. HOLT) will go a little bit further for us a little later.

I just wanted to emphasize that Joseph Henry was known for being a great educator and an advocate of basic research. Those are words we hear a lot still today. As the first secretary of the Smithsonian, he did an excellent job of ensuring that the Smithsonian supported both of these areas and both of these thrusts.

Joseph Henry was a very special man. It is rare for the Federal Government to shut down for the funeral of a citizen. I have read that not only did the government close in the case of Henry's death but also shut down 5 years later for the unveiling of his statue which currently sits on the mall.

According to Marc Rothenberg, editor of the Joseph Henry Papers Project, such was the reputation of Mr. Henry that one Secretary of the Interior had assured Henry that if a request was backed by him, that was sufficient. I guess most Members of Congress would kill for that kind of deal and that kind of recognition.

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But it is my understanding that a group of school children in New York are very interested in this legislation, and I look forward to hearing more about it and about their involvement in it from the gentleman from New York.

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY), who represents the district that Mr. Henry came from and is the author of this bill.

Mr. MCNULTY. Madam Speaker, I thank my good friend from Texas for yielding me this time.

Madam Speaker, this afternoon we honor the ''Father of American Science,'' Joseph Henry, a true pioneer in the field of electricity and electromagnetics, the man responsible for laying the foundation for government-sponsored scientific research in this country, and a native, I am proud to say, of the capital region of the State of New York.

Joseph Henry was born in Albany, New York, in 1797. He attended local schools and quickly distinguished himself as a superior student with a curious mind. Despite having no formal college education, Mr. Henry earned an honorary master's degree from Union College in Schenectady, New York, and, in 1826, a professorship in mathematics and natural philosophy at the Albany Academy.

It was in this position that Mr. Henry found his interest and his gift and promptly revolutionized the field of electromagnetics. The most powerful electromagnet at the time sustained a weight of just a few pounds. After just 7 years of research and experimentation, Henry devised Big Ben, at that time the most powerful electromagnet ever built, sustaining 3,500 pounds.

Henry invented the first electromagnetic motor. His research is credited for laying the foundation for the development of the electromagnetic telegraph and the modern day transformer; and, in fact, the practical unit of inductance, the generation of force within a circuit, is called, quite simply, the Henry.

He distinguished himself not just as a preeminent scientific investigator but also as a man possessing good judgment, leadership ability and superior character. He reluctantly surrendered his pursuits in pure science to answer what he believed to be a call of duty.

In December of 1846, Mr. Henry was selected as the first Secretary and Director of the Smithsonian Institution. He proclaimed that the purpose of the Smithsonian Institution, the increase and diffusion of knowledge among men, was best achieved by supporting original research and providing for the wide distribution of the most recent findings in the various natural sciences. We all know that this is precisely the mission and the accomplishment of the Smithsonian Institution as we know it today.

In his later years, Mr. Henry continued to achieve and lead. At his recommendation, Congress established the National Weather Bureau in 1869. He served as a member of the Light House Board for 26 years, the final seven as its chairman; and he was named an original member of the National Academy of Sciences and served as its president for the last 10 years of his life.

Joseph Henry died here in Washington in May of 1878. On January 16, 1879, a memorial service was held in his honor in the Hall of the House of Representatives. It was attended by the President, the Vice President, members of the Cabinet, Justices of the Supreme Court and Members of Congress, a rare and very well-deserved honor.

At the opening of the Library of Congress in 1890, Mr. Henry was featured among the 16 bronze portrait statues chosen to represent the whole of human development and civilization.

It is my hope that in recognizing Joseph Henry's numerous accomplishments and his distinguished role in the history of our Nation, we will encourage today's young people to pursue careers in science and technology.

Madam Speaker, I ask all Members to join with me in supporting the passage of House Concurrent Resolution 157 honoring the Father of American Science, Joseph Henry, a native, I am proud to say, of my Congressional District.

Mr. HALL of Texas. Madam Speaker, I yield such time as he may consume to

the gentleman from New Jersey (Mr. HOLT), a professor at Princeton where Joseph Henry taught. As a physicist I would have trouble getting in Princeton, much less getting out, or all the more of teaching there, but the gentleman has the distinction of probably being one of the few Members in Congress that fully understands the work of Mr. Henry and his scientific research.

Mr. HOLT. Madam Speaker, I thank my friend, the ranking member of the Committee on Science, for yielding me time, and I also thank my friend from New York for carrying this forward.

As a representative of Central New Jersey, including Princeton University, and as a physicist, I could not let this opportunity go by to speak of one of the great Americans. New York likes to claim Joseph Henry. Washington, D.C., likes to claim Joseph Henry. In New Jersey, we really have a soft spot for someone who did much of his scientific research at what was then called the College of New Jersey, Princeton University.

Outside of the Princeton Physics Building there are really two statues now; on one side, Joseph Henry; on the other side, Benjamin Franklin.

Joseph Henry is a remarkable American story, a self-made scientist, a country boy who made good. He was self-taught. When he was appointed to a professorship at Princeton, he asked whether they knew that he had had no formal education. But they were happy to have him because of his careful mind, and, most important, his careful experimental work. That is what I want to say a word about.

He is known for his work with induction. On one side of the Atlantic, Michael Faraday was doing work; on this side of the Atlantic, it was Joseph Henry. Now, induction may sound like an academic fine point of narrow interest, but, in fact, every motor, every transformer, every telephone, every TV broadcast, in fact, all of modern electronics is built on this work on induction.

Joseph Henry was the leading American proponent of experimental science. He not only developed the principle on which Morse developed the telegraph; he actually had a wire strung from the basement of Nassau Hall to his home where he could signal by telegraphy to his wife and family, I suppose, when he would be coming home for dinner.

He also in inventing electromagnets improvised and at one point realized he needed to insulate the wires so he could have multiple windings around the electromagnet, and he unraveled one of his wife's silk garments so he could braid silk around the wire to provide insulation and make stronger, far stronger, electromagnets than anyone in the world had ever done.

But always he was looking at the use of science for the national service, for the national good. He came to national attention and to the attention of Congress when in 1844 he was appointed to a commission to investigate an explosion of a gun on the new USS Princeton on the Potomac River. This was, I guess, the Challenger accident of the day, because a gun exploded and the Secretaries of State and Navy and several Members of Congress were killed.

Henry's careful investigation of the cause of that and his efforts to prevent anything like that explosion from ever occurring again brought him to the attention of Congress. So when the word went out to find a director for this new, well-endowed institution where Joseph Smithson had sent a shipload of money to form an institution for the increase and diffusion of knowledge, they looked for the best person in America to head it, and Congress hit on Joseph Henry.

Madam Speaker, the reason that we want to recognize Joseph Henry is because of what he did not just in his laboratory but to apply science to the public good in this investigation of the explosion, but then in the creation of the National Academy of Sciences, which went on and has continued to this day to use science in the national interest, and for what he did in empirical science.

With all the talk that we have nowadays of the need for science education in the schools, it is not so much that students can do calculations with Henrys and Farads and units of force and voltage and so forth but, rather, so that they learn the idea of empirical science, a way of thinking that is built on evidence, where evidence rules.

Joseph Henry was the leading American in developing this kind of empirical thinking that serves us so well today. That is why I commend the students in the district of the gentleman from New York (Mr. MCNULTY) for bringing Joseph Henry to the attention of Americans today, and I am delighted to join my friend in elevating the name of Joseph Henry through this legislation.

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

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

Madam Speaker, I ask for support of this resolution. I think that it is important that young people look to the work that has been done by this pioneer in electromagnetism in the mid-19th century.

Again, I commend the gentleman from New York (Mr. MCNULTY) for recognizing Joseph Henry, and I ask the body to agree to House Concurrent Resolution 157.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 157.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PRICE-ANDERSON REAUTHORIZATION ACT OF 2001

Mr. BARTON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2983) to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes, as amended.

The Clerk read as follows:

*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 ''Price-Anderson Reauthorization Act of 2001''.

**SEC. 2. EXTENSION OF INDEMNIFICATION AUTHORITY.**

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking ''LICENSES'' and inserting ''LICENSEES''; and

(2) by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2017''.

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ''August 1, 2002'' and inserting ''August 1, 2017''.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2017''.

**SEC. 3. MAXIMUM ASSESSMENT.**

Section 170 b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended—

(1) in the second proviso of the third sentence—

(A) by striking ''$63,000,000'' and inserting ''$94,000,000''; and

(B) by striking ''$10,000,000 in any 1 year'' and inserting ''$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)''; and

(2) in subsection t.—

(A) by inserting ''total and annual'' after ''amount of the maximum'';

(B) by striking ''the date of the enactment of the Price-Anderson Amendments Act of 1988'' and inserting ''July 1, 2001''; and

(C) by striking ''such date of enactment'' and inserting ''July 1, 2001''.

**SEC. 4. DEPARTMENT OF ENERGY LIABILITY LIMIT.**

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

''(2) INDEMNIFICATION AGREEMENTS.—In an agreement of indemnification entered into under paragraph (1), the Secretary—

''(A) may require the contractor to provide and maintain the financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

''(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required,

in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.''.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (3) and inserting the following:

''(3) CONTRACT AMENDMENTS.—All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Reauthorization Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.''.

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking ''the maximum amount of financial protection required under subsection b. or''; and

(2) by striking ''paragraph (3) of subsection d., whichever amount is more'' and inserting ''paragraph (2) of subsection d.''.

**SEC. 5. INCIDENTS OUTSIDE THE UNITED STATES.**

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

**SEC. 6. REPORTS.**

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking ''August 1, 1998'' and inserting ''August 1, 2013''.

**SEC. 7. INFLATION ADJUSTMENT.**

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

''(2) ADJUSTMENT.—The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

''(A) that date, in the case of the first adjustment under this paragraph; or

''(B) the previous adjustment under this paragraph.''.

**SEC. 8. PRICE-ANDERSON TREATMENT OF MODULAR REACTORS.**

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following new paragraph:

''(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

''(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.''.

**SEC. 9. APPLICABILITY.**

The amendments made by sections 3, 4, and 5 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

**SEC. 10. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR CERTAIN FOREIGN ACCIDENTS.**

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

''u. PROHIBITION ON ASSUMPTION OF LIABILITY FOR CERTAIN FOREIGN ACCIDENTS.—Notwithstanding this section or any other provision of law, no officer of the United States or of any department, agency, or instrumentality of the United States Government may enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to directly or indirectly impose liability on the United States Government, or any department, agency, or instrumentality of the United States Government, or to otherwise directly or indirectly require an indemnity by the United States Government, for nuclear accidents occurring in connection with the design, construction, or operation of a production facility or utilization facility in any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961, section 6(j)(1) of the Export Administration Act of 1979, or section 40(d) of the Arms Export Control Act to have repeatedly provided support for acts of international terrorism).''.

**SEC. 11. SECURE TRANSFER OF NUCLEAR MATERIALS.**

(a) AMENDMENT.—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201–2210b) is amended by adding at the end the following new section:

''SEC. 170C. SECURE TRANSFER OF NUCLEAR MATERIALS.—

''a. The Nuclear Regulatory Commission shall establish a system to ensure that, with respect to activities by any party pursuant to a license issued under this Act—

''(1) materials described in subsection b., when transferred or received in the United States—

''(A) from a facility licensed by the Nuclear Regulatory Commission;

''(B) from a facility licensed by an agreement State; or

''(C) from a country with whom the United States has an agreement for cooperation under section 123,

are accompanied by a manifest describing the type and amount of materials being transferred;

''(2) each individual transferring or accompanying the transfer of such materials has been subject to a security background check by appropriate Federal entities; and

''(3) such materials are not transferred to or received at a destination other than a facility licensed by the Nuclear Regulatory Commission or an agreement State under this Act or other appropriate Federal facility, or a destination outside the United States in a country with whom the United States has an agreement for cooperation under section 123.

''b. Except as otherwise provided by the Commission by regulation, the materials referred to in subsection a. are byproduct materials, source materials, special nuclear materials, high-level radioactive waste, spent nuclear fuel, transuranic waste, and low-level radioactive waste (as defined in section 2(16) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(16))).''.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter as it considers necessary, the Nuclear Regulatory Commission shall issue regulations identifying radioactive materials that, consistent with the protection of public health and safety and the common defense and security, are appropriate exceptions to the requirements of section 170C of the Atomic Energy Act of 1954, as added by subsection (a) of this section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect upon the issuance of regulations under subsection (b).

(d) EFFECT ON OTHER LAW.—Nothing in this section or the amendment made by this section shall waive, modify, or affect the application of chapter 51 of title 49, United States Code, part A of subtitle V of title 49, United States Code, part B of subtitle VI of title 49, United States Code, and title 23, United States Code.

(e) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 14 of the Atomic Energy Act of 1954 is amended by adding at the end the following new item:

''Sec. 170C. Secure transfer of nuclear materials.''.

**SEC. 12. NUCLEAR FACILITY THREATS.**

(a) STUDY.—The President, in consultation with the Nuclear Regulatory Commission and other appropriate Federal, State, and local agencies and private entities, shall conduct a study to identify the types of threats that pose an appreciable risk to the security of the various classes of facilities licensed by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954. Such study shall take into account, but not be limited to—

(1) the events of September 11, 2001;

(2) an assessment of physical, cyber, biochemical, and other terrorist threats;

(3) the potential for attack on facilities by multiple coordinated teams of a large number of individuals;

(4) the potential for assistance in an attack from several persons employed at the facility;

(5) the potential for suicide attacks;

(6) the potential for water-based and air-based threats;

(7) the potential use of explosive devices of considerable size and other modern weaponry;

(8) the potential for attacks by persons with a sophisticated knowledge of facility operations;

(9) the potential for fires, especially fires of long duration; and

(10) the potential for attacks on spent fuel shipments by multiple coordinated teams of a large number of individuals.

(b) SUMMARY AND CLASSIFICATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Congress and the Nuclear Regulatory Commission a report—

(1) summarizing the types of threats identified under subsection (a); and

(2) classifying each type of threat identified under subsection (a), in accordance with existing laws and regulations, as either—

(A) involving attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or otherwise falling under the responsibilities of the Federal Government; or

(B) involving the type of risks that Nuclear Regulatory Commission licensees should be responsible for guarding against.

(c) FEDERAL ACTION REPORT.—Not later than 90 days after the date on which a report is transmitted under subsection (b), the President shall transmit to the Congress a report on actions taken, or to be taken, to address the types of threats identified under

subsection (b)(2)(A). Such report may include a classified annex as appropriate.

(d) REGULATIONS.—Not later than 270 days after the date on which a report is transmitted under subsection (b), the Nuclear Regulatory Commission shall issue regulations, including changes to the design basis threat, to ensure that licensees address the threats identified under subsection (b)(2)(B).

(e) PHYSICAL SECURITY PROGRAM.—The Nuclear Regulatory Commission shall establish an operational safeguards response evaluation program that ensures that the physical protection capability and operational safeguards response for sensitive nuclear facilities, as determined by the Commission consistent with the protection of public health and the common defense and security, shall be tested periodically through Commission approved or designed, observed, and evaluated force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. For purposes of this subsection, the term ''sensitive nuclear facilities'' includes at a minimum commercial nuclear power plants, including associated spent fuel storage facilities, spent fuel storage pools and dry cask storage at closed reactors, independent spent fuel storage facilities and geologic repository operations areas, category I fuel cycle facilities, and gaseous diffusion plants.

(f) CONTROL OF INFORMATION.—In carrying out this section, the President and the Nuclear Regulatory Commission shall control the dissemination of restricted data, safeguards information, and other classified national security information in a manner so as to ensure the common defense and security, consistent with chapter 12 of the Atomic Energy Act of 1954.

**SEC. 13. INDUSTRIAL SAFETY RULES FOR DEPARTMENT OF ENERGY NUCLEAR FACILITIES.**

Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by adding at the end the following new paragraph:

''(8)(A) It shall be a condition of any agreement of indemnification entered into under this subsection that the indemnified party comply with regulations issued under this paragraph.

''(B) Not later than 180 days after the date of the enactment of this paragraph, the Secretary shall issue industrial health and safety regulations that shall apply to all Department of Energy contractors and subcontractors who are covered under agreements entered into under this subsection for operations at Department of Energy nuclear facilities. Such regulations shall provide a level of protection of worker health and safety that is substantially equivalent to or identical to that provided by the industrial and construction safety regulations of the Occupational Safety and Health Administration (29 CFR 1910 and 1926), and shall establish civil penalties for violation thereof that are substantially equivalent to or identical to the civil penalties applicable to violations of the industrial and construction safety regulations of the Occupational Safety and Health Administration. The Secretary shall amend regulations under this subparagraph as necessary.

''(C) Not later than 240 days after the date of the enactment of this paragraph, all agreements described in subparagraph (B), and all contracts and subcontracts for the indemnified contractors and subcontractors, shall be modified to incorporate the requirements of the regulations issued under subparagraph (B). Such modifications shall require compliance with the requirements of the regulations not later than 1 year after the issuance of the regulations.

''(D) Enforcement of regulations issued under subparagraph (B), and inspections required in the course thereof, shall be conducted by the Office of Enforcement of the Office of Environment, Safety, and Health of the Department of Energy. The Secretary shall transmit to the Congress an annual report on the implementation of this subparagraph.

''(E) This paragraph shall not apply to facilities and activities covered under section 3216 of the National Nuclear Security Administration Act (50 U.S.C. 2406).''.

**SEC. 14. UNREASONABLE RISK CONSULTATION.**

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

''v. UNREASONABLE RISK CONSULTATION.—Before entering into an agreement of indemnification under this section with respect to a utilization facility, the Nuclear Regulatory Commission shall consult with the Assistant to the President for Homeland Security (or any successor official) concerning whether the location of the proposed facility and the design of that type of facility ensure that the facility provides for adequate protection of public health and safety if subject to a terrorist attack.''.

**SEC. 15. FINANCIAL ACCOUNTABILITY.**

(a) AMENDMENT.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

''w. FINANCIAL ACCOUNTABILITY.—(1) Notwithstanding subsection d., the Attorney General may bring an action in the appropriate United States district court to recover from a contractor of the Secretary (or subcontractor or supplier of such contractor) amounts paid by the Federal Government under an agreement of indemnification under subsection d. for public liability resulting from conduct which constitutes intentional misconduct of any corporate officer, manager, or superintendent of such contractor (or subcontractor or supplier of such contractor).

''(2) The Attorney General may recover under paragraph (1) an amount not to exceed the amount of the profit derived by the defendant from the contract.

''(3) No amount recovered from any contractor (or subcontractor or supplier of such contractor) under paragraph (1) may be reimbursed directly or indirectly by the Department of Energy.

''(4) Paragraph (1) shall not apply to any nonprofit entity conducting activities under contract for the Secretary.

''(5) No waiver of a defense required under this section shall prevent a defendant from asserting such defense in an action brought under this subsection.

''(6) The Secretary shall, by rule, define the terms 'profit' and 'nonprofit entity' for purposes of this subsection. Such rulemaking shall be completed not later than 180 days after the date of the enactment of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall not apply to any agreement of indemnification entered into under section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) before the date of the enactment of this Act.

**SEC. 16. CIVIL PENALTIES.**

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

''d. Notwithstanding subsection a., a civil penalty for a violation under subsection a. shall not exceed the amount of any discretionary fee paid under the contract under which such violation occurs for any nonprofit contractor, subcontractor, or supplier—

''(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

''(2) identified by the Secretary by rule as appropriate to be treated the same under this subsection as an entity described in paragraph (1), consistent with the purposes of this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of the enactment of this Act.

(d) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall issue a rule for the implementation of the amendment made by subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2983, as amended.

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

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to bring to the floor the Price-Anderson Reauthorization Act of 2001, H.R. 2983. After several months of hard work, the Committee on Energy and Commerce has produced a bipartisan bill that ensures swift compensation to the public in the unlikely event of a nuclear accident and encourages the future development of nuclear power.

Nuclear power currently provides over 20 percent of the Nation's electricity. This bill paves the way for the development of a new generation of smaller, safer and more affordable nuclear power reactors. The bill also extends indemnification to the Department of Energy contractors engaged in important nuclear work at several sites across the country, including nuclear weapons research and nuclear waste cleanup. Without reauthorization of the Price-Anderson Act, we could risk losing some of the best contractors that the Department of Energy relies upon.

In addition to reauthorizing these important programs, H.R. 2983 also dramatically improves security at our Nation's nuclear power plants in response to the widespread concerns over terrorist threats.

I would like to give special commendation to the gentleman from Massachusetts (Mr. MARKEY) for his focus on this part of the bill.

To ensure that radioactive materials are transported securely, the bill would

also require, for the first time, background checks on all individuals involved in the transfer of dangerous nuclear radioactive materials licensed by the NRC and require manifests to accompany the transfer and receipt of radioactive materials that could pose a terrorist threat.

To enhance physical security at nuclear power plants, the bill would require the President to conduct a comprehensive threat assessment for existing nuclear plant security at existing nuclear power plants.

□ 1530

The President must report to Congress on what actions the Federal Government will take to address these threats from, and I quote from the bill, ''enemies of the United States,'' including foreign governments. In consultation with the President, the Nuclear Regulatory Commission must also revise its design basis threat regulations to ensure that nuclear power plants are adequately protected.

Finally, the bill would require that the Nuclear Regulatory Commission periodically evaluate security at nuclear power plants through what are called force-on-force exercises, in cooperation with the industry.

In closing, Madam Speaker, I would like to thank a number of Members without whom we would simply not be here on the floor this afternoon. First and foremost is the principal sponsor of the bill, the gentlewoman from New Mexico (Mrs. WILSON), who will speak later on in this debate. She has played a critical role, not only in committee, but also in working out the differences with other committees of jurisdiction. I would also like to thank the ranking member of the full committee, the gentleman from Michigan (Mr. DINGELL), who is on the floor and will speak later; the ranking member of the subcommittee that I share jurisdiction with, the gentleman from Virginia (Mr. BOUCHER), whom I do not see on the floor, but perhaps he will be later. I would also like to thank our full committee chairman, the gentleman from Louisiana (Mr. TAUZIN), who is not here at the moment, but who has been a vital part of the negotiations.

I would also like to commend other committee chairmen for their cooperation in resolving some very difficult technical disputes and jurisdictional issues as we brought this bill to the floor; and they are the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary; the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure; the gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Armed Services; and the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science, who have all played a vital role in this legislation coming to the floor as expeditiously as it has.

Madam Speaker, the extensive public protections provided by the Price-Anderson Act work. I am pleased to present a reauthorization bill that extends and improves on those protections. This legislation is by no means a perfect bill; but it is a very, very good piece of work. We will, of course, review the suggestions of the administration, and we will work with the other body as they move their bill in, hopefully, a similarly bipartisan fashion.

Madam Speaker, I reserve the balance of my time.

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

I rise in opposition to the passage of this legislation, especially using the suspension process, which eliminates all ability for any Members to amend this deficient piece of legislation.

I would like to begin first by saying that while I oppose the legislation, I am beholden to the chairmen of the committee and the subcommittee for the courteous way in which they treated the minority and the respectful way in which we have handled, on a bipartisan basis, the antiterrorist components of this legislation, which has received unanimous support on both sides. However, I would like to note that the overarching bill is something that still resists any logical analysis in terms of why Congress should be subsidizing a private sector industry.

The nuclear power industry was really born about 45 or 50 years ago, and we were all told as a people, watching the Mickey Mouse Club, that this was going to be a wonderful new industry, that it was going to harness our friend, the atom. It was going to be safe, it was going to be efficient, it was going to be cheap. But, they said, maybe not that safe, because we cannot find any insurance company that will give us any insurance, because they think we are a very dangerous industry. So they came to Congress as an industry with their hat in hand asking us if we would provide for a 10-year period, while the industry was in its infancy, insurance protection so that there was a limited liability in the event that there was a serious accident at a nuclear power plant. That was supposed to end in 1967.

Well, here we are in the year 2001, and we are being asked, once again, to extend this protection, this government subsidy of the insurance that the industry, the nuclear industry must obtain. Now, that, even at the same time that we are being told that a new generation of plants are coming on line, pebble bed reactors, that are going to be so safe that we will never have to worry about accidents.

So I had an amendment which I requested be put in order out here which would be that before any one of these companies could avail themselves of this Price-Anderson protection, that they had to first have gone to an insurance company and tried to obtain insurance for what they say is a very safe industry, so that we can end the government subsidy. But what we are being told is that, no, that would ruin the industry, that one must be an anti-nuclear zealot if one believes that an industry should go to the private sector and ask if they can obtain insurance so that the Federal taxpayer does not have to pick up the tab.

Now, Adam Smith is spinning in his grave as he watches a Republican-controlled Congress extend congressional taxpayer subsidies to this industry.

Madam Speaker, when we were all teenagers all getting our licenses for the first time, there was always one kid in our neighborhood who always got into accidents, time after time, three accidents, five accidents, 10 accidents; and then that kid, and we all know his name in our own neighborhood, he lost his insurance and he went into the assigned-risk pool, and his insurance rate was very high; but he could keep his license. Only as his behavior improved could he potentially work his way out of that pool.

What we have done here historically is we have created a one-industry, assigned-risk pool. We have assumed that the nuclear industry is so risky it cannot get insurance in the private sector. Today, even though we are being told that this industry is safer than ever and the new generation of pebble bed reactors will never have an accident, we are told that even that new generation, the baby nukes, are still going to have to live with the crimes, the sins, of their father. It is a foreshadowing of history, that they too will be too risky. I think that is terrible, this cycle of dependency that these baby nukes are now trapped in, that they cannot go out into the private sector, that they cannot try to obtain insurance, that they are not going to be requested to do so. I think it is wrong for an industry to tell every subsequent generation of power plants that they are going to be subsidized by the Federal Government.

So I oppose Price-Anderson. I think it is unfair to this next generation of nuclear power plants to be trapped in this cycle of dependency, and I hope that today we are able to defeat this measure.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Madam Speaker, I want to thank the chairman of the subcommittee, the gentleman from Texas (Mr. BARTON), who has worked very hard on this issue, and others, to get energy legislation through this Congress, and also the chairman and the ranking member of the full Committee on Commerce, who have reached what I think is a good, bipartisan reauthorization of this bill, as well as the subcommittee chairman, the gentleman from Virginia (Mr. BOUCHER).

Price-Anderson is something that is not exactly a common household word in America; and I think it is important, particularly given the remarks of

my colleague from Massachusetts, to explain what this does and how this works.

About 44 years ago they set up a system that goes like this: every nuclear power plant in the country has to buy, must buy the maximum amount of commercially available insurance they can get; and right now, that is about $200 million worth of insurance. In addition to that, the law requires that they have a mutual insurance pool where for every reactor, every company has to put in $88 million into that pool, which means the industry itself is insuring itself up to the maximum amount that is available on the commercial market and then ensuring each other up to $9.5 billion in lawsuits. Then, the law says that the Congress would be responsible for anything beyond that.

There is absolutely no subsidy. In fact, in 44 years, taxpayers have not spent one dime in insuring this industry, because there have not been the losses and the safety record has been very good.

The reality is it works. Over the last 44 years, there have been 206 claims against the nuclear industry, and compensation, total compensation of $191 million, all of which has been covered by the commercial insurance that is required to be purchased by nuclear power companies.

What this really means, though, is that a company can build a reactor. They can go to the capital markets and be assured that they are going to be able to get the capital to build the next generation of nuclear power. Twenty percent of our electricity in this country comes from nuclear energy. We need a balanced, long-term plan for energy in this country; and it must include nuclear energy.

Madam Speaker, this bill reauthorizes a very successful piece of legislation which is now being looked at as a model for what we should do for terrorism insurance, so that our Main Street companies can get the capital they need to operate their companies, build jobs, and survive. I think the amendments that are in this bill, in the reauthorization bill are good ones. I have been working with the Committee on Armed Services and will continue to work with the Naval Nuclear Reactor Program to make sure that none of these changes adversely impacts or reduces the excellent safety record of our Naval Nuclear Reactor Program.

Mr. MARKEY. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 2983. I thank the gentleman from Massachusetts (Mr. MARKEY), my good friend, for yielding me this time. I also commend him for his work on the Price-Anderson Reauthorization Act of 2001. I commend the distinguished gentleman from Texas (Mr. BARTON) for his labors in that regard, and also the chairman of the full committee, the gentleman from Louisiana (Mr. TAUZIN), my good friend. The bill was reported from the committee by a voice vote, and in a strong bipartisan vote besides.

The bill makes important improvements in current law, particularly with respect to the Department of Energy contractors. These contractors perform important and often hazardous work for the country in the areas of research, management of nuclear ponds materials, and environmental cleanup.

Since its enactment in 1957, the Price-Anderson Act has provided for full indemnification of these contractors, some of whom originally worked for $1 a year. This has meant that the taxpayers are obligated to reimburse contractors working for the Department of Energy and its predecessors for any and all liability to the public in connection with any nuclear accident. This complete insulation from liability is unique in Federal contracting law and suspends one of our legal system's most useful incentives for proper conduct by businesses, and that is the knowledge that they can be held accountable for their misconduct if it results in injury to others.

While Price-Anderson's total indemnification policy may have been appropriate when it was enacted over 40 years ago, it is no longer necessary and no longer warranted. I do commend very much the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, for working with me on a compromise that holds for-profit contractors accountable for harm caused by their intentional misconduct and that of their corporate officials. With respect to nonprofit contractors, such as universities who run our national laboratories, the compromise subjects those entities to civil penalties for violation of DOE nuclear safety regulations. I feel these provisions should have been more stringent; but they are, nonetheless, significant and valuable reforms. Again, I wish to commend the gentleman from Texas (Mr. BARTON), the chairman of the subcommittee; the gentleman from Virginia (Mr. BOUCHER), the ranking member; and the gentleman from Tennessee (Mr. GORDON) for their work in fashioning this compromise.

I believe the gentleman from Ohio (Mr. STRICKLAND) should be congratulated for the important reforms he brought to the committee's attention, which were adopted after a useful, bipartisan effort by all of the members of the committee. As my colleagues know, the gentleman from Ohio (Mr. STRICKLAND) is a tireless advocate, both for his communities and for others in which DOE nuclear facilities are located. His amendment ends the Department's exemption from OSHA worker-safety requirements, something badly needed and much overdue, and directs the Department to adopt equivalent safety regulations. This amendment was included in the bill only by his dogged determination and great effort.

I do want to commend my good friend, the gentleman from Massachusetts (Mr. MARKEY), who worked with the chairman and me to address matters of nuclear security that have become more important in light of the events of September 11.

□ 1545

That amendment, sponsored by the three of us, the Markey-Tauzin-Dingell amendment, requires the President to define those types of threats that could be rightly handled by our Armed Forces, such as attacks by hostile aircraft, and to develop a plan for addressing these threats.

For these threats that do not fall into this initial category, the bill requires NRC to revise its design basis threat to ensure that the operators of nuclear facilities, including decommissioned reactors, are providing adequate protection to the public.

The legislation, in a second fashion, requires NRC to establish and oversee a rigorous program of force-on-force exercises to ensure that each nuclear facility will be able to respond adequately to any terrorist threat.

Third, the Markey-Tauzin-Dingell amendment directs NRC to use its long-held authority over the movement of radioactive materials to establish a cradle-to-grave system for tracking movements of these materials that could pose a threat to the public health, to the public safety, or to the common defense if they fall in the wrong hands.

The language instructs the NRC to ensure that all those involved in the movement of these materials have been subject to a timely background check by appropriate Federal entities such as the FBI.

Fourth, the amendment requires NRC within 1 year of enactment to issue a rule exempting from the new manifest and background check requirements shipments of these materials, particularly radiopharmaceuticals that do not pose a threat to the public health, safety, or well-being.

This is a good proposal, and the amendment does great good. It is a meaningful bipartisan compromise that represents not only a great step forward in protection of our nuclear facilities and more secure movement of our nuclear materials, but manifests real bipartisan cooperation.

I urge my colleagues to support this bill. It should be passed. It is far better than existing law.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Speaker, I wish to engage the gentleman from Texas in a colloquy.

Madam Speaker, section 16 contains two provisions of concern to the Committee on Science regarding the management of Department of Energy labs by certain contractors.

Madam Speaker, the Battelle Memorial Institute manages several DOE facilities and was explicitly named in the 1988 Price-Anderson legislation as an entity exempt from civil penalties. In section 16(b) of H.R. 983, the Committee on Science notes that the exemption for such-named entities is eliminated. However, the current amendments limit civil penalties to be paid by nonprofit institutions to the discretionary fee.

Would the gentleman from Texas (Mr. BARTON) provide assurances that the legislative intent of section 16(b) is to include institutions such as Battelle Memorial Institute and that he expects the Secretary of Energy to include Battelle in the Secretary's rulemaking under section 16(b)?

Mr. BARTON of Texas. Madam Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, I agree with the gentleman, and the committee agrees with what the gentleman just said.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I have one more question for the distinguished chairman.

Under section 16(b), H.R. 2983 limits civil penalties to be paid by such contractors to no more than the amount of the discretionary fee.

Would the gentleman from Texas (Mr. BARTON) agree that the appropriate definition for ''discretionary fee'' is contained in the committee report on H.R. 2983, which specifies that the discretionary fee refers to that portion of the contract fee which is paid based on the contractor's performance?

Mr. BARTON of Texas. Madam Speaker, if the gentleman will continue to yield, I agree, on behalf of the committee. We agree with the gentleman's assessment.

Mr. BARTLETT of Maryland. Madam Speaker, I thank the gentleman from Texas. I look forward to working with him on this matter and on other important issues in the future.

Mr. MARKEY. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

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

Mr. STRICKLAND. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in support of H.R. 2983, the Price-Anderson Reauthorization Act.

I would like to thank the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Texas (Mr. BARTON) and the ranking members, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER), as well as other sponsors of this legislation; and also the gentlewoman from New Mexico (Mrs. WILSON), especially for her work in bringing this legislation to the floor. I appreciate that. This is an important piece of work, and she has done great service.

I also would like to thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Tennessee (Mr. GORDON) for their hard work to amend the bill and strengthen the safety of our nuclear industry and increase the accountability of our Department of Defense contractors.

Although this legislation does not come to the floor without some controversy, I think it represents a good bipartisan effort to move important legislation forward.

The Price-Anderson Act establishes a method to provide for timely compensation to citizens who are injured in the event of a nuclear incident or accident at a nuclear reactor or at a DOE facility where nuclear activities are performed.

It is our hope that such an accident will never happen, but I would not want injured citizens to be denied compensation should such an unfortunate accident occur. This legislation provides assurances that the public will be compensated appropriately.

I am particularly pleased that an amendment that I offered in the Committee on Energy and Commerce is included in this legislation. Again, I would like to express my thanks to the chairman and to the ranking member for their support of this provision.

My amendment orders DOE to issue industrial and construction health and safety rules that are as protective as OSHA rules already in place at private industrial and construction sites. DOE's Office of Environment, Safety, and Health will enforce these safety standards by issuing fines and penalties for any violations, just as it currently does for nuclear safety.

Section 13 of this bill strives to create industrial and construction safety rules which are substantially equivalent or identical to those regulations enforced by OSHA. In my opinion, there is no reason that the enforcement of industrial safety standards at our DOE facilities should differ from the enforcement of standards at commercial sites. I thank those who worked on this bill.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Rockwall, Texas (Mr. HALL), the ranking member of the Committee on Science and a former distinguished ranking member of the subcommittee that I chair, and one of the most distinguished Members of this body.

Mr. HALL of Texas. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I of course rise in support of H.R. 2983. I rise as one who represents the oil patch in Texas. Yet, I recognize the need for nuclear energy as a supplemental source.

I also recognize the fact that energy is such that nations have to go to war for it. We sent Japan hurtling into war 50 years ago. We sent 450,000 kids to the desert 6 years ago. That was for energy. We have to solve our energy problems.

Madam Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking member, and those that the gentleman from Texas (Mr. BARTON) thanked. I want to thank the very capable gentleman from Massachusetts (Mr. MARKEY) for the work that he has done.

I have sat by him for 21 years. While he never saw a nuclear plant he liked, he has never seen an issue that he could not debate, and do it masterfully; and he is a gentleman.

I serve on the Committee on Energy and Commerce and the Committee on Science. As the ranking minority member of the Committee on Science, I also want to thank the Committee on Science members, the gentleman from New York (Chairman BOEHLERT) and the chairman of the Subcommittee on Energy, the gentleman from Maryland (Mr. BARTLETT), and the ranking member, the gentlewoman from California (Ms. WOOLSEY).

Madam Speaker, the Committee on Science has asked for and was granted referral of the bill. However, we were able to find a solution to the problem without having to go to the mark-up.

It certainly is my intent that all laboratory contractors have coverage; and I believe we have found a way to ensure that coverage will apply to this exceptional situation.

Madam Speaker, I support the bill.

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I rise in opposition to H.R. 2983. This legislation is nothing more than a giant government subsidy to keep the nuclear industry afloat.

Opposition to Price-Anderson runs the political gamut. Environmental groups like Public Citizen oppose Price-Anderson because it hurts our environment. Rather than investing resources in renewable energy, this bill would further our reliance on nuclear energy, thus exacerbating our problems with nuclear waste.

On the right, even the conservative Cato Institute states that if nuclear power is a better investment than gas or coal-fired power, then no amount of government help is necessary. If it is not, then no amount of government help will make it so.

This legislation mandates that it is the American taxpayer who will pay the financial costs of cleaning up a nuclear accident. It has been estimated that a worst-case scenario accident could cost more than $300 billion to clean up. The total insurance coverage provided under this act is $9.4 billion. It is the American taxpayer who will make up the difference.

Madam Speaker, both Liberals and Conservatives oppose Price-Anderson because it

artificially supports an industry that is not trusted by the American public, and not supported by the American investor. Nuclear energy is dangerous, and it is this danger that prevents investors from being interested in nuclear power.

Price-Anderson not only subsidizes the production of nuclear energy, it also subsidizes the production of nuclear waste. Although the nuclear industry has lobbied for years to dump its garbage at Yucca Mountain, located just outside my rapidly-growing hometown of Las Vegas, it is not a safe place to permanently store nuclear waste. The geology of Yucca Mountain is unsound. Nuclear waste risks contaminating the ground water throughout southern Nevada and California.

Even if this administration is successful in its efforts to ram a nuclear dump down our throats, it will take more than 50 years before 77,000 tons of nuclear waste is moved from its current locations across the United States and relocated to Yucca Mountain.

At the same time, Price-Anderson subsidies keep the nuclear industry afloat, creating more and more waste, so even as the waste is shipped, more waste is being created and stored at the reactors. Any central repository represents only a temporary solution. Waste will continue to be stored at taxpayer-subsidized reactors, posing both security and environmental hazards.

I have heard representatives of the nuclear interests argue that the events of September 11 emphasize the need for a central repository. This is not just an erroneous statement, but the most blatant political misuse of those tragic events. A central repository would do nothing to diminish the threat at active reactor sites and would offer only one more attractive target. When we include each individual nuclear waste transport, there would be thousands more inviting targets for potential terrorist attacks.

Madam Speaker, I oppose the reauthorization of Price-Anderson because it makes our country a more dangerous place to live. Nuclear energy cannot survive on its own, and I think it is nothing short of highway robbery that we ask the American taxpayer to subsidize a product that endangers their very health and safety.

Nuclear energy creates Nuclear waste. There is no way of getting around that. Long term options for disposing of nuclear waste, such as transmutation, are emerging, but they have not yet been fully developed. I would urge my colleagues to support research into the decontamination, and safe disposal, of nuclear waste, so we can solve this problem, once and for all. But in the meantime, I urge all my colleagues to oppose this measure until the nation finds a safe, realistic, and economically feasible method of dealing with nuclear waste.

Madam Speaker, I urge my colleagues to support research on decontamination and safe disposal. I urge all of my colleagues to oppose this measure until the Nation finds a safe, realistic, and economically feasible method for dealing with nuclear waste.

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

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in yielding me time to speak on this issue.

I appreciate the hard work of this committee, but I rise in opposition to the bill.

First and foremost, it has no business on the suspension calendar. It is not a simple, noncontroversial bill, and members of this assembly should be given an opportunity to fully express their concerns and fully debate the reauthorization.

Madam Speaker, it is not about changing rules for existing plans, although many argue that the Price-Anderson Act has long been an unwarranted subsidy enjoyed by the nuclear industry.

The question is, where are we going to go from here? The gentlewoman from New Mexico was correct, there is a little bit of coverage. Two hundred million dollars sounds like a lot, and $88 million in addition to the pool, but look at what happened in the World Trade Center: just the collapse of an office tower, and we see tens of billions of dollars that are being brought forward, rocking the potential for the insurance industry.

There is big money that is going to be involved if we have a serious nuclear accident; and I think it is very easy to document by any impartial group that it will go far beyond $200 million, far beyond $288 million, and will stretch, in a realistic form, to something that deals with $9.5 billion, as she talks about.

I live in the Pacific Northwest. We are going to spend maybe $100 billion and not do an adequate job cleaning up the Hanford Nuclear Plant, and that is something that has not been subjected to a meltdown.

If smaller, safer plants make sense, so be it. Allow the smaller, safer plants to go forward like any other industry would, and be able to cover their own liability. If they make sense, the private sector will provide coverage.

I would strongly suggest that if we have to continue subsidizing the production of energy, that this body can find far more productive, safer, economically viable alternatives in terms of renewable energy. If we are going to throw hundreds of billions of dollars, let us do something that is going to stabilize our energy future, something that has been long ignored, rather than taking a path for an industry that, after 50 years, should be mature enough to stand on its own legs with this new generation.

□ 1600

I strongly urge a no vote. We need to deal with Price-Anderson in a broader context. It ought not to be on the suspension calendar. This assembly needs to look at alternative ways of subsidizing energy production. I would suggest continuing a subsidy for the nuclear power energy is not the alternative to follow.

Mr. MARKEY. Madam Speaker, may I inquire from the Chair how much time is remaining on either side?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MARKEY) has 1 minute remaining. The gentleman from Texas (Mr. BARTON) has 9½ minutes.

Mr. MARKEY. Madam Speaker, I yield myself that remaining 1 minute.

Mr. BARTON of Texas. Madam Speaker, will the gentleman from Massachusetts yield?

Mr. MARKEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, the gentleman from Massachusetts cannot say hello in 1 minute. I yield the gentleman 1½ minutes.

Mr. MARKEY. Madam Speaker, I will use some of that time to praise the gentleman from Texas (Mr. BARTON) for the process that he put in place for us to, on the one hand, pass a particularly odious piece of legislation which I historically have opposed but at the same time sweetening it with a provision that will deal with a palpable threat to our society, which is that the terrorist organizations that are under the control of Osama bin Laden have clearly indicated that nuclear power plants are near the top of their list of targets if they could successfully pull off one of those attacks.

So built into this legislation is something which I think every Democrat and every Republican can support wholeheartedly. It requires the President to do an immediate assessment of the current vulnerabilities of the plants to terrorist attack and what aspect of the defense of these plants should be the responsibility of the Federal governments.

It secondly requires the Nuclear Regulatory Commission to do a rule-making to upgrade its rules on the design basis threat which establishes the parameters for what the licensees need to defend against.

Third, it requires the Nuclear Regulatory Commission to issue new rules to enhance the security of transportation of nuclear materials.

Fourth, it codifies into law the Nuclear Regulatory Commission's operational safeguards response evaluation preparedness which tests security at nuclear plants through force-on-force exercises.

So this is actually going to be a quite important new addition to the law. My hope is that we can work with the Senate expeditiously to put this on the books so that we can move forward in providing the real security that Americans want, especially those who live within a 10-mile radius of nuclear power plants, that they are not in fact subject to a successful terrorist attack.

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

Mr. BARTON of Texas. Madam Speaker, I yield myself 8 minutes.

Madam Speaker, I would take mild umbrage to the statement of my good friend, the gentleman from Massachusetts (Mr. MARKEY), that this is an odoriferous piece of legislation. I think it is sweet smelling like a rose. But to the extent that it has offended his olfactory organs, let me simply say it is less odious than it was because of his efforts; and I want to commend him on those efforts.

Madam Speaker, I would like to make a few points for the record. There has been some discussion in the debate, Madam Speaker, about a subsidy for the nuclear industry. Price-Anderson is nothing more than a last-resort indemnification of the nuclear power industry. In a similar fashion, we have the Federal Deposit Insurance Corporation which guarantee $100,000 for every savings account and every bank account in this country. There is private insurance that has to kick in before that, but as a last resort the FDIC guarantees every depositor's account up to $100,000.

I would also point out the Federal Housing Administration has a home mortgage program. Many first-time buyers get their mortgage through an FHA mortgage, which again guarantees that mortgage. There is private market with private insurance, homeowners insurance, but the FHA is the guarantor of last resort.

Madam Speaker, I would also point out that in the mid-1980s when we had the collapse of the savings and loan industry, the Federal taxpayers, as guarantors of last resort, put $125 billion into the economy to guarantee mortgages that were failed and institutions in the S and L industry that failed. We hoped to recoup that money over time, but it is expected that somewhere between $125 billion and $500 billion was paid out to guarantee the solvency of the savings and loan industry in the mid-to-late 1980s.

I could point to our farm programs where again we have price support programs in place to guarantee farmers some minimal financial support if the market does not operate as they had hoped that it will. So Price-Anderson, which has been on the books for over 50 years, was put into place to guarantee that in a very, very worst-case scenario there would be some guarantee if we had one of these worst-case catastrophes which we have not had. In the most serious incident that we had, the Three Mile Island incident, $187 million was paid out, well within the $200 million per reactor private sector insurance cap. So as I am standing on the floor today we have not had an instance where the Federal taxpayers have been at risk.

As has been pointed out by the gentleman from Michigan (Mr. DINGELL) and others, the bill before us is an improved bill. It has increased penalties for gross and willful misconduct by contractors.

It has an elimination of profit in the case that something egregious is done by the contractor. So it is a better bill than the current law.

We are on the verge of a new generation of nuclear power reactors that are safer, less expensive to operate, more efficient, will provide electricity, we hope, for future generations of American consumers.

Now is not the time to change the Price-Anderson Act in a negative way. Instead, it is the time to improve it, to pass it with a strong bipartisan vote to the Senate, and that is exactly what this piece of legislation does.

I again want to commend the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. BOUCHER), the gentleman from Louisiana (Mr. TAUZIN), the gentlewoman from New Mexico (Mrs. WILSON) and others for their strong work on this, the committee staffs on both sides, my personal staff, especially my intern from the Nuclear Electric Institute, Mr. Jason Remer, for his strong work in this area.

Finally, Madam Speaker, to pay off a wager that I had on the A&M-Texas game where I bet on the Aggies, my great team, and they unfortunately were on the low side of the score 24 to 7, I want to wish the Longhorns God speed this week in the Big 12 championship game against the Colorado Buffaloes and say that I cannot bring myself to say the Longhorn slogan but would say Go Longhorns.

Mr. MARKEY. Madam Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Madam Speaker, I would say Hook 'em Horns.

Mr. BARTON of Texas. Madam Speaker, the gentleman from Massachusetts can say that; I cannot.

Mr. MARKEY. Why is that? I do not think people would understand why the gentleman cannot say that.

Mr. BARTON of Texas. Madam Speaker, where I come from, that dog just will not hunt.

Mr. GEKAS. Madam Speaker, today I rise in support of H.R. 2983 and of H. Con. Res. 267, a resolution which I introduced on November 13, 2001.

Nuclear energy is one of our Nation's vital sources of energy. Nuclear energy accounts for 20 percent of all U.S. electricity generation and more than 40 percent of the electricity generation in 10 states in the Northeast, South, and Midwest. Currently, there are 103 nuclear energy plants operating at 64 sites in 31 States.

With this in mind, it is my belief that Congress must act to reauthorize the Price-Anderson Act of 1957. The Price-Anderson Act of 1957 was created to encourage the development of our nascent nuclear industry. It is time that we commit to encouraging the development of the industry once again. The nuclear energy industry is a vital element in our attempt to become energy independent. In the times we find ourselves, we must realize that reliance on foreign sources of energy is foolish at best and ultimately dangerous to our national security. We must encourage development of all our domestic sources—from traditional sources like oil, natural gas, and clean coal to high-tech, next-generation sources like fuel cells and advanced nuclear reactor designs and even renewable sources like hydro, wind, geothermal, and solar power.

Mr. Speaker, nuclear power is an important key to achieving energy independence. Nuclear power is also considered potentially more dangerous and more volatile than other sources. The most serious nuclear incident in U.S. history happened at Three Mile Island-Unit 2, in my congressional district. A catastrophe was averted, but the memory of this incident—along with the disaster at the Chernobyl plant in the former U.S.S.R.—has led many to question the role of nuclear power.

The Price-Anderson Act goes far to assuage the concerns of communities around nuclear facilities. During the Three Mile Island incident, the financial assistance Price-Anderson was designed to provide served as an assurance to many communities in my district. Today we must use Price-Anderson to assuage a new fear. That is the fear of a terrorist attack against a nuclear facility. I praise the Committee on Energy and Commerce for the inclusion of language that would require the U.S. Nuclear Regulatory Commission to conduct a study of the vulnerability of licensed nuclear facilities to certain threats, and report to Congress on that study. This is necessary to keep our nuclear facilities safe in the future. Before September 11, many would have thought this unnecessary, but today we see it as vital.

I have introduced H. Con. Res. 267 for this very reason. I firmly believe that a thorough, Federal study of the security measures in place now, and those needed in the future, at all of our Nation's nuclear facilities should be conducted immediately. My legislation would raise the possibility of making the Federal Government responsible for nuclear plant security, and call upon the President to order an interagency study of security at nuclear facilities be conducted by the NRC, the Defense Department, the Department of Transportation, Federal Bureau of Investigation, and Central Intelligence Agency immediately.

I am pleased with the steps Governor Ridge of the Office of Homeland Defense continues to take to prepare the country for future acts of terrorism. One of those steps was to issue, in conjunction with the NRC, an alert to Governors to take necessary steps to bolster security at our Nation's nuclear power plants. Thirty-one States are home to over 100 nuclear facilities. Twenty-two Governors, after receiving the Homeland Defense security alert, ordered State troopers and local police officers to temporarily augment the private security at the facilities in their States. Nine Governors, including Governor Schweiker of Pennsylvania, decided to call up National Guard units to bolster security at their nuclear facilities. However, the use of National Guard forces has raised many questions. Why some States and not others? How large a force will be necessary? How long will they be there? Are they properly trained for such a mission? Are their efforts coordinated with law enforcement and private security? And who will fund these units?

My legislation calls upon President Bush to make the use of military forces at nuclear

plants a primary focus of the federal interagency study to be commissioned. The Department of Defense and Nuclear Regulatory Commission must move forward with other relevant agencies toward developing standards to ensure that National Guard units, Coast Guard units, Army and Air Force units are used appropriately, are adequately trained, and highly coordinated with law enforcement and private security forces. Moreover, my resolution calls upon the President to recognize the need for Federal funding for National Guard units called upon to perform security duties at nuclear power plants nationally. The National Guard has a unique dual role. They serve under State authority or Federal authority, depending on their mission. President Bush has recognized the national importance of protecting our national transportation system by funding National Guard units stationed at airports and train stations across the country. The resolution also calls upon the President to similarly recognize the national importance of nuclear plant security by funding those units sent to nuclear power plants.

Additionally, my resolution calls upon the President to direct the FDA, NRC, and FEMA to take all necessary steps to begin stockpiling supplies of potassium iodide in communities within the Emergency Planning Zones of each of the 64 nuclear power sites across the country. Potassium iodide can effectively counteract some of the more serious debilitating effects of radiation poisoning. A potential accident at a nuclear facility can result in leakage of radioactive iodine. Studies show that alacritous use of potassium iodide tablets can prevent the onset of thyroid cancer, a by-product of radioactive iodine exposure. Stockpiling of potassium iodide tablets simply makes sense. It is another important way we can do everything within reason to make sure our communities are free from the fear of insecurity.

Madam Speaker, I commend the Bush administration for the actions taken to make America more secure. More will be done. My sense-of-the-Congress resolution helps point the Government in the direction it must move over the next months. I thank Mr. KANJORSKI, Mr. PITTS and Mr. PLATTS of the Commonwealth of Pennsylvania for their active support in joining me in this measure. And, I ask that all Members of Congress and the Senate support our measure.

Mrs. TAUSCHER. Madam Speaker, I would like to lend my strong support for the Price-Anderson Reauthorization Act of 2001. I commend my colleague HEATHER WILSON for introducing this timely bill and her work on the Energy and Commerce Committee to ensure bipartisan participation.

As a member of the Armed Services Committee's Special Panel on Department of Energy Reorganization and with two national defense laboratories in my district, I believe that the timely renewal of the Price-Anderson Act is absolutely essential for the continued operations and cleanup of Department of Energy (DOE) nuclear facilities.

As several of my colleagues who have National Nuclear Security Administration (NNSA) sites in their districts know, the defense production sites and former sites are operated by experienced, uniquely qualified contractors who ensure that viability of our nuclear deterrent and the safe disposition of excess nuclear materials and waste. Price-Anderson gives us critical protection while fostering progress on environmental and quality management of many of the world's most radioactively contaminated facilities.

The legislation passed out the Energy and Commerce Committee ensures a sufficient contractor base and places a strong emphasis on accountability. Current civil and criminal penalties contained in Price-Anderson, combined with DOE's inherent authority to adjust fees based on performance or terminate contracts, ensure contractors are accountable. This mix will help DOE contractors continue their dedication to safely maintaining America's nuclear stockpile, while they continue cleaning up the environmental legacy of the cold war, and ensuring worker safety and health.

On a broader level, a straightforward Price-Anderson reauthorization is necessary to ensure that the public has the financial resources available to cope with a nuclear accident, covering expenses from evacuation to medical care to property damage. The strict liability regime imposed by Price-Anderson in the unlikely case of a major accident ensures money starts flowing where it's needed without legal wrangling. This expedited process visibly benefits the public. In fact, during the Three Mile Island accident, Price-Anderson financial assistance meant that the needs of people in the surrounding communities were met.

Finally, important, timely measures have been added to the Price-Anderson Reauthorization Act, that address the threat of terrorism to our nuclear facilities. These provisions include measures to safeguard the transportation of nuclear materials and several steps that address potential threats to nuclear facilities.

Mrs. WILSON'S bill is timely. It matches bipartisan proposals for reauthorization in the Senate and tracks both recommendations made to Congress under the previous administration and the National Energy Policy developed by the Bush administration.

I strongly encourage my colleagues to vote for this legislation.

Mr. TAUZIN. Madam Speaker, I rise in strong support of the Price-Anderson Reauthorization Act of 2001. Passage of this bill is critical to the future development of nuclear power. Nuclear power is essential for maintaining a balanced diversity of fuel sources to feed the Nation's growing electricity needs. This bill also includes several provisions that will strengthen physical security at nuclear power plants regulated by the Nuclear Regulatory Commission (NRC). I would like to describe some of the actions that NRC has taken in the aftermath of the September 11 attacks, and also describe how this bill will help NRC and the Federal Government manage emerging threats at nuclear plants.

The events of September 11 have necessitated a review of security at our Nation's 103 operating nuclear power reactors. The NRC is in the process of conducting a top-to-bottom review of the security at these reactors. The NRC is interacting with the Federal Bureau of Investigation, other Federal law enforcement and intelligence organizations, the military, and the newly established Office of Homeland Security so that necessary changes to NRC's programs consider pertinent information from all relevant Federal agencies.

In the process of this review, however, we should not unnecessarily cause fear among those who reside near these nuclear facilities. First, the Nation's 103 nuclear reactors are among the most hardened structures in the country. Nuclear power plants are designed to withstand extreme events, such as hurricanes, tornadoes, and earthquakes, in addition to objects propelled at great force into the structures. The NRC has in fact required that three nuclear power reactors be able to withstand certain aircraft strikes due, in part, to the location of those power reactors to airports or runways. The analysis of those reactors to withstand aircraft crashes did not result in design changes because the plants were already sufficiently hardened as a result of the design to protect them against natural and internal events.

While nuclear power reactors are among the most strong and most secure facilities in the United States, they have not been specifically analyzed to consider attacks by aircraft such as Boeing 757s or 767s, and nuclear power plants were not specifically designed to withstand such crashes. This does not necessarily mean, however, that they are not capable of withstanding a strike, because in light of their inherent robustness, they may in fact prove capable. The NRC is appropriately evaluating ways to assess the effects of a deliberate aircraft impact and resulting fires and explosion on the reactor containment building and support structures. The NRC should conclude that study with all deliberate speed.

The committee-reported bill contains several provisions pertaining to the security of nuclear power reactors. Congressman MARKEY, with the support of the committee chairman and ranking minority member, offered one nuclear safety amendment which directs the President, in consultation with the NRC and other appropriate Federal, State, and local agencies and private entities, to conduct a study of nuclear facility security and to report to Congress on the study's findings within 270 days of the amendment's enactment. The President must classify threats as either an attack by ''an enemy of the United States'' or as ''the type of risks that NRC licensees should be responsible for guarding against.'' This study will address what is at heart a national question of policy: the role of the Federal Government with respect to nuclear facility security. It is meant to delineate those threats that should be the responsibility of the Federal Government and those threats that should be the responsibility of the nuclear industry.

The Presidential study is to take into account not only the threats of September 11 and ''air-based threats,'' but also the potential for attacks my multiple coordinated teams of a large number of individuals; the potential for assistance is an attack from several persons employed at the facility; the potential for suicide attacks; and the potential for water-based threats, as well as other threats. The President must report to Congress on actions taken, or to be taken, to address the types of threats identified as ''enemy of the United States'' threats. Such ''enemy of the United States'' threats could very well include September 11-type attacks, regardless of the nationality of the perpetrators. In preparing the report, the President will need to consider the defensive capabilities of private corporations and those of the government.

The NRC must promulgate regulations addressing the threats the President identifies as the type of risks that NRC licensees should be responsible for guarding against. The NRC is

required to update its regulations pertaining to the design basis threat (DBT), based, in part, on whether the President's study identifies new threats that conflict with the DBT as currently set forth in NRC regulations. It may be, however, that the majority of threats in the President's study are deemed to be ''enemy of the United States'' threats, and, in such cases, the NRC would not be required to expand its regulations in this area.

The amendment also requires the NRC to establish a program to test the response of reactor personnel to mock attacks. The NRC must approve or design, observe and evaluate force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. This provision gives the NRC flexibility to text and implement a Safeguards Performance Assessment (SPA) pilot program currently under development or to continue its current Operational Safety Response Evaluation (OSRE) program. As the committee report points out, the NRC must be active in the preparation of the testing program. The language, however, does not mandate the use of, or otherwise codify the existing OSRE program; nor does it prohibit the use of the SPA program. Rather, it gives the NRC the flexibility it needs to run a program of its own choosing, provided that the key elements specified in the bill are contained in the program.

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES)

*H.R. 2983—Price-Anderson Reauthorization Act of 2001 (Rep. Wilson (R) NM and 8 cosponsors)*

The Administration supports reauthorization of the Price-Anderson Act, which provides liability protection for government contractors and the nuclear industry and assures prompt and equitable compensation for the public in the unlikely event of a nuclear accident. The Administration commends the House for its efforts to extend Price-Anderson's important indemnification objectives. To assure the future of nuclear energy, liability coverage must continue for nuclear activities conducted by the Department of Energy and by licensees of the Nuclear Regulatory Commission as well as contractors, subcontractors, and suppliers of both.

The Administration remains committed to enacting legislation that will reauthorize the Price-Anderson Act in its current form, and looks forward to working with Congress to improve provisions in the bill concerning financial accountability, safety, and security. The Administration hopes to work with Congress to ensure that the bill achieves its intended effect without detracting from the quality of potential contractors, fostering unnecessary regulations, or compromising security, anti-terrorism, or non-proliferation efforts.

Mr. GIBBONS. Madam Speaker, currently, nuclear security requirements at licensed nuclear facilities do not reflect the risk of terrorism that they face in the post September 11, 2001-world. The Nuclear Regulatory Commission has recognized that the containment buildings housing nuclear reactors are not designed to withstand an attack of September 11 proportions. An even more vulnerable target includes spent nuclear fuel pools which contain more radioactivity than a reactor core and are located outside of the containment structure. Unfortunately, H.R. 2983 contains specific provisions intended to facilitate the construction of the Pebble Bed Modular Reactor (PBMR), a design that does not include a protective containment structure.

The blanket indemnities granted to Department of Energy contractors by the Price-Anderson Act, even in cases of willful misconduct and gross negligence, runs counter to the goal of comprehensive security at licensed nuclear facilities. Unfortunately, America knows far too well the effects of willful misconduct on buildings and locations that do not house radioactive waste. Exposing facilities that do is an egregious violation of public trust and safety. As a Congress, we should not provide disincentives to ensuring public safety. If we pass H.R. 2983, we will be doing just that.

Besides worrying about terrorist attacks on nuclear reactors, nuclear waste transports, or nuclear waste storage sites, taxpayers are concerned abut having to foot the bill in cases of disaster. Americans are expected to purchase their own insurance, yet the nuclear industry asks Americans to pay for theirs. The Price-Anderson Act limits the financial responsibility of the nuclear industry by awarding special protections that no other industry has received. This limitation not only insulates the industry from financial risks but creates an inherent subsidy by relieving the costs of fully insuring against the risk of an accident. All other businesses insure to a reasonable limit against potential liabilities and risk loss of assets if the level of insurance is inadequate. This insurance is a normal cost of doing business, which is then reflected in the price of the product or service provided by that business. The Price-Anderson Act gives the nuclear industry an unfair business advantage. By eliminating the cost of purchasing adequate insurance, the Act makes nuclear power appear cheaper to consume than it truly is.

Madam Speaker, I do not support the Federal Government being used as an insurance provider of this magnitude. The nuclear industry should be required to purchase insurance like everyone else is expected to—through the private market. I do not support H.R. 2983 and urge my colleagues to reconsider its placement on the suspension of the rules calendar.

Mr. GUTKNECHT. Madam Speaker, I would like to enter into the RECORD the following language that is missing from the Price-Anderson Reauthorization Act of 2001, but that I feel should have been included. The effect of this language would be to clarify that Indian tribes are covered under the act, and to ensure that in the event of a nuclear incident on an Indian Reservation which renders such land uninhabitable, the tribe would be compensated with other lands of comparable size and value.

42 U.S.C. 2014(s) is amended to read:

(s) The term ''person'' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, *any Indian tribe, band, nation or other organized group or community of Indians,* any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

42 U.S.C. 2014(w) is amended to read:

(w) the term ''public liability'' means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by *any Indian tribe, band, nation or other organized group or community of Indians or* a State, or a political subdivision of a State, in the course of responding to a nuclear incident or a precautionary evacuation), except: (i) claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; (ii) claims arising out of an act of war; and (iii) whenever used in subsections (a), (c) and (k) of section 2210 of this title, claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs. *In the case of an Indian tribe with trust or reservation lands located within one mile of the site of a nuclear incident, ''public liability'' includes the loss of use of trust or reservation lands. In the event of a nuclear incident which renders such trust of reservation lands uninhabitable, upon meaningful consultation with the Indian tribe, other lands of comparable size and value shall be placed in trust for the tribe and shall have the same status for all purposes of Federal, State and Indian law as did the uninhabitable lands.* ''Public liability'' also includes damage to property of *other* persons indemnified: Provided, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2983, as amended.

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

A motion to reconsider was laid on the table.

## NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. BARR of Georgia. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 44) expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

The Clerk read as follows:

S. CON. RES. 44

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be December 7, 2001;

Whereas on August 23, 1994, Public Law 103–308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas Public Law 103–308, reenacted as section 129 of title 36, United States Code, requests the President to issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate

ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress, on the occasion of the 60th anniversary of December 7, 1941, pays tribute to—

(1) the United States citizens who died as a result of the attack by Japanese Imperial Forces on Pearl Harbor, Hawaii; and

(2) the service of the American sailors and soldiers who survived the attack.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 44.

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

There was no objection.

Mr. BARR of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of Senate Concurrent Resolution 44. On November 15, the Senate agreed to this resolution which expresses the sense of the United States Congress regarding National Pearl Harbor Remembrance Day.

This important piece of legislation recognizes that December 7, 2001, is the 60th anniversary of the Japanese sneak attack on Pearl Harbor. The resolution pays tribute to the United States citizens who died as a result of the attack by Japanese Imperial Forces on Pearl Harbor, Hawaii, and acknowledges the service of the American sailors and soldiers who survived the attack.

On May 21, 2001, the House of Representatives passed a similar measure. While the language in this resolution does not differ materially from the resolution which the House passed last May, the environment in which we legislate today is starkly different.

On September 11, hostile alien forces again attacked this Nation. This time the attacker was not a nation but rather members of an evil movement that would use terrorism to destroy Western civilization itself. The death toll from these September 11 terrorist attacks were overwhelmingly civilian and far exceed the death toll of the sneak attack on Pearl Harbor 60 years ago.

As a result of these latest attacks, America's Armed Forces are once again engaged in conflict in distant lands. They are in Afghanistan and neighboring countries and surrounding areas to protect the United States, and indeed the world, from terrorism.

As these young men and women place themselves at risk to protect our freedom and our way of life, it is especially appropriate for Congress and the Nation to honor those who died at Pearl Harbor 60 years ago and those who survived the attack.

Today, necessarily, and unfortunately, we have a much deeper understanding, a more immediate understanding of the sacrifices made 60 years ago. We have a more vital appreciation for the horrors they endured on that day of infamy.

I urge all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, at 7:53 a.m. on December 7, 1941, the Japanese Imperial navy attacked the island of Oahu, Hawaii, now infamously known as Pearl Harbor. Approximately 100 ships of the U.S. Navy were present that morning, consisting of battleships, destroyers, cruisers and various support ships.

By 1:00 p.m. the Japanese carriers that launched the planes from 274 miles off the coast of Oahu were heading back to Japan. Behind them they left chaos: 2,403 dead, 188 destroyed planes and a crippled Pacific Fleet that included eight damaged or destroyed battleships.

Battleships moored along Battleship Row were the primary target of the attack's first wave. Ten minutes after the beginning of the attack, a bomb crashed through the USS *Arizona*'s two armored decks, igniting its magazine. The explosion ripped the ship's sides open, and fire engulfed the entire ship. Within minutes, the ship sank to the bottom, taking 1,300 lives with her. The sunken ship remains as a memorial to those who sacrificed their lives during this attack.

Let me take a moment to read an excerpt of Marine Corporal E.C. Nightingale's account of that Sunday morning as he was leaving the breakfast table aboard the USS *Arizona*.

''I reached the boat deck and our anti-aircraft guns were in full action, firing very rapidly. I was about three-quarters of the way to the first platform on the mast when it seemed as though a bomb struck our quarter deck. I could hear shrapnel or fragments whistling past me. As soon as I reached the first platform, I saw Second Lieutenant Simonson lying on his back with blood on his shirt front. I bent over him and taking him by the shoulders asked if there was anything I could do. He was dead or so nearly that speech was impossible.''

□ 1615

This resolution calls on Congress, on the 60th anniversary of Pearl Harbor, to pay tribute to those who not only died in the attack, but those like Corporal Nightingale who survived that fatal Sunday morning.

And like my dear friend, Orlandis Dixon, who was also at Pearl Harbor and survived, I take this opportunity to pay tribute to all of the men and women who have put their lives on the line consistently to protect and promote the most desirable features of our way of life, especially the Crispus Attucks Post, Milton Olive Post, George Giles Post, Tuskegee Airmen and Triple Nickle of the 101st Airborne, all of whom I interact with on a regular and ongoing basis.

To listen to these men and women recount their experiences causes one to have a new level of understanding and appreciation for the sacrifices made by our Armed Forces. So I join in strong support of this resolution and urge that all Members would vote favorably for it.

Madam Speaker, I reserve the balance of my time.

Mr. BARR of Georgia. Madam Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. WELLER), the sponsor of this resolution.

Mr. WELLER. Madam Speaker, I thank the chairman for yielding me this time and for his help in bringing this important initiative to the House floor, as well as the efforts of the gentleman from Illinois (Mr. DAVIS). I wish to also recognize that it has also been approved in the Senate.

December 7 of this year will be the 60th anniversary of the attack on Pearl Harbor. For those of us in our generation, of course we now have September 11, 2001, as a day that we will always remember of how it changed our lives and how it changed our country. For our grandparents and parents, their generations had Pearl Harbor, a day which we wish to commemorate and remember those who fought and who lost their lives on that fateful day December 7, 1941, a day which cost the lives of 2,403 military and civilian citizens of the United States.

Let me quickly review what occurred on that day. Earlier, on November 26, the Japanese attack fleet of 33 warships and auxiliary craft, including six aircraft carriers, sailed from northern Japan for the Hawaiian Islands. By early morning on December 7, 1941, the ships had reached their launch position 230 miles north of Oahu. The night before, some 10 miles outside the entrance to Pear Harbor, five Midget submarines, carrying two crewmen and two torpedoes each, were launched from larger mother submarines.

130 vessels of the U.S. Pacific fleets were in Pearl Harbor on December 7. The first wave of Japanese aircraft arrived over their target areas shortly before 7:55 a.m. The commander of the Japanese fleet sent the coded messages ''To To To'' and ''Tora, Tora, Tora,'' telling the fleet the attack had begun and that complete surprise had been achieved.

At approximately 8:10 a.m., the USS *Arizona* exploded, having been hit by a 1,760 pound armor-piercing bomb that slammed through her deck, igniting her forward ammunition magazine. And as my friend from Illinois noted,

she sank fairly quickly and now remains as an everlasting memorial in Pearl Harbor.

Later, in the attack, the USS *Oklahoma*, hit by several torpedoes, rolled over, trapping 400 men inside. The USS *California* and the USS *West Virginia* sank at their moorings, while the USS *Utah*, converted to a training ship, capsized with over 50 of her crew.

The USS *Maryland*, the USS *Pennsylvania*, and the USS *Tennessee* all suffered significant damage. The USS *Nevada* attempted to run out to sea, but took several hits and had to be beached to avoid sinking and blocking the harbor entrance.

After a lull at about 8:40 a.m., the second wave of attacking planes focused on continuing the destruction inside the harbor, destroying the USS *Shaw*, the USS *Sotoyomo*, a dry dock, and heavily damaging the Nevada, forcing her aground.

They also attacked Hickam and Kaneohe air fields, causing heavy loss of life and reducing American ability to retaliate. Luckily, American carriers were not in port at the time of attack. The shipyards, fuel storage areas, and submarine base suffered no more than slight damage.

Unfortunately, 2,403 military personnel and civilians were lost in the attack. And, today, we must not forget. As we approach this 60th anniversary of Pearl Harbor, it is important that we remember.

As a sponsor of this Sense of Congress Resolution that commemorates National Pearl Harbor Remembrance Day, I want to thank my colleagues and urge bipartisan support. In the 103rd Congress, December 7 was designated National Pearl Harbor Remembrance Day. Unfortunately, it never seems to get the attention that it deserves.

Passing this resolution, recognizing this important day, helps better promote our memories of the impact of Pearl Harbor on those who lost their lives. It will remind citizens that national Pearl Harbor Remembrance Day should be marked with appropriate ceremonies and activities and that flags should be flown at half staff.

Today, there are over 12,000 members of the Pearl Harbor Survivors Association; but I would like to acknowledge the efforts of Mr. Richard Foltynewicz of Ottawa, Illinois, a leader of the Pearl Harbor Survivors Association, who first brought this issue to my attention years ago.

Today, my colleagues, let us honor those who survived as well as those who lost their lives in defense of our freedoms on December 7, 1941, by passing this Sense of Congress Resolution commemorating National Pearl Harbor Remembrance Day and recognizing that it occurred 60 years ago, and, today, we recognize the 60th anniversary of the attack on Pearl Harbor.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Madam Speaker, I would very much like to commend the chairman of the committee, the gentleman from Georgia, and my good friend, the ranking member, the gentleman from Illinois, for their leadership in bringing this legislation to the floor.

Madam Speaker, I rise in support of Senate Concurrent Resolution 44, which underscores Congress' strong support of National Pearl Harbor Remembrance Day and pays tribute to the United States citizens who died in the attack and the surviving American service members, many of whom belong to the Pearl Harbor Survivors Association.

I deeply commend the authors of this important legislation, Senator FITZGERALD of Illinois and Senator SMITH from New Hampshire, and the gentleman from Illinois (Mr. WELLER), who introduced the House counterpart, House Concurrent Resolution 56, which was adopted earlier this year in May.

Madam Speaker, as the resolution properly notes, this December 7th will mark the 60th anniversary of Japan's deadly surprise attack on Pearl Harbor. On that Sunday morning, December 7, 1941, a Japanese force of 353 divebombers and torpedo planes attacked U.S. military naval forces on Oahu without warning. Our Nation suffered staggering losses, with over 2,400 servicemen and women killed, another 1,200 wounded, over 320 aircraft destroyed or damaged, and all eight U.S. battleships in Pearl Harbor sunk or seriously damaged. The next day, the United States declared war on Japan and later its Axis partners.

Madam Speaker, in many ways, we prevailed in World War II directly because of the brave and courageous members of our Armed Forces who died and fought at Pearl Harbor. Their sacrifices galvanized and ignited America's fighting spirit as never before, fueling us for years of battle until the forces of tyranny were defeated.

But, Madam Speaker, the term Pearl Harbor also means something vastly different to certain Americans who suffered tremendously under the pretense of the policy of our national security. I am making reference specifically, Madam Speaker, to Americans of Japanese ancestry. Some 100,000 Americans were systematically herded like cattle and placed into concentration camps, with their property confiscated. At the height of tremendous hatred and bigotry and racism, what was very interesting is that we had another fantastic legacy to be shared with every American in our country.

It is important to recognize the contributions of the Japanese-Americans who served in the U.S. Army's 100th Battalion and 442nd Combat Infantry group. History speaks for itself in documenting that none have shared their blood more valiantly for America than the Japanese-Americans who served in these units while fighting enemy forces in Europe during World War II.

The records of the 100th Battalion and 442nd Infantry are without equal, Madam Speaker. These Japanese-American units suffered an unprecedented casualty rate of 314 percent and received over 18,000 individual decorations. Many were awarded after their deaths for bravery and courage in the field of battle.

For your information, Madam Speaker, 52 Distinguished Service Crosses, 560 Silver Stars, and 9,480 Purple Hearts were awarded to the Japanese-American soldiers of the 100th Battalion and 442nd infantry. The 442nd Combat Infantry group emerged as the most decorated combat unit of its size in the history of the United States Army. President Truman was so moved by their bravery in the field of battle, as well as that of African American soldiers during World War II, that he issued an American order to desegregate the Armed Forces.

I am happy to say that after DANIEL AKAKA introduced legislation in 1996 to review the war records of these soldiers, 20 Medals of Honor were awarded to these Japanese American soldiers, including Senator DANIEL INOUYE of Hawaii. The Senator was initially awarded the Distinguished Service Cross for heroism in combat and was an original member of the 442nd Infantry Combat group.

I might say also, Madam Speaker, that for many years I have served as executive officer of B Company of the 100th Battalion and the 442nd Infantry.

Madam Speaker, these Japanese Americans paid their dues in blood to protect our Nation from its enemies. It is a shameful legacy in the history of our country that when the patriotic survivors of the 100th Battalion and the 442nd Infantry returned to the United States, many were reunited with their parents, their brothers, and their sisters who were locked up behind barbed wire fences living in concentration camps.

I recall our former colleague and friend who now serves as Secretary of Transportation, former Congressman Norm Mineta. He said as an 11-year-old, he was in one of these concentration camps. He was told that they had to put all these Japanese Americans in these concentration camps, that it was for their protection. Here was an 11-year-old saying if it was for their protection, why were all the machine guns pointed inside the camps and not outside the camps.

Madam Speaker, the wholesale and arbitrary abolishment of the constitutional rights of these loyal Japanese Americans will forever serve as a reminder and testament that this must never be allowed to occur again. Madam Speaker, as our government deals with the ramifications of the horrific terrorist attacks of September 11, I would hope our Nation would not forget this one basic lesson.

I urge adoption of the resolution before us, which recognizes and honors the sacrifices of our armed services members who died and served at Pearl Harbor, for they inspire all Americans to seek to preserve and protect our great Nation and democracy. By the same token, Madam Speaker, let us not also forget what happened to our fellow Americans, the Japanese Americans. They suffered tremendously and did so without any guilt on their part, simply because they were Americans who happened to be of Japanese ancestry.

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

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

I would like to associate myself with the remarks of the gentleman from American Samoa. As a matter of fact, as a child growing up, I lived near one of those concentration camps, a resettlement camp, in Jerome, Arkansas; and so I observed some of what the gentleman speaks about. And having actually seen it, I appreciate the gentleman's remarks a great deal.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, I think, in view of the pending celebration of the 60th anniversary of Pearl Harbor, probably two major things have resulted from what has happened. One, I think our country should always remember that Americans are Americans regardless of race, creed or color. And I think the image and the understanding when we talk about Pearl Harbor, though there is no question about what happened and the sacrifices of those fellow Americans who died as a result of the Japanese attack, there is also the other very emotional feeling among many of the Japanese Americans throughout our Nation, because it was not a very happy experience for them when this happened.

More than anything, too, as a result of the courageous efforts by these Japanese American soldiers and our black and fellow African American soldiers, for the first time President Truman, who was so moved by their sacrifices, he then issued an Executive Order to desegregate the Armed Forces. That is a major, major change in our national policy; and I thank the gentleman for his recognition of this.

□ 1630

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

Mr. Speaker, I agree with the gentleman. December 7, 1941, or September 11, 2001, our country has stood strong, resilient and ready to withstand any attack, no matter where it comes from. Again, we salute, we commend those men and women of the military who have protected with their very lives the freedoms which we all enjoy. I urge support of this resolution.

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

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, December 7, 1941, was certainly a watershed. It was a day those who lived through it, and all who have lived after it, will never forget. America, and indeed the world, were changed forever by the events of December 7, 1941. America was awakened from slumber by that attack, and she has not slept since.

However, we have been stirred from a rest on September 11 of this year, and we are now reminded that America cannot ever sleep any more now than on December 7, 1941. We must remember, and we must pass this resolution. We must remember so that free people everywhere never forget. I urge support on Senate Concurrent Resolution 44.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today as a Member of the House Veterans' Affairs Committee in strong support of S. Con. Res. 44 and urge its immediate passage. Designating December 7 of this year as National Pearl Harbor Remembrance Day is most appropriate and is a fitting tribute to the men and women who were present on that fateful day.

December 7 of this year marks the 60th anniversary since that ill-fated Sunday morning when the dreaded news of death and destruction rang out across this nation. The surprise attack by the Imperial Japanese naval air forces upon our naval base at Pearl Harbor and the airfields around the island of Oahu went on to forever change our world. This unprovoked attack sank or heavily damaged 21 ships, destroyed or damaged 323 aircraft, killed 2,338 military personnel and civilians, and wounded 1,178.

Reactions to the news varied from disbelief and shock, to anger. Later, these feelings would translate into a sense of mission, duty, and responsibility which would drive the American war machine and keep the recruitment offices flowing with eager volunteers.

The raid on Pearl Harbor is an event which will forever be ingrained in the hearts and minds of those old enough to remember. The war is over, but we shall never forget. We shall not forget the destruction and sorrow which drew this nation into World War II. President Roosevelt told Americans that December 7, 1941, would be ''a date which will live in infamy.'' Indeed, this day has proven a constant reminder of the heroism and sacrifice of thousands of men and women who defended our freedom and liberty.

My home State of New Mexico proudly hails approximately 200 Pearl Harbor Veterans within its borders. All across the Land of Enchantment on December 7 families and friends will gather to pay tribute to these brave Americans. I salute each and every one of them. I want to also recognize Stanley White who is the President of Chapter 1 of the Pearl Harbor Survivors Association for proudly representing all Pearl Harbor Veterans in New Mexico.

Be assured that as we commemorate the 60th anniversary of the attack on Pearl Harbor, the bravery, valor, and service of these men and women in defense of their country and its deals are not forgotten. Please accept the thanks of a grateful nation forever indebted to your service.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of S. Con. Res. 44, which expresses the sense of Congress regarding National Pearl Harbor Remembrance Day. December 7, 2001 will be the 60th Anniversary of 1941 attack on Pearl Harbor by the Imperial Japanese Navy and Air Force. This bill recognizes and gives deference to the 2,403 members of our Armed Forces who were killed during the attack, as well as to the more than 12,000 members of the Pearl Harbor Survivors Associations across our great Nation.

Mr. Speaker, thousands of innocent young lives were lost during that surprise early Sunday morning attack. At 7:55 am, Japanese bombers began the bombing that sank 21 American warships, killed 2,338 military personnel and civilians, and destroyed 165 planes.

The Arizona Memorial, which represents the courage and sacrifice of the men that died in Pearl Harbor, was built in 1961 to honor the 1,177 *Arizona* crewmen who were killed during the Japanese attack. According to a USS *Arizona* casualty list supplied by the Department of the Interior, at least 78 of these soldiers and sailors were from Texas. The memorial is situated directly above the sunken USS *Arizona,* which still entombs about 900 crewmen who lost their lives when the *Arizona* went down.

Mr. Speaker, we will never know what those young men would have achieved. We are humbled by their sacrifice. It is appropriate that we commemorate the 60th anniversary of the event that brought our country into World War II. We must always remember the sacrifice and heroism of those who lost their lives for our country at Pearl Harbor.

Mr. SMITH of Texas. Mr. Speaker, today is not Veterans' Day nor Memorial Day nor any of the other days we usually set aside to remember our servicemen and women. But we are not confined solely to those official days in remembering our nation's heroes.

At this time in our nation's history, when once again the sound of battle rumbles on the horizon and the skies are darkened by war planes and bombs, we should reflect on a similar time 50 years ago. Few of us ever expected to see another day like December 7, 1941, and all of us hoped we never would. For over fifty years America led the world in a season of peace and prosperity. But on September 11, 2001, this generation's ''day that will live in infamy'' came, and the ''sleeping giant'' was awakened once again.

In Fredericksburg, TX, there is a place with the motto, ''We inspire our youth, by honoring our heroes.'' This place is called the National Museum of the Pacific War Campaign and it is very special indeed. Many know it by its former name, the Admiral Nimitz Museum, for it was in Fredericksburg that over a hundred years ago that great man was born and raised.

Chester W. Nimitz served his country all of his life—from his first year at the U.S. Naval Academy at the age of 16 to his appointment as the first-ever five-star Fleet Admiral. It is appropriate to have a museum that honors not only his name and legacy, but also the countless sailors, soldiers, and marines who served in that theatre of war with him.

The bloodshed that began in Pearl Harbor ended nearly 4 years later in Tokyo Bay, with Admiral Nimitz personally accepting the Japanese surrender. Between those famous dates

of December 7, 1941, and September 2, 1945, are thousands of other dates largely forgotten, but dates still made sacred by the blood and sweat of our fellow Americans, who fought and died from one end of the mighty Pacific Ocean to the other. They fought so that we all might live free.

Once again, our great country finds itself engaged in a time of strife. Perhaps even now, another young Nimitz is waiting in the wings. We must never forget that the children of today are the leaders of tomorrow. Admiral Nimitz took as his favorite quotation the following: ''Those who cannot remember the past are condemned to repeat it.''

Even as we speak, another generation of Americans is following its commanders into harm's way. And they do so for you and me. They do so because others did so before them, and left a living legacy for them to follow; a legacy of blood and valor etched on coral ridges and tropical atolls from Midway and Guadalcanal all the way to Okinawa and Japan.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of S. Con. Res. 44, a resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance day. I urge my colleagues to join in supporting this timely, appropriate measure.

December 7, 2001 will mark the 60th anniversary of the naval and air attack by imperial Japan on the U.S. Pacific Fleet at Pearl Harbor, Hawaii. This resolution pays tribute to the 2,403 servicemembers who were killed on that ''day of infamy,'' and the thousands more who received their baptism of fire into the Second World War.

It is the responsibility of those of us who still remember that attack on our Nation to remind younger generations of the lessons we learned. In his fireside chat on December 9, 1941, President Franklin Roosevelt stated: ''In the past three days we have learned a terrible lesson . . . . there is no such thing as security for any nation . . . in a world ruled by the principles of gangsterism.''

''There is no such thing as an impregnable defense against powerful aggressors who sneak up in the dark and strike without warning. . . We have learned that our ocean-girth hemisphere is not immune from severe attack—that we cannot measure our safety in terms of miles on a map anymore.''

Pearl Harbor taught us that we must never again give the perception of a weak U.S. defense posture. As a result of December 7, 1941, the philosophy of peace through strength became a mainstay of our American cold war defense and foreign policy.

This policy remains viable today, even though the cold war has ended. As the tragic and horrible events of September 11th have demonstrated the world is stall a very dangerous place. And there are many countries and organizations who have agendas that are a clear and present danger to American interests and our way of life.

The attack on Pearl Harbor did bring about one positive result. It revealed that, when threatened, the American people can act with unity and vigor in a manner unheard of in all previous history. This event reinforced, in a way that has now been repeated since September 11th, the premise that freedom and democracy are ideals which are worthy and sometimes require, fighting for.

Japan's attack on Pearl Harbor shook the American people from their slumber and isolationism, motivating the United States to take the lead in combating and ultimately defeating the tyranny of German nazism and Japanese militarism, enabling our nation to recognize that the 2,403 servicemen who died in the attack on December 7, 1941 did not die in vain.

Similarly, the unprovoked, barbaric acts of terrorism that occurred on September 11th have resulted in a newfound sense of unity among the American people. I have no doubt that we will rise to this new challenge of confronting terrorism, and that we will defeat this scourge just as soundly as we crushed German nazism and Japanese militarism.

Accordingly, I urge my colleagues to join in supporting this worthy measure.

Mr. BARR of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 44.

The question was taken.

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

Mr. BARR of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## EXPORT EXTENSION ACT OF 2001

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3189) to extend the Export Administration Act until April 20, 2002.

The Clerk read as follows:

H.R. 3189

*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 ''Export Extension Act of 2001''.

**SEC. 2. EXTENSION OF THE EXPORT ADMINISTRATION ACT OF 1979.**

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking ''August 20, 2001'' and inserting ''April 20, 2002''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3189, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of this bill. This is the extension of the Export Administration Act of 1979. It is H.R. 3189, and it is a measure approved by voice vote on October 31 by the Committee on International Relations. Enactment of this measure would reauthorize the existing Export Administration Act through April 20, 2002, thereby giving sufficient time for the House to act on comprehensive Federal Export Administration Act reform legislation considered on August 1, 2001.

The Export Administration Act was extended for 1 year in the 106th Congress, but that authority lapsed on August 20, and I would argue that we need to act on this measure today so we can keep this stopgap authority in place to maintain our export control authorities and to ensure that the Bureau of Export Administration has the enforcement powers it needs to stop terrorists from acquiring any dual-use goods or technologies that could be used to produce weapons of mass destruction.

The prompt enactment of this stopgap authorization will, moreover, enable the Bureau's administrators to protect licensing information and to increase the size of the fines for criminal and administrative sanctions against individuals and companies found to be in violation of our export control regulations.

A comprehensive reform measure, H.R. 2581, the Export Administration Act of 2001, considered by the Committee on International Relations on August 1, has now been referred to seven other House committees, and it is not expected to come before the House for further consideration until early next year.

Mr. Speaker, I urge my colleagues to support this bill which will preserve the integrity of our Nation's export control system at a time when we can afford no less.

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

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

Mr. Speaker, I rise in support of H.R. 3189. The gentleman from California (Mr. ROYCE) has indicated the history here in terms of its expiration.

I personally believe that this time will also give us an opportunity to review the legislation. I think it is important for us to balance national security concerns with the impact that this has on American commerce and on our own national security posture.

While the President reestablished the general authority to control exports using his emergency economic powers, without a full EAA in force, the Department of Commerce lacks the full enforcement powers which may be necessary to safeguard United States national security. I think some Members were rather sanguine about this before September 11. I do think in the aftermath of September 11 and our coordinated effort and a global alliance against terrorism Members are concerned that we have the full range of

support necessary to protect American interests.

But we do need to take advantage of this time to look at the underlying act. It needs to be brought up to date with current technologies in several ways. For instance, it is no secret that today people can routinely purchase off the shelf more computing power than was used to create the hydrogen bomb. We are all familiar with stories, not just apocryphal, where the technology in children's games, the Game Boys, commonly used by junior high students, could have been potentially subjected to this legislation in the past.

We also have to be very, very careful that we do not have unintended consequences by clamping down in an unrealistic fashion on American industry. We might well have the effect of diverting business to other countries that do not enjoy the same range of protections that we have got, and it would not just be a case of hamstringing American industry, although I think all of us are concerned about the impact it may have on the technology-based industries that are the cornerstone of so many economies around the country and is part of our dominant position in the future.

It could have the effect of encouraging further business for foreign sources of competition that would leapfrog past us in terms of technology so we would lose our advantage, we would encourage other states, some that may not be friendly to the United States or others that might be a little looser in terms of how they sell the technology, so that at the end of the day, by being unrealistic and too bureaucratic in our structure of this act, we will have not just lost business for the United States companies but we will have seen this technology shift to other parts of the world so that we will actually be less safe.

But I do think that the extension that my colleague has talked about that is embodied in this legislation is a good window. We have had, with the leadership of the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. HYDE), other members of the committee, we have had productive discussions. We have laid the foundation to be able to do this properly in the future.

I hope we would be fair to American industry, be fair to American security interests, and move forward with the extension and come back in an expeditious fashion that will meet our needs now and in the future.

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 3189.

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

A motion to reconsider was laid on the table.

## EXPRESSING SENSE OF CONGRESS REGARDING EFFORTS OF PEOPLE OF UNITED STATES OF KOREAN ANCESTRY TO REUNITE WITH FAMILY MEMBERS IN NORTH KOREA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 77) expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea.

The Clerk read as follows:

H. CON. RES. 77

Whereas on June 25, 1950, North Korea invaded South Korea, thereby initiating the Korean War, leading to the loss of countless lives, and further polarizing a world engulfed by the Cold War;

Whereas in the aftermath of the Korean War, the division of the Koreas at the 38th parallel separated millions of Koreans from their families, tearing at the heart of every mother, father, daughter, and son;

Whereas on June 13 and 14, 2000, in the first summit conference ever held between leaders of North and South Korea, South Korean President Kim Dae Jung met with North Korean leader Kim Jong Il in Pyongyang, North Korea's capital;

Whereas in a historic joint declaration, South Korean President Kim Dae Jung and North Korean leader Kim Jong Il made an important promise to promote economic cooperation and hold reunions of South Korean and North Korean citizens;

Whereas such reunions have been held in North and South Korea since the signing of the joint declaration, reuniting family members who had not seen or heard from each other for more than 50 years;

Whereas 500,000 people of the United States of Korean ancestry bear the pain of being separated from their families in North Korea;

Whereas the United States values peace in the global community and has long recognized the significance of uniting families torn apart by the tragedy of war; and

Whereas a petition drive is taking place throughout the United States, urging the United States Government to assist in the reunification efforts: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that—

(1) the Congress and the President should support efforts to reunite people of the United States of Korean ancestry with their families in North Korea; and

(2) such efforts should be made in a timely manner, as 50 years have passed since the separation of these families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 77, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 77. It is coauthored by the gentleman from California (Mr. BECERRA) and myself.

I serve as chairman of the U.S.-Republic of Korea Interparliamentary Exchange. Several of our colleagues met with South Korean legislators this past spring to discuss the critical relationship between the two countries, between South Korea and the United States; and we found that the issue of Korean-Americans here having a chance to participate in family reunifications was a key issue. Out of those discussions and in consultation with the Korean-American community, this resolution was developed.

There are over 500,000 Korean-Americans with relatives in North Korea that reside now in the United States. None of these individuals have been privy to any of the three family reunions that have taken place between the Republic of Korea and the Democratic People's Republic of Korea.

This legislation calls for the Congress and the President to support efforts to reunite U.S. citizens of Korean ancestry with their families in North Korea as soon as possible so they might have a chance to travel to North Korea and see their families. Many of these individuals are quite elderly, and they would like the opportunity before their loved ones pass away to do that.

After World War II, the 38th Parallel was used to draw a line between freedom on one side and tyranny on the other. What at the time seemed an easy resolution to a difficult diplomatic problem between communist Russia and the United States turned out to be the worst nightmare for millions of Koreans. The 38th Parallel cut through the country of Korea. It cut through villages, through communities, and in this case it cut through families. Millions of parents were separated from their children. Mothers were separated from fathers, grandparents from their grandchildren. In a culture centered around the family, this was absolutely devastating.

On June 25, 1950, North Korea invaded South Korea; and a war ensued for 3 harsh years. After the Korean War, the border became heavily fortified and closed. No one in North Korea was allowed out, and no one from South Korea was allowed in. Since 1953, South Korea, with the help of the United States, has made numerous overtures to North Korea to allow family members to reconnect. The Stalinist North said no.

□ 1645

In 1998, Kim Dae Jung assumed the South Korean presidency and instituted a ''sunshine policy,'' as he called it. Since last year, President Kim has enabled 300 South Koreans to see relatives they have not seen for over 50 years. I applaud these important steps.

But a very important component is missing from these reunions. The United States is home, as I said, to over 500,000 Korean Americans. Both the gentleman from California (Mr. BECERRA) and I represent large Korean-American communities in our districts. These Americans have suffered the pain of having relatives in North Korea they have not seen in over 50 years. Mr. Speaker, this is unacceptable.

The United States has demonstrated a longstanding commitment to the Korean peninsula. In 1950, when North Korea unleashed an all-out attack on South Korea, the United States acted swiftly and decisively. At least 37,000 Americans unfortunately died defending South Korea. These American soldiers paid the ultimate price to ensure South Korea's sovereignty. We have defended South Korea ever since.

In 1997, the United States spearheaded the international community's effort to ensure that South Korea's economy remained strong. The United States has provided hundreds of millions of dollars in humanitarian food aid to North Koreans. Needless to say, our country has dedicated great amounts of diplomatic and financial contributions to Korea, which is extremely important to maintaining peace and maintaining stability on that peninsula. For that, the Korean people are appreciative and our strategic interests are served. But we should also have a strong commitment to Korean Americans.

Currently, a petition is being circulated by the Korean-American community, including church groups and students and private citizens, to be sent to our President, to be sent to the President of South Korea, to the President of North Korea, to Secretary-General Kofi Annan and others urging them to make it possible for Korean Americans to be reunited with their families, to see their families in North Korea. I believe this is a reasonable request that requires urgent attention. It has been 50 years since these estranged relations have seen each other. Many people have died, and for many others it is their last wish that they might see their brother or sister or their aunt or uncle once again.

I urge passage of this bill so that this historical calamity can be rectified in however small terms. The United States should stand behind its citizens and undertake measures immediately to ensure that Korean-American families have a chance to see one another.

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

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume. I too rise in strong support of this resolution. I would first like to commend the sponsor of the resolution, the gentleman from California (Mr. BECERRA), the gentleman from California (Mr. ROYCE), as well as our Chair and ranking member for allowing it to move expeditiously to the House floor.

In June of last year, history was made on the Korean peninsula, 50 years after the outbreak of hostility as the leaders of North and South Korea, President Kim Dae Jung and North Korean Leader Kim Jung Il, had an unprecedented meeting in North Korea's capital. This historic meeting was the start of a series of official discussions between the North and the South designed to deal with the pressing political, economic, and humanitarian issues which separate them. Obviously, these discussions have proven difficult; and unfortunately there are no easy answers to permanently reducing North-South tensions. It may take years for the negotiations to resolve this range of issues separating North and South; but we are seeing tangible progress on one critical front, family reunification.

As has been referenced, millions of Koreans were separated from family members at the cessation of the armed conflict in the Korean War with millions finding themselves on opposite sides of the DMZ. That surreal area of the world continues. I personally will never forget the stark landscape on my first visit. It might as well have been on the other side of the Moon in terms of the sort of eerie nature, the clearing of the grounds, the fortifications that take place. For over 50 years, the DMZ has served as a symbol of this barrier that has divided not just the governments, not just the leaders, but of the families.

Now we have had three rounds of family visits. And while 600 does not seem like much, it truly represents a tremendous opportunity to produce a sea change between the two. But now my colleagues have brought forward a resolution that expresses the sense of Congress that the scope of these family reunification visits should be expanded to include Korean Americans. In my community, Korean Americans form a vital element of our civic fabric; and I know the energy, the compassion that they have displayed in our community and to one another could go a long way. And if they were able to deal with reunification of their own families, I think it would be an important step toward normalizing relations and depressing the pressures that have been built. A half million Korean Americans have been unable to see their families for half a century in an area that is the one that is most likely for American troops actually to see massive armed conflict, notwithstanding what is going on in the Middle East.

The United States has many issues on the agenda with North Korea, including missile development and proliferation, human rights, terrorism. Indeed, in North Korea the specter of mass starvation continues to haunt them. While these issues remain at the core of our agenda with North Korea, I firmly believe that passage of this resolution can help advance family reunification and can help tip the balance in ways that put a human face on this tragic situation.

I urge my colleagues to support the resolution.

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

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I want to thank the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BECERRA) for this resolution. In June of 1950, when the 38th parallel became a dividing line between North and South Korea, it dramatically divided the country and symbolized the polarity in the Cold War. Millions of Koreans lost communication with their families and loved ones living across the border.

Fifty years later, in June of last year, South Korean President Kim Dae Jung and North Korean leader Kim Jong Il made a promise to bring together the divided families of North and South Korea. After 50 years of political strife and social unrest, families are finally crossing the 38th parallel once again, reuniting with loved ones that were once lost to each other during the Cold War. While we should encourage this reunification between North and South Korean families, there is one set of families that have been left out, 500,000 Korean Americans who have been separated from their families.

Last year's summit was just the beginning of efforts to bring these two nations together. Not only are families reuniting across the border but economic ties are being strengthened; and there are positive efforts under way, including a cross-border railway and construction of a North Korean industrial park for businesses from the South. We must now make every effort to ensure that Korean Americans are part of this reconciliation.

As a congressional staff member, I traveled to North Korea twice and witnessed firsthand the starvation and lack of medical supplies and care. For over 50 years, citizens in North Korea have endured countless hardships at the cost of their government. As cooperation begins to start between North and South Korea, we must take action to ensure that citizens from our own country with relatives in North Korea benefit as well. The Illinois Ethnic Coalition estimates that 40,000 Korean Americans live in Chicago and another 60,000 live in Chicago suburbs. Too many citizens in my district are waiting to hear from loved ones in North Korea.

In September, the Korean-American Coalition of the Midwest collected 20,000 signatures in a petition calling for the U.S. Government to raise the

issue of family reunification with officials of the North Korean Government. I recently joined this coalition in a meeting with Secretary of State Colin Powell to encourage the reunification of North Korean families with their Korean-American relatives. I want to directly thank Secretary Powell for receiving us and agreeing to put the issue of reunification of North Koreans with their Korean-American families on the dialogue between the United States and the DPRK.

I strongly support this resolution as an important step in promoting the reunification of Americans of Korean ancestry with their families in North Korea. In the end, I hope Korean Americans like Cha Hee Stanfield will be able to see her relatives and say hello to her Korean relatives.

Mr. BLUMENAUER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his support and for his management of this time and the gentleman from California (Mr. ROYCE), a good friend and someone who has been a champion of not just these issues but other issues of international affairs. I want to thank him for his efforts. We have had an opportunity, as he mentioned, in the past to work on issues that are important to Korean Americans, but important to relations between the Koreas as they make efforts to try to reunify the two countries. I wish to thank the gentleman from California (Mr. ROYCE) for all of his efforts and certainly for the support and his cosponsorship of this particular resolution.

If I may also thank the gentleman from Texas (Mr. ARMEY) and the gentleman from Missouri (Mr. GEPHARDT) for helping us expedite the hearing of this particular concurrent resolution on the floor today. I want to make sure I do acknowledge their efforts to bring this before us quickly.

Mr. Speaker, H. Con. Res. 77 is a resolution that I authored in conjunction with the gentleman from California (Mr. ROYCE) for the express purpose of expressing our country and our government's firm support for family reunification opportunities between Americans of Korean descent and their North Korean relatives. Being separated from family at some point in our lives is something that we can all identify with. It is universal and we have gotten accustomed to it with all the travel that we do and separation that goes on between families. That separation is what makes holidays like Thanksgiving, which we just celebrated, a very special time. These are occasions when families gather to give thanks for their blessings. But unfortunately for many Americans, especially Americans of Korean descent, this separation from family has not been temporary, but prolonged and painful at times.

Nearly one-third of the more than 1 million people of Korean ancestry who live in the United States have relatives, mothers, brothers, grandmothers, uncles, many of whom they have not seen in more than half a century. Nongovernmental travel and communication between Korean Americans in the U.S. and family members in North Korea is difficult if not impossible. The year 2000 was historic because it was the year that marked the first-ever summit conference between South Korean President Kim Dae Jung and North Korean Leader Kim Jong Il in North Korea. Both leaders agreed to resolve humanitarian issues, such issues as exchange visas for families that have been separated for decades.

As of the third reunion, as we have heard, there have been three reunions to date of family members, the fate and addresses of more than 6,000 members of separated families have been confirmed and more than 3,400 families from South Korea have had an opportunity to reunite with relatives in North Korea. The three family reunions have taken place only between South and North Korea, unfortunately; and these reunions have been closed to date to Korean Americans in the United States. According to discussions with Korean officials, it is right now unfortunately the policy of trying to help the families from South Korea unite with North Korean family members probably more than anything else because there is such limited time and space available for families to reunite, and there are so many families who are hoping to have that opportunity in the future.

But time is of the essence. We have seen more than 50 years go by since those separations first occurred; and for many family members who reside here in the United States, they now know of family members in North Korea who are in their seventies and in their eighties and in many cases they are not even aware of what the status and the fate of their family members in North Korea may be at this time.

In the district I represent in Los Angeles, we have a very vibrant Korean-American community. I happen to be the Representative who has within his congressional district most of what is considered Korea Town in Los Angeles. I am committed to making family unification a reality for my constituents and for the people of Korean ancestry who are Americans here. The Korean-American Family Reunion Council has been working tirelessly to collect signatures, more than 100,000 signatures to date, which urge the President of the United States and the Congress to urge the two Koreas to allow Korean Americans to participate in these family unification opportunities and to visit their loved ones.

□ 1700

I have heard many personal stories from Korean Americans who have not seen their family in decades. In that opportunity that the gentleman from California (Mr. ROYCE), I and other of my colleagues had in an interparliamentary session in South Korea to meet with our South Korean counterparts, we had an opportunity to hear from them on this resolution, on this particular provision, and they indicated their support in having the United States advocate to have Korean Americans participate in those family unification efforts. But, despite those efforts, right now we currently see that there have been stops and starts in the inter-Korean talks that have been taking place, but we must still support these efforts.

Especially in these times of uncertainty in the world, it is vital that Congress support efforts to strengthen family bonds and build civic ties. Certainly since September 11, the community of nations has worked earnestly to bring the people of the world closer together, to break down barriers, and to help peoples live in peace as brethren.

Mr. Speaker, I would like to thank those individuals, the chairman of the committee, the gentleman from Illinois (Mr. HYDE), the gentleman from Iowa (Mr. LEACH); the ranking members, the gentleman from California (Mr. LANTOS), the gentleman from American Samoa (Mr. FALEOMAVAEGA); the gentleman from California (Mr. ROYCE); as I said before, the gentleman from Oregon (Mr. BLUMENAUER), all of those that made it possible to have the resolution before us.

I would be remiss if I did not mention the individuals who made this resolution possible, individuals like Hyepin Im of the Korean American Family Reunification Council; Mr. Sue Hee Kang of the Advisory Council on the Peaceful and Democratic Unification of Korea; Mr. Ki Whan Ha of the Korean American Federation of Los Angeles; Mr. Mike Hong of the Advisory Council on the Peaceful and Democratic Unification of Korea; Dr. Young Seok Suh of the Korean American Family Reunion Council; and Mr. Chul Choi, the President of the Federation of North Korean Provinces.

I would also like to add to that Reverend Tae Hwan Park, President of the Korean American Sharing Movement, who has been a great inspiration, and those who told me their personal stories of how they hope that before they expire they have a chance to see their relatives, and especially to my staff, Denise Lee, former staff member Susie Ahn, and certainly to the staff of the majority and minority on the Committee on International Relations, thank you very much for helping us bring this resolution to the floor of the House of Representatives.

I hope to convey a message to the two Koreas and to the people of the two Koreas that we wish to work with them as they work to reunify, and we also hope that the Korean Americans of this country will have an opportunity to participate in those family reunification efforts.

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

Mr. Speaker, I want to thank the gentleman from California (Mr. BECERRA) for his leadership on this resolution and for his work on building the relationship between South Korea and the United States on our interparliamentary exchange that we do between the U.S. Congress and the General Assembly in South Korea.

So, again, I wanted to acknowledge his authorship of this measure, which I was proud to coauthor, and the focus and attention that he has brought to better relations between the United States and South Korea.

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

Mr. BLUMENAUER. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, as a cosponsor of House Concurrent Resolution 77, I am honored to rise in support of this important measure which urges our government to support efforts to reunite Korean Americans with their families in North Korea.

As a member of the Asia-Pacific Congressional Caucus, it is most appropriate that we deliberate and pass this legislation in honor of our Korean American community throughout the United States. I especially want to commend the authors of this legislation, both the gentleman from California (Mr. BECERRA) and the gentleman from California (Mr. ROYCE), who were instrumental in this measure's introduction. The gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BECERRA) are respectively the chairman and vice chairman of the U.S. Republic of Korea Interparliamentary Exchange and they have done, in my personal opinion, an excellent job in furthering relations between our two nations.

I would also like to commend the chairman and ranking Democrat of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for their leadership and support in moving this measure on the floor.

Mr. Speaker, as many of you know, our relations with North Korea are crucial as the Korean Peninsula has long been one of the most dangerous flashpoints in the world. The United States currently has over 37,000 military personnel stationed in South Korea, with many of them patrolling the demilitarized zone.

As one who served in the military in Vietnam, Mr. Speaker, I can never forget the presence of thousands of South Korean soldiers who fought side by side with us. I might submit that, in time of crisis, we know who our real friends are. I want to say to the leaders and the people of South Korea, for supporting us during the Vietnam War, I say, Kham-Samieda.

Mr. Speaker, since the Korean War, millions of Koreans have had their families separated and torn asunder with the division of North Korea and South Korea. After almost some 50 years, the tragedy of family separation continues, impacting more than 500,000 Korean Americans who have been denied contact with their loved ones in North Korea.

At a time when the administration has reviewed its policy to urge North Korea to improve implementation of the agreed framework on nuclear activities, verify constraints on North Korea's missile program and exports, and to adopt a less-threatening conventional military posture, we should also follow up South Korea President Kim's sunshine policy.

Last year's historic summit meeting and joint declarations between the leaders of South Korea and North Korea, in my opinion, has already borne fruit, resulting in limited reunions between long-separated Korean family members.

Mr. Speaker, we need to build on this progress, and we can only do so by adoption of this measure. Establishing ties and reuniting Americans of Korean ancestry with their relatives in North Korea addresses a humanitarian goal and, more importantly, could play a meaningful role in helping to open up North Korea while reducing tensions in the Korean peninsula.

Again, I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I rise in strong support for H. Con. Res. 77, a resolution expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea.

Koreans and Korean Americans from all walks of life have suffered for more than 50 years from the pain of forced separation of their families. People have grown old and died without ever being in touch with their loved ones since the end of the war. Nobody benefits from such an inhumane situation.

While a few hundred staged reunions which have taken place there should be no undue restrictions imposed on the hundreds of thousands of people who want to spend time with their families. The Korean war is long over and we now need to get beyond the past. The best way to do this is by permitting people to cross the border and to end this regretable piece of history.

Accordingly, I urge my colleagues to support H. Con. Res. 77.

Ms. WATSON of California. Mr. Speaker, I rise in strong support of H. Con. Res. 77.

I would like to commend my colleague and fellow California delegation member Mr. BECERRA for his insight and hard work on this issue, as well as the chairman of the International Relations Committee, Mr. HYDE, and its ranking member, Mr. LANTOS.

Mr. Speaker I rise today to champion an American ideal, and an ideal revered throughout the world: the family. The family is the bedrock of America, and the foundation of our society. It is a fitting time to discuss H. Con. Res. 77 right now, in the midst of our holiday season, in the middle of time we value with our families.

War can have a terrible impact on civilians. Not only are family members killed, totally removed from society, but the very fabric of society can be torn, as we witnessed in the Korean War. After the DMZ was established, and the dust settled, millions of Koreans found themselves separated from their husbands, wives, children, parents, and extended family members.

For over 50 years, separated Korean family members have had limited information about their loved ones. June of 2000 was a historical moment for the world. The leaders of North and South Korea held a meeting in North Korea's capital. The leaders have started down the path to resolving the humanitarian, political, and economic issues that separate them. I commend the Korean officials who understand that family reunification is essential to the political reunification of Korea.

Mr. Speaker, I recall the Opening Ceremonies of the Sydney, Australia Olympic Games in September 2000, which I attended, and the excitement of the 100,000 spectators who all stood and cheered as North and South Korean athletes emerged from the tunnel under one flag. I will never forget the overwhelming emotional response of the stadium fans to this symbolic display of unity.

Mr. Speaker, according to the 2000 census, approximately 1/10th of the 1.1 million Koreans in the United States reside in, or very near to, my congressional district. The resolution before the House today expresses the sense of Congress that the scope of Korean family reunification visits, of which there have been three so far, should be expanded to include Korean-American families.

H. Con. Res. 77 expresses the value Americans place on the family unit. This resolution is positive for America, for American-Korean relations, and as a message for the world.

Mr. WU. Mr. Speaker, I rise in support of H. Con. Res. 77, the Korean American Family Reunification Resolution, introduced by my colleague, Congressman XAVIER BECERRA.

In the aftermath of the Korean War, the division of the Koreas at the 38th parallel separated millions of Koreans from their families, tearing at the heart of every mother, father, daughter, and son. As an immigrant, I know what it is like to be separated from my family. In March of 1961, John F. Kennedy signed an Executive Order that made it possible for people to come to this country from Asia, as they have from Europe. In October of 1961, after living apart for six years, my family was reunited in America.

My heart goes out to the many Americans of Korean ancestry who have been separated from loved ones for over fifty years. I understand the pain of being separated from family, which is why I support reunification efforts.

Since the historic summit last year between South Korean President Kim Dae Jung and North Korean leader Kim Jong Il, several reunions have taken place between divided Korean families and more anxiously await a chance to meet with relatives. However, the hope for reunification remains distant for Korean Americans here in this country that have not yet been involved with the selection process for family reunions.

H. Con. Res. 77 calls on Congress and the President to support the efforts of Korean Americans who wish to reunite with their family members in North Korea. I urge my colleagues to join in support of this resolution to

unite family members torn apart by the tragedy of war. Furthermore, I would like to extend my appreciation to Mr. BECERRA for introducing this legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to support H. Con. Res. 77, a concurrent resolution expressing the sense of Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea.

The year 2000 marked the 50th Anniversary of the Korean War. While the July 27, 1953 armistice officially ended the War, the division of the Koreas at the 38th parallel separated millions of Koreans from their families, tearing at the hearts of every mother, father, daughter, and son. Today, half a million people in the United States of Korean ancestry bear the pain of being separated from their families in North Korea.

Another historic occasion for the two Koreas occurred in the year 2000. On June 13th and June 14th, South Korean President Kim Dae Jung met with North Korean leader Kim Jong Il in the first ever summit held between the leaders of North and South Korea. In a joint declaration, the two leaders made a historic promise to promote economic cooperation and to hold reunions of divided Korean families. I am pleased to share with Members that three of these reunions have taken place thus far. It is vital that we continue to support the familial ties that bind the two Koreas.

Mr. Speaker, I am concerned that Korean Americans here in the United States have not had the opportunity to participate in these family reunifications. Because of the geographical distance, many Korean Americans are not involved with the selection process for the family reunions. This is why H. Con. Res. 77 is important to Korean Americans in my district, and across the United States.

Virginia's Eleventh Congressional District is home to one of the largest Korean-American constituencies. Korean Americans in my district still have personal ties to their former homeland. Some have not seen nor heard from their family members in North Korea for more than fifty years. Almost three generations have grown up unable to communicate with their own family members. We must make every effort to persuade the two Koreas that Korean Americans should be permitted to participate in the selection for the family reunifications and that these efforts should be timely, as older Koreans are dying as they await their turns in this process.

Mr. Speaker, I urge all of my colleagues to support this humanitarian resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution expressing the Sense of Congress that the President should support the efforts of U.S. citizens of Korean ancestry to reunite with their families in North Korea.

Mr. Speaker, in June of 2000 North and South Korean leaders signed an historic agreement that was to facilitate the reunion of Korean families through Red Cross registration offices. An estimated 1.2 million North Korean refugees are currently living in South Korea, and over 500,000 Korean-Americans have been separated from their families in North Korea.

The reunions that have resulted from this agreement have been short, and therefore bittersweet. However, these reunions between North and South Koreans have not included Korean Americans who also feel the pain of separation from their families.

As the healing process between these two nations continues, I believe the United States must do more to ensure that our citizens have the opportunity to reconnect with their loved ones. In fact, this resolution should be the beginning of a conversation between the U.S. and North Korea on behalf of these families, with the goal being the fair and even representation of their interests during government level meetings on Korean Family reunification.

Mr. Speaker, I believe it is the Sense of Congress that the U.S. values peace in the global community, and we must continue to recognize the sanctity of the family as the central unit of human socialization.

Mr. Speaker, 50 years is too long to have gone without seeing your brother or sister. Many mothers and fathers from families torn apart by war along the 38th parallel have passed on without final visits from their children. We must therefore pursue the goal of family unification for Korean Americans with alacrity, for soon it will be too late for many families to share the words ''I love you.''

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 77.

The question was taken.

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

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

The yeas and nays were ordered.

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

## AUTHORIZING THE 2002 WINTER OLYMPICS TORCH RELAY TO COME ONTO THE CAPITOL GROUNDS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 82) authorizing the 2002 Winter Olympics Torch Relay to come onto the Capitol grounds.

The Clerk read as follows:

S. CON. RES. 82

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. AUTHORIZATION OF THE RUNNING OF 2002 WINTER OLYMPICS TORCH RELAY ONTO THE CAPITOL GROUNDS.**

On December 21, 2001, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2002 Winter Olympics Torch Relay (in this resolution referred to as the ''event'') may come onto the Capitol Grounds as part of the ceremony of the 2002 Winter Olympic Games to be held in Salt Lake City, Utah.

**SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.**

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

**SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.**

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Utah (Mr. MATHESON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, Senate Concurrent Resolution 82 authorizes the 2002 Winter Olympics Torch Relay to come on the Capitol grounds as part of the ceremony of the 2002 Winter Olympic games. The Torch Relay will cross the grounds on December 21, 2001, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration designate.

The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the sponsor of the event to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The sponsor of the event will assume all expenses and liabilities in connection with the event, and all sales, advertisements and solicitations are prohibited.

The 2002 Winter Olympic Games will be held in Salt Lake City, Utah, beginning on February 8 and concluding on February 24, 2002. Competition is scheduled for seven sports in 78 medal events at the games. An estimated 3,500 athletes and officials from 80 countries are expected to participate. In addition, 18,000 volunteers will help stage the games.

It will be an honor to have the Winter Olympic Torch Relay pass through the Capitol Grounds on December 21 and for the United States to host the 19th Olympic Winter Games. I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I want to thank Senator BENNETT for introducing Senate Concurrent Resolution 82. This legislation authorizes the use of the Capitol Grounds for the 2002 Winter Olympics Torch Relay. Consistent with other

resolutions authorizing use of the Capitol Grounds, the Torch Relay activities will be coordinated with the Capitol Police Board and the Architect of the Capitol.

The 2002 Winter Olympics will take place in my hometown of Salt Lake City between February 8 and the 24th. There are few symbols as powerful as the Olympic Games that promote unity, peace and healing. The Torch Relay is what unites Salt Lake City with the rest of the country to showcase the Olympic values of courage, sacrifice, persistence and humanity.

Roughly 3,500 athletes from 80 countries are expected to participate in over 25 events at the 19th Winter Olympic Games. The Olympic Torch, which will come to the Capitol steps on December 21 for a ceremonial moment, will be carried by one of the over 10,000 volunteers who will carry the torch in over 80 metropolitan areas, finishing at the opening ceremonies in Salt Lake City.

I am pleased to support this resolution and urge its adoption.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume simply to congratulate the gentleman from Utah and all the people of Salt Lake City, Utah, for the opportunity to host the 19th Winter Olympic Games.

I had the opportunity a couple of years ago to be in Salt Lake City and saw the preparations under way, the light rail system being constructed with the assistance of the Committee on Transportation and Infrastructure here in the United States Congress, and it promises to be quite an event. I urge all of my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 82.

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

A motion to reconsider was laid on the table.

## JAMES A. McCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate Bill (S. 1459) to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse.''

The Clerk read as follows:

S. 1459

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

**SECTION 1. DESIGNATION OF JAMES A. MCCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.**

The Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, shall be known and designated as the ''James A. McClure Federal Building and United States Courthouse''.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the James A. McClure Federal Building and United States Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Utah (Mr. MATHESON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, S. 1459 designates the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the James A. McClure Federal Building and United States Courthouse.

I would like to commend my colleague the gentleman from Idaho (Mr. OTTER), a colleague on the Committee on Transportation and Infrastructure, for introducing H.R. 2972, which was the House companion naming bill that we are considering today. With the hard work and diligence of the gentleman from Idaho (Mr. OTTER), the committee reported H.R. 2972. We are considering the Senate version today to clear the way to get this piece of legislation to the President's desk for his signature.

James A. McClure was born in Payette, Idaho, on December 27, 1924. He attended public schools in Payette and went on to serve in the United States Navy from 1942 to 1946. Following his tour with the Navy, he earned his J.D. degree from the University of Idaho College of law in 1950 and was admitted to the Idaho bar that same year.

He commenced private practice in Payette before serving as prosecuting attorney of Payette County in 1956. During that time, he served as City Attorney from 1953 until 1966 and in the Idaho State Senate from 1961 until 1966, as well as being a member of the Payette County Central Committee for 15 years.

Senator McClure was elected to the United States House of Representatives to serve in the 90th Congress. He served for three succeeding terms until being elected to the United States Senate in 1972. Senator McClure served succeeding terms in the Senate until his retirement in 1991.

While in the Senate, Senator McClure was Chairman of the Committee on Energy and Natural Resources from 1981 until 1987 and also the Chairman of the Senate Republican Conference from 1981 until 1985.

This bill naming the Federal building and courthouse in Boise, Idaho, honors a dedicated public servant. I urge my colleagues to support this legislation.

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

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

Mr. Speaker, S. 1459 is a bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the James A. McClure Federal Building and United States Courthouse.

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Jim McClure served the citizens of Idaho as both a United States Representative and as a Senator. He was born in Payette, Idaho, in 1924. He attended public schools and the U.S. Naval Academy. In 1950 he graduated from the University of Idaho College of Law.

He began his public service as the prosecuting attorney of Payette from 1950 until 1956. For the next 13 years he served as the city attorney for Payette and as a State senator from 1961 to 1966. In 1966 he was elected to the United States Congress and was re-elected in 1968 and 1970. In 1972, McClure was elected to the U.S. Senate and served three terms until 1990. His work in both the House and the Senate reflected the interests of his constituents.

Senator McClure focused on the uses of public lands and other natural resource issues. In fact, over 25 years ago, Senator McClure predicted much of the energy questions and debates that we just had this past summer. His focus on energy issues as Chairman of the Senate Energy Committee from 1981 to 1987 helped to begin the debate on crafting a national energy strategy. He was one of the first policymakers to focus our attention on our growing demand for energy.

Senator McClure's integrity, intelligence, and fair mindedness led to an appointment to the Senate Select Committee on the Iran-Contra Affair. Senator McClure has had an active retirement. At the age of 77, he is in phenomenal health. He serves on the boards of several corporations. It is both fitting and proper to honor the outstanding public service of our former colleague, Jim McClure, with this designation.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Idaho (Mr. SIMPSON), the other outstanding Representative from that State. Along with the gentleman from Idaho (Mr. OTTER), they provide able and wonderful service for the citizens of Idaho.

Mr. SIMPSON. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for yielding the time. I will tell my colleagues that Senator McClure has often told me of his admiration for Ohio, and if he could not be from Idaho, he would be from Ohio.

Mr. Speaker, I want to take this opportunity to thank my colleagues in the House of Representatives for honoring one of Idaho's finest public servants, former Representative and U.S. Senator James A. McClure, by renaming the Federal building and United States courthouse in Boise after him. I would also like to thank the gentleman from Idaho (Mr. OTTER), from the First Congressional District, for working with me and leading this effort to recognize Senator McClure, and Idaho Senators LARRY CRAIG and MIKE CRAPO for their efforts in the Senate.

Jim McClure served the people of Idaho in the United States Congress for 24 years, including 6 years right here in this Chamber as a Member of the House of Representatives. Before coming to Washington in 1967, Senator McClure had a distinguished career in Idaho. He graduated from the University of Idaho Law School in 1950 and was immediately hired as the prosecuting attorney of Payette County, Idaho, where he worked for 6 years. In 1953 he became the city attorney for Payette and served in that capacity until 1966.

In 1961, Senator McClure began his long and distinguished political career by seeking and obtaining a seat in the Idaho State Senate where he served until his election to this House of Representatives. In 1972, after 6 years in the House of Representatives, he was elected to the United States Senate where he served three terms and established himself as one of Idaho's political giants.

Senator McClure came to Washington and immediately made a name for himself as one of the foremost experts on the issues most important to the people of Idaho. His experience and expertise in energy and natural resource issues were unmatched in Idaho's history, and his leadership was vital in the passage of many important legislative initiatives, including the creation of Hell's Canyon National Recreation Area and the Frank Church River of No Return Wilderness in my home State.

As a Member of Congress, Senator McClure was also known for his steadfast advocacy of rural Idaho and the rugged individuals who built and still inhabit the western United States. He fought to improve the rural economy and ensure those who want to live in rural America will always find opportunities in rural communities. He strove to enact policies that balanced the public's interest in natural resource protection and natural resource enjoyment and always understood that no American should have to see their job eliminated and family uprooted through ill conceived Federal forest, mining, or grazing policies. Like most Idahoans, he staunchly believed in an individual's right to keep and bear arms; and as a veterans of the United States Navy during World War II, he was an ardent advocate of a strong military to protect our Nation's most treasured possession: our freedom.

Today, Senator McClure remains an advocate of the issues that matter most to many Idahoans. He continues to work with Congress and those of us in the Idaho delegation on natural resource and energy issues, and he serves as a trustee for the Kennedy Center for the Performing Arts. Senator McClure remains a trusted leader for Idaho and a true friend to those of us who know him well.

Senator McClure would be the first to acknowledge that none of his accomplishments would have been possible without the unwavering support of his gracious and lovely wife, Louise. Mr. Speaker, I know of no one who is more deserving of the recognition we approve today in the House of Representatives. I will always be proud to have played a role in the establishment of a James A. McClure Federal building and United States courthouse and grateful to have known and worked with a man as respected, trusted, and revered as Senator McClure.

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to associate myself with the remarks that have been stated earlier by my colleagues, especially the chairman of the Subcommittee on Infrastructure, as well as my good friend from Utah, and especially my friend and colleague from Idaho.

Those of us from the islands just want to share with my colleagues that we do have a sense of real appreciation and a real sense of gratitude for what this Senator has done for those of us who come from the insular areas. I do want to also pay a very special tribute to the Senator from Idaho, Senator McClure. Many of my colleagues may not know, but his name is well known in the islands. For his tremendous sense of compassion and sensitivity to the issues affecting the needs of those of us who come from the insular areas, I want to pay special homage and honor to Senator McClure for all that he has done.

Some of my colleagues may not be aware, but Senator McClure was also one of the instrumental leaders that assisted greatly in the passage of the Compact of Free Association which was very, very important, especially for the security needs of our country.

I remember also the strong working association Senator McClure had with the late Congressman Phil Burton and the efforts that they made to help those of us who come from the insular areas of the United States. I want to again thank our friends here for bringing this resolution to the floor. I could not think of a better person to have the Federal building named after than this great man, and I sincerely hope that maybe my good friend from Idaho will come and visit us so we can let him know that we have not forgotten this good man from Idaho, Senator McClure, for all that he has done for the territories.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time on this side.

This is a good and appropriate piece of legislation. I did want to remark that I have had the pleasure of serving in this body now for 7 years, and I always marveled at how tough the legislators were from the State of Idaho, and now I understand that when they have recreation areas named Hell's Canyon and River of No Return, it must be a very tough place to live, indeed.

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1459.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1459 and Senate Concurrent Resolution 82, the measures just considered by the House.

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

There was no objection.

## CLEAN DIAMOND TRADE ACT

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2722), to implement a system of requirements on the importation of diamonds and for other purposes, as amended.

The Clerk read as follows:

H.R. 2722

*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 ''Clean Diamond Trade Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens

of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights advocates, the diamond trade as represented by the World Diamond Council, and the United States Government recently began working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Angola and Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely for a period of 12 months the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Angola and Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. In order to put an end to the emergency situation in international relations, to maintain international peace and security, and to protect its essential security interests, and pursuant to its obligations under the United Nations Charter, the United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the ''Kimberley Process'', toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) CONFLICT DIAMONDS.—The term ''conflict diamonds'' means rough diamonds the import of which is prohibited by United Nations Security Council Resolutions because that trade is fueling conflict.

(2) DIAMONDS.—The term ''diamonds'' means diamonds classifiable under subheading 7102.31.00 or subheading 7102.39.00 of the Harmonized Tariff Schedule of the United States.

(3) POLISHED DIAMONDS.—The term ''polished diamonds'' means diamonds classifiable under subheading 7102.39.00 of the Harmonized Tariff Schedule of the United States.

(4) ROUGH DIAMONDS.—The term ''rough diamonds'' means diamonds that are unworked, or simply sawn, cleaved, or bruted, classifiable under subheading 7102.31.00 of the Harmonized Tariff Schedule of the United States.

(5) UNITED STATES.—The term ''United States'', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

**SEC. 4. MEASURES TO PREVENT IMPORTS OF CONFLICT DIAMONDS.**

(a) AUTHORITY OF THE PRESIDENT.—The President may prohibit, in whole or in part, imports of rough diamonds into the United States from any country that does not take effective measures to stop trade in conflict diamonds as long as the prohibition is—

(1) necessary to protect the essential security interests of the United States, or pursuant to United Nations Security Council Resolutions on conflict diamonds; and

(2) consistent with the foreign policy interests of the United States, including the international obligations of the United States.

(b) EFFECTIVE MEASURES.—For purposes of this Act, effective measures are measures that—

(1) meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds;

(2) meet the requirements of an international arrangement on conflict diamonds as long as the measures also meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds; or

(3) contain the following elements, or their functional equivalent, if such elements are sufficient to meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds:

(A) With respect to exports from countries where rough diamonds are extracted, secure packaging, accompanied by officially validated documentation certifying the country of origin, total carat weight, and value.

(B) With respect to exports from countries where rough diamonds are extracted, a system of verifiable controls on rough diamonds from mine to export.

(C) With respect to countries that reexport rough diamonds, a system of controls designed to ensure that no conflict diamonds have entered the legitimate trade in rough diamonds.

(D) Verifiable recordkeeping by all companies and individuals engaged in mining, import, and export of rough diamonds within the territory of the exporting country, subject to inspection and verification by authorized government authorities in accordance with national regulations.

(E) Government publication on a periodic basis of official rough diamond export and import statistics.

(F) Implementation of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to combat trade in conflict diamonds.

(G) Full cooperation with the United Nations or other official international bodies examining the trade in conflict diamonds, especially with respect to any inspection and monitoring of the trade in rough diamonds.

(c) EXCLUSIONS.—The provisions of this section do not apply to—

(1) rough diamonds imported by or on behalf of a person for personal use and accompanying a person upon entry into the United States;

(2) rough diamonds previously exported from the United States and reimported by the same importer, without having been advanced in value or improved in condition by any process or other means while abroad, if the importer declares that the reimportation of the rough diamonds satisfies the requirements of this paragraph; or

(3) rough diamonds for which the importer provides evidence to the satisfaction of the United States Customs Service (or analogous officials of a territory or possession of the United States with its own customs administration) that the importation does not include conflict diamonds.

**SEC. 5. PROHIBITION OF POLISHED DIAMONDS AND JEWELRY.**

The President may prohibit specific entries of polished diamonds and jewelry containing diamonds if the President has credible evidence that such polished diamonds and jewelry were produced with conflict diamonds.

**SEC. 6. ENFORCEMENT.**

Diamonds and jewelry containing diamonds imported into the United States in violation of any prohibition imposed under section 4 or 5 are subject to the seizure and forfeiture laws, and all criminal and civil laws of the United States shall apply, to the same extent as any other violation of the customs and navigation laws of the United States.

**SEC. 7. REPORTS.**

(a) ANNUAL REPORTS.—Not later than one year after the effective date of this Act, and every 12 months thereafter, the President shall transmit to Congress a report—

(1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to implement effective measures to stop trade in conflict diamonds;

(2) identifying those countries that have exported rough diamonds to the United States during the preceding 12-month period and are not implementing effective measures to stop trade in conflict diamonds and whose failure to do so has significantly increased the likelihood that conflict diamonds are being imported into the United States;

(3) describing appropriate actions, which may include actions under sections 4 and 5, that may be taken by the United States, or actions that may be taken or are being taken by each country identified under paragraph (2), to ensure that conflict diamonds are not being imported into the United States from such country; and

(4) identifying any additional countries involved in conflicts linked to rough diamonds that are not the subject of United Nations Security Council Resolutions on conflict diamonds.

(b) SEMIANNUAL REPORTS.—For each country identified in subsection (a)(2), the President shall, every 6 months after the initial report in which the country was identified, transmit to Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that conflict diamonds are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country implements effective measures.

**SEC. 8. GAO REPORT.**

Not later than 3 years after the effective date of this Act, the Comptroller General of the United States shall transmit a report to Congress on the effectiveness of the provisions of this Act in preventing the importation of conflict diamonds under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

**SEC. 9. SENSE OF CONGRESS.**

(a) INTERNATIONAL ARRANGEMENT.—It is the sense of Congress that the President should take the necessary steps to negotiate an international arrangement, working in concert with the Kimberley Process referred to in section 2(6), to eliminate the trade in conflict diamonds. Such an international arrangement should create an effective global system of controls covering countries that export and import rough diamonds, and should contain the elements described in section 4(b)(3).

(b) ADDITIONAL SECURITY COUNCIL RESOLUTIONS.—It is the sense of Congress that the President should take the necessary steps to seek United Nations Security Council Resolutions with respect to trade in diamonds from additional countries identified under section 7(a)(4).

(c) TRADE IN LEGITIMATE DIAMONDS.—It is the sense of Congress that the provisions of this Act should not impede the trade in legitimate diamonds with countries which are working constructively to eliminate trade in conflict diamonds, including through the negotiation of an effective international arrangement to eliminate trade in conflict diamonds.

(d) IMPLEMENTATION OF EFFECTIVE MEASURES.—It is the sense of Congress that companies involved in diamond extraction and trade should make financial contributions to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the President $5,000,000 for each of fiscal years 2002 and 2003 to provide assistance to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

**SEC. 11. EFFECTIVE DATE.**

This Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume; and following that, I yield the balance of my time to the gentleman from New York (Mr. HOUGHTON), and I ask unanimous consent that Mr. HOUGHTON control the remainder of the time.

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

There was no objection.

Mr. THOMAS. Mr. Speaker, it is my pleasure to tell my colleagues that the process of accommodation and compromise is alive and well. The legislation we have in front of us is supported by the administration, and I have for the RECORD and, when appropriate, I will place in the RECORD the letter from the United States Department of State which indicates that the administration supports H.R. 2722. It does so as a means to sever the link, the letter says, between the rough and conflict diamonds, while preserving the trade in legitimate diamonds.

The letter goes on to say: ''The Office of Management and Budget advises that from the standpoint of the administration's program, there is no objection to the submission of this letter.''

Mr. Speaker, I will insert the letter for the RECORD at this time.

DEPARTMENT OF STATE,
*Washington, DC, November 27, 2001.*

Hon. WILLIAM M. THOMAS,
*Chairman, Committee on Ways and Means, House of Representatives.*

DEAR MR. CHAIRMAN: The Administration supports H.R. 2722, the Clean Diamond Trade Act, as amended.

Funds derived from the sale of rough diamonds are being used to fund rebel conflicts and commit atrocities against unarmed civilians. Passage of H.R. 2722 would further the objectives of the United Nations Security Council Resolutions on these conflict diamonds by giving the President the discretion to prohibit imports of rough diamonds into the United States from any country that does not take effective measures to stop trade in conflict diamonds. The Administration supports this amended bill as a means to sever the link between rough and conflict diamonds while preserving the trade in legitimate diamonds.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this letter.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

PAUL V. KELLY,
*Assistant Secretary, Legislative Affairs.*

Mr. Speaker, I want to thank the gentleman from Ohio (Mr. HALL), the gentleman from Virginia (Mr. WOLF), and especially on the committee, the chairman and the subcommittee chairman, the gentleman from New York (Mr. HOUGHTON). I know also that the gentleman from California (Mr. MATSUI) was involved, as well as the gentleman from New York (Mr. RANGEL) was involved, and the gentleman from California (Mr. STARK) was involved in producing a piece of legislation in which we meet the basic objectives, but which no one is now in opposition to, and that includes the administration.

That is the way we are supposed to resolve the legislation in areas that are so sensitive, and the question of whether or not we try to regulate the movement of every diamond on Earth, or we set up a process in which people who are utilizing the sale of diamonds to carry out acts of terrorism and other heinous acts are unable to do so.

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

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

I rise in support of this important legislation. First, I would like to take this opportunity to thank the gentleman from Ohio (Mr. HALL), the gentleman from New York (Mr. HOUGHTON), and the gentleman from Virginia (Mr. WOLF) for their tenacity and commitment in seeing this bill through. Each of them has helped keep the spotlight focused on the terrible toll this trade in conflict diamonds has had on the people of sub-Saharan Africa.

Second, I want to express our appreciation to the administration and certainly to the gentleman from California (Mr. THOMAS) for working with all interested parties, including the ranking member, the gentleman from New York (Mr. RANGEL), a member of the committee, to develop this bill.

I know that the administration and the gentleman from California (Mr. THOMAS) had reservations with the legislation; however, they took the time necessary to review those reservations and to develop a mutually acceptable response to this issue. As the gentleman from California has said, no one opposes this legislation at this time.

The bill we are discussing, the Clean Diamond Trade Act, sends an important message of support to a continent which has seen far more than its fair share of pain and suffering. It reflects a strong commitment to the ongoing international dialogue that is aimed at dealing with this difficult problem. As with all compromises, this bill does not have everything the original sponsors would like to see in it. However, it is a significant step in the right direction.

Passage of the Clean Diamond Trade Act will undercut a conflict diamond trade that has financed organizations that have killed several million people, driven millions from their homes, and committed countless human rights abuses. The violent conflicts spurred by these groups are an impediment to growth and development throughout sub-Saharan Africa. By stemming this illegal trade, we can remove a key barrier to progress and prosperity in these countries.

Passage of this bill also will help our war against terrorism, as conflict diamonds have become increasingly part of the money laundering activities of the al Qaeda organization. Furthermore, if we pass this bill, we will preserve the dignity of an entire industry which can and should be a source of wealth for countries around the world. If we pass this bill, we promote legitimate diamond trade, allowing countries like Botswana to continue to benefit from the rich natural resource endowment.

□ 1730

If we pass this bill, Mr. Speaker, we send a signal to the international community that we are engaged, that we take this issue seriously, and we hope an international agreement can be reached soon that will bring us one step closer to eradicating this blight.

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

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

Mr. Speaker, I want to also thank various individuals. Obviously, I thank the gentleman from California (Mr. MATSUI). I would like to thank the gentleman from New York (Mr. RANGEL) on the other side.

I would like to thank particularly the gentleman from Virginia (Mr. WOLF) on this side. I think the gentleman from Virginia (Mr. WOLF) and

the gentleman from Ohio (Mr. HALL) are an absolutely lethal one-two punch. They are terrific, and they have done an absolutely fabulous job in this.

Let me talk a little bit about this bill. I may be redundant, but I would like to express my own feelings.

This is a bill which was drafted by a variety of us, and the USTR and the State Department also agrees with it. It authorizes the President, as has been said earlier, to ban all rough diamonds from any country that has not made an effort to control the trade in conflict, or, as we call them, blood diamonds.

This bill, H.R. 2722, gives the administration the authority to ban the import of these diamonds. This would go a long way to help end the international traffic of blood diamonds which are responsible for really three things: first of all, strong rebel activity in Africa, primarily Sierra Leone, Angola, and the Congo; secondly, horrendous human rights atrocities in these countries; and third, also, funding of terrorists and other illegal activities, such as the al-Qaeda terror network.

The bill gives plenty of flexibility to the administration to use diplomatic avenues to address the problem before outright banning all diamonds from the country. It also protects the legitimate diamond trade, ensuring that countries such as South Africa and Botswana, Belgium, and Israel are not adversely affected.

The bill also defers to the so-called Kimberley process, which is a process that is working on the implementation of the system of standards and controls which are currently developed in these multilateral negotiations. It does not adopt a system or otherwise undermine any of those negotiations that are going on.

Most importantly, in the Committee on Ways and Means the bill remains consistent with the international trade obligations.

There are so many people to thank, and a lot of them have already been thanked. Others will be thanked later on. This is a good bill. We hope that it is passed today and accepted by the Senate so the President can sign it before the end of the year.

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

Mr. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. HALL).

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill has been a long time in coming. I remember when the gentleman from Virginia (Mr. WOLF) and I went to Sierra Leone. We have visited many difficult places in Africa and Asia, but I remember especially the time we went to Sierra Leone almost 2 years ago to this week.

There we saw just hundreds of thousands of people that were just not only destroyed, maimed, run off their homes and places where they needed to grow the crops, but it is happening all over parts of West Africa: Angola, Sierra Leone, the Congo.

What people are doing is taking these diamonds, they call them conflict diamonds or blood diamonds, and then they seize them and use them to buy arms and goods and services and training and drugs. Then they terrorize whole countries and populations. We have even found in the last few weeks that a lot of this money has gone into the terrorist association of bin Laden.

What this bill is all about, really, is very simple: It is about saving lives. It is about drying up civil war. It is about drying up the problems that come with trading with conflict diamonds here in the United States.

Why is this important to us? Why should we even care about it? What does it have to do with us in the United States?

Well, it has a lot to do with us. We buy somewhere between 60 and 65 percent of all the diamonds in the world every year. So people sitting in Dayton, Ohio, or Boise, Idaho, they can do something about it because they do not have to buy diamonds certainly that are blood diamonds or conflict diamonds, but they can be careful.

But because we did not have any system of regulations or rules, we have not had a law. It is just like the shoes that we wear today: We know exactly where they came from, who made them; the piece of cheese we eat tonight, we know exactly where the cheese came from. Maybe we will have a glass of wine, and we will know exactly where it came from; the suits on our backs, the ties. But with diamonds, we have no idea where they came from. There is no system, no regulation, and there is no certification.

That is what this bill does, for the first time. It gives the President broad powers, and it gives our Customs broad powers. There is a program and they have to be certified. They have to be transparent. They have to come from a country. It has to be a legitimate trade.

This bill sets up the vehicle of the Kimberley process, which involves 30 or 40 nations, and I think they will get a lot of direction out of this bill. I think it is very important that we pass this.

I want to thank the gentleman from Virginia (Mr. WOLF), who has been a great partner, a good friend, and has worked very hard on this. He has been a driving force behind it.

I thank the gentleman from New York (Mr. HOUGHTON), who has been wonderful in the Committee on Ways and Means; the gentleman from California (Mr. THOMAS) and his staff; certainly the gentleman from New York (Mr. RANGEL); the gentlewoman from Georgia (Ms. MCKINNEY), and many others; especially Senator DURBIN, Senator DEWINE, Senator FEINGOLD. They have been great on this issue. This has been a bipartisan effort.

This bill will go a long way in saving lives. That is a pretty nice thing to say, to say that we can pass a piece of legislation here that will go a long way to end the killing and maiming and the terrorist activity and to dry up their sources of funds by passing this legislation.

So I am very thankful to have a chance to speak on it, to be a supporter of this, and to be a sponsor, along with my friends. I urge the House to pass this bill.

Mr. Speaker, today, Congress begins to put the muscle of the world's biggest market into efforts to end the scourge of conflict diamonds. These are gems that fund wars in Africa—and create the lawless chaos that terrorists need to build their operations. The Clean Diamond Trade Act will give the President ample authority to begin to right some terrible wrongs:

1. The President can use this legislation as a scalpel, to go after countries and companies who have let this problem fester. They are a cancer that threatens the legitimate trade in diamonds and the countries that depend on it.

2. He can use it as a spotlight, to name and shame countries that are doing too little to end this trade.

3. He can use it as a pair of spurs, to press for an effective international system of controls. And I hope the House of Representatives' action—coming as Kimberley Process participants conclude their work later this week—sends a clear signal that our nation will insist on a system that's up to any challenge mounted by this blood trade.

4. And, because this bill takes effect the day the President signs it, he can use it as a cannon—to fire a shot across the bow of those who shrug their shoulders; who say Africa's problems are not ours; who would let problems fester until they become even bigger problems for innocent people there, and in America.

The strength of this bill rests on two pillars. First, it presses countries to devise a system that helps rein in irresponsible traders and corrupt officials. This effort will link African and other producing countries with those who reap tremendous profits from this product. In turn, I hope this will enlist more countries and companies in work for peace in places that have been wracked by wars over these diamonds.

Second, this bill leverages the diamond industry's expertise and resources. For the most part, this is an honorable trade that produces something many Americans treasure. This bill gives it a way to help safeguard diamonds' image from being soiled by bloodshed—and imposes a responsibility to do more to stop the smuggling and corruption that are at the heart of this matter.

The compromise that makes House action today possible is not perfect. I wish the bill forced the President to act, instead of merely giving him needed authority and new tools. I particularly wish it treated all diamonds the same—whether they are the rough diamonds that have been the focus of UN work, or polished diamonds and jewelry. Diamonds are jewelry; there is no other end use for gem-quality diamonds. And making sure the finished products don't become a loophole will require continued vigilance by everyone who wants to sever funding for wars and misery.

In my judgment, this bill gets us 85 percent of the way. Seeing that it is implemented fully,

including by watching the trade in polished diamonds and jewelry closely, is the next phase of work on conflict diamonds. I am confident that the coalition behind the Clean Diamond Trade Act will continue this effort, and I hope they will return to win passage of any further legislation needed.

But our ultimate success or failure won't be measured in Washington. The value of this work and what follows instead will be determined by its role in transforming diamonds into the blessing they ought to be. Until people whose land produces diamonds see them improve the well-being of their children and strengthen their communities . . . no U.S. law will lift the curse of conflict diamonds permanently.

That means that—even after this bill becomes law—the biggest job is still ahead of us. It isn't one we can leave to international agreements or diligent customs enforcement. It's not something American consumers or Africans can do on their own. Nor can governments, industry, or civil society complete this task by working alone.

Today, everyone who cares about severing the funding for Africa's wars, can be proud of the few steps forward that House action represents. Together, we can complete this marathon.

To thank everyone who has worked toward this goal would be almost impossible. No list can begin anywhere but with FRANK WOLF, who began working with me on conflict diamonds two years ago. Soon after his name should come those on the Ways and Means Committee, including Mr. RANGEL and Mr. HOUGHTON, who have been invaluable allies. These sponsors, and their aides—Chris Santora, Bob Van Wicklin, and Viji Rangaswami—have done considerable work, and I am indebted to them. I also appreciate the extra miles that Chairman THOMAS, and Angela Ellard and David Kavanaugh of his staff, travelled to help us reach a compromise with the Administration. And Senators DURBIN, DEWINE and FEINGOLD have been terrific partners in this work; continued work on this bill is in good hands.

The humanitarian and human rights groups that have been our determined allies for the past 18 months, including Amnesty International, Oxfam America, Physicians for Human Rights, the Religious Action Center for Reform Judaism, World Relief, and World Vision, deserve special thanks. These organizations have been tireless advocates. I wish today's bill did everything we'd both hoped, but I appreciate their support.

Leaders of the diamond and jewelry industries, and the very effective team they fielded to win passage of our bill, made a critical contribution too. In particular, I want to thank Eli Izhakoff, Matt Runci, and Cecilia Gardner for their leadership and commitment; and Bruce Wilson and Warren Connelly—who ably assisted them and whose unflagging determination was essential to clearing this first legislative hurdle. I also appreciate the efforts of Greg Gill and his colleagues.

Finally, there are a countless number of ''ordinary'' people whose interest in this work has kept up the pressure we needed to finish this work. They, and the journalists who have responded to this keen public interest with extraordinary dedication to tell a complex story, should be proud of their efforts.

Mr. HOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Speaker, I want to first begin by thanking the gentleman from Ohio (Mr. HALL) and acknowledging the work that he has done on this issue in bringing this bill, the Clean Diamond Trade Act, to the floor today.

The gentleman from Ohio has consistently, over the time that I have been in the Congress, distinguished himself in this body as a Member who speaks on behalf of the world's most vulnerable, and I am proud to have him as a colleague and as a good, good friend.

I also want to thank his staff, and Deborah DeYoung and Chris Santora of my staff, and all these staff members who have worked on this; and also the gentleman from New York (Mr. HOUGHTON) for coming alongside of us from the Committee on Ways and Means; the gentleman from New York (Mr. RANGEL) and his staff; and the gentleman from California (Mr. THOMAS), who back there that night gave us the commitment that he would bring this bill up. I would thank him for that.

I also thank the gentleman from Illinois (Mr. HASTERT) and his staff member, Chris Walker, for helping to work the bill through the process.

We also want to thank the NGOs that have been involved in the industry for participants. Over 2 years ago, the gentleman from Ohio (Mr. HALL) convinced me to travel to Sierra Leone with him.

While there, we saw the terrible suffering of the civilian population that endured years of civil war which was funded by the diamond trade. We saw children as young as 2, this young girl here, with arms and legs chopped off.

This picture that I purposely brought with me on the floor today was taken by my former chief of staff, Charlie White, a retired Navy captain who had been with me since 1984. Charlie went with us on that trip and took this photograph, along with many other pictures that were used to show people the terrible plight of the citizens of Sierra Leone.

Charlie was in serious pain. We thought he had a back problem. He was suffering and taking four to six Advil every 2 and 3 hours. When we returned to the United States, shortly thereafter, he was diagnosed with terminal cancer, and he died 7 months later, in the summer of 2000.

This issue had a special place in his heart, and I just wanted to bring the pictures to demonstrate that one person, one staff person, made a tremendous difference while he was suffering pain, and he helped bring this issue to the Congress.

Since returning from Sierra Leone, we have worked with the gentleman from Ohio (Mr. HALL), under his leadership, to bring this issue, which, as he said, will save a lot of people and a lot of lives in Sierra Leone, in the Congo, in Angola, and many other places.

Throughout this period of time in Sierra Leone, in Angola, and in Congo, over 2 million people have died and 6.5 million people have been driven from their homes, women and children and innocent citizens who live in these countries, who have been subject to brutal amputations, rape, and sexual abuse, which really has created the words that we hear: the generation of children soldiers.

Recently, we learned of another disturbing development involving conflict diamonds. Major media organizations, including the Washington Post, have reported direct connections between Sierra Leone rebel diamonds and the al-Qaeda terrorist network.

Addressing the issue of conflict diamonds is not only essential for those living in Africa, but for our national security.

I want to thank today Douglas Farrah of the Washington Post. His reporting of this issue several weeks ago brought additional momentum to that, to force it to be addressed here in the Congress. His exposure of the connection to terrorism, the connection of Liberian President Charles Taylor and the network that funnels rebel diamonds into terrorist group coffers, helped reignite this issue.

I would urge our Secretary of State to call our ambassador and tell him to go and see Charles Taylor to say that if anything happens to Douglas Farrah, who is the reporter, because his life has been threatened, our government will hold Charles Taylor and his government accountable if anything happens to this Washington Post reporter.

Mr. Speaker, today, Congress is taking the first step to stop the trade in blood diamonds by passing the Clean Diamonds Trade Act. This bill gives the President the necessary authority to take steps against those who are trying to export these blood diamonds into the United States.

I look forward to passage of the Clean Diamonds Trade Act in the House so we can move the bill to the Senate and onto the President's desk before Congress adjourns.

The Clean Diamonds Trade Act gives the President the ability to single out countries that are not taking effective measures to stop conflict diamonds and presses countries to devise a system that helps rein in irresponsible traders and corrupt officials.

As Congressman Hall mentioned, we believe this legislation will give a boost to the ongoing international negotiations known as the ''Kimberly Process'' to address conflict diamonds.

I will continue to work with the Administration, and am hopeful it will take a more assertive role in facilitating the creation of an effective international system. In the long run, this is a global problem and as the world's largest diamond consumer we have a responsibility to take a leadership role in addressing this problem on the international stage.

Finally, I want members of this body to know something else that is significant about

passage of this legislation. The small west-African country of Sierra Leone, which will benefit significantly from the efforts to eliminate conflict diamonds, holds a special place in American history. In 1750 John Newton was a slave trader who worked and lived out of Sierra Leone. He was known as a cruel man. One night as a storm raged off the coast of Sierra Leone, his ship was almost lost. He prayed that if only salvation would come to ''a wretch like me,'' he would leave the slave trade and work towards its abolition. He was rescued and changed his life. He became an ardent abolitionist and a Methodist minister. Sierra Leone, where John Newton worked in the evil institution of slavery, was also where he changed his life and turned to good, commemorated by his greatest legacy, the song ''Amazing Grace.''

Mr. Speaker, there is much more that I could say, but with that I will just end by saying that I think this is a good opportunity to save lives, to make a big difference.

In closing, I want to thank the gentleman from Ohio (Mr. HALL) for this issue, and on hunger and civil rights; the gentleman from New York (Mr. HOUGHTON) for helping us out, and all the other Members on the Senate side who are helping.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 2722. This is good legislation whose time is long past due.

I want to recognize the leadership of the gentleman from Ohio (Mr. HALL) and that of the gentleman from Virginia (Mr. WOLF), and also to compliment the gentleman from New York (Mr. HOUGHTON) for his leadership in the Committee on Ways and Means, and the gentleman from California (Mr. MATSUI) for his leadership in the Committee on Ways and Means.

I participated, along with five other Members, going to Botswana in a delegation led by the gentleman from New Jersey (Mr. PAYNE). I rise in support of this legislation, to also see how we could indeed rule out the conflict diamonds and this trade system that financed conflict and the great devastation that is happening.

We saw also, in that process, how legitimate diamonds were being used in Botswana and other countries in that area. I was pleased that Botswana clarified to us how diamonds could be used, clean diamonds, in a way that we could protect that democracy, undergird that development in that country.

So I am pleased that this legislation indeed is focused on ending the financing of conflicts in Africa and other parts of the world using the sales of diamonds. Also, it protects the legitimacy of diamonds, where it is appropriate.

Those who accompanied us on that particular CODEL were the gentleman from New York (Mr. RANGEL), the gentleman from Louisiana (Mr. JEFFERSON), the gentlewoman from Indiana (Ms. CARSON), and the gentlewoman from California (Ms. LEE), and others were also part of that delegation.

In Botswana, we met with the President. Since then, the President has come to this country because he, too, wants a distinction to be made between clean diamonds and conflict diamonds.

We met with the administration. He pledged his support. In fact, he has also been part of the U.N., writing part of their resolution, and made a statement to that effect, that they wanted to be part of a clean diamond industry, and also wanted to be part of the force that would make that distinction.

I raise that because it is important, Mr. Speaker. The good intention of this legislation also acknowledges those people who are following the law, and indeed, trying to do the right thing.

Again, I want to compliment everyone involved in this. Again, this legislation is long overdue. It has been brought to bear at a time when we know that not only the conflict in Africa but now conflict in other parts of the world is being financed by diamonds. So hopefully this legislation would not only curtail, as the gentleman from Virginia (Mr. WOLF) said, the loss of lives, the lives of thousands of persons, not only killing them but killing in other parts of the country.

I want to thank all the persons involved in this, and I urge my colleagues to pass this legislation that we all should be proud of.

□ 1745

Mr. HOUGHTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I thank the gentleman from New York (Mr. HOUGHTON) for yielding me time.

This year we had a hearing to take testimony from witnesses about the state of affairs in Africa, and we all acknowledged the tragic facts of the illicit diamond trade and how it continues to fund rebel wars and poverty in Africa.

As I described at the hearing, we are looking at meaningful legislation that will help the administration tackle this problem, while not hindering the ongoing international negotiations that are supposed to conclude this year.

In this delicate time of international diplomacy we must be especially careful not to disrupt the administration's efforts, however well intentioned we may be. The suspension bill H.R. 2722 is an effective and balanced way to get at these conflict diamonds.

The gentleman from New York (Mr. HOUGHTON) and the administration have crafted a bill authorizing the President to ban all diamonds from any country that does not have effective measures against the trade in conflict diamonds. I want to commend both for their leadership and flexibility in this matter.

In the last 2 weeks, many provisions sought by the gentleman from Virginia (Mr. WOLF) and the gentleman from Ohio (Mr. HALL) were added, including a non-circumvention clause for polished diamonds and diamond jewelry, more reporting from the government, and an enhanced description of what constitutes effective measures for diamond trading countries.

Some people say this does not go far enough, but I want to point out that the bar we set is already extremely high. A country like Botswana that relies upon the legitimate diamond trade for its economy must implement the United Nations' resolutions or the eventual international agreement or could be subject to a complete ban on all of its diamond exports. However, some people want to go further and say that all imports must be cut off from a country like Botswana in that situation. I think that would be extreme and tantamount to shutting down the entire world diamond trade.

To effectively end trade in conflict diamonds, the countries exporting and importing rough stones in particular must work together to make sure that these diamonds do not have a market so that conflict diamond peddlers cannot stay in business. A bill that mandates the shutdown of the diamond trade until every country can be certified by the United States is a unilateral solution that will not work. Legitimate diamond trading countries will have no incentive to complete their negotiations at Kimberley. The let the negotiations process finish. Next year we can evaluate how that process worked and whether further tools can be enacted to complement what we enact today.

I urge my colleagues to support this legislation.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I was fortunate to be a doctor in the early 1980s in Sierra Leone in West Africa. At that time, Sierra Leone was poor. It was underdeveloped. There was a life expectancy of 42 years, but it was not a violent place to be. In this last decade we have seen the world's most brutal civil war, of which has been spoken earlier here today.

In April of this year, I visited Sierra Leone and was taken to the site of the old hospital that I had worked at, Serabu Hospital near Bo in Sierra Leone. It was burned to the ground by the rebels. It had a wonderful nursing school, a wonderful hospital. It did a lot of great outpatient work. It provided a secondary school for the local villagers and the employees. It was completely destroyed, nothing there but shells of the old buildings.

I do not know how to account for the dramatic change from the peaceful but poor country I had seen in the early 1980s to what has gone on in Sierra Leone in the last decade. The question is one of what spawns evil, which I do

not know if any of us know those answers.

Evil requires nourishment, and the diamonds of Sierra Leone have been the financial support and perhaps the motive for this brutal civil war. Now we are learning in the recent weeks of the potential involvement of al Qaeda and Osama bin Laden in the diamonds of Sierra Leone as a source of their funding.

To neglect evil is to strengthen evil. We in the world should have gotten a handle on these diamonds, on these blood diamonds years ago, even though it seemed remote from the United States and the western world. But better today than more years and more deaths from now. I thank the sponsors on both sides for bringing forth this legislation today.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, as a cosponsor I rise in strong support.

Throughout Africa we are seeing natural resources being misused and fueling conflict; and this is the case with diamonds in Sierra Leone, timber in Liberia, cobalt in the Democratic Republic of Congo. In many places on the continents, natural resources are bringing nothing but misery to the African people.

We listened to the testimony of little children missing their arms and in some cases without legs, testifying about their ordeal, representing over 5,000 children in Freetown alone, the victims of the Revolutionary United Front, the victims of men like Foday Sanko and Charles Taylor, both enriched by blood diamonds.

This legislation promises to help to ensure that diamonds do not fuel conflict. It is an important step. The international community needs to recognize its responsibility to not be party to the misuse of diamonds and other natural resources.

I would like to commend the Members who have worked hard on this legislation and especially to commend the gentleman from Ohio (Mr. HALL) and the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. HOUGHTON), because they have worked tirelessly in trying to bring the issue of conflict diamonds before this body. They have worked hard to reach consensus with the administration, which is what this bill represents.

But let me say that after passage of this bill we still have to address as an institution the fact that there are heads of state in the region, like Charles Taylor of Liberia, who have enriched themselves, who have maintained their power through the use of blood diamonds, and there should be an accounting. There should be justice on behalf of those child victims that were, frankly, sacrificed, who lost their limbs, and in many cases lost their lives as part of this strategy to create wealth for a few men in this part of the world.

I do want to commend all of those who worked so hard on this, the gentleman from Ohio (Mr. HALL), the gentleman from New York (Mr. HOUGHTON), the gentleman from Virginia (Mr. WOLF). I thank them so much.

Mr. MATSUI. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), the ranking member on the Subcommittee on Trade.

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

Mr. LEVIN. Mr. Speaker, I want to start off by just saying a word to the gentleman from Ohio (Mr. HALL) and to the gentleman from Virginia (Mr. WOLF) and to the gentleman from New York (Mr. HOUGHTON), to all of my colleagues, for their work on this. I am not sure how many constituents have ever written to them about this, but they felt there was a need here, a deep human need, and the three of them and others led the way.

The gentleman from California (Mr. MATSUI) and I and the gentleman from New York (Mr. RANGEL) are proud to join with the gentleman from California (Mr. THOMAS) and others in doing what we said we would do and that is to get this legislation to the floor.

I rise in strong support of this legislation because I think it will help ensure that diamonds sold in our country have not funded civil war in West Africa or funded agents of terrorism. It is a good first step towards addressing a serious issue.

As mentioned, the countries that have been named, rebel groups have been funding their activities through trade in diamonds. Hundreds of thousands of people, I was asking Viji Rangaswami, who has worked so hard on this, do we know how many of the hundreds of thousands of people have died? We do not, but it is many. Many have died from the activities of these groups. Many millions more have been displaced, and there have been the worst kinds of atrocities.

As has been cited earlier, it has been reported recently that al Qaeda has reaped millions of dollars from the illicit sale of diamonds. We have to put a stop to this.

This bill will allow the President to ban the import of diamonds from countries that are not taking ''effective measures'' to stop trade in conflict diamonds. The bill is supportive of international efforts to end trade in conflict diamonds. It abides by criteria derived from the U.N. Security Council resolutions.

This week the so-called Kimberley process is moving forward, and I believe this bill will provide important momentum to this process. It is consistent with our international trade obligations.

This issue is a demonstration of the globalized and interconnected world we live in, where the purchase of an engagement ring in one country can contribute to civil war in another. It shows the need, as I see it, to shape the rules of trade. Trade is not a panacea. It does not resolve all problems and sometimes, as shown in this bill, unfettered trade creates new problems.

By shaping these rules as we do today, and this is an effort to shape the rules of trade, we help ensure that American consumers, that our consumers are not unwittingly trading lower prices for human rights abuses abroad, and we help ensure that the benefits of trade flow to the countries involved in legitimate diamond trade rather than rebels and terrorists.

So I close, again, to say to the leaders of this effort that I hope they are proud of it. It may not score lots of political points, but it is going to save human lives, and in that sense I think the people who have worked on this have discharged their responsibilities with the highest honor.

I am glad, in a small way, with my colleagues, with the gentleman from California (Mr. MATSUI) and others on the committee, to join them. I hope we will overwhelmingly, indeed unanimously, pass this legislation.

Mr. HOUGHTON. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS).

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

Mr. EHLERS. Mr. Speaker, I thank the gentleman from New York (Mr. HOUGHTON) for yielding me the time, and I commend him for introducing this bill and especially commend the gentleman from Ohio (Mr. HALL), the gentleman from Virginia (Mr. WOLF) for their hard work on it for a number of years, and I am pleased to have been a cosponsor of each and every bill they have introduced on this.

My acquaintance with the problem goes back some years, and my interest with Sierra Leone goes back to 1978 when I chaired a world hunger task force for the denomination of which I am a member, and since I am results oriented, I insisted that we not only prepare a report but that we come up with an action plan and that we adopt a country where our small denomination could have a major impact.

We adopted Sierra Leone in 1978. Our church, through its missionary efforts and through its relief efforts, has been active there ever since, and I have some friends who have served there for a number of years.

The news I have received during the past decade was intensely dismaying. The atrocities that were taking place, the difficulties that were developing, the rebels who were acting as if they were political rebels but, in fact, were bandits, they were simply seeking to get the natural resources of that country, and they did not care what they had to do to get it.

I have to tell my colleagues, it is heartbreaking to meet a 4-year old child whose arms were amputated when she was two because she was not worth

the price of a bullet. The soldiers had killed her parents, killed many people in the room, and the soldier said, What should I do about her? The commander said, She is not worth a bullet; just cut her arms off.

Fortunately, she survived but handicapped for life, and I could repeat this story over and over: Incredible cruelty and a desire to get the diamonds and to get the power that they represent.

Just a few weeks ago we discover that Osama bin Laden is buying the diamonds from Sierra Leone because he can no longer ship money across borders, and so he has decided to buy diamonds because they are easier to ship across borders and finance his operations. It is a problem that has been there for a long time, but a solution has not been forthcoming as it should have been.

I commend some of the individuals I have worked with on the African desk in the State Department over the past few years. They have been earnest, and they sincerely wanted to resolve the problem, but, unfortunately, the upper levels of the State Department over the past several years have simply not been willing to spend the political capital to do that.

I am pleased that now we have worked out an agreement where we can make a difference, that we will no longer be encouraging the chopping off of arms and hands and limbs, that we will not sanction the arbitrary killing of citizens of Sierra Leone, as happened to a friend of a friend there.

□ 1800

A leader in the church walking down the street was shot by a soldier. When they asked why he did it, he said, I haven't killed anyone for about a week. We thought it was time to kill someone else. We cannot tolerate that type of behavior on this planet. We have to ensure that we do not encourage it.

This is one bill that will take strong steps to ensure that there will not be any profit in the actions they have taken, and we hope that with the cutback in Charles Taylor's actions that, above all, we may have peace in the beautiful land of Sierra Leone.

Mr. MATSUI. Mr. Speaker, may I inquire how much time both sides have?

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from California (Mr. MATSUI) has 5 minutes remaining, and the gentleman from New York (Mr. HOUGHTON) has 3 minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. HALL) to conclude.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

I was listening to what the gentleman from Michigan (Mr. LEVIN) said about sometimes on bills like this, legislation like this, we do not get a lot of publicity, and that is true. It is interesting, our profession, because sometimes when we do not work too hard on something, we get a bunch of press, a lot of publicity; and we do not really deserve it. But on things we really work hard on, sometimes it is very, very hard to get a mention.

This is one of these kinds of bills where it does not really matter whether we get a mention or not; but what matters is, especially to those Members that are very close to this issue, that when we go home tonight, we can say to ourselves that it has been a good day. It is a good piece of legislation, and I am proud of it. It is not a perfect bill. We got about 80 percent of what we really wanted. We never get 100 percent around here, but it is a good bill.

We also want to thank the NGOs. They have been wonderful, and we have had 100 of the top human rights' groups in the world firmly behind this bill. All the way up till today they have been absolutely wonderful. A lot of them are disappointed in the end, but many of them are very, very supportive. Amnesty International, Physicians for Human Rights, World Vision. They have been just tremendous in their support.

I want to thank Matt Runci, Jewelers of America, World Diamond Council. When they came to our support this year, and we were not always together, they added a lot of clout and credibility to our cause.

I want to thank Deborah DeYoung on my staff, who worked very hard in negotiating and working behind the scenes. She has really kept her eye on this piece of legislation.

This is a good bill. It is a good bill for legitimate businesses. Because the way it was looking for diamonds, there were no good diamonds. But the fact is that is not true. Most of the businesses are honorable and good. Most of the countries that deal in diamonds are very legitimate. We are talking about 5 to 15 percent of the diamonds, which we call conflict diamonds, or blood diamonds, that find their way into this country that are not good and that are causing death. So that is what we have been after, and we think that this will help the legitimate businesses in the long run.

We are going to regulate diamonds for the first time, and they are going to have to be transparent. They will have to be certified. And if they do not come in in that way, they will not be accepted in this country. This bill takes effect immediately when the President signs it.

It is not a perfect bill, it is a bill that will probably not get a lot of publicity, but when we go home tonight, we can say this has been a good day. This is a bill that will save some lives. That is not all bad.

Mr. HOUGHTON. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, the gentleman from Ohio (Mr. HALL), the gentleman from California (Mr. MATSUI), and the gentleman from Virginia (Mr. WOLF) have said everything. It is a good bill, it is a timely bill, and it is a needed bill. I wholeheartedly support this.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to join my colleagues in support of H.R. 2722, the Clean Diamonds Act, to ensure that America, the largest importer of diamonds in the world, helps to eradicate the purchase and sale of illicit diamonds around the world.

For the last eight years, a rebel group known as the Revolutionary United Front (RUF) has used the illegal trade and trafficking of diamonds to fund a civil war in Sierra Leone. This brutal war has garnered the attention of numerous international human rights groups for its incessant violence and human rights abuses. An estimated 12,000 children have been separated from their families for the sole purpose of becoming soldiers and diamond miners. Women and girls are raped or used as sexual slaves by the top commanders of the rebel army. Boys and girls alike live in fear of having one of their limbs hacked off with machetes—one of the most notable forms of torture used by the rebel groups. These and countless other unscrupulous acts have severely destabilized Sierra Leone and other African countries, including Angola, the Congo and Liberia.

To make matters worse, recently we have learned that Osama bin Laden's al Qaeda network is also linked financially with the diamond trade in Sierra Leone. The same revenue collected by conflict diamonds to fund wars and illegal weapon sales in Africa is being used by the terrorist network, which carried out the unconscionable attacks on America on September 11th.

The violence and suffering fueled by the trade and sale of diamonds has been carried on too long. America must do its part to help end these atrocities once and for all.

First and most importantly, we as a nation need to make more informed purchasing decisions about the diamonds we buy. Just as we have taken steps to eradicate slave labor in manufacturing sweatshops, we must guarantee that our demand for diamonds does not contribute to a cruel and destructive war against innocent children and families. We must ask questions and seek assurance from our retailers that the diamonds we buy this holiday season and beyond are in no way connected to this illicit trade.

Second, even the most discerning consumers can unknowingly and unwillingly purchase diamonds illegally traded on the world market. Therefore, we need to find a way to keep these conflict diamonds out of our stores.

The Clean Diamonds Act will do just that by authorizing the President to prohibit the importation of diamonds from countries that are not willing to adopt an international diamond certification system that will track diamonds from the point of extraction to retail sale. Under this international system, exporting countries would be required to provide a certificate of origin and authenticity, indicating that their diamonds were not mined or laundered by rebel groups in Africa. America buyers could then shop with confidence, knowing that their diamond purchases were in no way contributing to civil war in Africa or terrorist activities against the United States and its allies.

Mr. Speaker, just as we have all united to put an end to the terrorist networks that exist around the world, we should also unite to put

an end to the trafficking of these conflict diamonds and the cycle of violence they perpetuate in Africa and in our own backyard. I urge my colleagues to join me in support of H.R. 2722.

Mr. GILMAN. Mr. Speaker, I rise to voice my strong support for H.R. 2722, the Clean Diamonds Trade Act, which implements a system of requirements on the importation of diamonds. This Act combats the contribution of ''conflict diamonds'' to the continuation of violence in West Africa and other developing nations. The situation in West Africa is one of the great human tragedies of the modern age.

The Clean Diamonds Trade Act will help end the international trade in conflict diamonds, the proceeds from which are being used to wage war and terrorize innocent people. The failure to enact this legislation allows rebel groups in Africa to continue to profit from their illegal diamond sales. Furthermore, recent press reports indicate that the al Qaeda terrorist network has been involved in the illicit diamond trade, making the Clean Diamonds Trade Act an essential weapon in America's war on terrorism.

Accordingly, I strongly support H.R. 2722.

Mr. RUSH. Mr. Speaker, I rise in support of H.R. 2722, the Clean Diamond Trade Act. For several years, rebel groups in sub-Saharan Africa have been using diamonds extracted from illegally controlled mines to finance civil war activities that have displaced and killed several million African people, including innocent young children. The United States is one of the largest consumers of diamonds. Therefore, the United States, like it or not, indirectly contributed to the current situation in Africa. It is, thus, imperative that Congress pass meaningful legislation that will clean up the diamond conflict. H.R. 2722, will allow the importation of diamonds and diamond jewelry into the U.S. only from countries that have adopted effective controls on the import and export of rough diamonds. This alone would be a great incentive for other nations to take appropriate action within an acceptable timetable. The legislation would also encourage the President to negotiate an international agreement leading to a global control system. This broadly supported legislation demonstrates the United States' commitment to curbing the trade in ''conflict diamonds''. We have a moral obligation and responsibility to help stop the violence, the brutality, the needless killing of innocent lives. I urge my colleagues on both sides of the aisle to support this much needed legislation.

Mr. RANGEL. Mr. Speaker, I rise today in support of important legislation, H. R. 2722, the Clean Diamonds Trade Act. First and foremost, I want to take this opportunity to thank Mr. HALL, Mr. HOUGHTON, and Mr. WOLF for their tenacity and commitment in seeing this bill through. Each of you has helped keep the Congressional spotlight focused on the terrible toll trade in conflict diamonds has had on the people of sub-Saharan Africa while continuing to encourage international agreement through the Kimberly negotiating process. You have worked diligently and responsibly to address the concerns the Administration and Chairman THOMAS raised. You have also worked to address concerns I initially had on the impact of rough diamond regulations on legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

Now more than ever we need to ensure that the revenues from legitimate diamond trade with African countries such as Botswana, South Africa, Namibia, and others are used to build the economics and infrastructure of nations who support the Kimberly Process. Botswana, for example, through its legitimate and peaceful diamond trade, has successfully increased its average annual income from eighty dollars three decades ago to approximately three thousand six hundred dollars today. In addition, Botswana's diamond trade revenues account for three-fourths of all exports earnings, one-half of government revenues and one-third of its gross domestic product. Botswana's diamond revenues are used to build schools, hospitals, roads, bridges, homes, and offices.

It is our duty as lawmakers to penalize those countries that fuel conflicts with diamond revenues, but is also our responsibility to protect those African nations that are using legitimate diamond trade revenues to strengthen their economies, educate their people, and to be good and responsible neighbors to other countries around the world.

I want to thank the Bush Administration for its assistance and willingness to consult with us. I know that the Administration had reservations with the legislation, and appreciate the time it spent to work through those reservations and to develop a mutually acceptable response to the dilemma of addressing this problem legislatively while continuing to support the Kimberly Process. The bill before us today is a prime example of what can happen when Members on both sides of the aisle commit to work with each other and with the Administration to address matters which are critical not only to the American people but also to the entire international community. I only wish that the cooperation shown on this bill would carry forward to other pending legislative matters. The bill we are discussing today, the Clean Diamond Trade Act, sends an important message of support to a continent which has seen far more than its fair share of pain and suffering.

It reflects a strong commitment to the ongoing international dialogue that is aimed at dealing with this difficult problem. As with all compromises, this bill does not have everything I would like to see in it. However, it is a significant step in the right direction.

Passage of the Clean Diamond Trade Act will undercut a conflict diamond trade that has financed organizations that have killed several million people, driven millions more from their homes, and committed countless human rights abuses. The violent conflicts spurred on by these groups are impeding growth and development throughout sub-Saharan Africa. By stemming this illegal trade, we can remove a key barrier to progress and prosperity in these countries. If we pass this bill, we work to preserve the dignity of an entire industry, which can and should be a source of wealth for countries around the world.

This piece of legislation and its provisions are very important to the Congressional Black Caucus members and other friends of Africa who are dedicated to stopping civil conflict which impedes development and who continue to work on increasing trade opportunities and promoting economic growth for African nations. Through this bill, we seek to promote legitimate diamond trade, allowing countries such as, South Africa, Namibia, and Botswana to continue to benefit from their rich natural resource endowment.

I think it's particularly important that we are discussing this bill today, as negotiators from over thirty countries are gathered in Botswana as part of the Kimberley Process, an effort to develop international standards for certifying legitimate diamonds. If we pass this bill, we send a signal to the international community that we are engaged, that we take this issue seriously, and that we hope an international agreement can be reached soon that will bring us significantly closer to eradicating this blight.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 2722, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## EXPRESSING SENSE OF CONGRESS THAT AMERICANS SHOULD TAKE TIME DURING NATIVE AMERICAN HERITAGE MONTH TO RECOGNIZE ACCOMPLISHMENTS AND CONTRIBUTIONS MADE BY NATIVE PEOPLES

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 270) expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples.

The Clerk read as follows:

H. CON. RES. 270

Whereas Native Americans were the original inhabitants of the lands that now constitute the United States of America;

Whereas Native American governments developed the fundamental principles of freedom of speech and separation of powers in government, and these principles form the foundation of the United States Government today;

Whereas Native American societies exhibited a deep respect for the Earth and its resources, and such values are widely held today;

Whereas Native Americans have served with valor in every American conflict, from the Revolutionary War to the war against terrorism, often serving in greater numbers, proportionately, than the population of the Nation as a whole;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas Native Americans deserve to be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists, and scholars;

Whereas November has been declared Native American Heritage Month because it is traditionally the month when Native Americans harvested their crops and is generally a time of celebratory feasting and giving thanks; and

Whereas, now, more than ever, Americans of all origins, faiths, and beliefs need to come together as a Nation in support of our people, our common values, and our republican principles: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the Congress—

(1) supports the goals and ideals of Native American Heritage Month, and

(2) encourages Federal, State, local, and tribal governments; interested groups and organizations; and the American people to honor and recognize the accomplishments, contributions, and heritage of Native Americans with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

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

As we gather here, returning from our Thanksgiving recess, I think it is especially important to pause and consider the contributions made by native peoples, by the first Americans, to our unique constitutional Republic. Indeed, Mr. Speaker, I am honored to represent the Sixth Congressional District of Arizona. At the outset of the formulation of this sixth district, nearly one quarter of the constituency is Native American.

Especially at this time in our history, when once again the winds of war blow across our planet, and our Nation is involved in protecting our constitutional Republic, it is worth noting that more than any other ethnic or racial group, Native Americans answer the call to duty in our Nation's Armed Forces. Indeed, the contributions of many have been highlighted. Just a few months ago, our Commander in Chief joined us here at the Rotunda of the Capitol to memorialize and recognize the Navajo code talkers, those so vital to our victory in the Pacific theater.

I think of Ira Hayes, and what would now be the Gila River Indian community, then simply noted as a Pima Indian, one of those proud Marines who raised our Nation's flag during the battle of Iwo Jima, forever memorialized in the Marine Memorial.

It is incumbent on each of us to recall not only the actions of today but what has transpired in our past, all of it, including what every schoolchild learns of the first Thanksgiving, and the real contribution of the first Americans to those European settlers and their survival and their recognition of a new start in a new land.

In passing this legislation, the House of Representatives will encourage Federal, State, local and tribal governments, as well as all the American people, to join us in honoring and recognizing the accomplishments, contributions, and heritage of our Nation's Native Americans.

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

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

I rise in support of the pending resolution to recognize the accomplishments and contributions of American Indians and Alaskan Natives during this month designated as National American Indian Heritage Month.

Native Americans continue to honorably contribute and serve our Nation in virtually every field imaginable, including medicine, education, the arts, the justice system, and scientific research. Tribal members have valiantly fought in every American military action from the Revolutionary War and continue today in the war against terrorism and elsewhere around the world. It is right that we honor their work and contributions.

If this Congress truly wants to honor Native Americans, however, we need to do it by honoring our treaties and past commitments made to them. The Federal Government took control as legal trustee of Indian trust lands, promising to protect the lands, produce and collect revenue derived from them, and invest and manage all revenue. We have failed miserably in this task, and we continue to pile bad policy upon bad policy, leaving proper management of some 1,500 tribal and over 300,000 individual Indian trust fund accounts hanging in limbo.

The mismanagement of Indian trust funds dates back almost 100 years and only gets worse with each passing day. The Reagan administration listed this as one of the top five Federal liabilities. Yet today, the Department of the Interior cannot tell us if the accounts have the correct money in them, if the money is invested correctly, or even if the names of the accounts are correct.

Just last week, the Secretary of the Interior announced she was going to create a brand new agency to deal with trust funds. Unfortunately, this decision was made without consulting with the account holders or the Congress. In fact, details of this brand new agency are almost nonexistent, so we do not know if this is a good answer or just another hastily thrown together concept.

I want to impress upon my colleagues that this is not just some messed up pile of Federal funds. These are funds, billions of dollars, belonging to Indian tribes and American Indians who depend on these revenues to pay rent and buy medicine and foods.

Imagine if our banks sometimes correctly deposited our income into our accounts and sometimes did not, but then could not tell us what they did with the money or denied ever receiving it. Imagine if the IRS lost billions of dollars slated to be refunded to taxpayers. Imagine if the Department of Transportation sent billions of highway trust fund dollars to the wrong States. Imagine if billions of dollars of Social Security checks owed to senior citizens in each of our districts were unaccounted for. These events would make the front page of every newspaper in the Nation and would quickly be reconciled.

I say that if we truly want to honor Native Americans, it is incumbent upon the Federal Government to restore the word ''trust'' when it comes to the management of tribal trust assets once and for all.

Mr. Speaker, I am proud to support the pending resolution, but I would be much more proud if this Congress would put some muscle behind the idea of honoring Native Americans, not just this month but every month, by ensuring that the Federal Government's trust responsibilities to these people is being honored.

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

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

My friend from West Virginia, Mr. Speaker, encapsulates a problem with which this government has been dealing for nearly a century. Indeed, my good friend from Michigan joined me in cochairing a task force dealing with the disposition of these trust funds; and I would hope that, for the record, we would show, as we articulated some years ago, that this problem has been one sadly of bipartisan neglect.

Indeed, a circuit court judge found a previous Secretary of the Interior in contempt as well as a Secretary of Treasury, and I think that has extended to other administrations. So, yes, we welcome the opportunity in a nonpartisan fashion to solve this legitimate problem.

As I have often reflected, Mr. Speaker, when we come to this floor, we may line up on different sides of the aisle, we may have an R or a D beside our names, but there are really only two types of people who serve in the Congress of the United States, those who represent what we now call Indian country, and those who represent what was once Indian country.

So in that nonpartisan spirit, I look forward to working with the gentleman from West Virginia.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. CANNON), who occupies one quarter of the Four Corners area.

Mr. CANNON. Mr. Speaker, I wish to thank my colleague from Arizona for bringing forward this resolution, and I would also like to associate myself with his comments in respect to the trust funds and the problems in administering those that have existed for a very long period of time, and which I believe this administration is trying to resolve and we want to support them in doing that.

I rise today in support of House Concurrent Resolution 270. This resolution expresses the sense of Congress that Americans should take time during the

month of November to recognize the various accomplishments and contributions made by Native Americans. While many of my colleagues will take this opportunity to speak of the many accomplishments and contributions of Native Americans, I would like to mention one particular area in which Native Americans have made an important and often overlooked contribution to our country, and that is in their continued willingness to serve and sacrifice in the defense of our country.

Native Americans have participated with distinction in the United States military actions for more than 200 years. From the Revolutionary War to the American Civil War, to Vietnam, to the Persian Gulf, Native Americans have showed a continued willingness to serve. In each of these conflicts, Native Americans have served with valor, patriotism, and courage.

As a proportion of the population, Native Americans have sent more of their sons to war than any other ethnic group. One estimate is that over 12,000 American Indians fought in World War I. In World War II, more than 44,000 American Indians, out of a total Native American population at that time of less than 350,000, served with distinction in both Europe and the Pacific theaters of war.

□ 1815

Today, there are nearly 190,000 Native American military veterans. Indeed, history shows that Native Americans have disproportionately shouldered the military burden of this country. At the bare minimum, this legacy of service and sacrifice deserves our utmost respect and honor.

One of the most striking examples of Native American military service can be found in the history of the World War II Navajo code talkers.

The Navajo Code Talkers Program was established in September, 1942. The idea came from Philip Johnston, the son of a missionary to the Navajos and one of the few non-Navajos who spoke their language fluently. Johnston, reared on the Navajo reservation, was a World War I veteran. He knew the military's search for a code that would withstand all attempts to decipher it.

He believed the Navajo language answered the military requirement for an indecipherable code because Navajo is an unwritten language, it is complex, and has no alphabet or symbols. It is only spoken only on the Navaho lands of the American Southwest. One estimate is that less than 30 non-Navahos, none of them Japanese, could understand the language at the outbreak of World War II.

During the 3 years the Navajo code talkers participated in the war, Japanese intelligence was able to break almost every U.S. Army code and Army Air Corps code, but not once was it able to break the Navajo code.

Eventually, over 400 Navajo Marine code talkers served in World War II. These code talkers participated in every assault the Marines took part in from late 1942 to 1945. After the war, many military officials admitted battles such as Iwo Jima, Guadalcanal, Tarawa and Peleliu would have been lost without the Navajo code talkers.

Long unrecognized because of the continued value of their language as a security classified code, the Navajo code talkers of World War II were recently honored for their contributions to our Nation's defense in Washington, D.C. Their patriotism, resourcefulness, and courage also have earned them the gratitude of all Americans.

As a representative of Utah's Congressional Third District, I represent at least six Indian tribes. They include the Northwestern Shoshone, the Goshutes, the Paiutes, the Utes, the White Mesa or Southern Utes, and the Navajos. I feel that these tribes, as well as the descendents of the Navajo code talkers and all other Native American veterans, deserve our respect and appreciation.

Mr. Speaker, I support House Concurrent Resolution 270.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, to respond to the gentleman from Arizona, I want to work closely with the gentleman on this issue. I am sorry if he got defensive, but I cannot see in my remarks where I was partisan. Perhaps I should have spoken a little slower when I said the mismanagement of Indian trust funds dates back almost 100 years. I do not believe that the gentleman's party has been in power that long, and it covers a number of administrations. It gets worse with each passing day.

I further said, the Reagan administration, and perhaps I should have added ''to its credit,'' listed this as one of the top five Federal liabilities. If the gentleman interpreted my remarks as being partisan, I regret that misinterpretation of my remarks.

I have written the gentleman from Utah (Mr. HANSEN) under whose jurisdiction all Indian issues come directly before our full committee and requested a hearing on this and look forward to participating with the gentleman from Arizona (Mr. HAYWORTH).

Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE), who has long been an advocate for Indian tribal rights.

Mr. KILDEE. Mr. Speaker, as co-chair of the Congressional Native American Caucus, I rise in strong support of House Concurrent Resolution 270, a resolution that expresses a sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by Native American peoples.

I thank the gentleman from Arizona (Mr. HAYWORTH), who serves as Republican co-chair and co-founder of the Congressional Native American Caucus, for introducing this important resolution, and I am proud to be a cosponsor with him.

Mr. Speaker, honoring the accomplishments and contributions of Native Americans is long overdue. In July, as many of us stood in the Rotunda and saw the President present the Congressional Gold Medal to those who did so much and who suffered so much.

I am convinced, Mr. Speaker, that my brother, Kenneth Kildee, would have been killed in the South Pacific were it not for the Navajo code talkers. It is time that we express our gratitude to all Native Americans for contributions that they have made during times of war and conflict.

Native Americans serve in the United States armed services in greater numbers, proportionately, than the population of the Nation as a whole. Mr. Speaker, Native Americans play a vital role in this country by making many significant contributions in many fields, including science, medicine, math, law, agriculture, music, language, literary works and art.

Mr. Speaker, the United States works with the tribal governments on a government-to-government basis, recognizing their sovereignty. We must increase the quality of health care of Native Americans, improve employment opportunities, boost economic development on Indian reservations, and develop better educational opportunities for Indian students. We must do these things so that the generations to come will have a brighter future.

I ask my colleagues to support this resolution.

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

Mr. Speaker, again, I thank the gentleman from West Virginia and the gentleman from Michigan for their constructive remarks and thank them very much for their diligence in days past and their promise of diligence in the days ahead as we deal with the challenges we confront.

Mr. Speaker, as I heard the gentleman from Michigan think about the unique contributions of Native Americans not only in his home State but in mine as well, I am struck by the comment of one of my constituents in my first term who came here to Washington to visit not only his congressman but to see the monuments memorializing the contributions of so many. This particular gentleman was a veteran of the Vietnam conflict.

He was mindful of the fact that Ira Hayes appeared in the Marine Memorial, but at the end of his time in the immediate vicinity of the mall, he said, ''I just have one question, Congressman: Where is the Indian?''

That question challenges us today on a myriad of legislation with which we deal, as we recognize sovereign rights, as we deal with, as the gentleman from West Virginia pointed out, with a century-old dilemma of trust funds that administrations of both parties have tried to deal with, and Congress even employing a task force, which I mentioned earlier. Today we stand and say

let us take an important step to recognize our first Americans and their contributions, and that is the intent that we join today and that is the spirit on which we endeavor to move this sense of Congress resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Speaker, I thank the gentleman for introducing this legislation, recognizing the contributions of Native Americans to our society.

When I grew up, the place I lived, the southern border, was on the Fort Hall Indian Reservation, and I worked many years on the Fort Hall Indian Reservation, working on farms with Native Americans, and I came to respect the Native Americans for the contributions they have made to our society.

When I became Speaker of the House in Idaho, I realized I did not know enough about Native American history and what they had contributed to our society; and so I started studying them. In Idaho, we have the Nez Perce tribe, which I am sure many Members have heard the name Chief Joseph who was one of the true leaders of the American Indians, the Nez Perce tribe; the Coeur d'Alene tribe; the Shoshone-Bannock tribe down where I came from. Sacajawea was Shoshone. They contributed much to our society.

Mr. Speaker, we need to do all we can to make sure that Americans are aware of the contributions that Native Americans have made to our society. As has been mentioned by the gentleman from Utah (Mr. CANNON), they have contributed to our defense probably more than any other ethnic group that there is. As chairman of the Subcommittee on Benefits of the Committee on Veterans Affairs, I know of the contributions that they have made and that we have to keep our commitments to our veterans and to our Native Americans.

I compliment the gentleman from Arizona (Mr. HAYWORTH) for his introduction of this resolution, and I encourage all Americans to take some time to study what contributions have been made by Native Americans and how they have really influenced our society for the good. We should strive to make sure that we do not lose that individuality that these Native Americans represent.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to first commend the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Utah and the gentleman from Connecticut for their sponsorship of this legislation. I wish I had known, I would have been more than happy to have been an original cosponsor of this legislation.

I rise today in support of House Concurrent Resolution 270 which expresses the sense of Congress that Americans should take time during Native American Heritage Month to recognize the contributions made by this country's first Americans.

Mr. Speaker, I have come to this floor numerous times over the past 13 years to speak in support of Native Americans. In 1993, the 103rd Congress passed and the President signed into law House Joint Resolution 271 which I sponsored. This resolution designated the month of November in the years 1993 and 1994 as National Indian Heritage Month. I would have liked to have seen the designation made permanent. However, since that time our government has continued each November to recognize the traditions and accomplishments of Native Americans.

In some ways I feel we have gone full circle in recognizing the benefits and wisdom of the earliest residents of this land. For instance, the Native Americans all understood the value of respecting the land, the rivers, the mountains, the seas, the oceans and all things that live around us. As European culture took over North America, I think we did not realize how much an impact western civilization would have on the land and the cultures of the indigenous people throughout the Western Hemisphere. Slowly over the past 40 years, we have been gaining some of that respect again. Through the passage of legislation such as the Clean Air Act and the Clean Water Act, our Nation has taken some action to improve the environment throughout our country.

With the passage of scores of bills designating national park and wildlife refuges as heritage areas, we are preserving special places within our borders. Visits to these designated areas are increasing faster than the growing population. This is a further indication of our appreciation of that which Native Americans have held sacred.

Today most people feel they are environmentalists, and the transition we have gone through in this country to get to that point has had a significant impact on our actions as a government and as individuals.

Even with this change in thinking, Mr. Speaker, I wish we would have done more to help today's Native Americans. After taking land from the Indians in the country's formative years and forcing tribes to move to land not of their choosing, we still have problems in Indian country. Recent statistics reflect the poverty rate at over 26 percent, well above the average of our country, and median household income is well below the average of the country.

The Census Bureau released some statistics last month which I find interesting, Mr. Speaker. The opportunity for Americans to choose more than one ethnicity in the 2000 census resulted in 4.1 million Americans saying they are at least part Native Alaskan or American Indian. This more than doubled the number who indicated that they were Native Americans in the year 1990.

□ 1830

California and Oklahoma had the greatest numbers of Native Americans living within their boundaries, with over 1 million residents between the two States and 19 percent of Alaska's population indicated they were at least part American Indian or native Alaskan. I am sure part of the increase as reported in the 2000 census is caused by the ability of Native Americans to select more than one race on the census forms, but I believe part of this increase is also attributed to an increased sense of pride among Native Americans and their willingness to acknowledge their heritage. Our Nation's Native Americans continue to support our armed services by enlisting and also serving as officers in the military and have done so with valor and distinction.

How ironic, Mr. Speaker. We have just celebrated our national Thanksgiving with emphasis on the tribulations of the early Pilgrims, but so little is said that the Pilgrims would have starved to death if it had not been for the kindness and hospitality of the Native Americans who taught these early Europeans how to grow corn and to eat and prepare many other varieties of fruits and vegetables unknown to the Pilgrims or the first Europeans. Yes, let us give thanks to Divine Providence for all the blessing we have received from Him as was the case with the early Pilgrims, but we should also give thanks and some sense of appreciation how our Native American people taught and literally demonstrated their sense of compassion and concern for their fellow man. Native Americans did not need to be taught the parable of the Good Samaritan, or who is my neighbor.

History has not dealt kindly with our Nation's treatment of our first Americans: the trails of many tears; our contradictory policies of first kill all the Indians; then the policy of assimilation as if by some means of osmosis Native Americans were then to be integrated and be part of mainstream America; then the policy of nonrecognition of Native Americans, that is, terminate the existence of any tribal nation. Still yet, our government has now established an administrative and regulatory process that has made it almost impossible to grant Federal recognition of a Native American tribe.

Mr. Speaker, for the past several years I have tried earnestly to work with our colleagues to congressionally mandate the process of Federal recognition of Native American tribes. The gentleman from North Carolina (Mr. MCINTYRE) and I have introduced H.R. 1175 to better streamline the process. I want to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) for their support and leadership to conduct a hearing in the short while to come.

Yes, let us support this legislation in recognition of the contributions of our

first Americans. I commend the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Michigan (Mr. KILDEE) for their leadership and cochairmanship of our Native American Caucus. Our Native American community asks only to be treated fairly and opportunities to be economically self-sufficient.

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from American Samoa, who is no stranger to the good people of Arizona and has accompanied me there to work on various Native American housing issues. I thank him for that even as I yield 3 minutes to another good friend who joins me on the Committee on Ways and Means, the gentleman from Oklahoma (Mr. WATKINS).

(Mr. WATKINS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. HAYWORTH) and also the gentleman from Michigan (Mr. KILDEE) for his work in behalf of Native Americans.

As was indicated, the State of California and the State of Oklahoma have the greatest number of Native Americans. In fact, Oklahoma has the highest percentage of Native Americans since we are a lot smaller State to say the least; but we have the highest percentage of Native Americans, which we are very proud of because Oklahoma stands for ''red man.'' With this population, I know from my personal experience in my area which used to be very dominant, the gentleman from Michigan (Mr. KILDEE) knows where it is, down by Durant and Bryan County. I grew up in Bennington, Oklahoma. I was the only non-Native American on the baseball team, I was the only non-Indian on the basketball team because all of us were brothers and sisters together in that community. It was predominantly Native American Choctaws.

I am also proud to be the grandfather of two Creek grandchildren and one Cherokee grandchild in my family, and so we have had very much a family discussion about some of the concerns and problems over the years. The Native Americans in many ways have been forgotten. Many of my friends and Native Americans, I have sat with them and talked long hours. All they want is an opportunity. In their socioeconomic conditions, we know they have a tremendous problem in alcoholism and drugs. We need to make sure we work in these areas to try to help them overcome their problems. They are increasing the opportunities in health. We all know they have made great contributions in the military. I think the gentleman from Arizona mentioned this and others. They are usually some of the first ones there to volunteer because they feel very strongly about their native land as Native Americans.

Let me say, I have wanted to try to help build the kind of jobs, opportunities so they can have real jobs. I have had pending before this Congress and we are asking it be extended, section 168(j) of the Tax Code which accelerated depreciation. That piece of legislation works, 168(j) and 45(a), which gives tax credits for hiring Native Americans. Many companies are locating so Native Americans can be employed. If we want something to help stimulate the economy, if we want something to help stimulate the economic conditions for a group of people that has the worst economic conditions, I ask this Congress to move forward and to extend at least a year those two provisions of the Tax Code.

I want to thank again my two colleagues whom I greatly admire for their tremendous work and role in bringing this to recognize November as Native American Heritage Month. We need to all be doing a great deal more to try to build opportunities for the Native American people.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE), a member of our Committee on Resources.

Mr. INSLEE. Mr. Speaker, I wish my colleagues could have been with me in Spokane, Washington, yesterday at the National Congress of American Indians. You would have felt the same honor that I felt when folks walked up and did an introduction of their service to America in virtually every war in the last century, from every tribe in the United States. It took a long time because there were a lot of veterans who gave of themselves individually truly as American patriots in numbers perhaps greater than the rest of our population. It really was a moving experience. I appreciate my colleagues bringing this resolution to the floor to note our respect for this part of the American fabric.

But I must tell you, having listened to some of the concerns of those Americans yesterday in Spokane, I am disappointed in the sense of the numerous times where this House in the last 10 months has failed to honor our commitment to these Americans. Let me just mention four ways.

Number one, just the other day, the administration issued an edict that it was going to recreate an organizational structure to deal with this trust fund problem without any consultation at all with the people who will be affected by this major change in organization, the people that have these millions of dollars in trust. They never even picked up the phone to talk to tribal leaders about this issue. What type of government-to-government relationship is that? This resolution does not speak to that issue.

Secondly, we have tribal members who have land resources that are tremendously affected by our energy policies. I was up in Alaska in the Arctic Village meeting with the Gwich'in people leadership about the Arctic drilling controversy. They pleaded with the U.S. House not to drill in the Arctic because they think it could endanger the caribou runs which their entire tribe depends on for sustenance. So what did the House do? We ignored their rights, we decided to drill anyway, abusing their long, long history of their relationship with the caribou herds. A second transgression.

Third, contract support payments. Uncle Sam has a statutory commitment to contribute to the tribes contract support costs to administer health care plans. But have we fulfilled that commitment in the last 10 months? No, we have not. Another unfilled promise after 2 or 3 centuries of abuse of these peoples.

Fourth, and this is one that we are going to continue to have debate on in the Committee on Resources, I am afraid. There are efforts in this House that folks now want to intrude on sovereignty on issues regarding taxation. We have already seen efforts now to create an impediment of the working relationship of tribes with States in dealing with taxation issues, rather than allowing tribes to work on a good-faith basis with States.

So I must come to the well to applaud the makers and my colleagues for expressing the sentiments and the good feelings and good tidings we have for this part of community, but let us do more than give these people good tidings. Let us give them respect and legislation and solve these problems.

Mr. KIND. Mr. Speaker, I rise today in support of H. Con. Res. 270, a resolution expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples.

As our Nation enters into the 21st century, it is important that we recognize the elements that have shaped our history and our culture. The contributions made by Native Americans represent a significant aspect of American heritage, not only in a cultural sense, but also in the sacrifices, dedication, and patriotism displayed by Native Americans throughout our history.

In my home state of Wisconsin, there are 11 federally recognized tribes representing close to 50,000 American citizens. In addition, a large number of Wisconsin cities, counties, lakes, and rivers hold names representative of the strong Native American heritage in the area. This rich history in Wisconsin is also illustrated through Native American educational programs in public schools and many cultural celebration events. Indeed, the common values of many Wisconsin communities reflect Native American heritage including a deep respect for land, air, and water resources, agriculture, and history.

This legislation encourages Americans to celebrate Native American Heritage Month and honor Native American contributions to our national history and culture. As a member of the Native American Caucus, I appreciate the emphasis this resolution puts on Native American Heritage Month, and I am hopeful such efforts continue.

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

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 270.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 1259, by the yeas and nays;

Senate Concurrent Resolution 44, by the yeas and nays.

The other questions that were postponed today will remain postponed until tomorrow.

The Chair will reduce to 5 minutes the time for the second vote in this series.

## COMPUTER SECURITY ENHANCEMENT ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1259, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 1259, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 4, not voting 37, as follows:

[Roll No. 449]

YEAS—391

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

NAYS—4

Flake
Hansen
Paul
Sensenbrenner

NOT VOTING—37

Aderholt
Bachus
Bentsen
Blagojevich
Bonior
Brown (FL)
Burr
Buyer
Carson (IN)
Chambliss
Clement
Cubin
DeFazio
Everett
Ford
Gephardt
Goss
Hilleary
Hoyer
Hunter
Jefferson
Johnson (CT)
Jones (OH)
Knollenberg
LaHood
Larson (CT)
Lewis (CA)
McGovern
McKinney
Murtha
Norwood
Quinn
Riley
Schaffer
Sweeney
Wamp
Wexler

□ 1902

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall Vote No. 449. Had I been present and voting, I would have voted ''yea''.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## NATIONAL PEARL HARBOR REMEMBRANCE DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 44.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 44, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 450]

YEAS—393

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

Brown (SC)
Bryant
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
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Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
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Pascrell
Pastor
Paul
Payne
Pelosi
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NOT VOTING—39

Aderholt
Bachus
Bentsen
Blagojevich
Bonior
Brown (FL)
Burr
Burton
Buyer
Callahan
Carson (IN)
Chambliss
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Cubin
DeFazio
Everett
Ford
Gephardt
Goss
Hilleary
Hoyer
Hunter
Jefferson
Johnson (CT)
Jones (OH)
Knollenberg
LaHood
Larson (CT)
Lewis (CA)
McGovern
McKinney
Murtha
Norwood
Quinn
Riley
Schaffer
Sweeney
Wamp
Wexler

□ 1911

So (two-thirds of those present having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 450. Had I been present and voting, I would have voted "yea".

## REQUIRING VALUATION OF NONTRIBAL INTEREST OWNERSHIP WITHIN ACOMA INDIAN RESERVATION

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1913) to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1913

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

***SECTION 1. PUEBLO OF ACOMA LAND AND MINERAL CONSOLIDATION.***

*(a) VALUATION.—Not later than 6 months after the date of the enactment of this section, the Secretary of the Interior shall determine the extent and the value of the nontribal interest ownership of the subsurface rights, including mineral rights, within the boundaries of the Acoma Indian Reservation.*

*(b) LAND EXCHANGES.—Upon completion of the valuation required by subsection (a), the Secretary shall, unless the Secretary exercises an option under subsection (c), negotiate an exchange with any willing sellers of interests in nontribal land (including interests in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation for interests in Federal land that is—*

*(1) located within the boundaries of the State of New Mexico;*

*(2) identified by the Bureau of Land Management as available for disposal; and*

*(3) of approximately the same value as the interest in land for which it is being exchanged.*

*(c) PURCHASE OPTION.—At the discretion of the Secretary, instead of a land exchange under subsection (b), the Secretary may acquire interests in nontribal land (including interests in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation through—*

*(1) direct cash purchase of the interests in nontribal land for the fair market value determined under subsection (a);*

*(2) issuance to any owner of the interests in nontribal land of a Certificate of Bidding Rights in such form and manner as provided for under regulations promulgated by the Secretary under provisions of the Act of February 25, 1920 (commonly known as the Mineral Leasing Act (30 U.S.C. 181 et seq.)) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for mineral leasing and bidding rights equal to the fair market value determined under subsection (a).*

*(d) COST SHARING.—The costs of the valuation required under subsection (a) and any land exchange under subsection (b) shall be equally shared between the owners of the interests in nontribal land and the Secretary. This subsection shall apply to the cost of the valuation under subsection (a) even if the Secretary elects to exercise the options for acquisition under subsection (c).*

*(e) TIMELINE; LAND TAKEN INTO TRUST.—The Secretary shall complete such negotiations and exchanges not later than 3 years after the date of the enactment of this section and shall place interests in land within the boundaries of the Acoma Indian Reservation that are acquired under this section into trust for the Pueblo of Acoma.*

□ 1915

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, on this important piece of legislation that so vitally affects people in his home State, it is my privilege to yield 5 minutes to the gentleman from New Mexico (Mr. SKEEN), the chair of the Subcommittee on the Interior of the Committee on Appropriations.

Mr. SKEEN. Mr. Speaker, I rise today to ask my colleagues to support H.R. 1913, legislation which will benefit the Native American people of the Acoma Pueblo in New Mexico, the State of New Mexico, and the U.S. Government.

I would like to especially take the time to thank the Committee on Resources for their assistance in moving this legislation. The subcommittee chairwoman, the gentlewoman from Wyoming (Mrs. CUBIN), and the ranking member, the gentleman from Wisconsin (Mr. KIND), and their staffs have been very helpful with this bill. I thank the Committee on Resources for their assistance in moving this legislation.

The Acoma Pueblo comprises some 380,000 acres located 56 miles West of Albuquerque. The legislation deals with the subsurface mineral rights of Acoma Pueblo trust lands.

The people of Acoma Pueblo, like many Native American tribes, have

sought to restore the reservation to its historic boundaries. Over 6,000 Pueblo members live on or around the Acoma Mesa, which was originally referred to as the Sky City. The older village lies 365 feet above the surrounding valley of sparse dry farmland, with a mixture of pinon and juniper trees.

It is thought to be one of the oldest continually inhabited sites in the United States, first reported by Fray Marcos de Niza in 1539, and then visited by Francisco de Coronado's army in 1540.

In 1998, the Pueblo purchased a large ranch that adjoined the reservation, and subsequently the Secretary of the Interior took over 100,000 surface acres into trust for the Pueblo, and it became a permanent part of the reservation.

When Acoma purchased the ranch, the subsurface mineral rights were not part of the land transfer. As we know, this is not an uncommon practice, where only the surface estate is sold from owner to owner. Much of this practice goes back to the settling of the West, when the government awarded the checkerboard pieces of land to railroads in return for their building lines across the Nation. The railroads sold the land to finance their companies' activities, but kept the subsurface mineral estate.

Under this legislation, the current owner of the subsurface estate would enter into an exchange agreement with the Bureau of Land Management, BLM, for the equivalent valued Federal lands and rights. In return, the BLM would receive the subsurface rights within the Pueblo boundaries, which would be placed into trust by the Secretary of the Interior for the benefit of the Acoma Pueblo, unifying both the surface and subsurface estate.

This legislation amounts to a win-win for all the stakeholders involved.

First, the Acoma Pueblo does not have to worry about the holder of the subsurface mineral rights attempting to exercise its rights. This legislation gives them the total control over their lands that they need and deserve under the responsibility of the United States.

The current third-party owner of the subsurface mineral estate is made whole without having to exercise their rights and being placed in a conflict with the Acoma Pueblo.

Finally, the public wins because excess Federal lands will go into the private sector and will be returned to the tax rolls.

The Acoma people are part of a proud Pueblo which provides New Mexico with a major portion of the rich cultural heritage which makes my State the land of enchantment.

In closing, I ask the House of Representatives to do the right thing and to pass this legislation so that the Acoma people can continue their journey to greatness.

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

Mr. Speaker, the subject matter of this legislation has already been explained. It is noncontroversial. I fully support it.

I do want to take this opportunity to commend the bill's sponsor, the gentleman from New Mexico (Mr. SKEEN), who serves as chairman of the Subcommittee on the Interior of the Committee on Appropriations.

I commend him not only for sponsoring this bill pending before us today, but for his outstanding leadership on the Interior appropriations bill this year.

All too often in the past, that particular appropriation bill has been the subject and the target for controversial riders that are unfriendly to the environment. This has often bogged down consideration of this appropriations measure, which funds so many programs of importance to Americans and American resources.

To his credit, the gentleman from New Mexico produced a relatively clean bill this year, then adequately funded the programs under his jurisdiction, within, of course, the constraints of the budget.

So I want to thank the gentleman from New Mexico (Mr. SKEEN) for his excellent leadership. He has done a great service to this body, and indeed, to the American people. I look forward to continuing to work with him in the future in his position as chairman of the appropriations subcommittee.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I thank the gentleman for being so kind.

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

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

Mr. Speaker, I thank the gentleman from West Virginia (Mr. RAHALL) for his support of this legislation and in praise of my good friend and my neighbor, the gentleman from New Mexico.

Mindful of the importance of this bill to a sovereign tribe within the great State of New Mexico, I would urge the House to pass this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 1913, as amended.

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

A motion to reconsider was laid on the table.

## DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1230) to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1230

*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 ''Detroit River International Wildlife Refuge Establishment Act''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The Detroit River, one of North America's greatest rivers, was created some 14,000 years ago during the retreat of the Wisconsin Glacier.

(2) The present river channel, established when falling water levels permitted erosion of the Lake Plain and moraines, is a connecting channel linking the Upper and Lower Great Lakes, as well as linking the United States to Canada.

(3) The Lower Detroit River ecosystem is diverse with a number of distinct channels, numerous shoals that support dense stands of aquatic plants, and many islands. These nationally and internationally significant habitats and ecological features attract as many as 29 species of waterfowl and 65 kinds of fish.

(4) The Detroit River is a major migration corridor for fish, butterflies, raptors, and other birds, in addition to waterfowl. Over 300 species of birds have been documented in the Detroit-Windsor area, of which about 150 species breed in the immediate area.

(5) Because the Great Lakes are situated at the intersection of the Atlantic and Mississippi Flyways, the Detroit River is an important waterfowl migration corridor. 3,000,000 ducks, geese, swans, and coots migrate annually through the Great Lakes region.

(6) The importance of this corridor is recognized in the Canada-United States North American Waterfowl Management Plan that has identified the Detroit River as part of one of 34 Waterfowl Habitat Areas of Major Concern in the United States and Canada.

(7) Some 300,000 diving ducks stop in the Lower Detroit River on their fall migration from Canada to the east and south each year to rest and feed in beds of water celery found in the region.

(8) The international importance of the Lower Detroit River area is manifested in the United States congressional designation of the 460-acre Wyandotte National Wildlife Refuge.

(9) Canada's Canard River Marsh Complex is an internationally significant waterfowl staging area which is one of the main resting and feeding areas for canvasbacks migrating from their nesting grounds in the Canadian prairies to the East Coast. Many over-winter in the area as well.

(10) The diversity of biota and habitats in the Lower Detroit River ecosystem provides substantial benefits to the over 5,000,000 people who live in the vicinity. The Lower Detroit River has an international reputation for duck hunting. On an economic basis, retail sales related to waterfowl hunting in Michigan were estimated in 1991 to be $20,100,000. During the same year birding, photography, and other nonconsumptive uses of waterfowl contributed an additional $192,800,000 in Michigan.

(11) More than 1,000,000 pleasure boats are registered in Michigan and about half of those are used on the Detroit River and Lake St. Clair, in part to fish for the estimated 10,000,000 walleye that migrate to the Detroit

River each spring from Lake Erie to spawn. These walleye have helped create an internationally renowned sport fishery estimated to bring in $1,000,000 to the economy of communities along the lower Detroit River each spring.

(12) All of these natural resource values and socioeconomic benefits were acclaimed when the Detroit River was designated an American Heritage River in 1998. The Detroit River is also a Canadian Heritage River, making it the first international heritage river system in the world.

(13) The Detroit River has lost over 95 percent of its coastal wetland habitats and despite increased awareness and supporting science of their importance, habitats continue to be destroyed and degraded.

(14) Protection of remaining wildlife habitats and enhancement of degraded wildlife habitats are essential to sustain the quality of life enjoyed by so many living along the Detroit River corridor.

**SEC. 3. DEFINITIONS.**

For purposes of this Act:

(1) The term ''Refuge'' means the Detroit River International Wildlife Refuge established by section 5.

(2) The term ''Secretary'' means the Secretary of the Interior.

(3) The term ''Detroit River'' means those lands and waters within the area described in section 5(a).

**SEC. 4. PURPOSES.**

The purposes for which the Refuge is established and shall be managed are as follows:

(1) To protect the remaining high-quality fish and wildlife habitats of the Detroit River before they are lost to further development and to restore and enhance degraded wildlife habitats associated with the Detroit River.

(2) To assist in international efforts to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the Detroit River (including associated fish, wildlife, and plant species) both in the United States and Canada.

(3) To facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and in Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Detroit River.

**SEC. 5. ESTABLISHMENT OF REFUGE.**

(a) BOUNDARIES.—There is hereby established the Detroit River International Wildlife Refuge, consisting of the lands and waters owned or managed by the Secretary pursuant to this Act in the State of Michigan within the area extending from the point in Michigan directly across the river from northernmost point of Ojibway Shores to the southern boundary of the Sterling State Park, as depicted upon a map entitled ''Detroit River International Wildlife Refuge Proposed'', dated July 31, 2001, which shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) EXISTING REFUGE LANDS.—The Wyandotte National Wildlife Refuge is hereby included within, and shall be a part of, the Detroit River International Wildlife Refuge. All references to the Wyandotte National Wildlife Refuge shall hereafter be treated as references to the Detroit River International Wildlife Refuge.

(c) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(d) ACQUISITION.—The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange the lands and waters, or interests therein (including conservation easements), within the boundaries of the Refuge.

(e) TRANSFERS FROM OTHER AGENCIES.—Any Federal property located within the boundaries of the Refuge which is under the administrative jurisdiction of another department or agency of the United States may, with the concurrence of the head of administering department or agency, be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this Act.

(f) STUDY OF ASSOCIATED AREA.—The Secretary (acting through the Director of the United States Fish and Wildlife Service) shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities of the north reach of the Detroit River, from the northernmost point of Ojibway Shores north to the mouth of Lake St. Clair, for potential inclusion in the Refuge. Not later than 18 months after date of enactment of the Act, the Secretary shall complete such study and submit a report containing the results thereof to the Congress.

**SEC. 6. ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall administer all federally owned lands, waters, and interests therein that are within the boundaries of the Refuge in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd and following) and this Act. The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish and wildlife dependent recreational opportunities as the Secretary considers appropriate to carry out the purposes of this Act.

(b) PRIORITY USES.—In providing opportunities for compatible fish and wildlife dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge.

(c) COOPERATIVE AGREEMENTS REGARDING NONFEDERAL LANDS.—The Secretary is authorized to enter into cooperative agreements with the State of Michigan, or any political subdivision thereof, and with any other person or entity for the management in a manner consistent with this Act of lands that are owned by such State, subdivision, or other person or entity and located within the boundaries of the Refuge and to promote public awareness of the resources of the Detroit River International Wildlife Refuge and encourage public participation in the conservation of those resources.

(d) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Michigan to use existing authorities under the Transportation Equity Act for the 21st Century (TEA–21) to provide funding for acquisition and development of trails within the boundaries of the Refuge.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Department of the Interior—

(1) such sums as may be necessary for the acquisition of lands and waters within the Refuge;

(2) such sums as may be necessary for the development, operation, and maintenance of the Refuge; and

(3) such sums as may be necessary to carry out the study under section 5(f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

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

Mr. Speaker, I am pleased to present H.R. 1230, an important bill introduced by the distinguished dean of the House, the honorable gentleman from Michigan (Mr. DINGELL).

The measure has 28 bipartisan cosponsors. Also, the chairman of the full committee, the gentleman from Utah (Mr. HANSEN), lends his support enthusiastically to this piece of legislation.

The goal of this innovative measure is to establish an international wildlife refuge along the lower 18 miles of the Detroit River that flows between the United States and Canada. The river provides a central habitat for 29 species of waterfowl and 65 different kinds of fish. It has been designated as a heritage river in both countries, and it is an important waterfowl corridor for over 3 million ducks, geese, and swans who annually migrate through this region.

Sadly, up to 95 percent of the original wetlands of the Detroit River have been lost to development. H.R. 1230 offers a rare opportunity to protect the remaining high-quality fish and wildlife habitats, to restore degraded wetland areas, and to encourage international efforts to promote awareness of the ecosystem resources of the Detroit River.

Under the terms of the original bill, if a corporation donated property to the Secretary of the Interior for inclusion in the refuge, then they were protected from future financial responsibility for any environmental cleanup and its cost. As Members might expect, the Justice Department and the Office of Management and Budget raised some concerns about future potential liability for the Federal Government.

In an effort to accommodate those concerns, the author of the bill has agreed to modify this proposal by deleting the indemnification provisions in section 7. With this change, any remaining questions about the impact of this legislation have been alleviated. We on this side of the aisle greatly appreciate the gentleman from Michigan (Mr. DINGELL) for that effort.

H.R. 1230 has been endorsed by the Governor of Michigan, a member of the Canadian Parliament, numerous State and local officials, and dozens of conservation groups, including Ducks, Unlimited, the National Audubon Society, the National Rifle Association, the Nature Conservancy, and the Trust for Public Lands.

In his endorsement letter, Governor John Engler noted that the creation of a new Federal wildlife refuge will certainly enhance the conservation of the Detroit River and its unique natural, historical, and cultural resources.

During our hearings, a witness for Ducks, Unlimited, testified that the new refuge would provide a unique opportunity for international cooperation between the United States and Canada

among governmental and nongovernmental partners to protect and restore the international treasure.

Mr. Speaker, I want to compliment the gentleman from Michigan (Mr. DINGELL) for his outstanding and tireless leadership in proposing the creation of this new, exciting international wildlife refuge. The gentleman from Michigan has been a conservation giant in this country, and this bill is a testament to his ongoing commitment to that effort.

I am pleased to support this measure, and I urge my colleagues to vote aye on this bill.

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

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL), the sponsor of this legislation and the distinguished dean of the House of Representatives, and a very dear friend of mine.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from West Virginia (Mr. RAHALL). I want to thank him and commend him and the gentleman from Utah (Mr. HANSEN), as well as the gentleman from Maryland (Mr. GILCHREST), who has just spoken so eloquently on this matter, and of course the gentleman from Guam (Mr. UNDERWOOD) and my friend, the gentleman from Michigan (Mr. KILDEE), for their support.

Mr. Speaker, this is a good piece of legislation. It has bipartisan support. It is supported by every State, local, and governmental agency within the area that would be served by this refuge. It is also supported by all of the private conservation organizations in the area, including the list that was read by my dear friend, the gentleman from Maryland (Mr. GILCHREST), whose leadership I want to expressly commend and congratulate, and I want to thank him again for his leadership.

Mr. Speaker, this is a piece of legislation which is going to do a great deal of good, and in some surprising ways. There will be very little additional cost to the Federal Government. It will rely largely upon donations and largely upon management agreements, easements, and cooperative undertakings between State, Federal, and local organizations in the area.

It will make it possible for us to have a lot of land, which will be of enormous value to fish and wildlife, set aside without impairing the ownership or the industrial or commercial activities in the area.

It is a proposal which will afford enormous opportunity for us to increase the conservation values of the area, and to do much to preserve the fish and wildlife values of the Detroit River.

It will have the full cooperation of our Canadian friends because the Detroit River is a national heritage river here in the United States and also in Canada, and cooperation is being given at this time by the two distinguished members of Parliament on the Canadian side of the river, the Honorable Herb Gray, the deputy prime minister, and also the Honorable Susan Whelan, who is working closely with me on these matters.

This is a good piece of legislation which will afford great opportunity for us to make a significant contribution to preservation of the 5 million ducks and geese that fly up and down this river every spring and fall, and to achieve significant additional advances with the support of the people and a cooperative program in the administration of that area.

I give thanks to my dear friend, the gentleman from West Virginia (Mr. RAHALL).

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Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a member of our Committee on Resources.

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

Mr. Speaker, Michigan is blessed with many wonderful rivers. The Detroit River is rich in prehistoric, historic and ecological wonders. This wildlife refuge near a large metropolitan area will truly be a blessing for our State and our Nation. This is an opportunity where you can go from a city and see this beauty, this historical wonder and this prehistorical wonder.

The Canadian government is also embarking on a similar endeavor on their side of this international river, and the gentleman from Michigan (Mr. DINGELL) has worked very closely with them on that. I want to commend the gentleman from Michigan (Mr. DINGELL) for his very patient and persistent work on this bill. The bill passed out of the Committee on Resources unanimously. It is a bill that we can all be proud of.

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

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

Mr. Speaker, during his career in this body, the gentleman from Michigan (Mr. DINGELL) has sponsored innumerable measures that have benefitted our entire Nation and he truly has fought hard for many of those. However, I believe the bill before us today that he is sponsoring is truly the stuff of legacy. It is landmark legislation that will stand as lasting testimony to the gentleman's foresight when it comes to enhancing the wildlife resources of our country.

I say this is landmark legislation because it provides for the first time an international wildlife refuge designation. This designation, as the gentleman has explained, would occur along an 18-mile length of the Detroit River between the cities of Detroit, Michigan, and Windsor, Canada.

In this regard, the portion on the U.S. side of this river has already been designated as an American Heritage River. In addition, the new international refuge proposed by this bill incorporates into its boundaries the existing Wyandotte National Wildlife Refuge.

Obviously, fish and wildlife do not recognize political boundaries. This legislation recognizes that fact, and it does so in a fashion that vastly enhances the ecosystem of the Detroit River in both the United States and Canada for the benefit of not only the current but future generations of citizens of these respective countries.

Again, I commend the gentleman from Michigan (Mr. DINGELL) for his foresight in proposing this legislation.

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

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

Mr. Speaker, once again, I would like to compliment the gentleman from Michigan (Mr. DINGELL) on his work in developing this refuge, in one sense in an international way and in another sense setting a precedent that can be replicated countless numbers of times across the Nation where you can bring in an urban landscape and provide habitat for numerous waterfowl, birds, migrating neo-tropical birds and an abundance of marine life.

Mr. Speaker, I live off the Chesapeake Bay, and along the shores of the Chesapeake Bay there are numerous little tidal basins and estuaries. One of the waterfowl that rests there comes from Alaska, the tundra swan, with a beautiful whistling sound. But between Alaska and the Chesapeake Bay, where they spend their winter months, they need a number of places to stop to provide rest and food for themselves and their young. And now we can be assured that one of those places that those tundra swans will stop and rest along their thousands of miles of journey to the tidal basins of the Chesapeake Bay will be this refuge. So we in Maryland thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Michigan (Mr. KILDEE) and the staff for putting this together.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1230, as amended.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the three bills just considered, H. Con. Res. 270, H.R. 1913, and H.R. 1230.

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

There was no objection.

## EXPRESSING THE GRATITUDE OF HOUSE OF REPRESENTATIVES TO GENERAL ACCOUNTING OFFICE

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 294) expressing the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of Anthrax.

The Clerk read as follows:

H. RES. 294

Whereas the House of Representatives recently found it necessary to close its office buildings to Members, staff, and the public due to the presence of Anthrax;

Whereas the Comptroller General made an offer to the House of Representatives to make the General Accounting Office's building and equipment available to the Members and staff of the House of Representatives during the period in which the House office buildings were closed, an offer the House gratefully accepted;

Whereas the House's subsequent temporary use of General Accounting Office workspaces, telephones, computers, and other equipment imposed an inconvenience on the employees of the Office, who graciously vacated their worksites; and

Whereas the sacrifices made by employees of the General Accounting Office during this period enabled the House of Representatives to continue its legislative work on behalf of the people of the United States: Now, therefore, be it

*Resolved*, That the House of Representatives expresses its gratitude to the General Accounting Office for accommodating the House during the recent closure of the House office buildings, and sincerely thanks the hundreds of General Accounting Office employees who generously vacated their workspaces and otherwise helped to make it possible for the work of the House to continue during this period.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the Comptroller General of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from North Carolina (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

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

Mr. Speaker, I rise here today on behalf of my colleague, the gentleman from Maryland (Mr. HOYER), of the Committee on House Administration for consideration of H. Res. 294. This resolution expresses the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of anthrax.

Mr. Speaker, I want the citizens of the United States to know that later on representatives on behalf of all employees of the GAO will be present in the Capitol in Statuary Hall so that we may speak with them and personally express our gratitude.

On October 18, 2001, the House office buildings closed their doors; and we arrived at the GAO on October 22, 2001. The General Accounting Office graciously accommodated Members and their staff through November 5, 2001. With their help, use of phones and work space, we were able to continue our legislative work on behalf of the United States.

I want to personally thank the GAO for the logistical support they provided to the United States House of Representatives while we occupied two floors of their agency. The professionalism and can-do attitude they exhibited is a credit to the agency. The GAO's hard work made a difficult situation manageable, and it will be long remembered.

All facets of the government working together for the common good will only overcome the trying times that face this Nation.

The GAO's efforts demonstrated that resolve. The GAO's partnership throughout this process not only proves their loyalty to this great Nation but also their kindness as employees and as an agency.

Mr. Speaker, when this country was formed, from the first veteran who fought to make this the greatest democracy ever on planet Earth, they envisioned that their efforts would always continue and that there would be an energetic give and take on the floor of the House and the Senate. And let me just say that during this trying time, when it was difficult for employees of the House and the staff and the Members, we got through it by allowing this floor to be able to continue and by our employees, our staff, of the House being able to communicate with the constituents across the United States and to do their job to keep alive the debate that is so important to our democracy. The GAO was an integral part of allowing us to go forth.

I also want to thank the House staff, who transcended through this move under also a very difficult situation. Particularly I would also like to commend our Clerk, Jeff Trandahl; the Sergeant-at-Arms, Bill Livingood; and especially our CAO, Jay Eagen; and their staffs for making all of this possible, again, for us to continue to do our job; also, the gentleman from Illinois (Mr. HASTERT), Speaker of the House; the gentleman from Missouri (Mr. GEPHARDT), the minority leader; and the Committee on House Administration staff; Members, both majority and minority, who all put in their time in order that this transition was made to be as good as it could get.

Once again, the purpose of this resolution is to thank GAO for their unselfish generosity and partnership, and on behalf of the entire House of Representatives, we commend them for doing such a tremendous job, sacrificing of their time and their offices to make sure that we continue.

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

Mr. PRICE of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to rise in support of House Resolution 294 and to stand in tonight as co-manager of this bill for my friend, the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration. The gentleman from Maryland (Mr. HOYER) is a cosponsor of this bill, as indeed are the other Democratic members of the Committee on House Administration, the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Florida (Mr. DAVIS).

Mr. Speaker, it is not common for the Members of the House and their staffs to need to vacate the House office buildings due to the presence of a potentially lethal health hazard, and let us hope it never happens again. Steps are certainly being taken to protect the people's House from future anthrax threats, to defend our country and freedom-loving peoples around the world from the scourge of terrorism.

Pending achievement of that goal, this House indeed owes its thanks to the General Accounting Office for enabling it to continue its work for two critical weeks at the end of October and beginning of November.

The gentleman from Ohio's resolution simply expresses the House's gratitude, and I hope it will pass without dissent.

I want to thank David Walker, the Comptroller General of the United States, for so graciously offering GAO's assistance to the House in our time of need.

I also want to thank Dick Brown, the GAO's Comptroller and Chief Administrative Officer, for his tireless efforts to ensure that the enterprise went smoothly.

I certainly want to thank the dedicated employees of the General Accounting Office who were uprooted and relocated and otherwise inconvenienced to accommodate Members and their staffs.

Mr. Speaker, despite hundreds of us descending upon the GAO headquarters, thereby allowing our legislative work to continue, GAO's important work got continued as well. This is a great tribute to the professionalism of the GAO staff and their ability to adjust to rapidly changing circumstances.

The GAO, in fact, has been an essential support agency for Congress since its creation in 1921. Mr. Speaker, for 2 weeks at the end of October, 2001, and beginning of November, it was more than that. It was serving as the House's home away from home.

The leadership and the staff of the GAO can now say that they have supported the work of the Congress as never before. This episode belongs in

the annals of congressional history, and this resolution ensures that it will be so recorded.

Mr. Speaker, it is fitting that the House express its gratitude to the GAO and its wonderful employees in the way that this resolution determines. I applaud the gentleman from Ohio (Mr. NEY) for bringing this important resolution to the floor.

I urge an aye vote on the motion.

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

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today in support of House Resolution 294.

I would like to take this opportunity to thank the employees of the General Accounting Office who sacrificed their personal offices in order to allow the daily business of Congress to continue. As we were trying to maintain some semblance of normalcy, I was amazed at the willingness of the GAO staff to be flexible in conducting their daily business in less than desirable conditions.

I would personally like to thank Mr. Charles Johnson, Jr., and others whose offices at the GAO housed members of my staff. Although it may seem like a small sacrifice in the larger scheme of things, the employees of the GAO played a critical role during very uncertain times. It is obvious that the GAO, once known as the iron fist of government, has slipped on a silk glove of kindness in this urgent time.

Mr. Speaker, all Americans are making sacrifices to ensure terrorism is stricken from our world. We must not forget to thank everyone for his or her cooperation in this time of crisis. If they have not already done so, I encourage my fellow Members of Congress to join me in thanking the employees of the GAO for their graciousness and flexibility.

Mr. PRICE of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

In closing, I just wanted to thank my colleague, the gentleman from North Carolina (Mr. PRICE), for carrying this resolution once again; also, the gentleman from Maryland (Mr. HOYER), the ranking member.

I would just say in closing that we thank from the Comptroller General down the line all of the employees who gave of their time to help us operate. They are truly great Americans, great patriots and, in general, very good people.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to rise in support of House Resolution 294, which expresses the gratitude of the House of Representatives to the Government Accounting Office and its employees.

Mr. Speaker, the silver lining to the dark cloud cast upon our nation on September 11th is the ability and willingness of all Americans to sacrifice for the good of the nation.

As this Congress looked for ways to carry out the nation's business amid anthrax scares and other security concerns, the Government Accounting Office and its employees graciously vacated office space so that Members of Congress could continue to do the great work that these times require.

For this great sacrifice, we are proud and we are grateful. The criminals who continue to perpetrate these crimes against Congress and other citizens seek to shake the will of our nation and the will of the Body.

By allowing Members and their staffs to use office space, telephones, and computer equipment, the House was able to continue legislative business. This sacrifice sends the important message to anyone who attempts to harm our great nation: We will be defiant and unrelenting in the face of terror.

I would like to join my colleagues in offering a sincere ''thank you'' to the Government Accounting Office and its employees for their important sacrifice.

Mr. HASTERT. Mr. Speaker, I rise in strong support of this resolution expressing the gratitude of the U.S. House of Representatives to the General Accounting Office for their assistance during the relocation of member offices.

On September 11th, terrorists attempted to weaken our great nation. They failed. In the aftermath of the attacks, the United States continues to stand strong and wave its flag proudly. We are perhaps stronger now, than we were before.

The American people have come together in a way never before seen, to support their country and help those affected by the attacks on our country.

The Comptroller General and the employees of the General Accounting Office are no exception.

When the Capitol and member's offices were assaulted with anthrax, the Comptroller General and the GAO employees generously shared their office space with the members of the House of Representatives and their staffs. GAO employees made quite a sacrifice in doing so. Many were displaced from their own offices in order to provide the House of Representatives with workspace. Because of the selflessness of these employees, the House of Representatives was able to continue to do their work on behalf of the American people and help our nation fight against the evils of terrorism.

Today, I am pleased to join my colleagues in thanking the Comptroller General and the GAO for their assistance. They have been a great help during this very difficult time and their assistance will be remembered.

Mr. HOYER. Mr. Speaker, I am delighted to express my strong support of this resolution.

Fortunately, it's not every day that the members of this House, and their staffs, must evacuate the House office buildings due to the presence of anthrax.

Let's hope it never happens again. Steps are certainly being taken to ensure it never happens again.

This House indeed owes a debt of gratitude to the General Accounting Office for making it possible for the people's House to continue its work during those two critical weeks.

The chairman's resolution eloquently expresses the sentiments that should be expressed, and I urge all members to support it.

As one whose office is in the Longworth Building, I spent considerable time working at the GAO. I found it to be a hospitable place, staffed by hospitable, dedicated Federal workers. I want to express my personal thanks to David Walker, the Comptroller General of the United States, for throwing open the doors of his agency to the House. I also want to thank Dick Brown, the GAO's comptroller and chief administrative officer, for spending many hours working to ensure the whole enterprise went smoothly, which it did. And I generally want to thank the dedicated employees of the General Accounting Office who were relocated, or otherwise inconvenienced, to accommodate me and my staff, and other Members and their staffs. Their sacrifice did not go unnoticed, or unappreciated.

Mr. Speaker, we should note that as hundreds of us descended upon the GAO headquarters, GAO's own important work continued, despite the disruption. This is a grand tribute to the professionalism of GAO employees.

The GAO's mission is to support the work of the Congress as our budgetary watchdog. The leadership and staff of the GAO can now say, with pride, that they have supported the work of the House directly as never before. This incident rightly belongs in the annals of congressional history. This resolution ensures it will be properly recorded.

Mr. Speaker, it is fitting that the House express its gratitude to the GAO and its wonderful employees for allowing us to continue our operations during this time. I applaud the chairman for bringing this resolution to the floor. I urge an ''aye'' vote on the motion.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H.Res. 294.

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

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of House Resolution 294, the resolution just agreed to.

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

There was no objection.

## THE FEDERAL GOVERNMENT SHOULD ASSIST STATES TO MAINTAIN ADVANCEMENTS IN EDUCATION

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

Mr. GEORGE MILLER of California. Madam Speaker, due to the faltering

economy, State education budgets are being squeezed all across the country. According to last week's report of the House and Senate committees which deal with education, this year States will cut $11 billion in real education reductions. More cuts are likely, since State budgets are now showing a deficit of some $25 billion, and this does not take into account the full impact of the September 11 attack.

Elementary and secondary education is one-third of the States' budget, so obviously they are going to have to be cut. But we ought to do all we can in the stimulus package to make sure that we support education.

Over the last couple of years, schools have started to make progress in closing the achievement gap between poor and minority children and majority children and suburban children. We have made efforts on education reform. Children are doing better on the State exams and on the national exams.

We ought to make sure that we do not lose this progress that we have made. We must understand that we cannot allow our children's education and the educational resources of this Nation to be set back because of the short-term recession.

The Federal Government ought to do all it can to help States out at this time so we do not lose the advancements that have been made.

California faces a $4.5 billion budget shortfall this year. California's revenues are projected to fall by 12% this year, the largest decline since World War II.

To balance the budget, Governor Gray Davis has been forced to propose $843 million in education cuts, including after-school programs and initiatives to help low-performing schools.

The cuts are likely to be worse next year, when the state projects a $12.4 billion shortfall.

According to Brett McFadden of the Association of California School Administrators, ''It took years to recover from the budget deficits in the early '90s. If we have to go through that again, that is going to create lasting damage to the entire system.'' (San Francisco Chronicle, Nov. 15, 2001).

Yesterday's New York Times described the impact the cuts will have on Harvey Elementary School in Santa Ana.

After-school literacy classes for native-Spanish speakers has helped increase the proportion of fourth-graders reading above grade level from 7% to 25% in two years.

One teacher called the progress her students had made in just three months ''remarkable.''

But state and local budget cuts may force the program to replace certified teachers with college students, and cut the number of students served in half next year.

According to the schools' principal, ''There was a window of opportunity here, and that is closing.''

Congress is planning to spend tens or even hundreds of billions of dollars to respond to the economic recession and the effects of September 11.

Clearly, we must make sure that we provide adequate assistance to our public schools so that they may continue the advancements in quality that we expect them to make.

[From the Washington Post, Nov. 20, 2001]

SCHOOLS LACK FUNDS, STUDY WARNS

(By Michael A. Fletcher)

The slowing economy is preventing states from spending the money needed on education to keep pace with inflation and surging enrollments, and the federal government should do more to fill the funding gap, according to a report by congressional Democrats.

The report said that education spending in 47 states has fallen a combined $10.5 billion behind what would be needed to keep pace with rising costs. Also, 11 states have cut a combined $800 million from their budgets, in some cases eliminating remedial classes, after-school tutoring and summer school.

The budget problems are likely to multiply as states confront the economic problems they have suffered in the wake of the Sept. 11 terrorist attacks, the report said. California alone is facing $843 million in proposed education spending cuts to help balance a $12 billion revenue shortfall over the next two years.

''The faltering economy is putting at risk the advancement that many states are making to improve the quality of their educational systems,'' said Rep. George Miller (D–Calif.), the ranking minority member of the House education committee.

The report was released by Miller and Sen. Edward M. Kennedy (D–Mass.), the key Democrats involved in negotiating an education package that overwhelmingly passed both chambers of Congress but is now making slow progress in a conference committee.

The bill, one of President Bush's top domestic priorities, would require annual testing of students in grades three through eight and hold both students and educators responsible for the results. The bill also would give states more flexibility in spending federal education aid and increase the amount of money the federal government spends on literacy programs and on programs for the disadvantaged.

But while there is wide agreement on many tenets of the bill, congressional Republicans and Democrats have clashed over the amount of money needed to make the reforms effective. The conference committee is expected to meet again next week, and despite the disagreements on funding and other issues, members have expressed optimism they can produce a final bill by the end of the year.

''Education reform is a high priority in Congress and a high priority for the American people,'' said Kennedy, chairman of the Senate education committee. ''But we need to provide more than lip service in dealing with this challenge. This report will be a wake-up call that persuades both Congress and the administration that greater federal investment in the nation's schools is an indispensable part of education reform.''

Republicans countered, however, that money is only one element of what is needed to improve schools. Moreover, they said, the federal government provides just 7 percent of the nation's education funding and significant increases have already been approved.

''The education reform bill isn't just about money. It is about what happens with that money,'' said Dave Schnittger, a spokesman for Rep. JOHN A. BOEHNER (R–Ohio), chairman of the House education committee. ''What's essential is not just that states have new resources, but that they have the flexibility of using those resources as efficiently as possible.''

Amy Wilkins, a lobbyist for the nonpartisan Education Trust, called the report an attempt by Democrats to bolster their case for increased education funding—a goal she supports. But, she added, ''money will not solve everything.''

[From the New York Times, Nov. 26, 2001]

ECONOMY PUTS SCHOOLS IN TOUGH POSITION

(By Jacques Steinberg)

SANTA ANA, CALIF., Nov. 19.—Nearly all 600 students at Carl Harvey Elementary School arrive for class for the first time speaking Spanish, not English, which is why the school's three-hour after-school literacy classes have been so critical.

But with substantial budget cuts coming from the state and the local district, and the prospects of federal help uncertain, Harvey Elementary's principal has already projected that after-school enrollment will have to be cut in half, if not more, by next fall.

''There was a window of opportunity here,'' the principal, Christine J. Anderson, said of the classes, which the school has given for the last two years, ''and that is closing.''

Having capitalized on a swelling economy to initiate new programs aimed at improving student performance, schools across the country like Harvey Elementary are now being asked to curtail those very efforts because of the nation's shrinking economy. In response to budget cuts, schools from New York to California are undertaking such measures as increasing class sizes, trimming bonuses for good teachers, putting off purchases of faster computers, postponing monetary rewards for high test scores and, as is the case here, scaling back after-school classes.

For the schools, the timing could not be worse: at the very moment that states and school districts are demanding greater academic performance, particularly by insisting that students make the grade on an array of new standardized tests, the states are asking students and teachers to make do with less.

In New York City, where a substantial part of a $400 million school budget shortfall is a result of tax losses since Sept. 11, administrators have pared Saturday sessions for struggling students, extra training for thousands of new teachers and art classes.

In Las Vegas, which has one of the nation's fastest-growing school systems, district officials have cut alternative education programs for elementary school students with disciplinary problems.

School administrators in Fairfax County, Va., have delayed some textbook purchases and placed limits on teachers' salary increases, all to help the state absorb an estimated $80 million in education budget cuts. In Memphis, schools have been told to prepare to delay all but the most pressing classroom repairs, as the state government tries to wean itself from dependence on dwindling sales tax revenues.

In California, which was already experiencing a costly electrical power shortage before the economy turned downward, Gov. Gray Davis on Nov. 14 announced plans to delay support for poorly performing schools, cut assistance for novice teachers and reduce after-school programs like those here in Santa Ana, which is among the poorest districts in the nation. Those cuts are expected to exceed $800 million.

All told, the Education Commission of the States, a nonpartisan research organization, has identified education cuts of more than $3 billion in at least 15 states. Those are among the cuts detailed in another report, by the Council of Great City Schools, a coalition of the 60 biggest districts.

''It's the poor schools that are so badly hit,'' said Delaine Eastin, the superintendent of education in California. ''They were starved for a quarter-century. They were just starting to come back.''

If there is a silver lining for the schools, it is that Senate Democrats have taken note of the states' retrenchment on education spending, and are trying to use the schools plight to wring more money from the Bush administration and the Republicans who control the House of Representatives.

Senate and House leaders have been deadlocked for months over how much to spend on elementary and secondary schools in the next year. House leaders have agreed to spend nearly $30 billion, an increase of about $5 billion over the current year. But Senator Edward M. Kennedy, the Massachusetts Democrat who is chairman of the Health, Education, Labor and Pensions Committee, has called that figure at least $10 billion too low.

To buttress his argument, Mr. Kennedy's aides released their own study of state education budgets on Nov. 16, which predicted that states will spend $11 billion less on schools this academic year than is needed, when inflation and enrollment growth are taken into account.

Representative George Miller, a California Democrat whose staff worked with Mr. Kennedy's said, ''The faltering economy is putting at risk the advancements that many states are making to improve the quality of their educational systems.''

Given the realities of the economy, few districts have sought to challenge the state and local governments that are often ordering the cuts.

''What are we going to say?'' said Anthony Shorris, the deputy chancellor of the New York City Board of Education. ''This is a terrible catastrophe that hit New York. Our goal is to live with what we've got, and still help our students meet these new demands.''

In California, the more than $800 million in school budget cuts identified by Governor Davis have jolted systems that had grown accustomed to receiving more money from Sacramento each of the last few years.

Ms. Anderson, the principal of Harvey Elementary, a wood-beam-and-stucco building that is crammed to four times its intended capacity, said she was sometimes inclined to agree with those researchers who have found that more money does not necessarily lead to improved student achievement, But, she said, the $300,000 the school spent on its afternoon literacy program in each of the last two years—it now serves 150 students, most of them Mexican-American—was followed by a relatively steep rise in reading scores.

Last year, the school's students, who are among the most disadvantaged in the state, exceeded the overall scoring target set for them by state officials by a factor of five. Driving that improvement were the school's fourth graders, 25 percent of whom were found to be reading above grade level last year, compared with 7 percent three years ago.

Amy McDonald, a third-grade teacher who sends 16 of her 19 students to the intensive after-school program, said that the impact on their English in just three months this year had been remarkable. She said that her students arrive in class in the morning eager to discuss what they learned the previous afternoon.

Lizbett Mejia, 9, whose mother was born in Mexico and can barely communicate in English, said she had become hooked by her after-school teachers on a popular collection of books known as the ''Little Sister'' series.

''I didn't know that much of reading,'' Lizbett said. ''Now I know how to read more.''

By replacing certified teachers with local college students, Ms. Anderson said, she believe she can keep this year's after-school program running at full capacity. But when the proposed state cuts, including those to badly needed subsidies for school electrical payments, are combined with anticipated reductions in public and privately financed grants, Ms. Anderson estimates that she will have no more than $90,000 to spend next year on the program, which would probably cut enrollment in half.

''These last few years have been heaven,'' she said. ''Hopefully we've learned enough to be able to sustain what we think works without having the money we thought we needed to pay for it.''

## 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.

## IN HONOR OF 100TH ANNIVERSARY OF UNITED STATES ARMY WAR COLLEGE

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

Mr. PLATTS. Mr. Speaker, I rise today in honor of the 100th anniversary of the United States Army War College located in Pennsylvania's 19th Congressional District, which I am privileged to serve. President Theodore Roosevelt's Secretary of War, Elihu Root, founded the War College on November 27, 1901. Secretary Root wished to establish a place where senior leaders of our Armed Forces would study and strategize problems of national defense, military science, and responsible command.

Among the many graduates of this pristine institute are former President Dwight D. Eisenhower, 1927; General Omar N. Bradley, 1934; General H. Norman Schwarzkopf, 1973; and General Richard Myers, 1981, our current chairman of the Joint Chiefs of Staff.

In July of 1951, the Army War College relocated to Carlisle, Pennsylvania, where it has continued to serve our Nation, our allies, and the military in the capacity envisioned by Secretary Root. Under the exceptional command of Major General Robert Ivany, the Army War College strives to face the defense challenges of today while adhering to its long time motto, ''Not to promote war but to preserve peace.''

Mr. Speaker, it is a true pleasure and privilege to recognize and commend the United States War College on its 100th anniversary.

## MORE THAN A WAR IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening, as our Marines are on the ground in Afghanistan, I would like to posit that the United States is engaged in more than a war. Indeed, we are engaged in the middle of a revolution.

Today, Thomas Friedman, New York Times News Service, wrote an editorial entitled ''Shedding the Veil of bin Laden,'' which I will submit for the RECORD, and I will only read a small part of it. Mr. Friedman is traveling in that part of the world, in the United Arab Emirates, and he says: ''Over coffee the other day here in the gulf, an Arab friend confided to me something that was deeply troubling to him. He said, My 11-year-old son thinks bin Laden is a good man. For Americans, Osama bin Laden is a mass murderer. But for many young Arabs, bin Laden, even in defeat, is still Robin Hood. What attracts them to him is his sheer defiance of everything young Arabs and Muslims detest,'' Friedman goes on, ''their hypocritical rulers, Israel, U.S. dominance, and their own backwardness.''

He then goes on to quote Steven Cohen, the Middle East analyst, who says, ''We in America can't just go on looking at the Arab world as a giant gas station, indifferent to what happens inside. Because the gas is now leaking and all around people are throwing matches. Every day,'' he says, ''I see signs that this war of ideas is possible.''

And, indeed, we are involved in a war of ideas. I would like to commend again the book ''Sacred Rage'' by Robin Wright, as a very important contribution to our own understanding of the revolution in which we are engaged. In 1986, when this book was first published, and is now being updated, the author, Robin Wright, quotes Sajib Salom, the former Lebanese Prime Minister, who said, ''The growth of Islamic fundamentalism is an earthquake.''

She recounts from her own personal experience living in the Middle East the turning point of this revolution, centering it in Iran. Of course, the government that the United States of America had supported collapsed in Iran in 1979, the Shah of Iran deposed, something that the United States had not anticipated. And, in fact, his government at that time, serving as policeman for the entire gulf region. Well, shortly thereafter, in March of 1982, there was a huge conference in Tehran, where some 380 men with various religious and revolutionary credentials met at the former Hilton conference ballroom. Their goal was to help to create the ideal Islamic government.

As the government of Iran switched from a monarchy to a theocracy, they had many declarations that came out of that seminar, and she recounts this going back to the mid 1980s. The conclusions of the seminar in some ways were vaguely worded and riddled with rhetoric, but revolutions are that way, and Islamic militants, mainly Shi'a but including some Sunnis, and more recently even more of them, would launch a large-scale offensive to cleanse the Islamic world of the Satanic Western and Eastern influences

that they viewed as hindering their progress, and they agreed to the following back in the early 1980s:

First, that religion should not be separated from politics; secondly, that the only way to achieve true independence, true independence, was to return to Islamic roots; third, there should be no reliance on superpowers or other outsiders, and the region should get rid of them; and, fourth, they recommended that the Shi'a should be more active in getting rid of foreign powers.

Dr. Marvin Zonis, at that time the director of the Middle East Institute at the University of Chicago, had a stunning comment about the Psychological Roots of Shiite Muslim Terrorism in a Washington seminar, in which he stated this message from Iran: No matter how bizarre or trivial it may sound on first, second, fourth or 39th hearing, is, in my opinion, the single most impressive political ideology which has been proposed in the 20th century since the Bolshevik Revolution. If we accepted Bolshevism as a remnant of the 19th century, then, he argues, that we have had only one good one in the 20th century, and I would put the word good in quotes, and it is this one: Islamic fundamentalism. This powerful message will be with us for a very long time, no matter what happens to Ayatollah Khomeini.

As I end this evening, I would just commend this book ''Sacred Rage,'' and say I will continue with briefings on this as the days proceed, and I submit herewith, Mr. Speaker, the newspaper article I referred to above:

[From the Toledo (OH) Blade, Nov. 26, 2001]

SHEDDING THE VEIL OF BIN LADEN

(By Thomas L. Friedman)

DUBAI, United Arab Emirates.—Over coffee the other day here in the gulf, an Arab friend—a sweet, thoughtful, liberal person—confided to me something that was deeply troubling him: ''My 11-year old son thinks bin Laden is a good man.''

For Americans, Osama bin Laden is a mass murderer. But for many young Arabs, bin Laden even in defeat, is still Robin Hood. What attracts them to him is not his vision of the ideal Muslim society, which few would want to live in. No, what attracts them to him is his sheer defiance of everything young Arabs and Muslims detest—their hypocritical rulers, Israel, U.S. dominance, and their own economic backwardness. He is still the finger in the eye of the world that so many frustrated, powerless people out here would love to poke.

The reason it is important to eliminate bin Laden—besides justice—is the same reason it was critical to eliminate the Taliban: As long as we're chasing him around, there will never be an honest debate among Muslims and Arabs about the future of their societies.

Think of all the nonsense written in the press—particularly the European and Arab media—about the concern for ''civilian casualities,'' in Afghanistan. It turns out many of those Afghan ''civilians'' were praying for another dose of B–52s to liberate them from the Taliban, casualties or not. Now that the Taliban are gone, Afghans can freely fight out, among themselves, the war of ideas for what sort of society they want.

My hope is that once bin Laden is eliminated, Arabs and Muslims will want to do the same. That is, instead of expressing rage with their repressive, corrupt rulers, or with U.S. policy, by rooting for bin Laden, they will start to raise their own voices. It's only when the Arab-Muslim world sheds the veil of bin Laden, as Afghans shed the Taliban, and faces the fact that Sept. 11 was primarily about anger and problems with their societies, not ours, will we eradicate not just the hardware of terrorism, but its software.

''We in the West can't have that debate for them, but we can help create the conditions for it to happen,'' remarked the Middle East analyst Stephen P. Cohen. ''America's role is to show the way to incremental change—something that is not, presto, instant democracy or fantasies that enlightened despotism will serve our interest. We can't just go on looking at the Arab world as a giant gas station, indifferent to what happens inside. Because the gas is now leaking and all around people are throwing matches.''

Every day I see signs that this war of ideas is possible: It's the Arab journalist who says to me angrily of the Arab world today, ''We can't even make an aspirin for our own headache,'' or it's Ahmad al-Baghdadi, the Kuwaiti professor, who just published a remarkable essay in Kuwait's Al Anbaa and Egypt's Akhbar Al Youm titled ''Sharon Is a Terrorist—and You?''

[Ariel] Sharon was a terrorist from the very first moment of the . . . Zionist entity,'' wrote Baghdadi. But what about Arab-Muslim rulers? ''Persecuting intellectuals in the courtrooms [of Arab countries], trials [of intellectuals] for heresy . . . all exist only in the Islamic world. Is this not terrorism? . . . Iraq alone is a never-ending story of terrorism of the state against its own citizens and neighbors. Isn't this terrorism? . . . The Palestinian Arabs were the first to invent airplane hijacking and the scaring of passengers. Isn't this terrorism?

''Arab Muslims have no rivals in this; they are the masters of terrorism toward their citizens, and sometimes their terrorism also reaches the innocent people of the world, with the support of some of the clerics . . .

''[Ours] is a nation whose ignorance makes the nations of the world laugh! The Islamic world and the Arab world are the only [places] in which intellectuals—whose only crime was to write—rot in prison. The Arab and Muslims claim that their religion is a religion of tolerance, but they show no tolerance for those who oppose their opinions.

''. . . Now the time has come to pay the price . . . and the account is long—longer than all the beards of the Taliban gang together. The West's message to the Arab and Muslim world is clear: mend your ways or else'' (translation by MEMRI).

We must fight the ground war to get bin Laden and his hardware. But Arab and Muslims must fight the war of ideas to uproot his software. The sooner we help them get on to that war, the better.

Ask the folks in Kabul.

## GENERAL CONCERNS ABOUT OUR BORDERS, LAND, AIR, AND WATER

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

Mr. SOUDER. Mr. Speaker, I wanted to talk a little bit tonight about our north and south borders. We have general concerns in the United States about our borders, our land, air, and water, for any number of reasons; and our challenge is how to keep our trade flowing and our traffic flowing while still meeting our security concerns.

Drug issues are a big concern in this country, illegal immigration, and other products that are either illegal to come in, like Cuban cigars, or of particular importance in regional areas such as cheese or other products. And of course the big concern that all Americans have right now is terrorism. It is of particular importance on the northern and southern borders of the United States, where trade with Mexico and Canada have become vital to the economic systems of our nations.

My Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform is conducting a series of hearings over the next few months in both the north and south borders. Our first hearings were held at the Highgate Springs, in Vermont, on the Montreal-Boston interstate corridor, and in Champlain, New York, on the Montreal-New York City corridor. In 2 weeks, we will be having a hearing in Blaine, Washington on the Vancouver-Seattle corridor.

In addition to these hearings, we have also been systematically meeting with the Coast Guard on Lake Champlain and will be in Puget Sound with the Border Patrol, with INS, with Customs and DEA. We also visit some of the lower traffic ports of entry in each of these areas. Some of these in the past have only been manned part-time with one person. There are many areas along our borders, both north and south, where you can just walk across. These are clear challenges as we try to control not only illegal drugs and immigration and products but also terrorists from entering our Nation.

With these hearings, because of the importance of working with our neighbors, we have invited participants from the parliaments as well as business representatives from Canada and plan to do the same with Mexico. As a result of our first hearings, in which Parliamentarian Denis Paradis from Quebec participated, he asked me to come to Ottawa to discuss with the numerous committees and other parliamentarians, as they enter into the final stages of their debate on anti-terrorism legislation and immigration bills what we have passed here in this House.

I returned from Ottawa a few hours ago, after spending a day and a half with our Canadian friends and our U.S. Embassy, and I would like to discuss a few of the important points tonight, and probably get a little bit into these again tomorrow.

Twenty-five percent of all trade from the United States is with Canada. To put this in perspective, the trade crossing the Ambassador Bridge between Windsor and Detroit, not all the trade that comes through Detroit, the tunnels and the other bridges, just the Ambassador Bridge alone, the trade over the Ambassador Bridge in Detroit is greater than all U.S.-Japanese trade. All the trade with U.S. and Japan does not equal what goes across one bridge in Detroit.

As Canadian Parliamentarian Susan Whalen of the Windsor Riding has pointed out to me multiple times, it is not just trade and tourism, which are big, for example, our Speaker's State of Florida, if the Canadians do not come down to Florida, it is not clear what would happen to the tourism business. Many United States Congressmen and women represent more Canadians at this time than the Canadians themselves in their parliament do. We have a big tourism exchange. Many people retire and go back and forth with their relatives.

But we also have workers across the border in Canada and in Mexico. In Windsor, there are 1,100 nurses who daily cross to meet the needs of the Detroit hospitals and the Detroit area hospitals. What are the people in these hospitals going to do if we wall off the borders or, as is currently happening, it takes 4 hours on many days? They are not able to get to the hospitals. The hospitals do not know how to staff. They are running into these problems on borders.

Clearly, we have to figure out some different methods of how we are going to do this long term because maybe a 2-hour is tolerable, but 4 hours is pushing the extreme. We have a 30 to 50 percent reduced traffic right now. What is going to happen if the traffic comes back? How are we going to meet the economic, the tourism, the trade and the workforce movement pressures?

Now, there are real reasons why traffic has slowed down. It is not just to spite either one of us on either side. There are real concerns. In the narcotics issue alone, we have seen a rise in illegal narcotics coming across from Canada, not just Mexico. BC Bud and Quebec Gold both are very potent forms of marijuana like we have never seen before in the United States. BC Bud is very near the levels in THC of cocaine. They have brought it into Indiana. Indiana has now become an exporter of marijuana to California and around the country. They bring it in, and they plant it in our soybeans and corn.

Quebec Gold is being shipped down to New York City and is right now more higher priced because of its potency than cocaine on the streets of New York. Ecstacy is coming in predominantly from Holland and Rotterdam into Canada and down, precursors for methamphetamine labs and meth labs.

Clearly, we have to work on the narcotics issues, but both nations have other concerns as well, and the terrorism, and I will get more into how both our parliament and their parliament are trying to address these concerns and balance the needs of both commerce and terrorism.

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## O.C. SMITH, SINGER KNOWN FOR ''LITTLE GREEN APPLES'' DIES NOVEMBER 24, 2001

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Mr. Speaker, I come to memorialize someone who was not only a constituent but a minister and a friend. The Reverend O.C. Smith was a jazz singer, a pop singer and minister.

O.C. Smith, a one-time jazz singer in the Count Basie band, found popular success in the late 1960s with songs like ''That's Life'' and the Grammy-Award-winning ''Little Green Apples.'' When we walked into the sanctuary of his church on Sunday, there were big baskets of little green apples that were given out as a souvenir of his life; and little green apples grow into ripe red apples, such a symbol of who he was.

Smith officiated at a Thanksgiving service Thursday. I do not know whether he foresaw his immediate demise, but he had all of his children come from around the country. He had asked the Reverend Barbara King to preach for him on Sunday, and she was on her way from San Diego to Los Angeles when she heard about his death.

In early 1961, Smith auditioned successfully for the Count Basie band. He was the one who replaced the legendary Joe Williams.

After the Count Basie band, Smith worked the club and concert circuit across the country, toured the Far East for several months, and settled in Los Angeles afterwards. Columbia Records soon signed him on and expanded his repertoire. Many Members probably remember the successful ''That's Life'' which Frank Sinatra turned into a golden record years later. He obtained his first commercial breakthrough with ''Son of Hickory Holler's Tramp'' which became a big hit in Britain.

Then came his version of Bobby Russell's ''Little Green Apples,'' winner of the Grammy Award in 1968. A year later Smith had another big R&B single, ''Daddy's Little Man'' in 1969 which hit number 9.

I guess there was a calling or an avocation. In 1980, Smith's life began to take a new direction after friends invited him to attend a Science of the Mind service, and later on he became the Reverend O.C. Smith. He felt the presence and he was called to come and administer to many celebrities, many professionals and just regular people.

The O.C. Smith I knew was kind, loving and always full of joy. He always had an uplifting word for you whenever you saw him, on the streets, in the theater performing, or in his church. I am very proud to say I was the only politician that he would allow to come up to the podium and speak and that he would endorse. The last time I saw him was in his church, but as we attended his church on Sunday, he was seen in spirit throughout that sanctuary.

We have lost not only a minister but a person who could make one believe in the Supreme Being being inside of you. We lost a performer. We lost a great and spiritual man which we shall remember forever, and particularly when we hear his version of God's ''Little Green Apples.'' May he rest in peace and always be with us.

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.)

## REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

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

Mr. NUSSLE. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, I submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations.

As provided by Sec. 218 of H. Con. Res. 83, I am increasing the allocations to accommodate House action on the President's revised request for defense spending. As reported to the House, H.R. 3338, the bill making appropriations for the Department of Defense for fiscal year 2002, includes $17,347,000,000 in new budget authority and $14,932,000,000 in outlays in response to the Administration's requested increase. I am increasing the allocation by those amounts.

As you know, the Committee on the Budget has reported separate legislation (H.R. 3084) that would, among other things, increase the appropriate aggregate established pursuant to H. Con. Res. 83 to reflect the President's revised defense request. It is my intention that this bill be passed freestanding or incorporated into one of the appropriations conference reports. In either event, it will be necessary to modify the language in H.R. 3084 to avoid duplication of the defense adjustment.

In addition, Division B of H.R. 3338 provides for the use of emergency-designated funds previously authorized in P.L. 107–38, Emergency Supplemental Appropriations in Response to Terrorist Attacks on the United States. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregate upon the reporting of a bill containing emergency appropriations. The emergency-designated spending provided in Division B of H.R. 3338 totals $20,001,000,000 in new budget authority and $9,347,000,000 in outlays.

Next, the conference report on H.R. 2620, the bill making appropriations for Veterans Affairs, Housing and Urban Development, and Independent Agencies for fiscal year 2002, included an emergency-designated appropriation providing $1,500,000,000 in new budget authority to the Federal Emergency Management Agency. No outlays are expected to flow from that budget authority in fiscal year 2002. The allocations had previously been adjusted by $1,300,000,000 in new budget authority

and $0 in outlays for the House-Passed measure. I am adjusting the allocations and budgetary aggregate for the difference in emergency-designated appropriations in the House-Passed and conference measures.

Finally, the conference report on H.R. 2217, the Interior and Related Agencies Appropriations bill, provided emergency-designated appropriations for wildland firefighting. Those appropriations totaled $400,000,000 in new budget authority and $289,000,000 in outlays. Emergency-designated appropriations were not provided in the House-Passed measure.

To reflect these adjustments, I hereby increase the 302(a) allocation to the House Committee on Appropriations to $701,447,000,000 for budget authority and $707,946,000,000 for outlays. The increase in the allocation also requires an increase in the budgetary aggregates in $1,666,635,000,000 for budget authority and $1,615,644,000,000 for outlays.

These adjustments apply while the legislation is under consideration and take effect upon final enactment of such legislation. Questions may be directed to Dan Kowalski at 67270.

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

(Mr. OBEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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## H.R. 3113, TANF REAUTHORIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to advise this House that I have introduced a bill, H.R. 3113, which seeks to amend and reauthorize the Temporary Assistance for Needy Families program (TANF). H.R. 3113 currently has 49 sponsors. I hope that more Members will join in support of major changes to the TANF law that Congress enacted in 1996. The TANF block grants must be reauthorized next year. It is not too early to begin the review and discussion of necessary changes.

TANF replaced the Aid to Families with Dependent Children program, which had distributed welfare benefits since the 1930s. Benefits under the AFDC program were provided as an entitlement and although benefit levels varied from state to state, the overall system was regulated by the federal government. TANF repealed the entitlement and made much of the eligibility and program structure subject to state law.

TANF also imposed a cumulative lifetime time limit of 5 years on the receipt of benefits. TANF went into effect in 1996 and many of the families enrolled in the program are now reaching their 5-year limit. Five hundred families in Hawaii will be cut off in December of this year. In some states, thousands of families already have been cut off because the TANF law allows states to have even shorter time limits.

The recession we now are suffering cost 415,000 jobs in October 2001 alone. Thousands more jobs lost in November spread economic vulnerability through wider segments of our population. This vulnerability is especially severe for TANF families. In October, 111,000 jobs were lost in the service sector, where many current and former TANF recipients have been employed. Layoffs are especially harsh for TANF families that do not qualify for unemployment insurance and who are no longer eligible for welfare. Of the 415,000 people who lost their jobs in October, only 40 percent were eligible for unemployment insurance. Of the thousands of workers who are not protected by the unemployment insurance system, many are mothers who have left TANF for the labor market.

According to its proponents, TANF promotes labor market work as the way out of ''welfare dependency.'' Yet most of the jobs that are available to recipients pay such low wages that fulltime employment does not raise their families above the poverty line. So even for TANF recipients who do have jobs, employment has not yielded economic security. TANF actually impedes recipients' efforts to move into jobs at living wages. TANF does not allow recipients to meet the work requirement by pursuing post-secondary education; it limits vocational education to one year; and it caps the percentage of recipients who can be counted as engaged in a work activity by virtue of vocational training.

TANF's work requirement stresses getting a job, any job, regardless of what it pays, what benefits it provides, and whether the combination of earnings and benefits are sufficient for a family to survive on. The failure of TANF to count post-secondary education as a work activity is its biggest hypocrisy and is one of the key problems H.R. 3113 seeks to correct. Research has long established that women with education beyond high school, especially a college education, are more likely to earn living wages.

Child care is another nagging problem under TANF. Without dependable and appropriate child care there is little hope for a parent to be able to stay in an employment situation. Under the Family Support Act of 1988, child care was an entitlement. TANF repealed the entitlement for individuals, making it even harder for poor mothers to assure care and supervision to their children while they are away from home meeting their work requirement. One of the powerful ideas in the 1996 welfare debate was the strong view that one of the ways to help children in welfare families is to find their fathers and make them provide child support. TANF requires women seeking welfare to disclose the identities of biological fathers and to help government locate them. It enforces these requirements with new sanctions reducing family benefits when mothers don't comply. These harsh provisions totally disregard a mothers' own best judgment about what's best—and safest—for herself and her children. What's more, TANF provides that all child support money collected by the government stays with the government as reimbursement for welfare.

What Congress needs to do is to undo punitive regulation of mothers on welfare. Instead, we need to encourage states to make job training and educational opportunities available to recipients so that leaving welfare for the labor market means leaving poverty. We need to make it possible for mothers to seek job training and education, as well as to keep jobs that pay living wages. We need to treat women on welfare the same way that we treat all women—with the respect, dignity, and rights we all cherish for ourselves.

TANF needs to take into account the many different reasons that people are forced to turn to welfare. Many poor mothers lack the skills needed to land better-paying jobs. They need access to training and education. Many cannot afford to be employed, because they lack child care or can't find affordable transportation or aren't assured crucial benefits such as health care. They need to be protected by all labor laws, be guaranteed child care, and receive Medicaid benefits for as long as they are income-eligible. Some mothers suffer from substance abuse or mental health problems or debilitating illness or domestic violence. These mothers need access to treatment, recovery, legal remedies, and skills-building services before entering the labor market. All children desperately need loving care in the home. Their mothers need the resources and the flexibility to decide when their children need a mother's care, not that of a sibling or baby sitter.

I urge my colleagues to consider H.R. 3113, which seeks to: 1. Expand the definition of ''work activity'' to include education and job training at all levels as well as a parent's caregiving for a child under the age of six or over the age of six if ill or disabled or if after school care is not provided: 2. Stop the 5 year clock from running if the recipient is engaged in an allowable work activity, including education and job training; 3. Prohibit full family sanctions that punish whole families when the adult recipient doesn't meet a TANF rule; 4. Make paternity establishment and child support enforcement voluntary, while encouraging cooperation by directing all child support collections to the family; 5. Count treatment for domestic and sexual violence, mental health problems, and substance abuse as ''work activities''; 6. Prohibit states from establishing ''family caps'' that withhold benefits from a child born to a mother on welfare; 7. Replace the ''illegitimacy bonus'' with a poverty reduction bonus for states that lower poverty rates the most; 8. Restore the child care entitlement for TANF families when the parent enters the labor market or in a work activity leading to participation in the labor market; 9. Guarantee equal access to TANF regardless of marital or citizen status and enforcement antidiscrimination and labor laws, as well as due process guarantees; 10. Stop the clock for all TANF families during recession and temporarily restore TANF eligibility for families who have exceeded their time limit but who are otherwise eligible (recession equals 5.5% unemployment rate or higher); 11. Provide incentives to states to provide programs to reduce barriers to employment, to offer job training, and to encourage education; and 12. Stipulate that the statutory purpose and goal of TANF is to reduce child and family poverty.

These changes will put TANF to work helping mothers parent in dignity and helping children grow up with economic security. I urge

my colleagues to join in support of H.R. 3113 by co-sponsoring this legislation.

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

(Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## ECO-TERRORISM, THE CHARACTER COUNTS PROGRAM, MISSILE DEFENSE, AND MILITARY TRIBUNALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I want to take a few minutes to talk about a number of subjects which I think are very important, especially considering the times that we are in.

The first subject that I want to talk about is domestic terrorism. Specifically, I want to focus in on ecoterrorism and talk a few minutes about that.

Second, an exciting program which has been implemented in many schools across the country, the program Character Counts. This evening I am just going to do kind of a teaser on it and discuss some of the elements of the program, but I intend later to go into much more depth about the program and why it would be important for my colleagues to try to encourage their local schools to adopt the program Character Counts.

Then I would like to move on to a subject which I have addressed many times, and that is missile defense and the importance of missile defense.

I would also like to touch on the military tribunals that the President has proposed for war criminals, not for American citizens but for those individuals who have committed acts of war against the United States.

Keep in mind that military tribunals were first used by George Washington, Abraham Lincoln and President Roosevelt. The United States Supreme Court on a number of occasions has found that military tribunals are constitutional, so our discussion this evening about military tribunals will not be on constitutionality because that issue has been determined. Our discussion this evening should center more instead on why they are necessary, why they are important and of what benefit are military tribunals to the United States of America in its continued and long-lasting fight against terrorism worldwide.

Let me begin with terrorism on a domestic picture. For some reason, over the last few years there seems to be kind of a Robin Hood image given to those people who are so dedicated to the environment that they think that their dedication to the environment justifies acts of terrorism against the property of others and at some point in time against humans and other citizens in the United States.

This Robin Hood picture is kind of being played on by the media. It is not a noble act. Environmental terrorism is not the way to accomplish their means. There are many active organizations in this country who care very, very deeply about the protection of the environment. Many of us on this floor, including myself, care very deeply about the environment.

Obviously, on many occasions we have a difference of opinion. In fact, on this House floor, the two sides of the aisle are sometimes urban versus rural. We have deeply held differences with the people from the other side of the aisle or with our colleagues from another State. For example, in Colorado we generally find ourselves with strong differences on issues of Colorado water when we discuss that issue with Members from the State of California, which is a large user of water from the Colorado River.

But never on this floor, never on this floor do we engage in conversation or strategy or do we engage in the actual act of terrorism against our colleagues who disagree with us on this floor. We have never even heard of that. It has never been considered. If it were considered, it would be quickly squashed by my colleagues under our own self-policing process. Members just do not do it.

In America we have a process which has been defined more accurately against September 11, a process which allows us a legal venue to carry these disputes. There is no justification for domestic terrorism. I do not care whether we are talking about a bomb on the Greenpeace ship, or a threat on an abortion clinic, or if Members are talking about organizations like ELF, which is an organization completely focused on accomplishing goals for the environment through the tool of terrorism. It has no place in the United States of America.

Recently, I contacted a number of environmental organizations across the country and asked them to join me, to join my coalition, my coalition consisting of several of my colleagues' joint effort with me, our coalition, to come out as a group and speak against, regardless of which side of the spectrum Members are on, come out as a coalition, just like we have done for international terrorism, to come out as a coalition and speak against domestic terrorism under the name of the environment.

I have actually been a little surprised by some of the responses I have received. Over the weekend, there was a nasty article in the Denver Post, a letter to the editor. It is amazing how people squirm to somehow say why do you ask us to join your team against environmental terrorism? Do you think that we are terrorists? I have never said that. Organizations like the national Sierra Club, other organizations, I do not think that they are terrorists. But there are some organizations that, under the guise of the environment, are terrorists, and they commit acts of terrorism.

It is justified to ask every legitimate organization in this country to join the coalition that we are putting together to speak out as a unified voice, to speak out against acts of terror and against those people who think that it is the lesser evil for protection of the environment.

I had some negative responses to my letter, asking, not accusing anybody of terrorism, asking them to join our team, kind of like the President said, you are either with us or you are not with us. The same context as this letter. Hey, join us, help us. Because, frankly, environmental organizations like the Sierra Club, like some of these other national organizations, a lot of people look to them for guidance on the environment.

In a lot of cases I disagree with the national Sierra Club, not so much with the local but the national policies, especially when it regards the Colorado Rockies in my district. But the fact is I have never considered that organization or the organization of Greenpeace a terrorist organization. They do not advocate it. I have never seen any evidence that they are proponents of terrorism.

On the other hand, these groups are nationally recognized, and perhaps some of the radicals who are committing ecoterrorist acts will listen to what these organizations say and listen to their experienced opinion that terrorism does nothing but hurt the cause. It does not help forward the cause of the environment. Committing acts of ecoterrorism, as they did in my district and throughout this Nation, those acts did not further the cause of the environment.

In fact, what it does is it makes the people who really care about the environment, the organizations like the national Sierra Club and others, it kind of draws them in by association. Even though they are not associated, it draws them in by association and starts to give a black eye to what otherwise might be a legitimate cause.

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So why would someone not join our effort, our coalition? I got some positive responses, though, and I think some very mature responses, one might say, very well thought-out responses. I would like to read one of them from the Natural Resources Defense Council:

DEAR CONGRESSMAN MCINNIS and CHAIRMAN HANSEN:

Thank you for your letter of October 30 in which you and your colleagues invited us to repeat our long-held position concerning violence by some who claim to be part of the environmental movement. Let me state, therefore, that the Natural Resources Defense

Council unequivocally condemns and abhors any act of violence committed in the name of environmental protection. Violence has no place in the struggle to protect the earth and its people from the ravages of pollution and exposure to toxic chemicals. There is no excuse for fire bombings and other acts of violence that you have detailed in your letter. We are blessed to be living in a country where people are free to have differing opinions on matters of public policy. Moreover, it is especially at times such as these when we see the horrible way in which disagreements are handled in other countries that we appreciate our American tradition of honest, forthright and civilized debate. As you know, the Natural Resources Defense Council's more than 500,000 members from all 50 States feel strongly that our children have entrusted the earth to us for safekeeping until they are ready to assume their place as leaders. We will continue to fight what we consider bad public policy with every legal means at our disposal. And as we find ourselves in agreement on at least one issue, that violence has no place in policy debate, I want you to know we would be pleased to discuss environmental policy issues with you, your colleagues and your staff at any time that is convenient.

And that is signed by the executive director.

That violence has no place in policy debate. There are lots of policy debates on environmental issues, but as it was very clearly stated in this letter, as I have very clearly stated on a number of occasions, violence has no place in this public policy debate.

Over the weekend, I had an opportunity to write a response in the Denver Post. I would like very briefly to read this and put this as a matter of record. Let me say that in regards to ecoterrorism, this is not something that has happened since September 11. We suffered a horrible loss in our district, not horrible as compared to the horrible loss we have suffered over at the Pentagon and New York City. Those two do not compare, other than the fact that they are both acts of terrorism. Unfortunately, we had horrific loss of life on September 11.

But what is happening with ecoterrorism in this country is gradually and over time throughout and probably riding this kind of concept that they are a Robin Hood or that it is the lesser of two evils, that somehow terrorism is justified in environmental policy arguments, we begin to see groups like ELF, which is the Earth Liberation Organization, and ALF, which deals with the animal rights group, we are beginning to see that these organizations are becoming bolder and bolder in their acts of property terrorism; and soon unfortunately I am afraid that these acts of property terrorism such as burning down the lodge in Vail which was a $12 million lodge and by the way as a result of them burning down this lodge, the ELF organization, what happened is now we had to use twice as many logs as we would have used before, they have put a lot of people out of work.

There was clearly no justification for this, but they are becoming bolder. One of these days by accident or intentionally they are going to take human life, all in the name of the environment, which as I stated and I would like to repeat this letter because I think it is an outstanding letter from the Natural Resources Defense Council which, by the way, is a very well-respected, very active environmental organization.

Bombing and fire bombings have no place in this argument. Acts of violence have no place in the policy debate of the environment.

Let me read my response:

''Several comments attributed to me by critics are at best taken out of context, a self-serving manner in order to make their case appear stronger. As America begins the long haul back following the monumentally tragic events of September 11, we all have to come to more fully appreciate and understand the cancerous effect of terrorism on free and civilized people. Now more than ever, America knows in its collective heart of hearts that terrorism, no matter its form, and no matter its motivation, is intolerable. Whether it is crashing a plane into the Pentagon, sending a mysterious white powder to an abortion clinic, burning up a Greenpeace ship or burning a Vail lodge into the ground, terrorism has no place. I am chairman of a House subcommittee charged with overseeing our national forests. One form of terrorism is high on the committee's radar screen, ecoterrorism. While not as menacing or destructive as the terrorist attacks of September 11, environmentally motivated violence has nonetheless reached such a level that the FBI now recognizes it as one of America's primary domestic terrorism threats. Let me repeat that. The FBI now recognizes it as one of America's primary domestic terrorism threats. Shockingly, ecoterrorists continue their war against American communities, fire bombing a biomedical research lab and a Federal facility just days after America was rocked by Osama bin Laden and his network of terrorists.

''Ecoterrorism is not an imagined problem. Environmental vigilantism is on the rise and it is for real. Recently the national dialogue about ecoterrorism took a heated turn when a handful of environmental groups objected to a letter written by myself and several of my colleagues urging organizations to openly disavow the action of ecosaboteurs like the Earth Liberation Front and its sister organization, the Animal Liberation Front.

''ELF, as the Earth Liberation Front is known, and ALF, as the Animal Liberation Front is known, have reigned terror on communities in all corners of the United States over the course of the last decade; setting fire to homes, academic research labs, government buildings and many businesses.

''Colorado has not been immune from this type of ecoterrorism threat. In 1998 ELF's henchmen burned a $12 million ski lodge in Vail to the ground. In all, these groups have prosecuted a campaign of terror with a price tag well over $40 million, and it is just a matter of time before human life is taken.

''Alarmingly, ELF and ALF, and other like-minded radicals, have found refuge in certain circles of the popular press. Instead of being forcefully condemned, too often these groups have received a wink and nod and a rhetorical pat on the head from those who view environmentally motivated violence as a lesser evil in the furtherance of a greater society of good.

''A National Public Radio guest commentator, and I stress guest commentator, when recently reporting on a series of arsons in Arizona, then thought to be the handiwork of ecoterrorists, offered a shocking on-the-air endorsement of environmental push saying she would be happy to buy matches for the ecoarsonists the next time they were prepared to strike.''

I should add, taking away from the letter for a moment, that National Public Radio readily acknowledged that this should not have been on the commentary, that it was not professional journalism, and I can tell my colleagues that National Public Radio apologized. I felt they acted in a very professional manner, but let me continue.

''In 1999, a story in the Portland Oregonian chronicled a subtle and sometimes not so subtle, claim that certain members of mainstream society offer groups like ELF. It is exactly this kind of thinking and rhetoric that fuels the destructive tendencies of environmental terrorists. If America is going to get the upper hand on ecoterrorists, we have got to strip away the Robin Hood mystique and perceived moral high ground that some gleefully give these radicals which brings me back to the letter of the environmental groups.

''The purpose was not to impugn or otherwise link organizations like the Sierra club to ELF or ALF, and nothing in my letter could reasonably send that impression. The letter has just one purpose, to send a powerful message to the ecocriminals of ELF and ALF and their sympathizers that even those who share a similar environmental ideology deny and reject the use of terror as a tool to promote those thoughts.

''Notwithstanding the self-serving criticism and outrage coming from the lips of certain excitable commentators, this letter is singly targeted at building a cultural coalition against environmental terrorism and provides the opportunity for those who care about the environment to openly express distaste and disapproval of ecoterrorists. Those who commit these shameless acts of terror should find themselves with no support because all of us can unite against it.''

My point is this, that environmentally motivated terrorism is not noble. It is not a noble act, and it is not some kind of lesser evil in pursuit

of greater good. It does not work on domestic terrorism in this country. We have policy debate and acts of terror have no place regardless of how deep one feels, regardless of how intense the debate becomes.

We have a system in the United States that allows remedy, that allows claims to be heard. We have the freedom of speech in this country. All of these rights that were written by our Bill of Rights and are protected by our Constitution were put in there for the very purpose of avoiding utilization of the tool of violence as a way to dissolve or resolve domestic dispute. So I intend to be very aggressive in my continued pursuit against the ecoterrorists of this country.

I want my colleagues to know that this pursuit started well before September 11. In fact, we attempted and were eventually successful at subpoenaing the spokesman for the ELF organization, and I would like to read that letter very briefly, the response, so that my colleagues understand what kind of individuals that we sometimes deal with.

This is a letter from a guy named Craig Rosebraugh. Craig is the spokesman of, although I understand he has recently resigned, was the spokesman for the North American ELF press office; and by the way, my colleagues ought to take a look at their Web site. If my colleagues think that I am exaggerating things, take a look at the Web site of the Animal Liberation Front, ALF, put it in a search. Just put ALF in a search and take a look at it or put ELF in a search.

The Earth Liberation Front, now their particular Web site, look it up, take a look at what they talk about is justification within the borders of the United States to further their policy position. They advocate, they encourage and I think they coordinate acts of destruction and acts of terrorism.

When we served this gentleman with a subpoena, first, however, before I served him with a subpoena, I asked him to voluntarily come back. This is the response I got:

''Dear, Mr. McInnis: I received your letter, whether or not I am available to testify at the upcoming hearing regarding the emerging threat of ecoterrorism on the national forest lands. It is unclear to me why my testimony is desired at such a function. Furthermore, the topic of discussion appears, at least to me, to be somewhat vague, with no stated goals in mind.

''By addressing the subject of ecoterrorism threat on national public lands, are you referring to the ongoing destruction caused by the State itself along with industry as both continue to exploit and alienate the natural resource wilderness and ecosystems for this country for the sake of profit or it is a given subject in reference to the State and mainstream media created label which attempts to place a negative stigma on those actions attempting to place life in front of profits?

□ 2030

''In answer to your question am I available, the answer is no. I see no value, unless I am mistaken in your intent, in cooperating with the same state,'' referring to the United States, ''in cooperating with the same state that is directly responsible for the ongoing murder and exploitation of life, both within this country and internationally.'' And it is signed by this guy.

This is the leading spokesman for this radical organization. They are not environmentalists, they are terrorists. There are a lot of organizations in this country that you can label environmentalists that are legitimate and, in my opinion, on a number of occasions there are issues I actually agree with. But they represent the views of a lot of people in this country. These are organizations that speak for a lot of people, like the Natural Resources Defense Council, but they do it in a legitimate fashion.

This should no more be accepted than bombing an abortion clinic. In my opinion, a bombing of an abortion clinic or burning down the Vail Mountain lodge, burning it down to the ground, and putting a bomb on the Greenpeace ship, those have no place in our society. And we as a society, regardless of where you stand on an issue, whether you are pro-life or pro-choice, whether you consider yourself a Sierra Club member or not a Sierra Club member, whether you like Greenpeace or do not like Greenpeace, we can all come together as a coalition.

We can all speak as one voice, that environmental terrorism has no place in policy debate in this great country that we have, because this great country has become great because there are platforms, such as this platform, that allow us to have policy debates, as we have day in and day out in this great chamber of this House of Representatives.

So I would urge people, my colleagues across the country, representing places across the country, speak up against eco-terrorism. Emphasize that while someone may have deep, deep beliefs about an environmental issue, that at no time is there justification to pull out a pack of matches, as that commentator in Arizona said she would supply, at no time is there justification to go to Vail, Colorado, and burn the lodge down; at no time, if you are pro-life, is there justification to go after somebody who is pro-choice, or vice versa, pro-choice after pro-life. It just does not fit. It is not the policy of this Nation. We should not tolerate it for one moment.

Now, I hope that we can come together, and I hope our law enforcement agencies, the Federal Bureau of Investigation, our State investigative agencies, Alcohol, Tobacco and Firearms, whatever law enforcement arm we need, will be able to crack down on the individuals who believe that terrorism is the correct tool to use to further their cause, regardless of what that cause is.

Well, enough for that. I think it is important. I want to visit now on some other issues. I intend however to come back when I make comments to my colleagues and talk about environmental terrorism and talk about the importance of eradicating terrorism within our own borders, going after it, stopping it. This is how policy debate ought to be handled.

Now let us move to another subject which I have seen a lot of discussion on lately in the last few days, discussion, as if this were an unconstitutional movement by the President of the United States, and that is military tribunals.

The President of the United States, who has done a very, very able job of leading this country in a time of need, in a time of war, has proposed to do just exactly what previous great presidents have done when this country has been in a time of war, and that is to take war criminals, whether they are Nazi war criminals, or whether it is Osama bin Laden or some of his lieutenants. These people are war criminals.

This is not a traffic violation or a civil violation or a U.S. code criminal violation or state code criminal violation. These are acts of war committed against the United States of America. Throughout the history of this country, for justice for those people, we have had military tribunals. Military tribunals were first utilized by George Washington at the beginning of this country, the birth of this country. Abraham Lincoln used military tribunals. Roosevelt used them in the war.

Two times in the forties, as recently as the forties, the military tribunals in and of themselves were questioned in regards to constitutionality, and on both occasions the United States Supreme Court has ruled that military tribunals are constitutional within this country.

So do not let people divert your attention on these military tribunals by saying it is an unconstitutional act, or somehow we are leaving what America is all about. America is about defending its borders. America is about bringing justice to the people who bring great harm outside the boarders of this country to the inside of the borders of this country.

America is a strong Nation and should not bow to the politically correct who are afraid they might offend some of these war criminals. These war criminals are not going to have their rights violated. What rights do they have?

How many rights did those people in New York City have when those towers tumbled, or, not very far from here, when the Pentagon was hit? Oh, sure, they are going to be granted certain rights, as they should be, during their trial. But I will tell you, they are not entitled to what an American citizen should be entitled to on a civil or

criminal dispute, outside of an act of war. This is an entirely different picture. This is an act of war that we are talking about. So you are comparing apples to oranges.

When you talk about a crime committed outside of an act of war in the United States, that is entirely different than talking about an act of war committed against the United States of America.

Now, why are these military tribunals necessary? First of all, understand that any time, and take a look at the spy cases we have in our own Nation, one of the easiest tricks in the book for a defense attorney if they are defending under our current legal system, if they are defending a spy, for example, one of the first things they would do is to issue a subpoena to try and force the government to open up secrets, for example, everything they can open up, whether or not if it has the faintest thing to do with their case, like open up the CIA.

I can just see it. If you were defending one of these people who committed this act of terror against the United States, the defense attorney would want to know all our secrets about the satellites that located the person for their arrest, all of our financial spy network that was able to locate how this person got their money, all of our communication equipment. They would want to know publicly and they would disclose it publicly. Why do they do that? These defense attorneys want to drive a plea bargain. That is exactly what happens in spy cases.

Take a look at the most recent spy cases, any of the last five most recent. That is why plea bargains were driven, in part, because of the information that our intelligence services would have to disclose, that our enemies would love to get their hands on. So military tribunals avoid that.

The military tribunals also do other things. It is a tested method for bringing these individuals to some sort of justifiable trial.

Now, can you imagine, where are you going to locate this trial? It allows us to hold them on military bases. Can you imagine, you do not have to have juries that are disclosed publicly, like a civil jury would be or a criminal jury today in America is.

So what I would say my comments tonight are not extensive, not extensive on these military tribunals, but before you buy into the rhetoric that they are unconstitutional on their face or they are somehow unfair, take a look at the legal history, take a look at the legal history of this country, and you will find out that while they are different than a bank robber might be tried, for example, the type of tribunal or the type of court system that a bank robber would go through, in fact they do allow defense for the defendants. They do allow the defendants certain rights, but it is taken in a different context.

It is viewed by this country and by the United States Supreme Court as an act of war against the United States, and it is justified to have these types of military tribunals, this type of venue for remedy, not only for the country, but a remedy that provides legitimate protections to the defendant, while not going overboard to the politically correct sometimes theory that we ought to just open the door and let these defendants get the best of everything we have got in this country and force disclosure of some of this Nation's top secrets.

So, give it a chance. Read about these military tribunals. Everyone from the Wall Street Journal to the New York Times, there has been lots printed just in the last 2 weeks. But I think when it all comes down to the bottom line, colleagues will agree with me, or most will agree with me, that military tribunals have a legitimate place in our justice system, and that that legitimate place has found a proper venue under the circumstances that our Nation faces today.

Let me move on. Let me visit about a real positive program called Character Counts. Now, I intend later on this week, I hope, or perhaps early next week, to have much more, many more extensive comments in regards to this program.

This is a program that has a Board of Directors that are nonpartisan. In other words, it is not a politically driven program. It is not sponsored by the Democrats, it is not sponsored by the Republicans. It is a program that was put together by leaders, various national leaders, leaders of the communities, leaders of religion, leaders of community groups, all types of facets of society.

The way the program was put together was people were invited to come together and say, look, what do we need to do for our young people in this country? How can we define the word ''character?'' What can we do to bring character back as a process of our education of our younger generation? How can we once again deploy character into maturity when we speak of the youth of this country? How do we do this, and how can we do it in a way that is not racially offensive, that is not religiously offensive, that is not political or partisan in any fashion whatsoever?

So this group of people got together, and I will go into this in much more depth in the next week or so, but this group of people, to summarize it, got together and said, hey, let us define the elements of character, in other words, the characteristics of character, and see if we can come to an agreement. And they did come to an agreement.

They wanted to call the program Character Counts. You know, whether you are in the Boy Scouts or whether you are in the Girl Scouts or in some other type of organization, all religious organizations, community, activist organizations, all of these have as a fundamental base character. That is what it is about. The greatness of this country was developed through the character of its leaders, through the character of its citizens, through the character of the everyday person who believes in honesty, who believes in hard work, who believes in diligence. That is what has made our Nation great.

But that trait is not an inherited trait, those traits. It does not just automatically appear in our young people. It has to be taught and it has to be taught not only in a classroom sense, it has got to be taught by example.

So we, too, have to adopt those characteristics of character and follow those, and we have to deploy the education of those characteristics of character in our schools and in our educational system in hopes that character begins to replace what some people would say is not politically correct, that it is not politically correct to talk about character.

It is politically correct to talk about character. It is a very important thing to the foundation of our Nation.

Let us look at the various elements that I have over here to my left. Character Counts. Trustworthiness. As you will see as we go through these characteristics, there is not one of these on this chart that any of my colleagues could object to, not one, and put together as a unit, it is a very powerful message to educate, not only ourselves, but our young people, and to take into our schools. Character Counts. Trustworthiness.

Responsibility. The ability to trust. The ability to be responsible, responsible for the actions that you take, responsible for the work product that you come out with, responsible for your family, responsible for yourself, responsibility.

Citizenship. You know, one of the horrible things that has occurred to our country in many, many decades, some would argue throughout the history of this country, although I would argue perhaps the Civil War was more of a horrible thing, but you take a look September 11. What has it brought out? There are some good things that have emerged from that horrible, horrible disaster.

□ 2045

One of them is, people now are taking a much more positive view towards citizenship and what it means to be a citizen in the United States of America and what kind of price we have to pay to make this country and to continue this country to be the greatest country in the history of the world. Citizenship is a big part of it.

Recently, there was a book by Tom Brokaw, and that book I think was titled ''The Greatest Generation.'' I do not agree with that title. I do not think there has been a greatest generation. I think every generation has great people within it. I think every generation in the history of this country displays the greatest, not just one generation, although certainly the generation that Tom Brokaw talks about

that my father and mother were involved in, the war effort, et cetera, these were great people. But every generation has great people, and we can continue, and I think we can measure greatness through trustworthiness, through responsibility, through citizenship, and respect. Respect is an important element in our society.

Mr. Speaker, when I grew up, my folks, I never was able to call anyone that was more than 1 or 2 years older than me anything other than Mr. and Mrs. In fact, there are friends of my parents today that I have known for decades and I could not tell my colleagues their first names. I have always known them as Mr. Delaney or Mrs. Delaney or Mr. Jackson or Mrs. Jackson or Dr. Jackson, et cetera, et cetera.

Respect. When I was growing up, we always opened the doors for the elderly, or for women. And I realize that society changes on some of these things, but respect can be demonstrated in many, many different ways, and every generation has a different way of demonstrating that, a different use for respect. But respect must make the transition from generation to generation. It is an important element of character.

Fairness. I think fairness has been demonstrated clearly by President Bush in his response to those acts of terror on September 11. The United States has a reputation for fairness. That is what has made it the greatest country in the history of the world. When we talk to people about the United States who have a nonbiased view of the United States, they will talk about the fairness in the United States. Fairness, it is important. Not only is it important in education, it is important in every aspect of our lives, fairness and caring.

Think about caring. We go over, and I have heard a number of people, and we have held the war in awe about our military machine in Afghanistan. But if people think our military machine has been mighty and something to behold, wait until they see the American feeding machine. We are over there in Afghanistan and we care about the people over there that did not commit an act of wrong against this Nation. We care not to make innocent people the victims if it at all can be avoided.

This country does not go in and take care of its business and then walk out. This country has gone on, it has gone after the war criminals, and it will hunt them down one by one and destroy their empire piece by piece. But the innocent citizens, the citizens who have now seen liberation, liberation of playing music, liberation. This winter, with the tough winter, they will see more food in that country than they have seen in many, many years, because the United States of America cares about those people.

Mr. Speaker, the United States of America cares about people other than themselves. There is no country in the history of the world that has done more charitable acts, contributed more foreign aid, helped more countries in need than the United States of America, and that is because the United States of America cares.

So these are the elements of Character Counts.

Now, when I continue my comments later on in the week or early next week, I am going to really talk about the structure of the Character Counts program and why that program is important for all of my colleagues to encourage their local school districts to deploy within their classrooms, to utilize as one of their core courses, so to speak. Because I think in the end, by relooking, by reemphasizing responsibility, by reemphasizing to our young people through our educational process responsibility, the caring, take a look at this, the citizenship, the fairness, the trustworthiness, the only winners by educating Character Counts are us, our Nation and our future.

Let me wrap up. Let me conclude my remarks with a final subject, a subject which I have talked about on a number of different occasions, and that is missile defense.

Many people in the country today are especially aware of the military might of the Nation, and they are asking a lot of questions that we never thought of asking before. Mr. Speaker, prior to September 11, many people in this Nation thought that wars were fought outside our borders and that what we worried about within our borders were domestic murders, for example, an act of violence like that. No one imagined that we would have the strike against this Nation that took place on September 11. Now people do, and many of my colleagues' constituents are beginning to ask the what ifs: What if we had another act of terrorism? What are the acts of terrorism? What if we had a biological attack?

And one of the questions that needs to be asked is what if a missile were launched against the United States of America? What if the United States of America were the victim of a missile attack? What could the United States of America do to defend itself against a missile attack?

Remember, a missile attack, a missile being launched against the United States of America does not necessarily have to be an intentional launch. We could very easily have a missile launched against the United States of America that was an accidental launch. And if we do not think accidental launches cannot take place, take a look at what happened over the Black Sea about a week after the September 11 event when the Ukrainian navy accidentally fired a missile into an airliner and blew it out of the sky. These accidents happen, and it could happen to the United States of America.

I think it is important today that we all stand up and support the President's determination to put in place for this country a missile defense system.

Now, most people believe that if a foreign country fired a missile against us today, that our NORAD command center, which is located in Colorado Springs, buried deeply within a granite mountain, that NORAD would quickly pick up on its radar and on its devices the fact that a missile has been launched; and that is, in fact, accurate. They would pick it up, in fact, within a few seconds. NORAD could tell us that a missile has been launched. It could tell us the size of the missile, it could tell us the speed of the missile, it could tell us the approximate target of the missile, and it could tell us the estimated time of arrival of the missile. But, after that, there is not much more NORAD can do.

A lot of our citizens, I say to my colleagues, assume that we then would fire a missile to stop it or somehow we could defend ourselves. But all we can do today is quickly advise Oklahoma City or somewhere else, hey, there is a missile, an in-bound missile, and it is going to strike at this point in time. That is all we can do for you.

Today, our responsibility has risen to a higher standard as a result of the events of September 11, and that standard is to follow the President's lead and deploy within the borders of the United States of America a missile defensive system that will protect its citizens, that will provide a defense for the security of this Nation. Failure to deploy a missile defensive system is, in my opinion, gross dereliction, gross dereliction of our constitutional duties to protect the security of this Nation. This is critical that we put this type of system into place.

Now, some will tell us, wait a minute. There is a treaty out there called the Antiballistic Missile Treaty. It is a treaty between the USSR and the United States of America that prohibits either country from building a missile defensive system. That treaty ought to be trashed. That treaty has within its four corners, and it is contained right here, let me show my colleagues. It allows, the legal rights of that treaty called the Antiballistic Missile Treaty, it allows within its four corners each party, in exercising its national sovereignty, have the right to withdraw from the treaty. It is a right to withdraw, the right to withdraw. We are not abrogating the treaty. We are not breaking a treaty. We have the right to withdraw from that treaty.

But it is subject to one condition, and that condition is that if it decides extraordinary events relating to the subject matter of this treaty have jeopardized its supreme interests. Have extraordinary events jeopardized the supreme interests of the United States of America since this treaty was signed between Russia and the United States? The answer is clearly and undebatably yes. It has changed for Russia, and it has changed for the United States.

Take, for example, the proliferation of missiles, the proliferation of missiles that have taken place since that

treaty, countries that possess ballistic missiles. Look at them. Afghanistan, Algeria, Argentina, Belarus, China, Croatia, the Czech Republic, Egypt, France, India, Hungary, Iran, Iraq, this list goes on and on. When that treaty, the Antiballistic Missile Treaty was signed, there were only two nations in the world capable of delivering these missiles. It was the United States and Russia. Whether or not we agreed with the merits of the treaty at that point in time, surely today we would agree that the circumstances have changed dramatically, that it is in both Russia's best interests and the best interests of the United States of America that we provide the people of this Nation not further offensive missile capability but defensive missile capability.

Every peace advocate in this country ought to be a stronger advocate of a missile defense system. Why? Because it could possibly avoid a war.

Let us say that some country launches accidentally. Let me tell my colleagues, the consequences of being able to stop a missile over the ocean or stop it before it gets very far off its launching pad, dealing with those consequences are much easier to settle than dealing with the consequences of a missile landing on a major city in the United States of America.

Mr. Speaker, the time has come. The time is here today to follow the lead of our President, and that is to deploy a missile defense system for the defense of this country. Every one of my colleagues, in my opinion, has an inherent, an inherent obligation, an inherent responsibility to provide the constituents, the citizens, and the people of this Nation security on the home front by putting in place and deploying a missile defense system.

At some point in the future, at some point in the future, a missile will be launched against the United States of America. That is my opinion. And if we today, while we have the opportunity, fail to provide a defense against that missile, how could we ever, ever face ourselves again in a mirror and say that we carried out our responsibilities for the protection of this Nation?

Mr. Speaker, I will continue to speak strongly, because I feel deeply committed about our obligation, I say to my colleagues, to provide our citizens, to provide the people of this Nation a security blanket, and that security blanket in a missile defensive system, is one that is technically available, it is economically available, and it is an absolute must.

Again, I repeat, it is an inherent obligation of the leaders of this Nation, and we are leaders in this Chamber, to follow our President's lead and to put that security blanket of a national missile defense system in place and to do it without haste or waste.

□ 2100

We can do it. I expect that we will have to do it much sooner than later.

## THE SUPERIORITY OF THE DEMOCRAT STIMULUS PACKAGE

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, during the Thanksgiving recess or break, I had a longer period of time to talk to my constituents about many issues that they are concerned about, and I was particularly concerned about the state of the economy, and about so many people now that continue to lose jobs who have been displaced because of the events on September 11, in particular.

I have to say, Mr. Speaker, that my district, being so close to New York and to the World Trade Center, we did have many people, maybe almost 200 people in the two counties that I represent, who died in the World Trade Center tragedy. So people are still concerned about terrorism. A lot of attention is focused on the war on terrorism overseas, certainly, as well as security issues here at home.

But I also noticed that although people still focus primarily on those security issues, that many of them are suffering. The economy is not what it used to be. Of course, this past Monday we had the official economic experts who proclaimed that we do in fact officially have a recession; that the recession in fact began last March and was accelerated by the tragic events on September 11.

So I come here tonight urging my colleagues to pass an economic stimulus package. We only have 3 or 4 weeks now before Christmas, and probably only 3 weeks, maybe 4 weeks, that Congress will continue to be in session before the end of the year. I think it is incumbent upon us during this period to pay attention to the economic needs and to the suffering that more and more Americans face, and try to do something about it by passing an economic stimulus bill.

Mr. Speaker, we know that when talk first began on how Congress should address the economic aftershocks of September 11, Members pledged to work together across party lines on a bipartisan basis to create a stimulus package. However, in just a few weeks after the attacks on the World Trade Center and the Pentagon, the House Republican leadership broke off talks with Democrats and essentially crafted a stimulus package of their own, which I maintain primarily benefits corporate interests and wealthy Americans and not the displaced workers and not the people who are losing their jobs, not my constituents that I am talking to when I go home.

On October 24, the House actually passed, strictly on party lines, 216 to 214, the Republican stimulus package. I wanted to talk a little bit this evening about why I think this Republican bill is not the way to go, why it cannot be the basis for any compromise that would ultimately pass the House and Senate and be signed by the President.

I also had the opportunity a week ago during the Thanksgiving break to do a press conference with one of my colleagues, the gentleman from New Jersey (Mr. HOLT), and also with the president of our New Jersey State AFL-CIO, Charlie Wowkanech, representing some displaced workers, and in particular one displaced worker who was a limousine driver, who basically expressed the concern that he has for himself and his family over the fact that the economy has moved into a recession, and what it means to him in a real sense.

I mention that because when I say that the Republican bill does not address the crisis that we face, the economic recession, it is not out of some ideology, that I am opposed to the Republican bill, but just because I do not think it works. I do not think it will accomplish the goal of ending the recession, getting the economy back on track. Something like the Democratic alternative is more likely to accomplish that goal and also more likely to be the basis for some kind of bipartisan package that we can all support and get signed into law by the President.

The Republican bill, very much like the Bush tax plan that was passed earlier in the year, was loaded with tax breaks to the rich and big business. The legislation made no mention of unemployment benefits for displaced workers and does not adequately address the issues of health benefits for those workers, as well. It just basically does not provide for stimulus and any kind of relief or any kind of benefits for displaced workers.

The reason this Republican bill will not stimulate consumer demand is because it does not focus on low- and middle-income families who are most likely to spend money. It does little to protect those who lost their jobs and may lose their health insurance benefits.

Where it does address the issue of possibly dealing with unemployment compensation or health benefits or other benefits for displaced workers, it basically gives monies to the States and asks them to try to allocate the funds in some way that would help displaced workers. But Mr. Speaker, that could take months; and it could likely be very uneven, and it really was not very much money compared to all the money that was going to the tax breaks, primarily for corporate interests and wealthy individuals.

The Democratic proposal, the Democratic alternative, the Democratic economic stimulus package, included unemployment benefits, health insurance premiums, and rebate checks for low- and moderate-income workers who did not qualify for rebate checks issued under the original Bush tax bill that we passed earlier this year.

It also has additional spending on programs for domestic security that

probably would result in hiring people, many of whom have lost their jobs, and therefore spur the economy by getting those people back to work.

I just want to give, if I could, Mr. Speaker, a brief synopsis of some of the finer points of the Democratic proposal and then contrast it with the Republican bill and explain again why I think one is much more likely to accomplish the goal of getting us out of the recession and actually the goal of trying to get something passed.

With regard to income support under the Democratic bill, individuals who exhaust their 26-week eligibility for State unemployment would be eligible for an additional 52 weeks of cash payment funded entirely by the Federal Government. Individuals who do not meet their State's requirements for unemployment insurance, in other words part-time workers, would receive 26 weeks of federally financed unemployment insurance. So it goes directly to the problem of people who are not eligible or have limited options with regard to unemployment insurance.

With regard to health care benefits, under the Democratic proposal, the Federal Government would fully reimburse eligible individuals for their COBRA premiums. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums. These health benefits would last for a maximum of 18 months.

Under the Democratic proposal, we try to get a rebate check to low- and moderate-income workers who did not qualify for the rebate checks issued earlier this year under the President's tax plan. They would receive a one-time payment of up to $300 for a single person and $600 for married couples.

People in this income category who are suffering would spend this money immediately, and it would certainly help with any kind of economic recovery.

The other thing the Democratic package includes, as I mentioned, is domestic security upgrades. Infrastructure is addressed in order to try to deal with potential terrorist problems.

The package on the Democratic side includes up to $9 billion in spending programs to improve our Nation's infrastructure to protect against terrorism. Included would be funding for bioterrorism prevention and food safety programs, local police and fire departments, border security, airport security, and highway, bridge, and tunnel improvements.

These upgrades would require more workers. Obviously, these are all the types of things, this is the type of spending, that would result in more jobs and take people off the rolls of the unemployed.

Let me just contrast, if I can for a minute, for a couple of minutes, the Republican alternative. The Republicans, of course, call it an economic stimulus package, but it really is just an extension of the Republican tax cut bill that the President sought and successfully got passed in Congress earlier this year.

The Republican stimulus package was basically crafted to respond to the business lobbyists, whose favorite tax breaks were left out of the $1.35 trillion tax bill that the President proposed earlier this year. If we look at the bill for the year 2002, next year, nearly 90 percent of the bill is tax cuts and only 11 percent would provide benefits to unemployed workers and their families. I am not going to mention all of them, and I see I am joined by one of my colleagues here.

Just to give a little example of where 89 percent of this money goes, it is pretty much to corporate interests. The Republican bill has a repeal of the corporate alternative minimum tax. It not only repeals it, but it allows companies to receive refunds based on past AMT payments dating back to 1986.

The AMT raised only $3.3 billion in 1998, but this Republican provision costs $25.4 billion in 2002. It is an incredible giveaway, essentially, to large corporations.

A multinational government-financed tax break. The Republican bill allows multinational corporations to defer U.S. income taxes on profits from certain offshore activities, so long as they are kept outside of the country. How is that possibly going to help with any economic recovery here at home?

The capital gains tax rate. The tax rate on income from capital gains would be reduced from 20 percent to 18 percent for taxpayers in higher brackets, and from 10 percent to 8 percent for those in the 10 to 15 percent brackets. Over 90 percent of this tax cut would benefit the top 10 percent of taxpayers who have incomes over $100,000.

Then we have acceleration of the reduction of the 28 percent rate to 25 percent. It has already been cut. But this change does not benefit the 75 percent of taxpayers who are in the 15 percent bracket or lower.

I could go on and on talking about all the tax breaks that are in this Republican bill. The bottom line is that universally, almost, we have seen independent analysts, editorials in the Nation's leading newspapers, pointing out and essentially rejecting this GOP economic stimulus bill because it will not achieve the goal of stimulating the economy and trying to get us out of this recession that has now been declared.

Mr. Speaker, I yield to my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), if he would like to speak.

Mr. ETHERIDGE. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for yielding to me. I also appreciate his leadership on this very important issue, because it really is important.

Mr. Speaker, we talk about a lot of things here in this people's House, but today the American people face a war on terrorism, not only here at home and around the world, but we also face an economic recession here at home, as my good friend, the gentleman from New Jersey (Mr. PALLONE), has so eloquently talked about. It has now been verified by the economists who do these things.

I think the American people have come together like I have never seen them in my lifetime since September 11. I know in my district, I have always thought it to be a fairly patriotic place, and I think they are; but I have seen more American flags flying as I travel across North Carolina than ever in history, certainly, over the past 10 weeks.

In Congress, we need to do our part to help people address the economic problems that they now face. I think that is what we are talking about tonight. We face probably one of the greatest challenges when we talk about the issue of terrorism as a result of September 11 that I think we have faced probably since World War II, and we saw evil in this country unlike we have ever seen it before. The economy was already slowing down, as many know. That did not help it at all. That attack, I think, really pushed us on the brink of and into a recession.

Many sectors of our economy have been affected adversely by that attack. In October, as an example, the unemployment rate jumped a half a percentage point, to 5.4 percent. That is a 5-year high. I have not seen the latest numbers, but that was the biggest monthly increase in 20 years. So this year we have seen the economy go from having a surplus to something we are not sure what we are going to have as it relates to our budget when we end this year.

Last month, the U.S. manufacturing activity plunged to the lowest level in more than a decade, and it is clear that we are hurting across the board. No sector of our economy is immune from this economic slowdown, and my district has been hit particularly hard. Not only does it have a lot of high tech in it, it has a lot of farming interests; as a result of that, a lot of manufacturing and textiles and furniture.

We have just seen people lose their jobs by the hundreds and by the thousands. Today I call on this Congress to come together and pass an economic stimulus package that gets people back to work.

□ 2115

It will get our economy rolling again, and it will impact people, the people that work, the people that are unemployed, the people that need to buy groceries, people that need to buy clothes for their children and medicine. And a package that passes should strengthen the economy by investing in America's workers and small businesses and not by passing massive tax breaks for wealthy corporations. They may need a tax break, but they do not

need to be first in line. They have already been first in line once. They do not need to line up again.

I have got people in my district who have been unemployed and their benefits are running out and it is now moving toward Christmas-time. The thing we ought to be doing is what we did in our Democratic package by extending unemployment benefits for those who do not have a job. Help them across these tough times so they can find a job.

Let me make sure that all my colleagues understand, and I think they agree with me, or most of them do at this point, that we support the President 100 percent in his battle against terrorism. Because it is all of our battle. It is a battle that we have to win. And he needs our support, and he has it. And I think all Americans, Democrats, Republicans, Independents, Liberals and Conservatives, are together on this behind our Commander-in-Chief on this effort against terrorism.

But on the economy, that is a different matter. Because I believe the House Republican leadership was absolutely wrong to ram through this House a special interest tax break and calling it a stimulus package.

It really was not a stimulus package. It did not help the people that need help. That is how you stimulate the economy. You help people that will spend money.

It is amazing to me in January and February and every time since then we have said to the American consumer, get out and spend money. Buy things at Christmas.

It is kind of hard to buy things if you do not have any money, and you cannot borrow it if you do not have a job. That is basic economics.

The American people do not need assurances that these tax cuts will get the economy back on its feet. What they really need is a job.

I have got people in my district who want to work. They just want a place to go to work. They want to provide for their families and keep their homes in order, pay their bills. They do not need pats on the back and rhetoric about the strength and spirit of the American worker. They need a job. That is all they want, a place to work.

I say to my colleagues, praise does not pay the bills, and you cannot cash encouragement. We need a package that will produce real results for those affected by this economic downturn. That is how we are going to shorten the cycle and get this economy going again. Congress must take effective action of passing legislation that will help our economy grow and create jobs. You do that by helping the people who work.

We can start by funding some common-sense ideas. They are very simple, and there have been a number of editorials in some of the major papers in the country. We have got ready to go construction projects. We are going to spend the money over the next several years. Why not speed them up and put thousands of people to work? We could build airports and do airport security, things we need to do for terrorism, put the security in place faster, put people to work.

There is a lot of infrastructure that needs to be put in place. We have got thousands of children across this country, thousands in my home State. We could be spending some of the money on school construction. That would put a lot of people to work and improve the quality of education, and it would say to our communities what is most important to them is that we are planning for the future and not looking to the past.

Because we have a lot of communities, my community, the gentleman's, everybody in this body that is seeing any kind of growth that is facing this job problem, and I certainly have fought for school construction. I know my colleague, the gentleman from New Jersey (Mr. PALLONE), has. He has talked about it many times.

I remember when I was State superintendent, I fought the issue, and I am still doing it. I have seen more school principals talk to me as I have been in schools, and I go about every week. They tell me how vulnerable they feel they are on security with children outside in trailers separated from the main building. When it rains, they get wet. When it is cold, they have to put on a jacket to go inside to the bathroom, the library, et cetera. We could do something about it. Why not do something like that?

In my State alone there are over 5,600 trailers in use. That is an increase of 16.4 percent in just the last 5 years. Now, granted we are a fast-growing State, as many others are, but we also have some very poor States.

A full 10 percent of the students in North Carolina go to school in a trailer. I would not make that point if we were not doing our part. But we have counties that pass bond issues, large bond issues. I know of one county that just passed one by 70-some percent, the second bond issue they have passed in less than 5 years, and they still cannot catch up because they are growing so fast.

Rather than give huge tax breaks to huge corporations, I think the stimulus package ought to focus on putting people back to work, getting children out of trailers and back in classrooms and in secure areas where they ought to be.

We have a bipartisan school construction bill in this House committee with more than enough Members on it to pass it. Why cannot we get it to the floor? The leadership knows it will pass. They just will not let it come to the floor to pass. The American people need to know that the majority of the Members of this United States House will pass it, if we can get the leadership to put it on the calendar. They will not put it on the calendar.

That is the kind of economic stimulus we need. It not only provides jobs but it will provide opportunities in the future, and it will make a difference in America by funding these kinds of worthy projects like these and others.

Like we say in North Carolina, we can kill two birds with one stone. We can improve education, security at airports, bridges, roads, a multitude of other things that are out there that we are going to do, but we have to jumpstart the economy and put people back to work. These are high-paying, high-quality jobs that will return tax dollars not only to the Federal Treasury but to local and State treasuries and improve the quality of life across this country.

I also believe that an economic stimulus package should address the needs, as I said earlier, of these people who have lost their jobs through nothing they have done wrong. They have gone to work every day. They have put in a good day's work. They come home. They contribute in the community. They are members of booster clubs, PTAs, and they go to their churches and fire departments and rescue squads. And not only have they lost their jobs, but, as a result of it, they have lost their health insurance and the children have lost health insurance.

Why is that so important? Because when that happens they do not get the physicals. They do not get the health insurance. Some of them may not even be able to get the emergency care they need. And if they do get it they go to the emergency room, and all of us pay if they cannot afford to pay.

A great number of people who have lost their insurance, they lost it when they were laid off. In some cases, it was extended for a period of time. Others lost it as soon as they were laid off.

The recovery bill that the House, the Democratic piece of it that we put forward that obviously did not pass because we did not have the votes, would cover health insurance costs for a portion of those workers and pay a piece of it when they went back to work. The one that did pass, that the majority passed through, would cover very few. It just will not get the job done.

I think one of the scariest things that can happen to a young family is to have children or have a health care problem and know that if they get sick you have no assurance of any kind of quality health care and, in some cases, no health care because they do not have the insurance in case of an emergency.

And I can state, having been superintendent of schools for the State of North Carolina, one can tell very quickly those children who come from homes who could not have health care benefits because they will not have the kind of quality care they need, and we see the results in the classroom. Many of these families, as I said, have small children. They certainly need that help.

It is clear to me that we can and should and must do that, and I trust

that the other body will send us a stimulus package with some of those pieces in it that is fair to all of those people in this country.

I also believe we should increase the level, as I said earlier, of unemployment benefits for those who have lost their jobs, because it has not been increased since the 1980s. And certainly the cost of living has gone up, the cost of buying food. Probably the only thing we have seen go down lately is gasoline prices, and they will probably go back up.

But the truth is, if one is unemployed and does not have the resources, one really does need something of a crutch to get to the next job until the economy turns around, and this will help.

Since the last recession, which is now almost a decade ago at the beginning of the 1990s, unemployment benefits have not kept up with the cost of living. And there are a lot of folks who are recognizing that now, who find themselves for the first time, in some cases, in their career, unemployed, without the resources to meet basic needs. As a result, workers are hit awful hard when they lose their jobs, especially those who have not been there before and may not have saved the money to meet even the basic needs.

People simply cannot survive off unemployment benefits these days. Unemployment insurance never was meant to take care of all of the needs. It was meant to take care of basics while a person was looking and getting back to work when jobs are available. And I believe that is an essential component of any economic package. It ought to have it in there. It ought to be a part of it, and we ought to get that done.

We are now almost to Christmas. We have been here all year, all year, and it still is not done. We have a long agenda of things yet to be done.

And there is another piece that we ought to deal with, and I trust any kind of final package that passes will be in it, is if we are going to have tax rebates, we ought to extend it to those who did not get it last time. And I am convinced those folks who, incidentally, who paid taxes, they pay them in in FICA and other taxes, they just did not pay enough in to meet the threshold to get the 300 or 600. But they will spend every penny of that money on those kind of necessary benefits, not a new car, but things like food and clothing and the utility bills, things they really need money for.

That is how you stimulate the economy. When you get money, you spend it. You do not stash it away. They will put it back in those luxury items that all of us think about, as I said, in food, clothing, medicine, heat and shelter. That is the kind of stimulus package we need that will make a difference.

A number of experts such as former Treasury Secretary Robert Rubin and even Chairman Greenspan have said, any kind of package we pass ought to be for the short term. It ought not be long term. It ought to be no more than 18 months at the most, 2 years at the outside. Simply because if you add it in longer than that, what do you do? You build inflation into the system. The last thing we need at a time when we really are trying to jump-start an economy, we are not trying to run it over the cliff. That is the difference. You just want to give it a jump-start.

I think it is very simple that Congress has the power and in my view has a major obligation. This is something we could and should do to take these actions on behalf of the American people. Because it is not just the people who are unemployed that are hurting. They are just hurting a whole lot more than others. There are a lot of small business people who are hurting, also. And, yes, large corporations, many of them are, too, because they are not moving goods at the level they were.

You do it when you have the unemployment level for the majority of people working, and we need to help get it back together. I think the House Republican leadership has a real choice, and I trust they will take the right road. They can lead, follow or get out of the way and let somebody else provide the leadership to get the job done.

It is so important now at a time when I think the economy is where it can move forward and move very quickly if we did the right things. But if we do the wrong things, if we do the wrong things, and I pray we do not, we could find ourselves facing the same kind of problems that we faced in the early 1990s, 1991, 1992, with huge deficits as far as the eye could see, and it took almost 10 years to turn it into a surplus.

There are those who are now saying we could very well be facing deficits all over again, and I think the leadership in this body needs to make sure we pass us a stimulus package that is responsible, that is focused, that is short term, that gets people back to work but does not break the bank. It has to be paid for. It has to be paid for, and I think it should. And it is important that we help those who did not get help last time. This should be a stimulus package, not another tax package.

□ 2130

Mr. PALLONE. First of all, I want to thank the gentleman for what he said. I think he laid out very well why we need a stimulus package, because of the recession, that is now actually ongoing for over 6 months based on these experts and what they said this past Monday, and also pointing out why the Democratic alternative, or something like it, is the way to go.

A couple of things the gentleman mentioned I just want to dwell on a little bit. The biggest problem with the Republican proposal is it is not really a stimulus package at all, but just a continuation of the tax breaks that were not included in the Bush tax proposal that was passed earlier this year. And as the gentleman says, most of what is in the Republican bill are permanent tax breaks, so it is not only not designed as a temporary measure, but it is something that will have a long-term impact on the budget and, as a result, more likely to result in significant deficits down the road.

That is not what we should be doing now. First of all, most of the money goes to big corporations who do not necessarily have to bring it back into the economy. But even more so it is permanent tax breaks that could lead again to the situation we faced 10 years ago.

A lot of people do not understand this. Even now I find a lot of my constituents saying, when we talk about the deficits, well, why is that meaningful? But I really believe the deficit spending was a major problem in the economic decline that we had before this last 10 years. And the fact that President Clinton in particular was so successful in turning that around and making a surplus was a major reason why we had the sustained economic recovery for so long.

Mr. ETHERIDGE. If the gentleman will yield to one other point, and he brought it to my attention when making his last point. The Federal Government, or any government entity for that matter, but by and large the Federal Government because they can go into the equity market and get any amount of money they need to get by just driving the rates up, and of course that happened and was happening in the 1980s and into the early 1990s. And of course what that did is crowd out private opportunities to get in unless they are willing to pay higher and higher interest rates. And we have seen lower interest rates in the 1990s with tremendous economic growth that literally most of the economists did not understand originally because of what was happening.

But one other point on the proposed tax bill, and I really call it a tax bill because of what it was on the alternative minimum tax and others that went all the way back to 1985. My State of North Carolina, and 24 other States, find themselves this year in tough economic times because of the downturn. They are facing tough budget situations.

Mr. PALLONE. New Jersey as well.

Mr. ETHERIDGE. New Jersey as well, and most States. But in that package, quietly hidden, when you repeal some of the pieces they wanted to repeal in it, my State gets hit with something like $170 million or $180 million the first year, almost $200 million dollars, when the General Assembly has been in the longest session in history struggling with one of the biggest deficits, almost a billion dollars in the State budget, struggling with how to work that balance of making major cuts without cutting all the services, and ultimately, in the end, struggling with how they would balance cuts with additional revenues to get there. And that kind of hit would tip them right

back over the edge again and we would see major cuts in education and other vital services.

I do not think anyone intentionally did it; I believe they just do not understand. We have to do a better job so they will understand it and will not make those kinds of mistakes. Because not only will we be in trouble at the Federal level, but I think we stand on the verge of pushing a lot of States into deep trouble. I trust my colleagues in the majority will understand that and back away from that kind of mistake because I think we are getting ready to run right over the cliff.

Mr. PALLONE. I agree with my colleague. What we have discussed tonight is not that easily explained. We just elected a new governor, a Democrat in New Jersey, we are very proud of Jim McGreevey, who will be sworn in in January. But the first day after he was elected, and he has not even taken office, he realized it was very possible the State may be in deficit several billion dollars. And if as a result of that there have to be cutbacks in services, in jobs, that is only going to aggravate the economic situation in the State.

It is difficult. I explain to my constituents why during the 1990s President Clinton was so successful in turning the economy around and having a surplus, that the long-term interest rates went down and that that was a big factor. Then people will say, yes, but right now the Federal Reserve has stepped in and we have short-term interest rates, and they keep getting lower and lower. But the long-term interest rates continue to rise.

So as my colleague says, if we are looking to these companies, large or small, to make investments in infrastructure and create new jobs, they cannot get the capital to do it with those kind of long-term interest rates. It is not easy to explain to people, but it is there. That is the reality.

Mr. ETHERIDGE. The gentleman's point is well taken, because the equity markets are based on the stock market. They understand these things. There is a reason why the long-term rates, and I really believe this, and the people who follow it will say this, there is a reason why they are not coming down. They see what is happening right here in Washington, and if the out years of the revenue of the Federal Government, the taxes, start to drop off, and expenditures of the dollars we have going, at some point we will cross that and the Federal Government will be back to borrowing money and it will drive the rates back up.

That is why it is so important that we do smart things. Smart things. We can do a combination of probably all of it. I always tell folks, and I know some of my colleagues chuckle when they hear me say this, but I grew up on a farm in eastern North Carolina, and I always remember something people used to say, and that is ''Pigs get fed, hogs get slaughtered.'' And when you decide to get too much, you get in trouble.

If we have a mix of helping, as we talked about earlier, helping those who have lost their jobs and giving some money for unemployment benefits and health benefits, and then we help business a little bit, then all of a sudden the whole economy comes up together. But if we weight it too much to one piece, then it tilts over. And we have been through that in the past, as my colleague pointed out earlier. We recognized in the early 1990s that it had to change and we changed that. And then what did we see? We saw people moving into jobs and working that had not worked in a long time. We had the lowest unemployment we have had in as long as I can remember in this country. Virtually full employment.

Mr. PALLONE. That is true. The other thing the gentleman mentioned that I wanted to just mention briefly is that it is a little deceptive out there. I know the day after Thanksgiving is the biggest shopping day of the year. And my district I would say, certainly if you look at it nationwide, is a fairly affluent area; and we saw all the people running to the malls, the lines at the malls. And so people will say to me, gee, everybody is going shopping; things must be good. But as my colleague says, it is only true for the people that have the money.

I found when I went home for the longer period of time that we had last week that there are people who have lost their jobs, there are people that are suffering, and those lines getting into the mall do not indicate what is really going on out there. I hope that retail sales go up, and that that is another reason for the economy to come back. I certainly encourage it. But there are a lot of people suffering.

The one person I mentioned earlier that we had at this press conference with the labor leaders in the State that most stuck in my mind was this limousine driver. As my colleague knows, I am only about 50 miles from New York City, and we had a lot of people that died at the World Trade Center on September 11. And as a result of what happened in terms of transportation as well as the economy, there just are not as many people using limousines, let us face it. So this guy is still working, he is still driving his limousine and working hard, and he explained where he is getting his riders from and the whole thing. But at the end of the week he was only paying his expenses, which were huge between the limousine and the gas and everything. And so he continues to work, but he does not have anything to show for it at the end of the day.

Now, how long can somebody continue to do that before they have to pack it in? And I only mention it because, obviously, as the gentleman says, people want to work. They are not going to give up. He is obviously dipping into his savings, because September 11 is how many months? It is about 2 months now almost. At some point he will not be able to continue because he is not making enough money to continue to sustain himself.

Mr. ETHERIDGE. He is a lot like a lot of our farmers. They are staying in business, but they are living off their equity. He has his limousine service and his equipment is depreciating. But if he does not make a profit, pretty soon he will not be able to pay his employees and his equipment will wear out.

We had a meeting in my district, and my colleague, the gentleman from North Carolina (Mr. PRICE), joined me several weeks ago. I remember distinctly we had two unemployed workers with us, really nice ladies. One of them worked for Midway Airlines. As a result of September 11, they had to shut down. We hope they will get back up, but she lost her job immediately. She had two small children. And she says, I want to go to work. She said, I need to work; I need the insurance. She had worked for something like 6 or 8 years for the company, and all she was asking was an opportunity to work. She was not asking for anything else. She said, I cannot make it with my two children; I cannot buy insurance. That is why it is so important to have it funded at a level when I am unemployed so at least I can cover my children.

Another lady had worked for a textile firm 33 years, and she lost her job. She said you cannot imagine how you feel when you back up to the door and load up everything you have worked with for over 30 years in the back of that truck and carry it home with you and you do not have a job. She was not old enough, obviously, to retire on Social Security. Seems, as I remember, she was in her late 50s. Had worked all her life.

Just delightful people who want to work. And I think that is an obligation that we have, to help build that bridge for those people who really do want to get back in the workforce, who want to participate in this economy, want to help America grow. And that is how we build the wall against terrorism at home, by helping strengthen our economy and giving people a chance to participate in one of the great economic successes in the world.

It really is the American worker, it is the person who is at the door of the business, it is the person who helps clean the offices, it is the person who works on the production line, who works in the service station, any number of places, wherever they may be. They are really the heart and soul of the economy in this country. And we in this body, in my opinion, not only have a responsibility but we have a moral obligation to help them out.

Mr. PALLONE. I do not think we are going to use our whole hour, but I did want to mention where we sort of are, because the gentleman and I both mentioned the House bill, the Republican bill, which we do not like, and the Democratic alternative.

There does seem to be some hope in the sense that, and I am looking at this

news summary from yesterday, or I guess it is from yesterday, and it says that in light of Monday's declaration that the economy has been in recession since March, the President urged lawmakers to finish work on an economic stimulus package by Christmas. So he is out there saying that we should try to get together and pass a package. And then Senator DASCHLE, from the other body, called on our Republican colleagues to join us and begin discussions on a bipartisan plan for economic recovery.

My understanding is that what happened in the other body, in the Senate, and I use that term ''other body'' because that is what we have to use, that there really are two conflicting bills and neither one has the 60 votes I guess to achieve cloture.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). The gentleman is reminded not to quote individual Senators.

Mr. PALLONE. They do not have the 60 votes, I guess, to achieve cloture; but they have said they are going to try to sit down and work something out. Again, we just need to remind everyone that there is only maybe 3 weeks or so before the Christmas break; and if we do not get together on some kind of bipartisan proposal, we are not going to get anything passed.

□ 2145

I say that because I know there has to be some give and take. But, on the other hand, I think unless something like the Democratic proposal is the basis for a compromise, we are not going to see anything passed because this tax giveaway to the corporate interests that is in the House Republican bill, I do not see how that can be a basis for any bill that passes the two bodies and goes to the President.

I do not like to read editorials, but I want to quote a few sections of an excellent editorial in yesterday's New York Times because I think it explains what needs to be done here in the next few weeks. This was in yesterday's New York Times.

''Congressional Countdown. Congress has only a few weeks left before adjourning for the year. Yet there is still no legislative agreement on measures to boost the economy and improve protections against terrorist attacks. President Bush needs to break the impasse on both issues, or legislators will go home covered with failure.

''Ideally, Congress should quickly pass a balanced fiscal stimulus bill aiding those who need help most without widening deficits in the years ahead.''

They say, ''Right now there are two competing stimulus bills, and the one supported by most senators is by far the better. It would channel tax breaks and spending to those most hurt by the economic downturn, whereas the bill pushed by House Republicans would cut taxes disproportionately for the rich and for big corporations.''

I yield to the gentleman because it sounds like everything we have been saying tonight.

Mr. ETHERIDGE. Mr. Speaker, I think it would be inappropriate not to make this point tonight. There is a finite amount of money. The gentleman has said it, and the editorial has said it, and I mentioned it earlier. That is why it has to be paid for. If it is not paid for, and people should not misunderstand this, that money is coming out of the Social Security Trust Fund if it is not paid. The people who will be paying for that disproportionately are the lowest wage earners in the country because they are the people that pay into that system and they are depending on that. All of us are depending on it for our Social Security money down the road. If we take it out now, we know we are going to have needs down the road. We know we are going to have problems, and that cannot happen.

It is one thing to have one group over here with a panel talking about saving it and putting the money in the stock market and the other to spend it in this House. That would be horrible. That would be horrible to the American people. We should not do it. Whatever we do, we should pay for it.

Mr. PALLONE. Mr. Speaker, basically this editorial juxtaposes what can be done to achieve a compromise. It says, ''Congress could reach a financially responsible compromise if Republicans dropped their worst ideas, a speed-up of the tax cuts enacted earlier this year for the wealthiest Americans and a separate measure to make it easier for big corporations to pay no taxes at all. The final bill could then focus on tax breaks, tax refunds and health benefits for the poor and working poor, while helping small- and medium-sized businesses with adjustments in write-offs for depreciation and expenses.''

The Democrats are willing to provide tax breaks and help business, particularly small- and medium-sized businesses. But the bottom line is that this stimulus package at the same time does have to address the concerns of displaced workers, the health benefits and the unemployment benefits that the gentleman has mentioned. This stalemate does not have to continue, but there is not a lot of time. I think it is important, as we did tonight, to continue to speak out over the next few days and to point out that this is a major issue.

Mr. Speaker, I was happy before we left that we got the airline security bill passed, and I thought that was the number one priority. But in light of the recession and what we are seeing out there with the economy, this is now the most important priority that we need to address in the next few weeks.

With that, I thank my colleague, the gentleman from North Carolina (Mr. ETHERIDGE).

## U.S. IMMIGRATION POLICY

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, tonight I want to address several issues, one dealing specifically with a lot of the discussion that has preceded my remarks this evening. It is always interesting and elucidating to listen to my colleagues discuss a variety of issues, in this case the stimulus package and the difference between the Republican position and the Democratic position in this House.

I think it is appropriate. I am very pleased to hear that kind of discussion because it does help clarify to a large extent the issues that separate the two parties and the two philosophies.

On the one hand, as Members have heard, the Democratic Party suggests that a stimulus package, something to stimulate the economy, revolves around extending unemployment benefits. On the other hand, the Republican stimulus package with which they disagree revolves around primarily giving tax breaks to the rich, specifically to large corporations.

One deals with organizations that actually create jobs in America and create wealth; and the other deals with a social service plan, a welfare plan.

Now, I am not here and I do not intend to challenge the idea of extending unemployment benefits. It may be a fine idea under certain circumstances. I could certainly be inclined to vote for it. It has nothing to do with an economic stimulus package. Giving people longer unemployment benefits has nothing to do with creating jobs and changing the direction of the economy and getting us out of the recession, I believe. But it is nonetheless a legitimate point of view to be discussed and debated in the House, both sides offering their observations as to what might help the economy and what might help get American workers back to work.

But I am intrigued by the fact, Mr. Speaker, in all of the discussions and in all of the debates I have heard and in the monologues that have been offered on the floor about an economic stimulus package, not one word from either side has been mentioned about what I consider to be a very significant and a very logical approach to at least one part of the economic stimulus package. It should be in there and it is not, and that to which I am referring, of course, is the number of aliens in the country, people who are not citizens of the United States who are taking jobs, who are here, some of them who are here illegally in the workforce and others who are here quite legally under H–1B visa status.

Let me concentrate on the latter for a moment and explain what we are talking about with H–1B visa status. It is a special category of visa. It is designed to bring people into the country

who have specific skills in more high-tech fields, white collar workers, primarily in the high-tech area, the computer sciences, computer programming and the like.

For a long time businesses came to this Congress and told us that they did not have enough people in the United States with the kind of background and the kind of skills necessary to fill the jobs they had available for them. As a result, they asked us for a special visa category, H–1B, which we have had for a long time. But they asked us to increase the annual allotment of H–1B visas which this Congress dutifully went along with, although not with my vote. I believed at that time and I believe today it is a bogus argument. It is not based upon our need for workers of a particular skill, but it was based on a need for large businesses in the United States, certain corporations, to employ people at lower rates. It is as simple as that.

Recognizing that they could import workers into the United States and pay them less than an American worker would demand, these H–1B visa recipients became in great demand. So we raised the level. We raised the ceiling to 295,000 a year.

Now, there are approximately, we are not sure because the INS has absolutely no idea, and I often refer to the logo for the INS and it is this: A shrug of the shoulders. That should be their sign. INS is just a person shrugging. Because almost without exception when you ask them a question, when you ask them how many people are still here in the United States having come in on H–1B visas over the years, have not gone home, maybe they have lost their jobs, we do not know, they say we do not know. Maybe around 500,000, 500,000 to a million. The INS does not know for sure.

Now, let us settle on the 500,000 that are here. Remember, we are not talking about all of the other immigrants that have come into the country, all of the illegal immigrants that are in the country working, working at jobs that again we always hear Americans will not take. Well, is there anyone in this body, Mr. Speaker, that actually believes that today in the United States there are not at least 500,000 people, American citizens, who are looking for jobs specifically in that area? We know that at least that many and more have been laid off from that particular industry, the high-tech industry. It is horrendous, and there are more layoffs to come. We will be hearing in the next few weeks and months of more layoffs, especially in the high-tech area. Yet we persist with allowing 500,000 H–1B recipients to take jobs in the United States that could be provided for American citizens.

Why would that not be part of an economic stimulus package, I wonder. Why would no one on either side of this aisle stand up and say that in fact what we have to do is rescind H–1B status, we have to eliminate that category altogether, and when someone is laid off, they actually leave the country. Now, they are supposed to do that. It is true that the law requires, the H–1B law says if you lose your job as an H–1B recipient, you have to go home.

Mr. Speaker, not surprising, not long ago the INS told people here under that category and who had been laid off to not really be too concerned about it. They said we will get around to writing a regulation about what you should do. But, for the time being, look for another job. In other words, displace another American worker.

Now, I have said often on the floor of the House with regard to immigration that I have no qualms about having a workable guest worker program, something that allows people to come into the country, something that protects their interest and rights so they are not abused by workers here, that they are not ill-treated. But we do not have that. What we have is massive illegal immigration to provide that workforce.

And it is absolutely true that the millions of people who are here illegally do contribute to the economy I am sure in some measure. The exact amount of that is up for debate. But it is also true that the massive amount of illegal immigration into the country of low-skilled people has a depressing effect on wage rates for low-paid jobs in this country, for all people with few skills are working at low-end jobs. Massive immigration has a depressing effect on the ability of these folks here in the United States, be they recent legal immigrants or long-time citizens of this country, natural-born citizens of the country, massive immigration hurts those people. It hurts their ability to get ahead.

It helps, of course, many employers, it is undeniably true, who want to exploit these people, and many employers who have legitimate concerns about being able to get employees they say they cannot get in any other fashion.

□ 2200

Why is it we cannot construct a guest worker program that can serve the needs of business and protect American workers? The reason is because we have an organization called the INS that is charged with the responsibility of trying to actually implement such programs, and what we know today is that the INS simply does not care, does not care about the issue of massive immigration. To them, most of their resources, most of their efforts go into the social work side of INS.

This problem is not often addressed, but I think it should be. Again, a half a million people in the United States today, holding H–1B visas, some of them employed in the original job, some of them having long since moved on to other jobs, supposedly they have to leave and go home, as I say, by law, but of course, they do not do it and the INS does not follow up. When we ask them where are all the people that have lost their jobs and have not left the United States, they use their logo: shrug their shoulders, I do not know.

When we ask them when we have the INS where are the 300,000 people who have been ordered to be deported from the United States for violating the laws of the United States, not just their visa status, not just overstaying their visa, but robbery, rape, murder, they have been arrested, and when they get arrested they find out, oh, by the way, this guy is here illegally, his visa status is over or even if he is here legally, he has violated a law, we are going to send him. So they go to an immigration court, the judge listens to the information, listens to the defense, which is not supposed to be the INS but oftentimes ends up being the INS lawyer defending the immigrant lawbreaker, and they do this, and the judge orders the person deported, saying they have violated the law, they are someone we do not want in this country and they are going to have to leave the country or go to jail.

We actually order about 100,000, a little over 100,000 people a year, we order 100,000 people a year to be deported for violating the law here. There are at least, at least 300,000 of those folks, 300,000 people who have been ordered deported from the United States for violating our law but are simply gone, vanished into society. They have not departed the country. They are here somewhere. When we ask INS where are these people, they give us their logo: shrug their shoulders, I do not know.

That is the issue. That just really makes me focus on H–1Bs for a moment because, as I say, I listened to our friends talk about the problems with the two various interpretations of what economic stimulus is all about, whether it is more government jobs and/or extended welfare payments or whether it is job creation through giving tax benefits to corporations, who actually employ people.

There are several other issues with regard to immigration and immigration reform that I want to address this evening. H–1B is just one of the many problems we have in this country, and I have a bill that would significantly reduce the ceiling on H–1B. I would like to see it become part of that economic stimulus package, but I fear that the opposition of industry and the corporate structure in this country will prevent me from actually being able to present that piece of legislation.

Nonetheless, there are a series of other issues that come to mind tonight that I believe need some degree of discussion. I, like almost every American, have been heartened by the response of most people in this country to the tragedies of September 11 and the way in which people have rallied around the President and our military forces and have expressed themselves over and over again as being patriots.

Underneath all of the exposure that has been provided to these expressions of patriotism, there is an underlying

theme that runs in certain circles in this country that is very, very disquieting. I am going to try and discuss this issue in a way that connects to what people may think are divergent points of view, but in a way, my colleagues just have to give me a minute to make the case here.

I believe that massive immigration into this country is very, very dangerous and is threatening in a variety of ways, massive immigration, legal and illegal; and I reiterate, I am not against immigrants. I am not anti-immigrant. I am not even anti-immigration. I am certainly very much concerned about the present system we operate, or nonsystem, of immigration.

The fact that over a million people a year come into the United States legally, quarter of a million more come in under refugee status and about who knows, a million to 2 million to 3 million, we do not know how many for sure come in here illegally every year. That is what I call massive immigration. I say it is massive because in the heyday of immigration into this country in the early 1900s, late 1800s, the highest number of immigrants coming in in any given year was about 200,000. We are six times that amount today, six times that amount today and that is legally. We would probably go up to 10 or 12 times that amount if we add all the illegal immigration into the country.

There are ramifications to that massive immigration, and I want to talk about one particular part of that, one ramification in particular. It deals with the degree to which we are able to integrate newly arrived immigrants into this country into the American mainstream and make them a part of the American experience in every sense of the word.

It is disquieting to find information, some anecdotal, some empirical, that deals with the degree to which immigrants into this country have actually attached themselves to the American ideal, which has always been the case, I should say, I think for immigrants for a long, long time. I will speak of myself and my own family as an example.

What I mean here is how immigrants attached themselves in the past, did attach themselves to the American experience, did want, in fact, to become Americans in every sense of the word, not just in terms of the ability to achieve an economic prosperity which, of course, that is in common with almost everyone. That is a common element of everybody that comes here; but in particular, I am talking about the issue of patriotism, patriotism, love of the country, willingness to defend it and association with it, a feeling of being part of the American experience. That is what I am talking about that is changing, I think; and I will get into exactly why I believe that is the case.

Again, let me just preface it by explaining my own experience. My grandparents came here in the late 1800s, 1890 actually. So I am not what one would call a long-term immigrant. I am a relatively short-termer here. That is what I am really trying to say here. My great great grandparents did not come over on the Mayflower or anything near it. We are relatively new to the country.

When I went to school, it was in north Denver, at a very small and relatively impoverished area, in a small school, parochial school, in which I learned about my country's heroes. I learned who I was by studying the history books that I was given, in this case, in the parochial school system; and I also learned about what my parents said about America.

I will tell my colleagues that in my whole life I never ever thought of myself as anything but an American. When I thought of my heritage, and who were the heroes of my past, of my heritage, I thought of Washington and Adams and Jefferson, and I connected with them immediately. I never ever thought of myself as anything but an American with that kind of a heritage. I am happy about that because I believe that that is exactly what immigrants should do and what they should become, people connected to America in every sense of the word.

Let me tell my colleagues that I have a feeling that this is not happening, and it is not happening as again many of us have had anecdotal experiences that would lead us to believe that many immigrants are not as well steeped in American history and well connected with it as perhaps our ancestors were.

One anecdotal part. In the Washington Post, it interviewed a middle-class Muslim American immigrant family from New Jersey and reported that for Kahr and her husband, taxpayer, registered voters, law abiding citizens, assimilation is not a goal. The Post article stated that Kahr, who came to the U.S. from Syria when she was 12, 17 years ago, would soon graduate from Seton Hall law school. However, this well-educated woman opposes America's war efforts against the Taliban in Afghanistan and declares that, quote, ''throughout history Muslims will always be separate.''

That is the anecdotal thing, and there are literally hundreds of those kind of stories, but then there are studies that have been done. Empirical evidence suggests that Kahr's views are not unique. In what Islamic expert Daniel Pipes has described as perhaps the most sophisticated study to date of Muslims in the United States, an Iranian doctoral student at Harvard found that a majority of immigrants there he surveyed felt more allegiance to a foreign country than to the United States.

This article goes on to say that this ambivalence about American identity is not confined to Muslim immigrants and their children. The most comprehensive evidence we have on patriotic assimilation of the children of immigrants is a longitudinal study by the Russell Sage Foundation, a study of 5,000 children of immigrants, mostly Mexican American and Filipino American teenagers. We feel that after 4 years of American high school the students were 50 percent more likely to consider themselves quote ''Mexicans or Filipinos than they were to consider themselves Mexican Americans or Filipinos Americans or just plain Americans.''

In other words, patriotic assimilation or self-identification within the American Nation actually decreased and decreased dramatically after 4 years of studying in American schools. That should not surprise too many people when we go on to recognize exactly what has been happening, and there are all kinds; and now again these are anecdotal in terms of what is happening in American colleges and universities and our K–12 system also; and this kind of cultural relativism is a philosophy which has seeped into the school system. And when we combine this sort of philosophy of cultural relativism, that is to say, we are all the same; there is no difference; America is not any better than any other country; in fact, in most situations we are worse, that is cultural relativism. That has seeped its way into our school system.

If we combine that with massive immigration and my colleagues can see what kind of problems we are going to develop. When we do not teach children about America, be they immigrant children or native-born children, it does not matter, they will not understand America.

Mr. Speaker, I was a teacher for many years. I was the regional director of the U.S. Department of Education, and I will tell my colleagues it is absolutely evident to anyone that in order to have children appreciate certain things, we must teach them about it. A child does not walk into school appreciating fine art. A child does not walk into school appreciating fine poetry, not even sciences; and they have to be taught the beauty of these things. They have to be encouraged. We have to find that spark in every child and ignite it and say there is an excitement to learning and here is what the child should be learning.

We have to teach them about America because they will not walk into schools with an innate understanding of it and appreciation for it. It will not happen, but we not only do not teach them about America, but what we do tell them is the following.

At a central Michigan university, a school administrator told several students to remove patriotic posters and an American flag in their dormitory. A residential adviser said the pro-American items were quote ''offensive.''

□ 2215

At San Diego State University an Ethiopian student overheard four Saudi Arabian students speak approvingly of the terrorist attacks. When he

scolded them in Arabic, they complained to the school. In a response, the university judicial officer threatened to suspend or expel Kebede, the gentleman who was challenging these students who were excited over the bombings, over the terrorist acts, on September 11.

At Pennsylvania State University, a professor was told that his web site, which advocated military action against terrorists, was ''insensitive, and perhaps even intimidating.'' Under Penn State's speech code, intimidating language is ground for dismissal.

At a Florida Gulf Coast university, Dean of Library Services Kathleen Hoeth demanded that employees remove ''proud to be American'' stickers from their work areas.

At the University of North Carolina in Wilmington, a professor is under investigation for ''harassment'' after he told a female student that he supported U.S. military action in Afghanistan. The student said that the position made her feel ''uncomfortable.''

A Roxbury, New Jersey, school superintendent who ordered signs with the slogan ''God bless America'' be taken down, he said he was merely trying to be fair to those who refer to God as ''allah'' and other names.

Librarians at the Florida State University have been told not to wear ''I am proud to be an American'' sticker.

A Los Angeles educator tells the paper that he has no intention of flying the flag. ''I grew up suspicious of the flag,'' he says. ''It meant right wing politics. It meant repression. It meant arrogance. I mean, we are the greatest?''

Okay. This is what children are being taught, both, as I say, native born children and immigrant children.

At Marquette University, undergraduates were blocked from holding a moment of silence around an American flag. The gesture, the school President's advisers felt, might be offensive to foreign students.

At Lehigh the vice provost for student affairs initially reacted to the tragedy by banning the display of the American flag. A Lehigh spokesman explained the idea was to keep from offending some of the students, and maybe the result was much to the contrary.

When officials at Arizona State removed the American flag from a school cafeteria out of fear that it might offend international students, Syrian immigrant Oubai Shahbandar introduced a bill in the student senate paving the way for its return. His bill was defeated.

Professor Jensen at the University of Houston pronounced that ''my primary anger is directed at the leaders of this country. The attacks on the Pentagon and World Trade Center are no more despicable than the massive acts of terrorism, the deliberate killing of victims for political purposes that the U.S. Government has committed in my lifetime.'' This is a Professor Jensen at the University of Houston. ''We are just as guilty,'' he concluded.

University of New Mexico professor Richard Berthold bluntly declared, ''anyone who would blow up the Pentagon would get my vote.''

We are surprised then that students write things like this? ''We sponsor dictators who maim, we defend corporations that enslave, and then we have the arrogance to pretend we are safe and untouchable,'' said West Virginia University student Joshua Greene.

''In light of the current destructive nationalism that calls for war,'' a Duke student opined, the sight of the flag burning would be preferable to its display.''

These things, these things all matter, and they are undercurrents, as I say, of a philosophy that will do great harm to the United States. You combine that, as I say, with massive immigration, with people coming into this country who are not being inculcated into the American mainstream, who are coming at such great numbers that we cannot begin to even do that, and they are being encouraged when they come here, by the way, they are encouraged not to accept American ideals, but to think of us as the enemy, to think of themselves as separate and apart from American mainstream, as this lady says, ''we will always be separate. Muslims will always be separate.''

And we encourage that. Our institutions of higher education and our schools throughout the country encourage that. So do many members of the media. So does the ex-president of the United States, and thank heavens we can say ex, who can stand up in front of a group of people, not too long ago, Mr. Clinton, and say that it is our fault that what has happened to us on September 11 was our fault; our fault. He only exacerbates this problem. That kind of thinking, of course, is indicative of the problem.

It is going to get worse. And I suggest we have to deal with this issue on a variety of fronts. We should certainly deal with it in our local school system. I wish our schools, every school board in America, would look at and carefully analyze their curriculum to determine the extent to which we are teaching about the American experience and appreciation of who and what we are, because, I reiterate, children do not come into school with some innate knowledge of that.

Certainly they are not going to learn it from the TV or from the movies. They are not going to learn to appreciate the American experience from any of the pop culture. Not from MTV. The only place we can hope they are learning it is either in school or in their home.

But if the parents of these children do not care, do not want to, and, as a matter of fact, are antagonistic, as many of these immigrant parents are, to American culture, to American history, and if the schools do not teach children about who we are and what we are and how to appreciate this freedom, then what is the hope we will be able to maintain it in the future?

With all of that, Mr. Speaker, with all that in front of us, with the economic stimulus package that is only being debated on the basis of whether or not we should give welfare or tax cuts, and no discussion of H1–B visas or the number of immigrants here taking jobs that otherwise should go to American citizens, without doing that, we are doing ourselves a disfavor and a disservice, because we should be talking about other things.

What are we talking about with regard to immigration? Here is what we are going to be dealing with in this Congress very soon, something called extension of 245(i). I see a colleague has joined me this evening on the floor. I want to talk about this with him, because I know he has strong sentiments open this issue.

Let me just briefly describe what 245(i) is and an extension therein. 245(i) is another category of immigrant status. What it is is essentially saying that there are a lot of people here illegally. We all know it. In 1986, there was a thing called amnesty that said if you have been around for a while and you can show you have a job and you are married and that sort of thing, we are going to give you amnesty. You can be here legally. We are going to reward you for coming here illegally. That is what it said. We are going to give you a reward for breaking our law.

And we did it. We did it. Come to find out, hundreds of thousands, maybe millions of people, did not sign up in time to take advantage of it. So there have been continual attempts, and in fact successful attempts, of extending this process of amnesty to people who are here illegally, who have violated our laws and are here presently, taking the jobs other Americans could have. But, regardless, even if they are here doing jobs no one else will do, the fact is they are here illegally, and we are going to reward them by extending it.

Now the debate is going to be enjoined here in a relatively short time as to whether or not we should once again extend 245(i), to once again provide amnesty for people who are here illegally. That is what we are going to debate. Not whether or not we should defend our borders by tightening up and not allowing illegal immigration, not reducing immigration altogether to give us an ability to begin to get a handle on this, not H1–B visa reform. No. We are going to debate and take under consideration 245(i).

I would yield to my friend, the gentleman from Virginia (Mr. GOODE) for his comments. It is good to see you here tonight.

Mr. GOODE. I thank the gentleman from Colorado. I had not planned to come over to join you tonight, but I received this letter in the mail and it is right on the topic to which you have been speaking. I want to thank you on behalf of millions of Americans for addressing a topic that is so timely in our

country and so important to the future of the United States of America.

VF Netware in Martinsville, Henry County, employs over 2,300 persons. They announced the layoff in the coming year of nearly all of those persons. That is part of a 13,000 person layoff company-wide. On Monday there was a community meeting in Martinsville in Henry County, and representatives from the offices of the U.S. Senators from Virginia were there, the Governor-elect was there, a number of members of the State legislature, both branches, were there, and there was a discussion about jobs, and both the topic of amnesty and immigration arose.

I want to share with you a letter written to me by Sandra Turner of Collinsville, Virginia. That is a community in Henry County so heavily impacted by the layoffs of VF Netware. Here is what she had to say.

''I watched enough of this town meeting to want to make a comment about illegal immigrants. I certainly agree with the comment about doing more to deter illegal immigrants and not allowing any amnesty. I also think,'' and she refers to a gentleman that was in the audience, ''had valid concerns and comments referencing immigrants in the workplace.

''Here is an area that has faced a tremendous downsizing of its workforce. We believe that long-standing United States citizens should have their jobs first.''

This gentleman rose and he spoke of how immigrants, probably some of which were illegal, were here competing and taking jobs that long-standing United States citizens do not have and will not have in the future.

She continues: ''I have always felt that the United States has been too good for our own good. It appears we have always opened the door and welcomed any and all into this country. We are now paying for this with illegal immigrants taking our jobs, not to mention reaping other benefits from the system. And we certainly paid the price on September 11. Hopefully we have learned something from the loss of jobs in the September 11th tragedy. But I have my doubts. It is time to start taking care of United States citizens first.''

These are the words of Sandra Turner of Collinsville, Virginia. And I want to repeat that sentence. ''It is time to start taking care of the United States citizens first.''

She goes on: ''I live in an area where there are several apartment complexes. In traveling to and from work, shopping and so forth, I constantly see vehicles with North Carolina tags going in and out of these complexes. The vehicles are driven by those from other countries.'' She goes on and describes that situation.

And then she closes with this: ''I could go on and on, but I will stop here. I just wanted to let you know that I agreed with the comments about deterring illegal immigrants at our borders, and definitely agree with not allowing any amnesty.''

Then she says, ''Now it is time to do something about this.''

The gentleman from Colorado has so eloquently focused on the legislation that will likely come before this House to extend 245(i). 245(i) is simply a reference to a statutory number that means, as he stated, we are going to reward those who have broken the law, who have come into this country illegally, and now we are going to say to them, you can stay here.

Let me point out, the interview that is done under 245(i) is not going to be done by the State Department in the country from which these people came, where they know the most about those individuals. It will be done by INS, which is already overburdened and overworked and has had significant problems in a number of areas. That will be the entity that will do these interviews if 245(i) is extended.

Now, some will cite specific instances of hardship or a trying situation where an amnesty should be granted. 245 is not a specific amnesty for a specific person because of a specific problem.

□ 2230

It is a blanket, broad-based amnesty for anyone who wants to pay $1,000 and answer a few questions. We do not need this amnesty at this time in the United States. I hope we will follow the wisdom of the gentleman from Colorado in rising up in this body and opposing amnesty, whether it is a stand-alone bill or whether it is put into any other legislation. This is absolutely the wrong course of action for the United States at this time. We must remember the words of Sandra Turner of Collinsville, Virginia: ''It is time to start taking care of the United States citizens first.''

Mr. TANCREDO. Mr. Speaker, I thank the gentleman. It is no wonder that this country, when we look back again, as I say, to our American heroes and to the people that gave so much to create this Nation, we so often find that they came from Virginia and that they express themselves as wonderfully as the gentleman does, and I sincerely appreciate the gentleman's comments.

I want to pick up on something that he said specifically in regard to the difference in the kind of investigation that is done between someone who is trying to get into the United States and has to go to a counselor office in the country of his origination and go through a process that is really quite rigorous, supposedly; at least on paper, they are supposed to go into quite a background check. Even the State Department tells us that they do not have the capacity to do that, even in the country of origin but, at least, and this is important, at least the person today that would seek entrance into the United States and seek to come here and get legal status, they would have to go back or start out in their country and request that. But under the program that the gentleman refers to, 245(i), that does not have to happen. The person does not have to return; the person is here.

So let us assume for a moment that the INS does all the background work that is necessary and believe me, they have a backlog now of 4.5 million people. And I guarantee my colleagues, when we ask the INS how are they going to get this backlog taken care of, they will give us their logo: I do not know. That is their logo. That is what I have decided. That should be on everything that says ''INS,'' a picture of somebody going like this, I am not sure. Because they could not possibly do it and they do not do it. They cannot even pretend that they go through the kind of analysis that is necessary, and the background check.

Let us assume that they did. They are talking with the person who is in front of them in the United States and they are trying to find out, and they come to this conclusion after all the background is done weeks and weeks and weeks, months and months that it would take to do it, but let us assume they do it and they find out this guy is a bad guy; this guy, we would not let into the country. Well, guess what? He is here. We are not able to keep him out. And then, what are they going to do? Go out and try to find him at that point in time? Good luck.

Mr. Speaker, the INS spends absolutely no time or energy or effort in tracking down people who are here illegally. We all know that. They tell us when we talk to them, that no, they really do not have the inclination nor the resources to go after people who are here illegally, unless something really big happens, they commit a murder or something like that and they get brought in under those conditions, and then they try to deport them. But as I said, there are lots out there that no one knows about. So we are actually going to trust the INS to do this kind of thorough background check? And as I say, even if they do it, so what? The person is here. The person is here.

Believe me, Mr. Speaker, there are a lot of people here who should not be here, as we, of course, found out recently. And then this, of course, contributes to fraud, all kinds of fraud, fraudulent marriages being one of them. This is what happens, because one of the ways that you get the status is to show that you are married to an American citizen.

So these are articles that came out of the Denver paper when we extended 245(i) the last time, 3,042 applications in one day. More than 3,000 illegal immigrants in Denver beat a midnight deadline to apply for the visas. Now, do you think for a moment that the INS went through all of this, just the 3,000 in that last day, went through all of those with a fine-tooth comb to make sure that what they were doing was right? What we find out, as a matter of fact, after the 1986 amnesty, and then

when the Clinton administration pushed for, as we may recall, the gentleman from Virginia may recall, when we pushed for the legalization of a lot of people in the citizenship status for millions of immigrants when they pushed it through because the past administration wanted these people to be able to vote, we found that we gave something like 60,000 felons citizenship; 60,000 felons ended up as citizens of the United States, but had felony records. We never checked. We did not know about it until much later, but it was too late.

Now, is their citizenship being revoked? Absolutely not. What if it were to be revoked tomorrow? What if we decide, that was a big mistake, we should take it back from those people and find them, get them out of here, if you tell the INS, what would you do about that? They would give you the logo: I do not know.

One officer, it says, ''Our office is finished up by 3 a.m.,'' said Louise Germain, assistant director for the INS in Denver. They are sure tired today. Then they went on to talk about the people who came in who were not married, but came in and said, well, you know, we want to be married. The INS officer said when they showed up at the INS office, they had a marriage license but had not been pronounced husband and wife, so we told them, go quickly and find someone to marry you. They did. Thousands and thousands. It has been estimated in the hundreds of thousands of bogus, sham marriages were undertaken at that point in time in order to get visa status. Has anybody checked on that? Has one person been refused visa status because they fraudulently applied and did stuff like this, got this sham marriage put together. I asked the INS these questions. They responded again with their logo.

One example of the people who are doing this kind of thing, a man worked and lived with two former area men facing criminal charges in the government's terrorist investigation is scheduled to be arraigned today on a charge of marriage fraud. That means of five Middle Eastern men whose names appeared on the lease for the 6th Street Northwest apartment, this was in Akron, three of them are in jail and one is in jail with a $2,500 bond and is facing three misdemeanor charges after he allegedly claimed to be three different people during a drunken tirade and that he was a terrorist.

Another one tried to marry a U.S. citizen to get him under U.S. immigration regulations. They would not say how they found out about the marriage, nor would they answer other questions. These people are all in jail. They are not in jail because they violated the law, that is not it at all, the specific law against the immigration violations. Of course we rounded them up for other reasons and then tried to tack that on.

The reality is, Mr. Speaker, that the extension of 245(i) is a travesty. The idea that we would even think about it is a travesty. Number one, I reiterate, it rewards people for illegal behavior. All of the hundreds of thousands, in fact, millions of people who are waiting patiently all over the world to come into the United States legally, legally, what message does it send to them other than sneak in if you can, stay here long enough, come up with bogus documents to prove that you have been here for a long time, that you have relatives here, that you are married, whatever, and we will give you legal status. Give us $1,000. This is absolutely the wrong message, I think, Mr. Speaker, and that is on the one side.

The other side is this: we are now talking about public safety. We can now focus on some of the incredibly dire circumstances, the dire results of these kinds of loose immigration practices, and we recognize that there are people in this country today who are here illegally who wish to do us harm, who have every intent to do that.

Now, would it not be better for them to go ahead and go through the process, give the INS $1,000, fill out the paperwork, become a legal resident of the United States, and then do what you need to do, with the full cover of United States citizenship, or at least being in the States legally? You can get your driver's license, you can do all kinds of things then, of course, that can cover your tracks. You will not stand out. You will not have to be hiding, not that many of them are probably doing that today, but I would imagine that it is a little more difficult today for these would-be terrorists if they are not American citizens, and I hope it gets harder and harder and harder for them. But it should not be made easier for them.

I will tell my colleagues that it is going to be almost impossible for us to actually identify these people. I mean identify them when they come up to get their materials and to apply for this amnesty; we really will not know it. We will not do a background check that will tell us; but even if we do, it will be too late. They are here. They will be in this society. We will not be able to find them or get rid of them. They are here now. Let us seek them out, identify them, remove them; and if you are here illegally, Mr. Speaker, you have to go home. Start the process.

There are millions of people who are here with no evil intent, and I recognize that fully well. The great vast majority, thank God, are here solely with the purpose probably to improve their lives economically. I wish they were here with another purpose and that was to become part of the American mainstream, and that is a debatable point as to whether or not that is happening. But I can assure my colleagues that I know and believe that for the most part they are here in order to improve the quality of their lives economically, and not to destroy buildings or people's lives.

But there are some, of course, of a different ilk, and we cannot be so selective as to be able to identify them specifically and say yes, I know, of all of the millions, you are the one I have to worry about. We have to say, if you are here illegally, you must return home, and start the process of coming into the United States legally. Let us determine whether or not you can and should be admitted. And if we need workers, fine. Guest worker program. No problem. But this massive immigration, legal and illegal, that is trying to be managed by an agency with a shrug of the shoulders for its logo is not the way we should be doing business in this country. What more of a lesson do we need to learn? How much more dramatic of an event has to occur to tell us that we must understand this very basic premise, and that is the defense of this Nation begins with the defense of its borders.

Mr. Speaker, we have every right to do it. We should not be made to feel as though we should be ashamed because we are telling people that they cannot come into the country. We have every right to defend our borders. We have every right to ask citizens who do come into this country to become part of the American mainstream and have the love of this country and an allegiance and an attachment of this country. We have every right to ask that. To not do so is sealing our own fate. It is a death wish for the country.

So I challenge us all, Mr. Speaker, to take on the responsibilities that are given to us when we take the oath of office to protect and defend this country and do so by the understanding that that means defending our borders. We have no other option, Mr. Speaker. God forbid another event of the nature of September 11 occurs, and if it does occur, it is because if it happens and it happens as a result of someone who comes into this Nation illegally, then I say again that if we have not done everything we can possibly do, if we have not done everything we can possibly do to stop someone from coming into this Nation illegally; and I reiterate, I understand that even if we did everything that we could possibly do that it still might happen, but if we do not do everything we can possibly do to stop it, then we are not just irresponsible, we are, in fact, culpable; and I choose for one not to do so.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS TOMORROW

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Is there objection to the request of the gentleman from Colorado?

There was no objection.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2331

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 11 o'clock and 31 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–303) on the resolution (H. Res. 296) providing for consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a family emergency.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of a flight delay.

Mr. ADERHOLT (at the request of Mr. ARMEY) for today on account of inspecting tornado damage in the district.

Mrs. JOHNSON of Connecticut (at the request of Mr. ARMEY) for today and November 28 until 3:00 p.m. on account of attending a funeral.

Mr. QUINN (at the request of Mr. ARMEY) for today through December 10 on account of medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. OBEY, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. PLATTS) to revise and extend their remarks and include extraneous material:)

Mr. PLATTS, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today and November 28.

Mr. GANSKE, for 5 minutes, November 28 and 29.

Mr. NUSSLE, for 5 minutes, today.

## ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 28, 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:

4608. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Capital Requirements for Federal Home Loan Banks [No. 2001–24] (RIN: 3069–AB06) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4609. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Maintenance of Effort-Minimum Number of Annual Bank Board of Directors Meetings [No. 2001–25] (RIN: 3069–AB05) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4610. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107–152); to the Committee on International Relations and ordered to be printed.

4611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–167, ''Chesapeake Regional Olympic Games Authority Act of 2001'' received November 20, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4612. A letter from the Acting Director, Office of National Drug Control Policy, transmitting a report on the ''Fiscal Year 2000 Accounting of Drug Control Funds''; to the Committee on Government Reform.

4613. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's ''Major'' final rule—Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for the Oahu Elepaio (Chasiempis sandwichensis ibidis) (RIN: 1018–AG99) received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4614. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Waverly Hotel Fireworks Display, Biscayne Bay, Miami, FL [CGD07–01–121] (RIN: 2115–AE46) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4615. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Charleston Christmas Boat Parade and Fireworks Display, Charleston Harbor, Charleston, SC [CGD07–01–119] (RIN: 2115–AE46) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30273; Amdt. No. 2073] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30270; Amdt. No. 2071] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30272; Amdt. No. 2072] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace: Charlottesville, VA [Airspace Docket No. 00–AEA–11FR] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 Airspace; Greenwood, MS [Airspace Docket No. 01–ASO–9] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Titusville, FL [Airspace Docket No. 01–ASO–11] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4622. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Savannah River, Georgia [CGD07–01–037] (RIN: 2115–AE84) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4623. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area and Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01–01–181] (RIN: 2115–AE84) and (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4624. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area and Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01–01–165] (RIN: 2115–

AE84) and (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4625. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorages, Regulated Navigation Areas, Safety and Security Zones; Boston Marine Inspection Zone and Captain of the Port Zone [CGD01–01–162] (RIN: 2115–AE84, 2115–AA97, and 2115–AA98) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4626. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Verrazano Narrows Bridge, New York [CGD01–01–198] (RIN: 2115–AA97) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4627. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Los Angeles Harbor, Los Angeles, CA and Avila Beach, CA [COTP Los Angeles-Long Beach 01–008] (RIN: 2115–AA97) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4628. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Sault Locks, St. Mary's River, Sault Ste. Marie, MI [CGD09–01–140] (RIN: 2115–AA97) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4629. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Francisco, CA and Oakland, CA [COTP San Francisco Bay 01–009] (RIN: 2115–AA97) received November 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4630. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Trans-Alaska Pipeline Valdez Terminal Complex, Valdez, Alaska [COTP Prince William Sound 01–003] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4631. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Port Valdez, Alaska [COTP Prince William Sound 01–004] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4632. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Prince William Sound Captain of the Port Zone, Alaska [COTP Prince William Sound 01–005] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4633. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Michigan, Chicago, IL [CGD09–01–142] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4634. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, AK [COTP Western Alaska 01–008] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4635. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Route 1 Bascule Bridge, Mystic River, Mystic, CT [CGD01–01–197] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4636. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zones; The Icebreaker Youth Rowing Championship-Boston Harbor, Boston, Massachusetts [CGD1–01–193] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4637. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting the Office's Supplemental Report recommending that section 508 of the Rehabilitation Act (29 U.S.C. 794d) be applied to the Legislative Branch; jointly to the Committees on House Administration and Education and the Workforce.

## 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. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2972. A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse'' (Rept. 107–301). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. H.R. 2115. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington (Rept. 107–302). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 296. Resolution providing for consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–303). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

*[The following action occurred on Nov. 26, 2001]*

Pursuant to clause 2 of rule XII the Committees on the Budget and the Judiciary discharged from further consideration. H.R. 3210 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO:

H.R. 3346. A bill to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. YOUNG of Alaska, and Mr. SHUSTER):

H.R. 3347. A bill to provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Budget, 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. HYDE (for himself and Mr. LANTOS):

H.R. 3348. A bill to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center; to the Committee on International Relations.

By Mr. ACEVEDO-VILA:

H.R. 3349. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure fairness; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii (for herself and Ms. WOOLSEY):

H.R. 3350. A bill to temporarily authorize the Administrator of the Small Business Administration to make loans to any small business concern that suffers substantial economic injury; to the Committee on Small Business.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. DINGELL, Mr. UPTON, Mr. BRYANT, Mr. GANSKE, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. FLETCHER, Mr. COOKSEY, Mr. BURR of North Carolina, Mr. BUYER, Mr. NORWOOD, Mr. TERRY, Mr. BAKER, Mr. PAUL, Mr. SCHROCK, Mr. MANZULLO, Mr. LATOURETTE, Mr. JOHNSON of Illinois, Mr. PICKERING, Mr. LAMPSON, Mr. BARTON of Texas, Mr. SHADEGG, Mr. BEREUTER, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. RUSH, Mr. TOWNS, Mr. GREEN of Texas, Mr. ROSS, Mr. LUTHER, Mr. GORDON, Mr. HALL of Texas, Mr. ANDREWS, Mr. MCDERMOTT, Mr. STRICKLAND, Mr. THOMPSON of California, Mr. ENGEL, Mr. WYNN, Mr. BARRETT, Mr. STUPAK, Mr. KLECZKA, Mr. SHIMKUS, Mr. GREENWOOD, and Mrs. THURMAN):

H.R. 3351. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years; 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. DOYLE (for himself, Mr. NEY, and Mr. VISCLOSKY):

H.R. 3352. A bill to amend the Internal Revenue Code of 1986 to clarify the credit for producing fuel from a nonconventional source; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Ms. SOLIS, and Mr. HOSTETTLER):

H.R. 3353. A bill to require the Assistant to the President for Homeland Security to establish a site on the Internet through which

individuals may provide information on suspicious activities that may be used by the Federal Bureau of Investigation or other Government entities in the war on terrorism or to protect homeland security; to the Committee on the Judiciary.

By Mrs. MORELLA:

H.R. 3354. A bill to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over, and to afford employees and Members full immediate participation in the Thrift Savings Plan upon commencing Federal service; to the Committee on Government Reform.

By Mrs. MORELLA:

H.R. 3355. A bill to direct the Secretary of Commerce to convey certain Federal property in Montgomery County, Maryland, to the city of Gaithersburg, Maryland; to the Committee on Science.

By Mr. SCHROCK (for himself, Mr. CRENSHAW, Mr. SIMMONS, Mr. LARSEN of Washington, Mr. HOLT, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, and Mr. SCOTT):

H. Con. Res. 279. Concurrent resolution recognizing the service of the crew members of the USS Enterprise Battle Group during its extended deployment for the war effort in Afghanistan; to the Committee on Armed Services.

By Mr. NEY (for himself, Mr. HOYER, Mr. HASTERT, Mr. GEPHARDT, Mr. EHLERS, Mr. FATTAH, Mr. LINDER, Mr. DAVIS of Florida, Mr. REYNOLDS, Mr. DOOLITTLE, and Mrs. BIGGERT):

H. Res. 294. A resolution expressing the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of Anthrax; to the Committee on House Administration. considered and agreed to.

By Mr. FERGUSON (for himself and Mr. DAVIS of Illinois):

H. Res. 295. A resolution urging the establishment of a commission on technology and education; to the Committee on Education and the Workforce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETRI introduced a bill (H.R. 3356) for the relief of Mohamed Abshir Musse, Mariam Musse Gul, Abdullahi Mohamed Abshir, and Madina Mohamed Abshir; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 239: Mr. DUNCAN.
H.R. 250: Mr. REYES and Mr. FORBES.
H.R. 280: Mr. CALVERT, Mr. KERNS, and Mr. HOSTETTLER.
H.R. 325: Mr. GILLMOR.
H.R. 458: Mr. HOSTETTLER and Mr. ISSA.
H.R. 623: Mr. FILNER.
H.R. 747: Mr. WEXLER.
H.R. 1097: Ms. WATERS.
H.R. 1170: Mr. SANDERS and Mr. DOYLE.
H.R. 1178: Mr. PLATTS and Mr. FALEOMAVAEGA.
H.R. 1262: Mr. HILLIARD.
H.R. 1322: Mr. LAFALCE.
H.R. 1360: Mr. LAFALCE and Ms. ROYBAL-ALLARD.
H.R. 1433: Mr. FERGUSON, Mr. FORD, and Mr. BALDACCI.
H.R. 1522: Mr. CARSON of Oklahoma.
H.R. 1616: Mr. CANNON, Mr. BOUCHER, Ms. ROS-LEHTINEN, and Ms. LOFGREN.
H.R. 1650: Ms. SOLIS.
H.R. 1733: Mr. FALEOMAVAEGA.
H.R. 1819: Mr. ROSS
H.R. 1957: Mr. REYES
H.R. 1983: Mr. OSBORNE, Mr. BARTLETT of Maryland, Mr. SIMPSON, and Mr. LARSEN of Washington.
H.R. 1990: Ms. SOLIS
H.R. 2035: Mr. UPTON, Mr. LUCAS of Kentucky, and Mrs. LOWEY
H.R. 2059: Mr. FRANK.
H.R. 2125: Mr. UPTON.
H.R. 2163: Mr. OLVER and Mr. MATSUI.
H.R. 2219: Mr. BENTSEN.
H.R. 2235: Mr. TAUZIN.
H.R. 2348: Mr. CONDIT, Ms. WATSON, Mr. CONYERS, Mr. HILLIARD, Mr. FATTAH, Mr. LARSON of Connecticut, and Mr. CRAMER
H.R. 2349: Mr. DOOLEY of California, Mr. SHAYS, Mr. HOLT, Ms. BERKLEY, and Ms. ROYBAL-ALLARD
H.R. 2374: Mr. KNOLLENBERG
H.R. 2377: Mr. ROTHMAN.
H.R. 2419: Mr. BALDACCI and Mr. PAUL.
H.R. 2440: Mr. MORAN of Virginia and Mr. WOLF.
H.R. 2550: Mr. GONZALES, Mrs. NAPOLITANO, Mr. REYES, and Ms. SOLIS.
H.R. 2583: Mr. WALDEN of Oregon.
H.R. 2623: Ms. LOFGREN, Mr. OLVER, Mrs. MALONEY of New York, and Mr. CUMMINGS.
H.R. 2629: Mr. LATOURETTE.
H.R. 2718: Mr. OLVER.
H.R. 2722: Mr. SHAYS, Mr. CRAMER, and Mr. FALEOMAVAEGA.
H.R. 2739: Mr. WEXLER, Mr. ACKERMAN, Mr. GILMAN, Ms. ROS-LEHTINEN, Mr. GILLMOR, Mr. BILIRAKIS, Mr. MALONEY of Connecticut, Mr. ROHRABACHER, Mr. LANTOS, Mr. WU, Mr. DAVIS of Florida, Mr. HOEFFEL, Mr. ANDREWS, and Mr. MCDERMOTT.
H.R. 2812: Mr. WATT of North Carolina.
H.R. 2817: Mr. FORBES, Mr. GRAVES, and Mr. ISRAEL.
H.R. 2837: Mr. WAXMAN and Ms. LEE.
H.R. 2846: Ms. HART.
H.R. 2908: Mr. BLAGOJEVICH and Mr. REYES.
H.R. 2946: Mr. CRAMER.
H.R. 2955: Mr. WEXLER.
H.R. 2961: Mr. DOOLEY of California.
H.R. 2966: Mrs. CHRISTENSEN and Mr. KUCINICH.
H.R. 3006: Mr. CRANE and Mr. LAHOOD.
H.R. 3013: Ms. KAPTUR.
H.R. 3014: Mr. SIMMONS.
H.R. 3026: Mr. FALEOMAVAEGA and Mr. COSTELLO.
H.R. 3046: Mr. HASTINGS of Washington, and Mr. FALEOMAVAEGA.
H.R. 3054: Mr. WOLF, Mr. PETERSON of Pennsylvania, and Mr. SANDERS.
H.R. 3058: Mr. LEVIN, Mr. HOEFFEL, Ms. ESHOO, and Mr. SMITH of Washington.
H.R. 3063: Mr. MEEKS of New York.
H.R. 3070: Mr. BARRETT.
H.R. 3077: Mr. SOUDER.
H.R. 3082: Mr. CASTLE.
H.R. 3088: Ms. HART and Mrs. MYRICK.
H.R. 3113: Mr. MCNULTY and Ms. VELAZQUEZ.
H.R. 3130: Mr. INSLEE.
H.R. 3154: Mr. MANZULLO, Mr. CASTLE, Mr. MORAN of Kansas, Mr. FORBES, and Mr. BARTLETT of Maryland.
H.R. 3175: Mr. KILDEE.
H.R. 3188: Mr. WEINER.
H.R. 3191: Mr. FRANK, Mrs. KELLY, Mrs. JONES of Ohio, Mr. BACHUS, Mr. KING, Mr. ROGERS of Michigan, and Ms. LEE.
H.R. 3201: Mr. KERNS, Mr. PAUL, and Mr. RYUN of Kansas.
H.R. 3206: Mr. GREEN of Wisconsin, Mr. SHAYS, and Mr. MALONEY of Connecticut.
H.R. 3209: Mr. BRADY of Texas.
H.R. 3216: Mr. BOEHNER, Mr. RODRIGUEZ, and Mrs. DAVIS of California.
H.R. 3219: Mr. FROST, Ms. SLAUGHTER, and Ms. DEGETTE.
H.R. 3230: Mr. FILNER and Mr. LUCAS of Kentucky.
H.R. 3238: Mr. MCGOVERN, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, and Mr. DOYLE.
H.R. 3253: Mr. FERGUSON.
H.R. 3254: Mr. UNDERWOOD.
H.R. 3267: Mr. MCGOVERN, Mr. KILDEE, Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. DOYLE, and Mr. OLVER.
H.R. 3274: Ms. SOLIS and Ms. LEE.
H.R. 3277: Mrs. MINK of Hawaii and Mrs. LOWEY.
H.R. 3278: Mr. FROST and Mr. BOEHLERT.
H.R. 3279: Ms. BERKLEY.
H.R. 3284: Mr. FROST, Mr. MCDERMOTT, and Mr. FRANK.
H.R. 3288: Mr. KIND, Mr. BACA, and Mr. HOLT.
H.R. 3298: Mr. BOEHLERT, Mr. NADLER, Mr. MCHUGH, Mr. SERRANO, and Mr. MCNULTY.
H.R. 3310: Mr. THOMPSON of California, Mr. SHOWS, Mr. OBERSTAR, Ms. DEGETTE, Ms. PELOSI, Mr. BLAGOJEVICH, Mr. BALDACCI, Ms. MCCOLLUM, Mr. FORD, Mr. KENNEDY of Rhode Island, Mrs. NAPOLITANO, and Mr. HOLDEN.
H.R. 3336: Ms. NORTON, Mr. SERRANO, Ms. MCKINNEY, Mr. CONYERS, Mr. OWENS, Mrs. CHRISTENSEN, Mr. FRANK, Mr. THOMPSON of Mississippi, Mr. HINCHEY, and Mr. FORD.
H.R. 3339: Mrs. NAPOLITANO and Mr. HINOJOSA.
H.R. 3341: Mr. FRANK, Mrs. MINK of Hawaii, Mr. WAXMAN, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Ms. KAPTUR, Mrs. CLAYTON, Mr. BALDACCI, Mr. BONIOR, Mr. KUCINICH, Ms. PELOSI, Mr. HONDA, Mr. DICKS, and Mr. HINCHEY.
H.R. 3345: Mrs. LOWEY and Mr. NADLER.
H.J. Res. 23: Mr. RAMSTAD, Mr. FOLEY, and Mr. CASTLE.
H. Con. Res. 26: Mr. SANDERS.
H. Con. Res. 77: Mr. BLUMENAUER and Mr. TOM DAVIS of Virginia.
H. Con. Res. 180: Mr. SHERMAN.
H. Con. Res. 222: Ms. BERKLEY.
H. Con. Res. 240: Mr. LAFALCE and Ms. LEE.
H. Con. Res. 249: Mr. BARR of Georgia and Mr. PASCRELL.
H. Con. Res. 260: Mr. SANDERS and Mrs. CHRISTENSEN.
H. Con. Res. 267: Mr. MCHUGH and Mr. ENGLISH.
H. Con. Res. 268: Ms. HART, Mrs. BIGGERT, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 270: Ms. LEE, Mr. RAHALL, Mr. PICKERING, Mr. HASTINGS of Florida, Mr. WATKINS, Mr. KILDEE, Mr. REYES, Mr. UDALL of Colorado, Mr. STUPAK, and Mr. BOSWELL.
H. Con. Res. 276: Mr. CLEMENT and Mr. DOYLE.
H. Res. 15: Mr. HOSTETTLER.
H. Res. 261: Mr. FALEOMAVAEGA and Mr. BOUCHER.
H. Res. 280: Mr. BONIOR, Ms. KAPTUR, Mr. RAHALL, Ms. LEE, Mr. LANTOS, Mr. MALONEY of Connecticut, Mrs. JONES of Ohio, Mr. MEEKS of New York, and Ms. MCKINNEY.
H. Res. 281: Ms. CARSON of Indiana, Mr. MATSUI, Ms. MCCOLLUM, Mr. FROST, Mrs. BIGGERT, Mrs. MEEK of Florida, Ms. PELOSI, Ms. HART, Mr. DINGELL, Ms. ROYBAL-ALLARD, Mr. CLEMENT, Ms. WOOLSEY, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. ACKERMAN, and Mr. ENGEL.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3338

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 6: Page 133, lines 7 and 9, after each dollar amount, insert the following: ''(increased by $289,000,000)''.

Page 136, line 13, after the dollar amount, insert the following: ''(reduced by $786,485,000)''.

H.R. 3338

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 7: At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act may be used to appoint any military commission under the military order of the President issued on November 13, 2001, and titled ''Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism''.

H.R. 3338

OFFERED BY: MR. REGULA

AMENDMENT No. 8: At the end of title VIII of division A (page 132, after line 15) add the following new section:

SEC. ____. (a) FINDINGS.—The Congress finds that—

(1) in times when our national security is threatened by possible attacks from foreign and domestic enemies, it is necessary that the United States have a sufficient supply of certain products that are essential for defending this Nation; and

(2) it has been the consistent intent of Congress that the Department of Defense, when purchasing items to support the Armed Forces, choose items that are wholly of domestic content and manufacture, especially items identified as essential to our national defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is vital that the United States maintain a domestic manufacturing base for certain products necessary to national security, so that our Nation does not become reliant on foreign sources for such products and thereby vulnerable to disruptions in international trade; and

(2) in cases where such domestic manufacturing base is threatened, the United States should take action to preserve such manufacturing base.

H.R. 3338

OFFERED BY: MR. SANDERS

AMENDMENT NO. 9: In chapter 7 of division B, in the item relating to ''PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND'', after the dollar amount, insert the following: ''(reduced by $200,000,000) (increased by $200,000,000)''.

United States
*of* America

# Congressional Record

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

*Vol. 147* WASHINGTON, TUESDAY, NOVEMBER 27, 2001 *No. 161*

# *Senate*

The Senate met at 10:30 a.m. and was called to order by the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont.

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we return from Thanksgiving recess with gratitude surging in our hearts for all that You have done for us and given to us. We praise You for Your goodness, faithfulness, and unchanging love. During these past weeks since September 11, You have been our strength, courage, and endurance. You have given us exactly what we needed in each hour. Now in that same companionship with You, we face the challenges ahead. Grateful for the progress in the war against terrorism, we praise You in advance for victory in the battles still before us in Afghanistan. Remembering how You have protected the Senate family through the anthrax threat, we ask for continued patience and perseverance for the Senators and staffs displaced from their offices. Thank You for the interception of the anthrax-laden letter addressed to Senator LEAHY and continue Your protective care in the offices of Senator KENNEDY and Senator DODD.

Author of unity and source of oneness, may the spirit of patriotism equal to our Armed Forces in harm's way sway this Senate in the days ahead. Thank You for enabling civility, creativity, and compromise that will get the work done expeditiously with excellence. We say with the psalmist: *O Lord my God, I will give thanks to You forever*. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JAMES M. JEFFORDS led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, November 27, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES M. JEFFORDS, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. JEFFORDS thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. DASCHLE. Mr. President, this morning the Senate will conduct a period of morning business with Senators permitted to speak for up to 10 minutes each. The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

I ask unanimous consent that the Senate go back into morning business beginning at 2:15 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. At least one rollcall vote will occur during today's session between 4 and 5 p.m.

It is my intention to take up the railroad retirement bill today. We will make a motion to proceed to the bill shortly. After we dispose of the railroad retirement bill, my hope is that we can take up the farm bill. We are going to be taking both of these bills up, waiting for the Defense appropriations bill to be sent here from the House. We are not sure yet when that will be. My hope is it will be sometime before the end of this week.

Appropriations Committee chairman Senator BYRD has made it clear it is his intention to take up the bill in committee as quickly as possible, and then we will be prepared to take up the Defense appropriations bill as soon as or shortly after the Appropriations Committee has acted.

**NOTICE**

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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In addition to that, our hope is to take up the economic stimulus package. That is very important legislation that we hope we can finish certainly before the end of this session. The conference reports on appropriations—there are four conference reports still outstanding. We will want to address those as quickly as possible.

I also inform my colleagues that the Judiciary Committee is prepared to report out, as I understand, nine judicial nominees, including one circuit court nominee, this week. We will be taking up those nominees as soon as the committee has reported them out, in addition to other nominations.

I have not mentioned the terrorist insurance bill, the port security bill, counterterrorism, or bioterrorism legislation. There is a lot of work left to be done. My hope is we can complete our work on all of those pieces of legislation prior to the time we depart for the Christmas holidays.

Once again, the issue of energy has come up on a number of occasions. For good reason, it is a very important piece of legislation. The House has acted on an energy bill. We need to act as well. I have indicated it was my plan to take it up as soon as many of the issues relating to the response to the terrorist attack of September 11 could be resolved. Of course, we are still dealing with many of those issues right now.

We also are continuing to deal with what I think most Senators would agree is must-pass legislation; that is, the array of appropriations bills that have yet to be completed.

It is for that reason I don't know that we will have an opportunity to complete our work on an energy bill before the end of this session. I am prepared to commit to taking up the energy bill prior to the Founders Day recess; that is, during that first work period, between January 22 and the time we break for the Founders Day recess.

We ought to recognize that this bill is important. It is comprehensive, but it is also controversial. We are going to have to leave some time for debate on the legislation. It is my intention—and I intend to be more clear as I know what remains of this session when we come back—regardless of whatever additional legislation may be required to be considered in that first block of time, my determination, my commitment will be that we raise this issue, debate it, and have a good opportunity to consider energy legislation prior to the Founders Day break.

Mr. LOTT. Mr. President, I ask Senator DASCHLE, is he through?

Mr. DASCHLE. I am not through. I have a statement I will be making about further issues to be considered and raised. I am happy to yield.

Mr. LOTT. Mr. President, if the Senator will yield, I would like to ask some questions about the anticipated schedule he just outlined today.

One thing he didn't mention was the Education conference report. I understood that some progress had been made in that area. It is one we have been working on all year. Certainly, trying to make a Federal commitment to improving education throughout America with more accountability and better education in general is something we all want to work toward. Did the Senator intend to indicate, by not mentioning it, that it is not likely to happen, or does he have any information on what we might anticipate on the Education conference report?

Mr. DASCHLE. I had a good conversation with the chairman of the Education Committee last night. He has given me a progress report. Clearly, if the conference completes its work, I want to bring up the education bill. Clearly, that is an issue of great import, as the Senator has noted. It is one that deserves the attention and priority of Congress and would be reflected in the schedule.

I did not list it simply because the conference has not completed its work, but if it completes its work, I will certainly be interested in pursuing an opportunity to take it up on the floor.

Mr. LOTT. Mr. President, if the Senator will yield, if that work is not completed, the majority leader does not anticipate that would interfere with the ability of the Labor-HHS-Education appropriations conference committee to complete its work?

Mr. DASCHLE. The Senator is correct. We have to complete the work of the appropriations process. Certainly that is an issue that has to be resolved.

Mr. LOTT. With regard to the Defense appropriations bill, that is the only appropriations bill that has not been considered on the floor of the House or the Senate while the other four conferences are continuing to work. I want to clarify when it is the Senator's intention to bring up the Defense appropriations bill.

I assume the House is going to begin work on it today and maybe complete action on it by tomorrow. We would then be able to go to it, I presume, Thursday or Friday. What is the majority leader's thinking on the Defense appropriations bill? Obviously, that is a very important bill because it provides the funds that are needed for the defense of our country at a time when, obviously, that is very important. It is being used in that very important engagement in Afghanistan, and it also contains the final $20 billion for aid as a result of the September 11 events.

I am just concerned if we do not go to it as soon as is possible, that is the one of two things that will delay our ability to complete our work at least for this session of Congress.

Can the majority leader clarify more for the Senators what we might expect on the Defense appropriations bill?

Mr. DASCHLE. The distinguished Senator is absolutely correct. This is a critical piece of legislation. We have been waiting for the House to produce a bill on which we can begin working. They have had some difficulty in arriving at a consensus.

As I understand it, as the Senator has noted, the House now does plan to make another effort at reaching a consensus this week. Just as soon as the bill is sent here, I am quite sure the Appropriations Committee will take it up in their committee, and then at some point shortly after that, whenever that time may be, it would be my intention to bring it to the Senate floor for debate and passage.

Since we do not know exactly when the House will be able to send us a bill, it is not as clear to me when we can move on the Senate side, but just as soon as we have a bill, we will move.

Mr. LOTT. I had hoped Senator MURKOWSKI would be able to be here—I understand he is actually on the way in to the Capitol at this time—and other members of the Energy Committee who have been very concerned that we have not taken up national energy policy legislation before even now.

From what the majority leader is saying, it is his intent not to have an energy bill considered this year—at least he is not going to call one up—but he indicated he would call a bill up after we come into session, presumably January 22, in that 3-week period before the Founders Day recess period. Mr. President, is that what the Senator is saying at this point? He is not making any kind of commitment as to getting a product—I did not hear him indicate what product that might be because the Energy Committee, I do not believe, has actually completed work on the bill.

I guess the majority leader's intent would be to rule XIV some bill and call it to the floor under that procedure. Is that what his thinking is? I just want to clarify that as much as possible.

Mr. DASCHLE. The Senator is absolutely correct. We intend to bring up for purposes of debate and amendments and consideration a bill we will introduce next week. It will be rule XIV'd. It will be brought to the floor.

As the Senator knows, not just the Energy Committee, but the Finance Committee, the Environment and Public Works Committee, the Governmental Affairs Committee, and I think even the Armed Services Committee have all played a role in the creation of this comprehensive, multifaceted energy policy. Because it is so multifaceted and multijurisdictional, we chose to put a proposal together that will allow the Senate to work its will on energy policy during that period of time.

That bill will be, as I say, introduced next week, available to all Senators for the period we are not in session. It would be my expectation we would take the bill up—not only my expectation, but my commitment that we will take the bill up during that first work period.

Mr. LOTT. It is of great concern to me and a number of Senators that we are not going to be able to consider an energy policy for our country before the end of the year, especially in view of the fact we see now continuing uncertainty about what is going to be done by the OPEC countries.

I have a great deal of concern that we are dependent on Iraqi oil and even Russian oil, although Russia clearly has been helpful in this instance in not cutting the supply which would drive up the prices at a critical time.

I think we should have already done an energy bill, and we should do one before we go out. I believe once we actually get on to an energy bill, many portions of it can be handled rather expeditiously. Clearly, there is a disagreement about oil production in ANWR, and we will have to work through that with a vote or votes just to see what happens.

While we are being told we are not going to do an energy bill, I understand the majority leader's intent now is to call up the railroad retirement bill which has not been reported from the Finance Committee and clearly is not an emergency, even though it does have support on both sides of the aisle. It is your intention to try to call up the railroad retirement bill today; is that correct?

Mr. DASCHLE. The Senator is correct. The railroad retirement bill has 74 cosponsors. It is overwhelmingly supported on both sides of the aisle. I do not recall the exact vote in the House, but it passed overwhelmingly in the House. I know well over 300 House Members voted for it.

This is a matter of great concern to a lot of railroad retirees. We were hoping that while we wait for the Defense appropriations bill, we could take up a couple of pieces of legislation that deserve consideration, and that certainly is one of them.

Mr. LOTT. And the other one is Agriculture, even though the agricultural law for the country does not expire until next year. This bill came out of committee. Even though it was reported on a voice vote, I think the critical vote was pretty much a party-line vote.

There are a lot of problems with this legislation. I do not see that it could be handled quickly with all the different problems that are in this bill. So the majority leader's intent would be to try to go to railroad retirement today and then Agriculture after that, and then go to the Department of Defense appropriations bill after those two?

Mr. DASCHLE. The Senator is correct.

Mr. LOTT. All of that is building up to one critical question: Where is the stimulus bill? If we really want to help the unemployed in this country with their unemployment benefits and health benefits and to stimulate the economy with some provision that would give a quick jump-start to the economy, including possibly this idea that Senator DOMENICI has been proposing, which would be a payroll holiday during December which would have a tremendous immediate impact for employees and employers and come at a critical time of the season—it sounds to me as if the Senator's intent is just to shuttle the stimulus bill off to the side with no indication as to when it may come back and, as a matter of fact, if you try to go to railroad retirement and do not get consent, I presume the majority leader would file a motion to proceed. That would be fully debatable. You would file cloture, and there would be a vote on it on Thursday, I presume. Then we would be off the stimulus bill. So the stimulus bill would be not only moved off to the side, it would be completely brushed aside.

It looks as if, to me, for the defense of our country and to help the economy of this country, the two bills we ought to be focusing on are, obviously, Defense appropriations, which the Senator has indicated we want to try to do, and the stimulus bill ahead of anything else.

I wish to express my concern we should not be doing anything else until we get an agreement worked out on the stimulus bill. I still am an optimist that we can come to an agreement on the stimulus bill that would help the unemployed and help those who need health benefits in this country and provide a boost to the economy in a quick fashion that would provide positive, immediate benefits without long-term negative effects and would actually encourage growth in the economy.

So I wanted to express my concern about that, and I hope as the day progresses and we go over into tomorrow we will continue to work to find a way to get that done.

I thank the Senator for yielding.

Mr. DASCHLE. If I could respond to the Senator from Mississippi before he leaves, I will ask him a question. He asks: Where is the stimulus bill? I remind him, prior to the Thanksgiving recess, the Republicans defeated cloture on the stimulus bill. They are filibustering the stimulus bill as we speak.

There is one way to break that filibuster and to get on with ensuring we can get a stimulus package even this week. I ask the Senator from Mississippi if he would sit down with me and with our Republican and Democratic colleagues in the House and negotiate a package that addresses homeland security and revenue tax reduction, and do it this afternoon. If he is willing to agree to a meeting of that kind—which they have not been willing to agree to so far—we can get to work and get an agreement certainly before the end of the week.

Will the Senator from Mississippi agree to do that?

Mr. LOTT. I certainly would be more than delighted to sit down with the members of the Finance Committee in the Senate and the Finance Committee in the House to work on a stimulus package that would provide immediate growth in the economy.

As the Senator knows, unfortunately the bill that came out of the Finance Committee came out on a straight party-line vote, and when the bill came to the Senate, an additional $15 billion in spending—I believe that is the right number—had been added for homeland security, which I think is certainly a debatable issue as far as its stimulative effect is concerned.

It might be argued some of those funds might be needed at some point, although those funds have not been requested by the administration. There have been no committee hearings, that I know of, that have justified that expenditure. Therefore, to have a negotiation on appropriations is not the way to proceed. We should proceed on the bill that came out of the Finance Committee.

There was not a cloture vote. The vote was on a point of order, as I understand it, which does require 60 votes, because this bill in its present form clearly exceeds the budget.

I made several efforts, and so has the Senator from South Dakota, I believe, before the recess to see if we could get the negotiations started immediately between the House and the Senate. For a variety of reasons, I guess, that did not happen, partially because it was a continuing demand to have negotiations on this additional $15 billion, which can be added to other bills. I understand it may be offered as an amendment, either in committee or on the floor, to the Defense appropriations bill.

Mr. DASCHLE. If I could clarify, because I think the Senator has put his finger on exactly the issue. The Democratic position on economic stimulus is—and the economists have all verified this—there are two ways to stimulate the economy. One is through spending, and our homeland security package would provide spending for bioterrorism, for law enforcement, for an array of very specific needs. In fact, the Director of Homeland Security said there is a specific array of needs he should have, and he would like to have them sometime next year. What we are saying is if they are important next year, they ought to be important this year. We are saying that is part of it.

The other is tax reduction. Is the distinguished Republican leader saying that as long as homeland security is part of our package, they will refuse to have the meeting to find some resolution to this issue?

Mr. LOTT. The principles I thought we were proceeding on were: We wanted to have a stimulus package that would have an immediate effect, not one that would have an effect 6 months or 1 year from now; also, it would not have negative long-term effects, such as driving up the deficit significantly and therefore eventually affecting interest rates; and it would have an immediate stimulative effect.

We believe adding $15 billion on top of the additional expenditures that were added in the Finance Committee—and I am not sure what the total amount of money was that was added in spending in the Finance Committee, but it probably would put it in the range of $20 billion to $25 billion in additional expenditures, which is not the way to stimulate the economy. Again, it may be argued that at some point it should be considered separately.

The President has indicated that when they need additional funds, they will ask for additional funds. The President has specifically said they do not need these additional funds at this time. As I noted a while ago, there have been no hearings on this, but as long as there is an effort to turn this into another major spending bill, that is a problem. We should sit down and negotiate on the bill that came out of the Finance Committee and work out an agreement. That is the way to go, and that is what we are going to insist on. We are ready to do that at any time.

Mr. DASCHLE. I know there are a lot of Senators who wish to speak, but the Republican position is that so long as Democrats hold a view that in addition to tax cuts and whatever can be generated legislatively from the Finance Committee, that there is a very legitimate need for immediate additional commitment to homeland security, fighting bioterrorism, fighting the array of challenges we face in defending our infrastructure, making sure people have adequate law enforcement to deal with the array of challenges we face even at the local law enforcement level—so long as that is part of our economic stimulus package, the Republican caucus is refusing to meet. That is the issue.

So far, they have also refused to even deliberate on a bill that allows consideration of that, given their points of order or whatever other choices of parliamentary devices are available to them. So that is the issue.

I have offered three alternatives. Let us have a good debate. Let us decide what we are going to do in the Senate. Let us have a meeting to see if we can resolve both the spending and the revenue side. That was unacceptable.

I suggested then let us have separate meetings, one for appropriations. If their position is it ought to be zero and our position is it ought to be $15 billion, perhaps if there is a real desire to compromise and work this out to resolve our differences, we ought to be able to find some middle ground between zero and fifteen. The Republicans are saying, no, we do not even want to meet so long as that is an issue. So they are not willing to agree to separate meetings to talk about revenue and appropriations.

Finally, I suggested, if we take it up as an amendment to the Defense appropriations bill once it comes to the Senate and have a good debate about that, can we be guaranteed the Republicans will not use whatever parliamentary device may be chosen to deny the majority the opportunity to pass that? Again, they could not provide us with that assurance.

I know the distinguished Republican leader's suggestions are sincere and heartfelt. We have had many private conversations about the belief that he and I could probably work something out. He has a caucus to work with, and so do I. We do our best to try to represent our caucuses, but the Republican caucus has made it quite clear they are in no hurry to pass economic stimulus so long as economic stimulus is defined as, at least in part, an investment in homeland security. Never mind that it was reported in the Washington Post last week that the administration has $127 billion of homeland security needs that are unattended right now. Never mind that the Director of Homeland Security said we have to have a lot more money, a lot more resources in homeland security than what we have right now.

He said, I am going to propose a supplemental next year. We are saying that if it is needed next year, and if the serious recognition of the need for homeland security is evident to him now, why do we wait until next year to deal with something we ought to do now? Especially when it involves improving the confidence level of the American people so they will lead their lives normally and restore this economic vitality that was so much a part of the last 8 years.

I will work with the Republican leader to try to find a way to resolve this impasse. As I said, we are willing to sit down anytime, under any circumstances, and meet, so long as both pieces are on the table. That is the Democratic caucus position. To my knowledge, it is shared by virtually every member of our caucus. So we will continue to try to work through that.

Mr. NICKLES. Will the majority leader yield for a comment?

Mr. DASCHLE. I am happy to yield.

Mr. NICKLES. I remember when the majority leader was minority leader and also trying to protect President Clinton. He did an outstanding job in so many ways. Well, President Bush has already said he did not want additional spending this year; he would consider the spending next year. Some of us will work to protect that. We think we have the votes to do that.

I also urge the majority leader to stay on the stimulus package. That is the regular order. That is the bill pending. I think the majority leader's request, to move off of that and pass railroad retirement, will not happen easily. There is strenuous opposition. There may be a lot of cosponsors but maybe not everyone read the bill. Maybe the bill never had a hearing in the Senate. In fact, it has never had a hearing in the Senate. It is a $15 billion giveaway. It cuts taxes for a few firms for a few billion dollars and raises benefits and in 10 years has a heck of a problem. We will spend a lot of time on that bill.

I urge that the Senate stay on the stimulus package. There are challenges facing the Agriculture bill, which will not pass in a day or two. That bill has significant problems. Let's stay on the stimulus bill; let's work together to see if we cannot resolve some of the problems and actually help the economy. That is my request and my urging of the majority leader.

I want him to know at least a couple of the bills he was talking about taking up, which imply these can pass in a couple of days, will not happen. I give friendly advice to my friend and colleague, that will not happen.

I would like to have a fruitful, productive 2 or 3 weeks, whatever we will have to finish out this year to have some success in the appropriations and on the stimulus package. I was hoping we would do an energy package. The President has requested we do the energy package. The House passed it months ago. We have yet to consider it. I understand your priorities are different. I make those thoughts known to the majority leader that there will be strenuous objection to the railroad retirement bill, using procedural devices that are available to all Members so people can become familiar with this bill. So it will not pass quickly.

I urge staying on the stimulus bill and have unlimited meetings to get the stimulus bill completed this week or next.

The PRESIDING OFFICER (Mr. CORZINE). The Majority Leader.

Mr. DASCHLE. If I could respond briefly to the Senator from Oklahoma, I appreciate, as always, his honesty and forthrightness in telling his colleagues of his intentions on the railroad retirement bill.

He mentioned one of the reasons we ought to stay on the economic stimulus bill is the House has passed it and we ought to pass it. The House, many, many months ago, passed the railroad retirement bill. The House several months ago passed the farm bill. If that is the criteria by which we decide what ought to be taken up, I would think there is a strong argument both railroad retirement, as well as the Agriculture bill, ought to be addressed.

The distinguished Republican leader was asking a similar question, What is the hurry in bringing up the farm bill? He noted the farm bill expires next year. That is the answer: The farm bill expires next year. More than a dozen national farm organizations wrote a letter yesterday pleading with the Congress, pleading especially with the Senate, to take up the bill, unencumbered, to pass it cleanly, to get on to conference and resolve our outstanding differences with the House and get this legislation passed this year. Farmers need to know what the circumstances are going to be next year when the current farm legislation expires. They need to have time to plan.

The Department of Agriculture needs time to adjust to the array of changes that will occur in public policy once this takes effect. That cannot be done overnight. If we don't do it now, it will encumber and perhaps impede in very serious ways the Department's ability to provide continuity in farm policy next year. This is very clearly a must-pass piece of legislation.

The Republican leader also made mention of the fact we had agreed in earlier bipartisan meetings about making sure the stimulus package is immediate and cost contained. He is not here, and I will not belabor this point because he is not here, but I certainly urge the Republican leader to go back and look at his own bill. If he is concerned about that, my guess is he will vote against the Republican bill in the Senate Finance Committee. It is twice the size of the Democratic plan. It is $175 billion. We agreed it would only be a $75 billion package overall. The House Republicans are proposing a $175 billion package, and most—I emphasis ''most''—of the provisions do not take effect this year. Most of them take effect in the outyears. There is almost no stimulus effect and it is twice the cost of the agreed-upon amount of stimulus we were going to provide this year.

I urge our Republican leader to look closely at his bill. I am sure he will come to the same conclusions I have with regard to his legislation if, indeed, those criteria are important to him as well.

I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. If I might ask a question of the majority leader, this has been a very curious exchange because those who cast votes to knock the stimulus bill off the floor of the Senate are now inquiring of its whereabouts. This is not exactly a ''where is Waldo'' exercise. We know where the stimulus package has been and we know where it is.

It came to the floor of the Senate and a point of order was raised against that stimulus package. That same point of order would exist against the Republican substitute. The same point of order would exist against the House stimulus bill, but the point of order was raised against the bill that the majority leader brought to the floor of the Senate. That knocked the stimulus bill off the floor of the Senate.

Now the inquiry this morning, by those who voted that way, is, Where is the stimulus bill?

Mr. NICKLES. Will the Senator yield?

Mr. DASCHLE. I retain the floor.

Mr. DORGAN. I ask the majority leader, is it not the case that the stimulus bill was brought to the floor of the Senate by action of the majority leader and that it was subsequently taken off the floor by a vote of those who now inquire of its whereabouts?

Mr. DASCHLE. The Senator is absolutely right. Technically, it is not taken off the floor, but it is still pending. A point of order was raised and Republicans supported the point of order, as you know, and this is an important point. The identical point of order could have been made against the House Republican bill. We chose not to do that. Our view is if we are going to try to create a bipartisan resolution here, we don't need a partisan conflict about the way we ought to proceed to getting to that resolution. That is exactly what has now been done by the actions taken by our Senate Republican colleagues. The very same point of order could have been raised against the House bill. Again, we chose not to do that.

I appreciate the Senator's comments.

Mr. DORGAN. If the Senator will allow me to inquire a further time, is it not the case that the only way we are going to get this stimulus package completed is to have all of the parties negotiate this? After all, we are only a couple of weeks prior to the end of the legislative session. It is urgent we pass some kind of package to provide economic recovery and provide lift to this economy.

All of the parties involved—the House, the Senate, and the President—proclaim we want to have some kind of stimulus package. Is it not the case that the best, most effective and perhaps quickest way to resolve this issue would be to have the affected parties begin to negotiate and begin to develop a compromise so the American people can get the feeling we are going to get this done; wouldn't that be the most effective way to proceed?

Mr. DASCHLE. The Senator is absolutely right. I have not participated in a negotiation where the price of admission was lopping off at least a third of the entire package before you even sit down to negotiate the first sentence. That is the price of admission on the part of our Republican colleagues today. I have never participated in something such as that.

What makes it all the more ironic, reading from the New York Times, November 22:

> Tom Ridge, the Director of Homeland Security, said today he would seek substantial new spending in President Bush's next budget, placing a priority on more agents and equipment for strapped federal law enforcement agencies and urgent improvements in public health facilities.

I repeat: Strapped Federal law enforcement agencies and urgent improvements in public health facilities. This is not something that says they are going to be strapped. These are not urgent needs next year. These are urgent needs right now. He has identified them.

The question is, If we are going to deal truly with economic security and vitality, if we are going to try economic stimulus, what is wrong with an immediate stimulation into those areas where we need it the most—law enforcement and the health agencies that need help right now, as identified by this administration?

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. Again, I think the Senator is absolutely right. But, again, we are willing to negotiate all this. We are willing to sit down with our Republican colleagues. We were willing to debate it until they made the point of order. They said: No, we are not going to debate it because we don't like it. No, we are not going to meet with you because we don't like it. But then they come to the floor and say: Where is it?

I think the Senator is absolutely right, this is an exercise in curious judgment about the need for economic stimulus if that is the approach taken by Republican colleagues.

Mr. NICKELS. Will the majority leader yield?

Mr. DASCHLE. I will be happy to yield in a moment.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I want to make sure I understand the context. The bill we on the Democratic side support would not only have tax breaks for working Americans and for those who have been unemployed, to give them some assistance, it would also provide business incentives for depreciation, for example, and for capital investment. But the stimulus plan, the recovery plan we are supporting, also makes an expenditure for homeland security.

I would like to ask the majority leader if he has run into the same thing I have run into. My Republican Governor in my State has come to me and said that our State of Illinois needs $20 million for a statewide communications network for police and firefighters to deal with crises and emergencies. My State, as most States, is running short of revenue in this recession. He has asked for help from Washington.

Is it my understanding that the spending stimulus package the Democrats support would provide assistance for that kind of law enforcement, firefighting, and first response capability. Is that what we are asking for, which was denied us in this point of order that was raised on the floor?

Mr. DASCHLE. The Senator from Illinois is absolutely right. I recall having several bipartisan meetings with economists. They said there were three things you really ought to do if you are going to stimulate the economy: First, it has to be immediate; second, it has to be temporary; and third, to the extent possible, you have to raise the level of confidence among the American people. That is exactly what this homeland security package does.

It is immediate. It is temporary—it provides a one-time opportunity for us to assist the law enforcement officials to whom I am talking as well. And it will raise confidence among the American people. People are not confident today, and they will not be confident until they know their security is much more palpable, much more evident than it is right now.

Mr. DURBIN. If I could ask the majority leader as well, in the spending

side of our stimulus package, does not the issue of public health become an important consideration? I know people across America are concerned about bioterrorism and public health. It is my understanding what we are trying to do is provide additional money for public health agencies across America to protect our families and communities against the threat of bioterrorism. That is part of our economic stimulus package, which the Democrats support, which the Republicans stopped with their point of order.

I heard a statistic which I think really tells the story about priorities. It is my understanding the Bush administration has asked for $300 million nationwide to help local and State public health agencies, while the House Republican stimulus bill has $1.4 billion in tax relief for one company, one corporation.

Mr. SPECTER. Mr. President, is the Senator from Illinois asking a question or making a statement?

Mr. DURBIN. I would like to ask the majority leader, does the stimulus package which we want to make part of this effort in the Senate, the Democratic stimulus package stopped by the Republicans, also include provisions for more resources for public health to protect communities across America?

Mr. DASCHLE. I will respond to the Senator from Illinois. I know there are other Senators waiting. I do not want to monopolize the floor. But let me say this. The answer is yes. I guess I would ask my Republican colleagues, which part of the homeland security bill do you oppose: The bioterrorism and food safety bill that allows for $3.3 billion to ensure that we can recognize the pathogens and treat victims of all of the array of bioterrorist possibilities that are out there? Improved State and local communication systems? Accelerating the purchase of smallpox vaccine? Is that the part you are opposed to? How about law enforcement?

This bill includes $4.6 billion to provide additional help to law enforcement so they can deal with the tremendous challenges they are currently facing, and for which there is no funding.

How about transportation security? This provides for $3.2 billion to ensure that there is protection, given the tremendous vulnerability that there is in our infrastructure right now. Is that the part they are opposed to? Would they oppose transportation security?

Finally, providing some help to our mail and our Federal computer systems? We provide for Federal facilities to ensure that we can better screen the mail. No one is more sensitive to screening mail right now than I am. But there is an array of very specific investments in homeland security to protect our mail and to make our computer systems more efficient. We have some of the most archaic computer systems, in many of our Federal agencies, that you can find in the country. We have to update them if we are serious about homeland security. Is that the part they are opposed to?

Which part of this do they not like? That is a really serious question.

I will be happy to yield to the Senator from Oklahoma for a question.

Mr. NICKLES. I will try to make it a question. I think the Senator from Pennsylvania is making a good point; I think we are entitled to ask questions. I don't think we are entitled to make statements.

You asked several questions. Which part of this don't we like? If you read Director Ridge's statement, he said ''in next year's budget.'' Some of us do believe in budgets. Some of us do believe we had a deal with President Bush that said $686 billion on October 5, plus $40 billion. We have not even finished spending the $40 billion. Many of the things you suggested might well be in that $40 billion and are good causes. And ''budget'' is a key word.

President Bush has said he believes there is ample money in the $686 billion and the $40 billion to meet the needs, things that are needed now. The items the Senator listed were not requested by Director Ridge. They might be in next year's budget, and they may have offsets from other spending to pay for those needed items. The budget is a key item. We should have a budget.

We agreed to $686 billion, and then we added $40 billion on top of that, and then we did $15 billion for airline security. We did untold billions in victims' compensation. No one knows how much that will cost. So some of us are saying, wait a minute, let's slow down just a minute on the spending. Let's at least request it be requested by the President.

Again, I compliment my colleague. You defended your President very well—President Clinton. Some of us want to defend President Bush, trying to make sure we do not go too far, too fast on spending.

Again, many of those items you have mentioned may well be in the second $20 billion that we have yet to allocate and appropriate. So that is part of the reason some of us are saying let's be reasonable; let's have a stimulus package that still can go for stimulus. Most of the stimulus package—just to make the comment—a lot of us believe should stimulate the economy, not be another excuse for spending.

I wish to answer my colleague's question. You are saying, which one of these items are we against? We are not saying we are against any of those. We think they can be accommodated in the $40 billion that is yet to be totally allocated by this Congress.

Mr. DASCHLE. Mr. President, I appreciate the answer of the distinguished Senator from Oklahoma. Let me just say, though, every economist I have talked to has said you can stimulate the economy with spending or with tax cuts. What I find always intriguing, and somewhat amusing, is our Republican colleagues say spending ought to count, tax cuts don't count; we ought to spend as much as we want to with tax cuts, and they don't count; we are going to oppose totally the first dollar of additional homeland security investment; that is, spending; but we are going to propose $175 billion in tax cuts because that is not spending.

We had an agreement, they said, on $686 billion in appropriations. Well, we also had an agreement on a tax cut that a lot of people did not like but now have reconciled to because it is law. It passed. It wasn't my part of the agreement, but it passed.

Now the President says: Oh, wait a minute, we want another $175 billion of additional tax cuts over the $1.8 trillion we passed last spring because we don't have enough yet. We want to stimulate the economy a little bit more with $175 billion, drawing down the Treasury, drawing down Medicare, drawing down Social Security, drawing down all the retirement funds to pay for this tax cut, a tax cut that largely doesn't take effect until outyears, years after this one. There is nothing immediate about it at all. I find that very amusing.

We will continue to have this debate. But the whole point is simply this: There are understandable positions that both sides will take in these philosophical debates. I believe there is a right and a wrong way, and they believe there is a right and wrong way. But the only way we are going to find common ground is to meet. Perhaps the most important point in answer directly to the Republican leader's question about what we are going to do with economic stimulus is, I say, let's meet. I propose we meet at 11:30. Let's have a meeting with all of those involved. Let's resolve these differences. They are saying not until you take half of yours off the table. We can't do that. I think every Republican will understand why.

Mr. DORGAN. Mr. President, will the majority leader yield?

Mr. DASCHLE. Mr. President, I yield to the Senator for a question.

Mr. DORGAN. I will make it brief, if the majority leader will yield for one question. I know our colleagues are waiting. They certainly have the right to ask a question. I appreciate the majority leader allowing me to do that.

We just heard a discussion about what we can't afford with respect to homeland security, something that the Senator from South Dakota believes very strongly ought to be a part of the stimulus package.

Is it not the case that some of those same folks who say we can't afford to have homeland security spending in the stimulus package believe that we can afford retroactive tax cuts going back to the 1980s to provide up to $1 billion in checks to one company, for example, for alternative minimum taxes they paid in the last 12–13 years? The same people say we can afford that. That is OK. It is not stimulus, by the way. But we can't afford the investment in homeland security. Isn't it the case that there is a huge contradiction?

Mr. DASCHLE. It is not only a contradiction, it is a sad irony that somehow in the name of economic security we can, according to their approach, pay a company $1 billion-plus, but we can't find a way to pay for $1 billion in bioterrorism and food safety. We can't afford that. But we can afford $1 billion retroactive payments to some of the largest corporations in the country. How ironic. How incredibly misguided that is. Yet that is the debate.

Mr. DORGAN. That totals $23 billion.

## UPON RETURNING FROM THANKSGIVING

Mr. DASCHLE. Mr. President, last week, as I was celebrating Thanksgiving with my family, I was reminded of the history of the holiday. We often forget that Thanksgiving was not always a feast of abundance.

The Pilgrim's first Thanksgiving, in 1621, didn't begin with plates full of turkey and vegetables, but with five small kernels of corn at each setting. For the Pilgrims, it served as a stark reminder of the hardship, struggle, and starvation they had suffered the previous winter.

It wasn't until 1863 that we had our first national Thanksgiving. In the autumn of that year—at the height of the Civil War—Abraham Lincoln proclaimed a national day not to honor abundance, but to remember ''all those who have become widows, orphans, mourners or sufferers.''

And so, to me, this Thanksgiving came closer to the original meaning of the day: a day to remember, in the midst of hardship, that we have so much to for which to be thankful. A day to remember, in the midst of comfort, the many who are suffering.

In the last 2 weeks, I have been asked by many people and many of my colleagues what the Senate intends to do before the end of the year.

There are a number of things I would like to get done, but I believe that nothing we do here in the Senate is more important than helping those who are suffering, and passing an economic recovery plan.

Last month, we saw the largest jump in the unemployment rate in 21 years.

Yesterday, a panel of economists announced that our Nation has officially entered a recession.

For the more than 7 million Americans who are out of work, this Thanksgiving was a time of uncertainty.

For all Americans, this has been a season of deep concern about threats to our safety.

America needs an economic recovery plan that lifts our economy, secures our Nation, and remembers those who are suffering.

It is time for us to renew our efforts to pass such a plan.

In the weeks following the September 11 attacks, Democrats and Republicans in both the House and the Senate asked the experts: ''What are the most effective steps we can take to shore up our economy?''

Here is what they told us: Put money into the hands of low- and middle-income workers; they are the ones who will spend it quickly. Make sure that workers who have lost their jobs receive unemployment benefits. And cut taxes for businesses—but limit the tax cuts to those businesses that actually help create jobs.

They told us that any plan to stimulate the economy should help people regain the sense of security they need to shop, travel, and invest.

Finally, they said our plan must be affordable, and temporary.

Based on those conversations, the House and Senate budget committees agreed to four principles that should underpin any economic stimulus measure we pass.

With their principles as our foundation, and those discussions as our guide, we began negotiations on how best to help our economy recover.

Unfortunately, Republican leaders in the House chose to withdraw from that effort.

Instead, they pushed through—on a party line vote—a bill that is not a recovery bill at all, but merely another laundry list of tax cuts—with the lion's share going to profitable businesses and wealthy individuals.

It includes next to nothing for laidoff workers—the very people who most need our help. And, with an exploding price tag, it runs the risk of actually hurting our economy in the long term.

In the Senate, we sought a better approach. Even after Republicans in the House walked away from the negotiations, Senator BAUCUS continued to call for bipartisan meetings on the Senate side. In the end, he and his staff held nearly a dozen of them.

He put together a serious bill that: extends unemployment benefits and health care coverage for unemployed workers; cuts taxes for families who didn't get a rebate as part of the tax cut passed earlier this year; cuts taxes and for businesses that will invest and create jobs; and, with provisions authored by our distinguished chairman of the Appropriations Committee, Senator BYRD, strengthens our homeland security with investments in things like infrastructure security and bioterrorism preparedness.

The Wednesday before Thanksgiving, that bill was killed by a budget point of order—a procedural technicality which said that what we are facing is not an emergency.

Republicans said they opposed our economic recovery plan because the bill contained too much spending.

Democrats feel strongly that homeland security provisions should be a part of any economic recovery package.

These measures not only make important investments to secure our food and water supply, ports, bridges, tunnels, as well as our stockpile of antibiotics and vaccines. They also give people the sense of confidence they need to shop, travel, and invest.

The past couple of weeks have reminded us again about the importance of homeland security. We have seen another anthrax death, this time in Connecticut, and the FBI found an anthrax-tainted letter sent to Senator LEAHY. The President's Director of Homeland Security, Tom Ridge, has indicated that billions in additional funds are needed to make America safer. In fact, it was reported that, in the wake of September 11, Federal agencies have asked the White House for $127 billion more to recover from that assault and beef up security according to David Broder in Sunday's Washington Post.

Defending against anthrax, making our infrastructure safer, protecting our water supply—these things are not pork. They are necessary goals, and an important part of any stimulus package.

But despite my commitment to the homeland security provisions, I have indicated my willingness to negotiate them separately in the name of reaching an agreement.

That idea was rejected.

We also offered to debate only the economic recovery component, if Republicans would allow us an up or down vote on homeland security as an amendment to the DOD appropriations bill.

That proposal was also rejected. That was 2 weeks ago. And since then, I have heard nothing.

We are at the table, ready to negotiate. It is time for Republicans to get serious about reaching a compromise, and come join us at the negotiating table. This is not time to play politics with our economy and our security.

In the meantime, perhaps our Republican colleagues would find it less objectionable if we consider, individually, the components of our plan on which we are all agreed. I will ask unanimous consent at a later time to bring up just the part of our plan that helps laidoff workers.

Extending unemployment insurance is more than the right thing to do, it is the smart thing to do. It puts money into the hands of people who are most likely to spend it immediately. As Robert Rubin has said, unemployment insurance is ''a near-perfect stimulus.''

During the first Bush administration, when we were facing a recession, Democrats and Republicans agreed to extend unemployment insurance four times. I believe we can agree to do the same now.

Everyone in this body has said that they want to help the workers. But the voices of delay always claim they want to help the workers.

If you want to help the workers, you will have an opportunity to do so today.

In the days ahead, we can continue our work to protect America's families from terrorism, and discuss what kinds of tax cuts will be most effective in helping the economy.

But when we talk about helping the hardest hit, we need to realize that the

people we are talking about don't have unlimited savings. The holidays are fast approaching, and this delay is a luxury they literally cannot afford.

Our Republican colleagues have a new mantra. They say, ''We need paychecks, not unemployment checks.''

I think they should talk to some laidoff workers. Yes, they need a paycheck. And like most hard-working Americans, they don't want the Government to do anything for them that they can do for themselves. But right now, many of them need just a little help to make it through one of the most difficult times in their lives.

As we return from Thanksgiving, we have an opportunity to honor the true meaning of the holiday—to remember those left behind and left out, to lift those who are suffering, and to make our Nation—this land for which we are all so thankful—even stronger in the future.

So when people ask me what the Senate intends to do in the next couple of weeks, that is my answer, and that is my goal.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

## SENATE PROCEDURE

Mr. SPECTER. Mr. President, I ask the majority leader to stay in the Chamber for just a moment, if he would accord me that courtesy. I have sought to raise a procedural inquiry because of what has just happened. I have been in the Chamber for a little more than an hour waiting my turn. The majority leader took care of very important calendar business as we started the process, and then moved on to other important matters. I have been here for 21 years, and I know that who has the floor may yield for a question. There are also artful ways to ask a question.

I have sought a procedural ruling on whether they really were questions because when you make a statement for a protracted period of time and then end it with a question, the Chair may sustain that, especially when the majority leader is involved.

But I want to make a point with the majority leader's presence and one of the other Senators who was asking questions as a matter of our fair play and procedure. I don't think Senators have to wait for an hour while there are other people who gain recognition where there really aren't questions but speeches.

I thank the majority leader for staying to listen to my point because it is just possible that this may reoccur sometime in the future.

## STEM CELL RESEARCH

Mr. SPECTER. Mr. President, I have sought recognition to make a substantive——

Mr. BROWNBACK. Mr. President, I would like to ask the majority leader a question before he leaves the Chamber. Will the Senator yield?

Mr. SPECTER. No, I will not yield. I have been here for more than an hour. There is an issue which I want to raise; that is, a response to very extensive publicity on the cloning issue where there is generalized agreement, which this Senator concurs, in that there should not be human cloning. There is a confusion. I have sought recognition and, as I said, I have waited an hour to note the distinction on what ''therapeutic'' is and what is frequently used with cloning under the name of therapeutic cloning, which is, in fact, not cloning at all.

More accurately, it is denominated by the scientists as somatic cell nuclear transfer, which, while in the loose jargon is sometimes called therapeutic cloning is, in fact, not cloning at all.

Yesterday, the President spoke out against reproductive cloning. I am entirely in agreement with that. My distinguished colleague from Kansas, Mr. BROWNBACK, and I have had a number of discussions on this issue. I told Senator BROWNBACK that I was going to come to the floor at 10:30 to seek recognition because I wanted him to have the opportunity to be present. I am sorry I said 10:30. I should have said 11:30 to save an hour of time. But I think this is a distinction which needs to be made.

What is involved is a technique which involves taking the genetic material out of an unfertilized egg and inserting, in its place, the DNA of an adult cell. In theory, the egg then uses the genes from the adult cell to direct its development to turn an embryo into an exact genetic copy of the donor of the adult cell. This is done for the purpose of therapy.

If someone has Parkinson's or Alzheimer's, or if someone needs a stem cell replacement related to cancer or to heart disease, this procedure then enables that individual to get a stem cell which is consistent with the body which will not have an adverse impact on the person who is being treated.

Where you talk about the issue of embryos which then produce life, I would never support any approach which took an embryo that was capable of producing life or destined to produce life.

This issue of stem cell research came upon the scene in November of 1998. Then the Appropriations Subcommittee on Labor, Health and Human Services, and Education took up the issue, which I chaired at the time, to take a look at what was involved with embryos being created for in vitro fertilization where, customarily, approximately a dozen are created, and three or four might be used. The rest would be subject to being discarded.

The controversy arose because of legislation that had been inserted in an appropriations bill, which originated in our subcommittee, which prohibited Federal funding to extract stem cells from the embryos. But under the ruling of the Department of Health and Human Services several years ago, Federal funding could be used on the research of stem cells after they were extracted. There had been considerable sentiment in the Congress, including the Senate, to use Federal funding on stem cell research because of the tremendous funding which is available to the National Institutes of Health.

Therefore, some 64 Senators last spring and summer signed letters in one form or another saying that they thought there ought to be Federal funding on these stem cell lines. In addition to those 64 Senators, some 12 other Senators had expressed privately to me their view that there should be Federal funding on the stem cells but thought it not advisable, from their own point of view, to put it in writing.

A fair sized ground swell was noted in the Senate to that effect—64 and 12, 76. The President then, as well known, on August 9 at 9 p.m. came down with the decision that the 64 stem cell lines then in existence would be used with Federal funding for stem cell research, and that drew objections from people who thought it went too far on Federal funding to utilize the product of embryos, and others thought it did not go far enough, questioning whether those 64 stem cell lines really would support the necessary research.

What we are dealing with here is stem cells which have the capacity to be used for people who have Parkinson's, to replace diseased cells and cure Parkinson's or, in Alzheimer's, to replace diseased cells and delay the onset of Alzheimer's, if not to cure it, or who have heart disease, to take these stem cells and inject the cells in place of diseased cells, and the potential to save millions upon millions of lives where these embryos were otherwise going to be discarded.

For those who have said these embryos have the potential to create life, my response has been to insert in our appropriations bill $1 million as a starter to promote adoption of these embryos so that if these embryos can be used to produce life, that would be the highest calling, and if they could all be adopted and used to produce life, then there would not be any embryos available for stem cell extraction, and that would be the preferable course.

If there are to be discarded embryos that are going to be thrown away, then it seems to me obvious it would make

better sense to save lives as opposed to discarding.

When the appropriations bill came up to the Senate floor, a provision was inserted on my motion that the President of the United States would have the authority to designate the use of Federal funding on existing stem cell lines. Now that was precisely what President Bush had done. But I wanted to codify it. He had taken the position, to repeat, on August 9, that Federal funding could be used on the existing 64 stem cell lines, which was a step beyond what the Federal Government had done before and I think, candidly, was in response to the ground swell of the 64 Senators who had signed letters and, as I represented, another 12 Senators who thought that medical research ought to be undertaken.

Senator BROWNBACK, with whom I have had a difference of opinion on a cordial senatorial level, on a number of debates in the Chamber and a number of appearances in the media, objected to that provision because some future President might have a different view. President Bush had said he was not going to allow Federal funding on stem cell lines created after August 9, at 9 p.m., which is the time he made his speech. But there might be another President after President Bush's two terms who might take a different point of view, which I think was the motivation for the opposition to this codification of what President Bush had done.

Senator BROWNBACK then proposed a series of amendments to prohibit cloning and also to prohibit somatic cell nuclear transfer—which has been inappropriately named as therapeutic cloning, which has created a confusion. To repeat, that we are opposed to reproductive cloning to make another human being but if these scientific procedures are to be used to create cells which can be accepted by a patient, for example, who has Parkinson's without having an adverse reaction, this was the line which I thought and many thought ought to be maintained. And the scientific community is up in arms about the prospect of having somatic cell nuclear transfer prohibited because there is some mistaken name calling, calling it therapeutic cloning which is mistaken for reproductive cloning.

So Senator BROWNBACK—and I wanted him here to hear me make this presentation—said to me he would withdraw his amendments if I would delete the provision in the bill which codified what President Bush had done. And I decided to agree with that proposal which Senator BROWNBACK made because, as the manager of the bill, it seemed to me it would take many days of additional debate if we were to resolve the issue. Then, with the majority leader and the Republican leader, an agreement was worked out—and it is on the record—that we would have a freestanding bill in February or March. I wanted it earlier rather than later, but the majority leader would not commit to February but said it would have to go to March, and so it was February or March. And then in the interim, our subcommittee has planned a series of three hearings to go into some detail as to what is really involved, to have some public discussion and public understanding that what is called therapeutic cloning is not cloning at all and certainly in no way related to reproductive cloning.

Then we had the event last weekend——

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired. The order reserved 10 minutes each.

Mr. SPECTER. I ask unanimous consent to proceed for an additional 3 minutes.

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

Mr. SPECTER. As I was starting to say, Advanced Cell Technology came out with a news release which has received publicity including a U.S. News and World Report cover which has raised concern about human cloning and reproductive cloning, and I do not believe that is realistic at this time because we know cloning exists. All of the embryos that were created in the Massachusetts experiment by Advanced Cell Technology died before they even grew to aged cells.

I note in the morning's press Senator BROWNBACK at his news conference yesterday—and I respect his right to have a news conference and respect his position—said he would like to have the debate now, would like to have action before the end of the year.

Speaking for myself, it is fine to have the debate now and to have action by the Senate before the end of the year. We will not have the benefit of the three planned hearings which we have had, but the Senate can act without additional hearings. But it is not going to be an easy matter.

When Senator BROWNBACK and I talked about this several weeks ago when the appropriations bill was in the Chamber, it was obvious to me it would take several days. And as the manager of the bill, if I had been in a position other than manager of the bill, Senators who have issues, things they would like to raise, sometimes without too much regard for what happens to a bill—if it takes a little more time, so be it. But a manager is in a somewhat different position.

I have spoken at some length because I think it is very important that there be a public understanding that somatic cell nuclear transfer does not relate to cloning, and the people who called it therapeutic cloning are creating a lot of confusion because it is not cloning at all. And it is certainly not reproductive cloning.

Scientists are, as I say, up in arms about the prospect of having a prohibition of this kind of research which has the potential to cure millions of people who have Parkinson's or Alzheimer's, heart disease, or cancer or many other maladies.

So the public ought to understand that the opposition to cloning a human being is not in issue when we talk about somatic cell nuclear transfer. And I am delighted to proceed to debate the issue, to vote on it at the earliest possible time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

## UNANIMOUS CONSENT REQUEST—H.R. 2505

Mr. BROWNBACK. Mr. President, I rise to discuss the issue of human cloning and the need to address it in this Congress this year. I was hopeful of getting the majority leader's attention while he was on the floor; maybe we will get the attention of the Senator from Nevada about addressing the issue this year.

As the Senator from Pennsylvania was pointing out, we now have the first human clone. People are calling it different names. Some are calling it an ''activated egg,'' rather than a human embryo or clone. U.S. News and World Report doesn't seem to have a problem with calling it the first human clone, as most of the newspapers were calling it. It is identical to an embryo. It now exists. It lived for a couple of days, then died. The technology has been used and exercised.

It is something about which I have been warning this body for months—that we should address this issue before we get to the point in time where we are going to see human clones out there. And then we will have to wrestle with the question, Is this person or property? Is this a person or is it a piece of property that is owned by somebody? What do we do with a clone? This is capable of being implanted into a woman and of growing to be a full, identifiable person by anybody's definition. Now we have the technology being broached.

We have at the desk H.R. 2505, the Human Cloning Prohibition Act of 2001 that the House of Representatives passed. The President is calling for this body to act upon that. He is saying we should not be waiting longer for this.

It is my intention at the end of my comments to call up H.R. 2505 and ask unanimous consent that we immediately proceed to its consideration. This is a bill that is here. This is an issue that is right on top of us. It needs to be considered. We should deal with it now. We can deal with it. We can limit the amount of debate time that we will have on the bill. We can limit it to a period of 5 hours. We can limit it to two amendments. We can go all of those routes. If the majority leader would agree to do that, we can get this issue dealt with.

Short of that, I submit to my colleagues what we can also do is take up this bill, only let's have a human cloning moratorium for 6 months, saying we will not allow human cloning of any type under any definition for a period of 6 months so Senator SPECTER

and others can hold hearings on this topic. Let's stop now before the horse gets further out of the barn, before we see living human embryos.

With that, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2505, the Human Cloning Prohibition Act of 2001.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWNBACK. May I inquire, and respectfully so, of the Senator from Nevada, this is an issue that is right on top of us. I have been warning this body for months that this day was going to be here. Now it is here. We really should take up this issue. We can limit the amount of time. We can limit the amount of amendments to it. I ask why we can't proceed at least to a moratorium, a 6-month moratorium on human cloning.

Mr. REID. I am happy to respond to my friend without his losing the floor.

Mr. President, this is a very contentious issue. I certainly underscore the sincerity of the Senator from Kansas. Everyone knows how he feels about this issue. He has expressed it publicly. He has expressed it to me privately. I understand the sincerity of Senator BROWNBACK on this issue.

This is an issue about which other people feel just as strongly on the other side. I have sat through a number of hearings that had been originally led by the Senator from Pennsylvania where this issue first came up, and then we have had hearings since then that have been led by the Senator from Iowa. They have been probing, extremely good hearings, but they have been preliminary in nature in the sense that there is a lot more that needs to be done.

Just 3 weeks ago on the Senate floor this issue came up. At that time it was believed there would be a time certain to take it up. There will be hearings, it is my understanding, in the Appropriations Committee held this Thursday and next Tuesday on this issue. I am sure there will be other hearings that will be held prior to the commitment of the majority leader as to when we would bring up this issue next year.

That way we can have a full public debate on the issue with legislation being handled the way it should; that is, have unlimited amendments. That doesn't mean it would go on forever, but we would have amendments that would be offered on legislation that would be pending in this regard.

We just cannot do it. We have a lot of issues that we need to address. We have five conference reports on appropriations bills that are not completed. We have not acted on a stimulus package. It took up an hour on the floor today. We have railroad retirement. We have an Agriculture bill. We have port security, about which Senator HOLLINGS believes strongly and Senator GRAHAM is waiting in my office to discuss—along with other issues—right now. There are lots of issues we have to take up.

I know the Senator from Kansas believes this is the most important issue. But without having a better foundation, we are talking about waiting a matter of a couple months anyway.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I do not have the floor, but I am happy to yield.

Mrs. BOXER. I ask unanimous consent to ask a question.

Mr. BROWNBACK. I have a followup, and then I will be happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator.

Mr. REID. In short, I think it would be extremely difficult on an expedited schedule, which is what the Senator wants. This is not an issue I believe we can do with two amendments.

Mr. BROWNBACK. If I could, what about a moratorium? We now have a human clone out there. We have people using this technology. What about a period of a moratorium, say a 3-month or 6-month moratorium, until we can get to the issue, saying let's stop this now before we get human clones out there? This body has not spoken about it.

Mr. REID. I respond as follows: There are people who, as I indicated earlier, believe just as fervently on this issue as does the Senator from Kansas. They believe that therapeutic cloning is something that will lead very quickly to the abolishment of diabetes, Parkinson's disease, and other dread diseases. As strongly as he feels about this, they feel that a moratorium for 6 months, 2 months, or 2 days is preventing science from going ahead and working on cures for these diseases. That is how I answer the question. That is the debate we need to have.

The majority leader, Senator DASCHLE, has said he will bring this up next year. We could spend a considerable amount of time on the floor listening to the Senator from Kansas and the Senator from Pennsylvania, both of whom have strong beliefs in this regard.

Mr. BROWNBACK. I thank the Senator from Nevada for responding. If I could reclaim my time briefly, I wish to warn the body, before we take this issue back up, we are going to see more of these things announced. We are going to see people working on putting animal genetic material into the human species. That is going to be announced next. That will be the next announcement sometime a month or two down the road. This body will not have spoken on it.

The House has spoken on it. The President has stated: Please give this to me. He has asked that. That is why I respectfully put this forward. This technology is rapidly moving forward. It is to the point that most people are very uncomfortable with human cloning. People across the country, 90 percent, are saying: I don't think we ought to be going there.

I am saying at this point in time, before this continues moving forward, let's hit the pause button and let's say, wait a minute, until we can really thoroughly vet this because, as the Senator from Nevada has rightly said, there are a number of people looking at this from different sides, questioning this. This is a very technically involved subject. I respect all of that. I respect that greatly. Why not, for a period of 3 months or 6 months, say, let's just pause here because we are entering a threshold period of time that we have not thoroughly contemplated as a society, as a people. We should say: Let's wait just a little bit before it leaps upon us.

I am happy to yield.

Mrs. BOXER. I thank the Senator. The problem with the Senator's suggestion—and I will ask a question—is that he wants to stop everything. I say to my friend that we could probably reach agreement pretty quickly around here because I support legislation to ban human cloning. I know most people I have spoken to, if not all, agree. Of course, that occurs when you use the stem cells and you transfer them into a woman's uterus. We can stop that in a minute, but my friend would like to stop everything, and that is why I so strongly support Senator SPECTER, Senator HARKIN, and Senator KENNEDY, who have been our leaders on this subject.

What we are saying is, we should allow stem cell research to continue to bring our people cures to these diseases that plague them. I do not know about in your State—and I am sure it is reflected in my State—but if you ask people: Who is touched by Parkinson's, Alzheimer's, spinal cord injuries, diabetes and juvenile diabetes, who is touched by these diseases, who fears these diseases, one will find it is almost every individual.

We all agree to ban human cloning. That is not the problem. But my friend is taking an extreme position which will shut down the applied research into possible cures for these diseases. Therefore, there is strong opposition to the position of my friend. If he were to march down with us and ban human cloning, the implantation of the nucleus into a woman, then we would walk down the road together. But we think stopping everything is unfair.

Does my friend understand the debate in that sense? I hope he understands we are with him on banning human cloning but not stopping stem cell research to cure diseases.

Mr. BROWNBACK. If I can reclaim my time, I ask unanimous consent for an additional 5 minutes.

Mr. KYL. Mr. President, I will not object but since I have been here 40 minutes, I would like to get in the queue. I ask unanimous consent that following the remarks of the Senator from Kansas, I be permitted my time in morning business.

Mr. SPECTER. Reserving the right to object, and I do not intend to do so,

I would like 1 minute when the Senator from Kansas finishes to make a comment or two.

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

Mr. BROWNBACK. Mr. President, if I can respond to my colleague from California, I am happy to work with her on the definition of human cloning. I object to her categorization that I am opposed to all research and just stop. That is not my position. I have strongly supported adult stem cell research. I do not know if you can put a dollar amount in the funding line that I would not agree with because I think it is very promising research, and I am strongly supportive of that research.

I object as well to the Senator's categorization that you take stem cells and put them in a woman's uterus. You do not do that. What I am talking about is an embryo that can be put into a uterus, actually form a living human being by everybody's definition. The Senator may have a different definition of when an embryo is a life.

Mrs. BOXER. I will go for that definition that you cannot place a humanly cloned embryo into a woman's uterus. I would go for it. I understand my friend supports in vitro fertilization. I do, too. We would not deal with that. If it is, in fact, a cloned embryo, absolutely I would walk down the aisle with you on that in a moment, in a heartbeat.

Mr. BROWNBACK. What about a cloned embryo period, once it is created?

Mrs. BOXER. I say we would stop it at the implantation stage.

Mr. BROWNBACK. What about a cloned embryo, period?

Mrs. BOXER. I would oppose a cloned embryo being implanted so you have a human being at the end of 9 months.

Mr. BROWNBACK. If I can reclaim my time—I do not want to be rude—herein lies the key, the rub of the issue: Some say you can create a cloned embryo and not implant it, with which I agree. I do not think we should implant that embryo.

Mrs. BOXER. We agree on that then.

Mr. BROWNBACK. What about the status of the cloned embryo, that is in its genetic material identical to one that is created naturally? Whether it is created by man or created by God, they are the same entities; they are identical. Therefore, do we say the status of one is different from the status of the other? Herein again lies my point.

Mrs. BOXER. How far back do you want to go?

Mr. BROWNBACK. If I can reclaim my time, before we move forward on this, should we not pause at this point in time and say: Let's stop here; let's stop everything here for a few months and see where we are going with the future of humanity? The next step will be genetic material from outside the human species into the human species. That is going to be one of the next cover stories, and we will still be here saying: I am not sure about this definition; I am not sure about that.

Do we want to burst that upon humanity and allow that to take place in our country? By our inaction, we will. I plead with my colleagues, let us work on this now and pause the whole issue for a short period of time so we can consider it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute.

Mr. SPECTER. Mr. President, I think this last brief exchange points up the complexity of the issue as to what we are dealing with.

When Senator BROWNBACK comments about what may occur next, they are matters of enormous concern. I do not like cloning in any form, and it may be when we have the debate and when we have the hearings, if the bill is not going to be called up—I was not prepared to propose Senator BROWNBACK call up the bill. I am prepared to debate this, and Senator BROWNBACK may persuade me and may persuade others.

I do think it is a more orderly process to give the scientific community an opportunity to present their case, but if Senator BROWNBACK will get the procedures to have a vote now and a debate and really explore the matter—the sole purpose I have made in this presentation is to raise a distinction between reproductive cloning and what others have called therapeutic cloning, which, as I understand it, is not cloning at all. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank the Senator from Kansas for bringing this important subject before the Senate. It is evident from what we have heard that this subject requires a great deal of further debate.

## RELIGIOUS HUMAN RIGHTS VIOLATIONS AND NUCLEAR PROLIFERATION

Mr. KYL. Mr. President, I want to change the subject and have printed in the RECORD two articles from the National Review magazine. I ask unanimous consent they be printed at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. KYL. Mr. President, the first of these is written by Kate O'Beirne, who always provides very well-researched and well-written reports on a very timely topic. As she notes at the beginning of this article:

The State Department issued the annual report required by the International Religious Freedom Act of 1998.

She goes on to note:

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East.

She goes on to document the very troubling plethora of religiously motivated human rights abuses throughout the world. This is an article my colleagues would be well to review with respect to especially the debate that is ongoing about the sources of terrorism in the world today.

The second article is also from the National Review magazine written by Richard Lowry, an article which also, interestingly, quotes Samuel Huntington in his very timely and interesting book, ''The Clash of Civilizations.'' Lowry quotes Huntington as saying the following:

The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world.

He goes on to note that one of the causes for proliferation is Western naivete, especially in the support of arms control agreements as the way to stop this proliferation.

He notes that arms control agreements work only so long as no one wants to violate them, in which case they simply do not work. He goes on to provide his prescription of what could be done instead to deal with the issue of proliferation, which I think, again, we would all be commended to review. Therefore, I ask my colleagues to review these two items.

EXHIBIT 1

[From the National Review, Dec. 3, 2001]

MARTYRED

MUSLIM MURDER AND MAYHEM AGAINST CHRISTIANS

(By Kate O'Beirne)

President Bush's repeated assertions about the peaceful nature of Islam were briefly interrupted when the State Department issued the annual report required by the International Religious Freedom Act of 1998. This year, as in the past, our Muslim-world partners in the coalition against terrorism were prominently featured among the most violent, most intolerant regimes in the world. Religious minorities are persecuted in over 20 states where Islam is the official or dominant religion. The million Christians who have fled the Muslim world in the past five years were hardly seeking sanctuary from the peaceful face of Islam.

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East. In Pakistan, Islam has been the official religion since 1973, and over the years, the State Department has urged our ally to repeal section 295(c) of the penal code. This is the section that stipulates the death penalty or life in prison for blaspheming Mohammed, and the State Department notes that it ''contributes to inter-religious tension, intimidation, fear, and violence.'' A Christian Pakistani, Ayub Masih, was jailed five years ago on a blasphemy charge, and he has now filed his final appeal against the death sentence imposed on him. Masih is alleged to have said, ''If you want to know the truth about Islam, read Salman Rushdie.'' An accusation by a Muslim neighbor was enough to secure the blasphemy conviction. Under Pakistan's ''Hudood ordinances,'' the legal testimony of religious minorities is accorded half the weight of Muslims'. The testimony of a non-Muslim woman is halved again.

Most recently, gunmen from the ''Army of Omar'' opened fire on a Protestant congregation worshipping at St. Dominic's Catholic Church in Bahawalpur, killing at least 16. Islamic party leaders in Pakistan immediately

claimed that the massacre was a conspiracy to defame Muslims.

Then, Saudi Arabia. In a bracing departure from diplospeak, the State Department says, ''Freedom of religion does not exist in Saudi Arabia.'' For many years, Christians have been flogged, imprisoned, and executed by a Saudi government that prohibits non-Muslim worship even in private homes. A Muslim who converts to another religion is subject to the death penalty by beheading.

Nigeria is another nightmare. The Center for Religious Freedom, part of Freedom House, maintains a ''New Martyrs List,'' to call attention to the most horrific cases. In one bloody week in May 2000, over 200 people were killed in Kaduna. Among the dead was Rev. Clement Ozi Bello, a 26-year-old former Muslim who had recently been ordained a Catholic priest. The young priest was attacked by a mob that dragged him from his car, tied him up, and gouged out his eyes, before leaving him dead on the side of the road.

In October, churches and Christian-owned shops were gasoline-bombed in an area of Kaduna now adorned with pictures of Osama bin Laden. More than 6,000 people have died in religious conflicts in Nigeria since the end of military rule two years ago. ''Our people are being shot, butchered, and roasted,'' says Kaduna bishop Josiah Fearon.

The anti-Christian violence in Nigeria has been the direct result of the adoption of Sharia law, the strict Islamic code, by ten of the country's largely Muslim states in the north. Under Sharia, certain crimes are punishable by flogging, amputation, and beheading. The governor of one of these states dismisses the national constitution that proclaims Nigeria a secular country. ''To be good Muslims,'' Ahmed Sani says, ''we have to have Sharia to govern our lives, because God has told us that any Muslim who does not accept Sharia is not a good believer.'' Sani dispatched local officials to Saudi Arabia and Sudan to learn some more about the application of Sharia.

In Algeria, the military assumed power a decade ago, to prevent the Islamic Salvation Front from imposing Sharia on the country. Since then, Algeria has been engaged in bloody civil war. In 1994, the Armed Islamic Group pledged to eliminate Jews and Christians from Algeria. The group is deadly serious, having massacred thousands and even hijacking an Air France plane.

In the Philippines, an organization called Abu Sayyaf, with ties to al-Qaeda, wants to form an independent Islamic state in the southern islands. In May 2000, a Filipino Catholic priest was murdered along with four others among the 27 hostages kidnapped from two Catholic schools. Before being killed, Rev. Rhoel Gallardo was tortured for refusing to wear Muslim clothing and say Muslim prayers. During negotiations for the hostages' release, Abu Sayyaf demanded that all crosses be removed from churches.

Egypt, where the influence of Sharia law is growing, is home to the largest Christian community in the Middle East. The Coptic Orthodox are the targets of both militant Islamic groups and local security forces. Young Christian women are pressured to convert to Islam, while converts from Islam to Christianity have been tortured and imprisoned. Over the past 20 years, more than 30 massacres of Coptic Christians have occurred. In January 2000, during several days of rioting by Muslim mobs in Al-Kosheh, more than 100 homes and shops were destroyed, and 21 Christians and one Muslim killed. The Center for Religious Freedom says that the Egyptian government covered up these crimes to avoid the ''politically sensitive'' issue of punishing Muslims for murdering Christians.

Eventually 96 people were tried for the massacres in Al-Kosheh. The only four Muslims to be convicted were held responsible for the accidental killing of the Muslim. The longest sentence is being served by a Christian, Surial Gayed Isshak, for allegedly ''publicly insulting Islam.'' Amnesty International has declared Isshak a ''prisoner of conscience'' and called for his release.

In Sudan, the Islamic government is carrying out genocide against the Christian population in the south. Secretary of State Powell has labeled Sudan ''the biggest single abuser of human rights on earth.'' Two million people have died since 1983 in a civil war that ignited when the Khartoum government tried to impose Sharia on non-Muslims. Christians are slaughtered from the air by bombers, enslaved on the ground, and forced to convert to Islam or starve. Writing in the Winter 2001 issue of The Middle East Quarterly, Prof. Hilal Khashan of the American University of Beirut explains that Khartoum's rulers believe that non-Muslims in the south are their ''lost brothers'' who must be redeemed by Islam. According to Khashan, ''This attitude reflects the fact that Muslims, devout or otherwise, tend to believe that Islam, the ultimate divine truth, is destined to prevail at the expense of other religions.''

From reports by government and human-rights groups, a pattern clearly emerges: Predominantly Christian countries generally respect religious freedom, as do buddhist countries (absent Communist domination). The Center for Religious Freedom concludes, ''The religious areas with the largest current restrictions on religious freedom are countries with an Islamic background. This parallels problems with democracy and civil liberties in general, but the negative trend is stronger with respect to religion.''

Hilal Khashan points out that religion has been a decisive factor in most civil wars in Arabic-speaking countries, and there have been at least a million deaths (compared with 150,000 Arab deaths in combined Arab-Israeli wars since 1948). The murderous intentions of the extremist Muslims have clearly overwhelmed the influence of the pacific practitioners continually cited by President Bush. Journalist Amir Taheri noted in the Wall Street Journal recently that 28 of the 30 active conflicts in the world involve Muslim governments or communities.

In his oft-cited book The Clash of Civilizations and the Remaking of World Order, Samuel P. Huntington writes, ''Wherever one looks along the perimeter of Islam, Muslims have problems living peaceably with their neighbors. . . . Muslims make up about one-fifth of the world's population but in the 1990s they have been far more involved in intergroup violence than the people of any other civilization.'' Huntington further argues that Islamic militancy is not a heretical strain of Islam. ''The underlying problem for the West is not Islamic fundamentalism. It is Islam, a different civilization whose people are convinced of the superiority of their culture and are obsessed with the inferiority of their power.''

While scholars of the Koran debate whether or not its teachings justify violent jihads against non-believers, Christians in dozens of Muslim countries live with the fearful reality that they risk martyrdom at the hands of Islam—as they long have. Again, Huntington (writing in 1996): ''Some Westerners, including President Bill Clinton, have argued that the West does not have problems with Islam but only with violent Islamist extremists. Fourteen hundred years of history demonstrate otherwise.''

[From the National Review, Dec. 3, 2001]

DELAY OR DIE?

THE IMPERATIVE OF COUNTER-PROLIFERATION

(By Richard Lowry)

In 1946, U.S. delegate to the U.N. Bernard Baruch had an idea. All nations would be prohibited not just from seeking to develop nuclear weapons, but from building nuclear power plants that might create fissionable material appropriate for a bomb. Instead, an international authority would maintain a monopoly over nuclear activity, and the U.S. would eventually relinquish its weapons. U.N. Security Council permanent members would lose their veto over any action to enforce these restrictions, because, when it comes to nukes, ''to delay may be to die.''

Today, with worries about Osama bin Laden or other terrorists gaining access to the tens of thousands of nuclear weapons and the thousands of tons of fissionable material rattling around the world, Baruch's urgency may again seem appropriate. But his prescriptions don't, even as the spirit of them lives on in U.S. policy. The Baruch plan went nowhere in the U.N., but it still can be seen as a sort of high-water mark for post-war arms control. Then, the fantasy of non-proliferation at least still seemed shiny and new. It has been steadily discredited ever since.

The Baruch plan was the first shot in what would become an ever more tolerant and open-minded attitude to non-proliferation, pioneered by the Eisenhower administration, enshrined in the Nuclear Non-Proliferation Treaty, and finally brought to its appalling nadir by the Clinton administration. In the Age of Osama, it is time to acknowledge that non-proliferation is mostly a failure. It has restrained some nations—Japan, Ukraine, etc.—from acquiring nuclear weapons, but the overriding lesson of the last half-century is that weapons technology will always get through: through to the state that is willing to lie, cheat, and pay enough to get it.

The U.S. should now adopt a tougher, more clear-eyed approach to the proliferation of weapons of mass destruction and missile technology. It should concentrate less on the universalist goal of bringing all states under sweeping arms-control plans on an equal basis, and focus instead on a frankly discriminatory objective: denying weapons to the states—most of them Islamic—that are hostile to the West. This would be more practical than the grander efforts of the past, but it too would be doomed, eventually, to failure (although mere delay has its value). When rogue governments succeed in acquiring these weapons, the U.S. will have to punish or topple them, on the theory that the act of proliferation can't be eliminated but occasionally noxious governments can.

There should be no illusion about what is at stake in the proliferation of weapons of mass destruction. The U.S. should oppose it not because these weapons are inherently evil or because we seriously seek a nuclear-free world, but rather because their spread represents a diminution of Western power. As Samuel Huntington puts it in The Clash of Civilizations, ''The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world.''

In fact, much of it has occurred with anti-Westernism as its implicit rationale, as China in particular seeks to undercut American dominance. ''Weapons proliferation is where the Confucian-Islamic connection has been most extensive and most concrete, with China playing the central role in the transfer of both conventional and nonconventional weapons to many Muslim states,'' Huntington writes. China and Russia have been

the suppliers, with Pakistan, Iran, Iraq, and North Korea—all terrorist states to one degree or another—the primary recipients. The Pakistani nuclear program, for instance, is almost entirely a Chinese production. And the Russians have been playing the same role in Iran.

*History of a fantasy*

Western naïveté has, over the years, helped push proliferation along, as Henry Sokolski argues in his book Best of Intentions. Eisenhower's Atoms for Peace program spread nuclear reactors around the globe ''to serve the peaceful pursuits of mankind,'' with little thought to the possibility that they might serve the war-making pursuits as well. The Non-Proliferation Treaty (NPT) of 1968, which sought to maintain the exclusivity of the nuclear club, is similarly starry-eyed. It talks of ''the inalienable right'' of signatories to develop nuclear technology, and urges ''the fullest possible exchange of equipment, materials, and technological information for the peaceful uses of nuclear energy.'' Cheating? Don't be silly. Sokolski quotes a Dutch NPT negotiator explaining that for parties to the treaty there should be ''a clear presumption'' that nuclear material and know-how won't be diverted to weapons programs.

This remarkable faith in the trustworthiness of every NPT nation is why signing the treaty was Iraq's first step toward acquiring a bomb. According to Khidhir Hamza, an Iraqi scientist who defected, Iraq used the presumption of innocence to acquire the hardware and knowledge for its massive nuclear program, which the International Atomic Energy Agency lending a hand. Hamza writes: ''Few of Iraq's suppliers—or the IAEA itself—ever bothered to ask a simple question: Why would Iraq, with the second-largest oil reserves in the world, want to generate electricity by burning uranium?''

IAEA inspectors were easily deceived and manipulated, partly because any particularly aggressive inspector would simply not be invited back. Not just the NPT, but most arms-control agreements—the chemical and biological weapons conventions, for example—rely on inspecting the uninspectable. As Kathleen C. Bailey writes in a paper on bioterrorism for the National Institute for Public Policy, ''Biological weapons facilities can be small, temporary, and without distinguishing features; there is no current means to detect a clandestine biological weapons production capability, absent serendipitous discovery.'' This is the problem with inspections generally: They can be guaranteed success only in the case of a nation not bent of frustrating them.

This circularity applies to arms-control agreements more broadly: They work so long as no one wants to violate them, in which case they simply don't work. The danger is forgetting this, and mistaking the sentiments and assurances that come with signing an agreement—which are so comforting and high-minded—with reality. This was a mistake that the Clinton administration inflated almost to a strategic doctrine: Don't verify, if you can trust instead.

Non-proliferation agreements are most effective when they are composed of like-minded nations determined to deny technology to a specific enemy, e.g., the Coordinating Committee (CoCom) of Western nations that sought to keep advanced military technology from the Warsaw Pact. The Clinton administration instead wanted to transform such organizations from, as Sokolski puts it, ''like-minded discriminatory organizations to norm-based efforts that increased members' access to technology''—in other words, it sought to include the proliferators in the agreements in the hopes that it would somehow reform them.

So, instead of cracking down on Moscow's missile proliferation, for instance, the administration made Russia part of the Missile Technology Control Regime (MTCR), even as the Russians were flouting its terms. The EU wanted the Russians in so that they could be a permitted market for European aerospace sales, while the administration argued that their membership would modify their behavior. When Moscow's behavior was resolutely unmodified—it continued to proliferate to Iran and Iraq—the administration rewarded the Russians with various contracts and subsidies anyway.

Meanwhile, at the administration's urging, China bulked up on treaties and agreements. It signed the NPT, the Chemical Weapons Convention, and the Comprehensive Test Ban Treaty, and it (sort of) joined the MTCR. All these Good Housekeeping seals made it easier for China to acquire Western weapons technology, harder to punish it for any transgressions. And did nothing to stop its proliferating. As an important 1998 Senate report, ''The Proliferation Primer,'' put it, Beijing still managed to be ''the principal supplier of weapons of mass destruction and missile technology to the world.''

As with Russia, the Clinton administration not only failed to punish the Chinese for their violations, it often rewarded them. After Beijing sold anti-ship missiles to Iran, Sokolski writes, the White House approved ''hundreds of millions worth of sensitive U.S. missile-related exports to the very Chinese firms known to be proliferating missiles.'' Such was the pattern.

Russia and China—even if the Clinton administration mishandled them—are at least major states susceptible to U.S. influence. Now, thanks partly to their handiwork, proliferation is so far advanced that an isolated basket case like North Korea has graduated from weapons consumer to weapons supplier. The North Korean No Dong missile has become, as a result of Pyongyang's salesmanship, the missile of choice in the third World. The Pakistani Ghauri and the Iranian Shahab-3 are both really No Dongs. Iran, in turn, has been able to market missile technology acquired from North Korea to Syria, as the daisy chain moves from rogue to rogue.

*What can be done*

Despite this dismaying picture, the U.S. must still do all it can at least to slow proliferation. Instead of ambitious global agreements and conventions, the U.S. should seek to create a CoCom-style regime focused on stopping proliferation to the block of nations that are most likely to use or threaten to use a weapon against the West or leak one to a terrorist: Iraq, Iran, Sudan, Libya, North Korea, and even our rent-an-ally Pakistan. One reason the success of the CoCom wasn't duplicated after the Cold War was that there was no agreement on who the enemy was; now there should be.

The effort should spread in concentric rings, beginning with tough export controls here in the U.S. No one—not businessmen, not politicians, not our allies—likes export controls, since they necessarily mean forgoing cash: but some things are just more important. The argument against controls is often that the technology in question is available elsewhere, so why not have American-supplied Libyan poison-gas plants rather than German? But we should lead by showing our own willingness to spurn certain profits. Meanwhile, European allies like Germany and France need to be convinced that joining the war on terrorism means recognizing that some export markets simply aren't worth having. Finally, we should urge nations that are loitering on the outskirts of the civilized world to choose up sides. Russia may choose the right way, China probably won't.

But there are limits to what can be done to stop the spread of weapons technology. Non-proliferators are in the position of anti-drug warriors, constantly involved in a futile effort to keep supply from meeting demand. It inevitably will. Then what? When supply-side non-proliferation fails, demand-side counter-proliferation should fill the breach. The best way to end demand for weapons of mass destruction is to seek the end—through diplomatic, economic, and military means—of the governments that want them. Iraq should be the easiest case. After years of flouting U.N. resolutions and international inspections, after stockpiling tons of chemical and biological agents and seeking a nuclear bomb, Saddam's regime should be made into a demonstration of the consequences of seeking weapons of mass destruction: It should be destroyed.

This would have an important educational effect. The reason governments seek weapons of mass destruction is that they know these weapons will increase their power. If they are shown that the pursuit of these weapons could also end their power, they might alter their calculations. In this light, aiding the Iranian opposition is a more important act of non-proliferation than getting President Khatami's signature on some agreement. In a similar way, missile defense can change the cost-benefit equation of acquiring missile technology by undermining the utility of ballistic missiles. So, this supposedly dangerously ''unilateral'' initiative—American missile defense—buttresses the cause of non-proliferation. Other unilateral actions, such as preemptive strikes on the model of Israel's take-out of an Iraqi reactor in 1981, or covert operations to sabotage technology shipments, can also repress proliferation in a way that gaudy treaties cannot.

None of this will be easy. It will require Western self-confidence, moral clarity, and, above all, military superiority. The cause of keeping our enemies from attaining weapons is achievable only with lots of weapons of our own: an enormous conventional military superiority, a credible nuclear deterrent, and—as a fail-safe—missile defense. But adopting this more muscular, realistic approach to non-proliferation is as urgent as the other kind seemed in 1946. In the words of Bernard Baruch, ''to delay may be to die.''

## NOMINATIONS

Mr. KYL. Mr. President, I note with some dismay that the majority leader now seeks to fill time, given the fact we are not proceeding with the debate on the stimulus package, with other matters, such as the railroad retirement legislation. It seems to me we have a perfect opportunity to do what we should be doing in this interregnum, and that is to consider all the President's nominees who are languishing. We have the time to debate these nominations and vote on them. Let's do it.

Case in point: The majority leader talks about bringing up the railroad retirement legislation. This is the European-style, Government-backed occupational pension scheme. I think we would do better to complete the filling of the President's Cabinet.

Mr. President, as you know, John Walters is the last Cabinet member awaiting confirmation.

He is awaiting Senate confirmation to serve as Director of the Office of National Drug Control Policy, otherwise

known as the national drug czar. When did his nomination come to us from the President of the United States? Way back in June, over 5 months ago. Finally, on October 10, the Senate Judiciary Committee held a hearing on John Walters. It lasted over 3 hours. It was very complete. Following the hearing, Mr. Walters answered over 100 written followup questions, including questions from Members who were not on the committee itself.

Finally, on November 8 the committee reported out John Walters by a vote of 14 to 5, but we understand that his nomination cannot be brought up for us to debate and then vote because there are holds being placed on his nomination by unnamed Democratic Senators.

I am calling upon the majority leader today to bring this nomination to the Senate. If there are objections to its consideration, let those who object stand up and voice their objection and explain to us why they object, even to the consideration of the nomination of an individual who, as I say, has been pending now for over 5 months and is the last person to complete the composition of the President's Cabinet.

There is another reason to try to conclude this matter, because the Office of Drug Control Policy is one of the central parts of our Government that deals with drug trafficking around the world. Drug trafficking is one of the ways in which terrorists who we are fighting finance their terrorist activities. For the life of me, I cannot see how someone would stand in the way of the confirmation of a person who is in line to help fight this way of funding terrorism around the world.

We are supposed to be pulling out all of the stops to fight terrorism. Apparently, it is all except for one thing, and that is their financing because we have some political problem with confirming the drug czar.

Let me give a couple of examples. Afghanistan grossed an estimated $180 billion in the drug trade last year. The Taliban generates an estimated $50 million in annual revenue from heroin trafficking. The Taliban, which of course has been harboring Osama bin Laden, has overseen the world's greatest growth in poppy plant cultivation as well as heroin production and trafficking.

According to the State Department, Afghanistan's poppy plant cultivation area has quadrupled since 1990. Just 2 weeks ago, the Wall Street Journal reported that an Italian Government official stated that Osama bin Laden's al-Qaida terrorist network is funded through trafficking.

The bottom line is, if we are really going to pull out all the stops in fighting terrorism, we have to cut off their financing, and that includes their drug trafficking. One of the best ways of doing that is ensuring the office we have set up to do that is headed by the President's nomination; namely, John Walters. Yet we cannot get this nomination before the Senate for confirmation.

John Walters has over 15 years of experience in drug prevention, beginning in the middle 1980s. He served with the Office of National Drug Control Policy for a total of 4 years in the 1989 to 1993 period. In his hearings, he made it very clear he would execute the policies of the President, which have been widely hailed as necessary for us not only to deal with the problems of drug use in the United States but to cut off the sources of drugs which, among other things, fund the terrorists. So I urge my colleagues, and I urge the majority leader, it is time to confirm John Walters as Director of the Office of National Drug Control Policy. Let us not delay this any longer. There apparently is no excuse in terms of time because the majority leader pointed out this morning we apparently have time to consider other matters. So let us finish the confirmation process for the President's Cabinet before we conclude our work in the first full year of the Bush administration. It seems to me that is only fair. It is good policy, and it would help us in fighting the war on drugs.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I ask unanimous consent that Senator HELMS from North Carolina and Senator CLELAND from Georgia be added as cosponsors to S. 1278, the United States Independent Film and Television Production Incentive Act of 2001.

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

## UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION INCENTIVE ACT OF 2001

Mrs. LINCOLN. Madam President, this is a bill I introduced awhile back. It is a good way to reinvest in America, looking at our films that have gone offshore because of the incredible incentives that other nations are giving them. We want to keep our film industry in the United States. We want to keep the jobs in the United States, and that is why we introduced this bill in order to direct the incentives according to the jobs that are created. We are hoping we can move this bill along, and we are delighted to have two more cosponsors.

## RAILROAD RETIREMENT REFORM

Mrs. LINCOLN. Madam President, I came to the Chamber after listening to several of my colleagues earlier this morning. The majority leader, Senator DASCHLE, was visiting with Senator DURBIN about some of the important legislation we could be considering in these last couple of weeks in the Senate that would really be good for the American people.

First they spoke about the railroad retirement reform package, which was mentioned by Senator KYL. I think it is absolutely essential we bring up this issue. Last week, when I was in Arkansas celebrating Thanksgiving, I was approached by an older woman who said: Why in the world has this not been done?

This legislation has passed the House twice by incredibly large margins. The last time it was 384 to 33. There are 75 Members of the Senate who are cosponsors of this issue. We have the railroad industry, the union members, the workers in agreement. It is absolutely practical and realistic that we should bring up this issue and move it forward because it is going to benefit everybody, and that is what our job is, to bring up legislation that everyone has worked on, that we have come to some agreement on, that we have the majority of individuals in both bodies excited about and willing to move forward.

So I applaud the majority leader for bringing up this issue. I think the time is right. I think the work has been done. The debate has been had. People have worked out this issue, and we should be moving forward. We should be productive for the American people and particularly for those in the railroad industry and those who are retired. I applaud the majority leader for his efforts, as well as the other Members of this body, and encourage him to move forward with it. This is something we can do and something we should do before we leave, and I hope we will.

## FREEDOM TO FARM

Mrs. LINCOLN. One of the other issues that was brought up by my colleagues earlier was the issue of our agricultural policy in this country, which, in my opinion, in the last 4 years has been less than what our farmers deserve. It is time now to give them some predictability and some understanding of where their Government is going to be for them.

It has been said the only constant is change, and that certainly has been true with our national farm policy. For the last 4 years or better, farmers—certainly Arkansas farmers—have harvested their crops without knowing if they would be able to afford to plant another crop in the following growing season. They had no predictability, no understanding of whether their Government was going to be for them.

As they looked at what was happening in the global economy with the fact that the European Union was consuming well over 80 percent of export subsidies worldwide, they said they were not competing with other farmers across the globe.

Our farmers are competing with other governments. Where has their Government been in terms of a solid agricultural policy they can depend on, particularly when they go to their financial institutions to get the backing they need to put seed in the ground?

Of course, many remember that Congress passed the Freedom to Farm Act

back in 1996. For farmers in Arkansas, Freedom to Farm has been a disaster because they depended too much on the ability to be able to negotiate trade. We put our farmers in a position where, as we said we were going to ratchet down the Government support and the Government safety net, were they going to have to depend on the market.

We gave them flexibility. Flexibility was great, but flexibility without the backbone in trade does them no good, particularly in a time when we are seeing record lows in commodity prices.

Farmers are getting paid right now the same they were being paid in the early 1940s, and yet their input costs are the highest they have ever been. They are making the same they were in 1940 when a combine probably cost them about $15,000 to $25,000, and now they are paying anywhere from $180,000 to $200,000 for a combine.

Arkansas farmers and farmers around the country have been in limbo year after year, waiting for Congress to pass emergency spending bills. The existing farm policy is absolutely inadequate. A farmer cannot just go to the banker and say, I think Congress is going to provide us an emergency spending bill this year so you need to make sure you go ahead and give me that loan and maybe wait for another 9 to 12 months to find out whether or not it will be backed by the Government.

As has the senior member of the Senate Agriculture Committee, I have worked with my colleagues on that committee to write a bill this year, to get out of the Agriculture Committee a good, positive, and comprehensive bill to address the needs of our farmers. I have been increasingly concerned and dismayed as the Senate rushes to complete its business by the end of the year that farmers again will be left behind. That is why, again, I was so proud to see the majority leader come to the floor today to say we are going to take up a farm bill on the Senate floor.

The Senate Agriculture Committee, under the leadership of Chairman HARKIN, has done its work to come up with a good bill that is comprehensive, that will provide the safety net, as well as far-reaching, new, and innovative issues we need in a farm bill. They have done their job. We will bring it up on the floor.

The House has done their job in passing a bill. We can compromise on these bills because they have been created in a way that they have many similarities. We can get a bill to the desk of the President this year so our farmers, once again, do not have to go into the new year with the uncertainty and the complete unpredictability of not knowing where their Government will be.

The Senate must pass this bill before we adjourn for the year because it is imperative, as the farmers go into this next planting season, they have something they can bank on, one with a solid safety net that ensures not only the financial viability of our farmers but also the viability of local bankers, merchants, seed dealers, fertilizer dealers, implement dealers, and rural institutions that depend on the stability our farmers provide.

The Senate bill also provided much needed funding for rural development and nutrition programs for disadvantaged families to help those parts of our Nation where the needs are the greatest. An unbelievable conservation title helps in new and innovative ways, placing the resources and efforts into proven conservation practices that our farmers know they can use to mitigate those marginal lands on which it is more costly to produce. It includes funding for research and development to ensure that America remains a technological and economic powerhouse in the coming century. It provides funding for forestry, biofuel development, and credit financing programs to guarantee sound farm financing.

The economy in this great Nation is in a delicate state. There is nothing that we can do here that will guarantee we will not go into a recession. But there is one thing we can do that will absolutely guarantee a recession. We have seen it in our history's past. That is that we allow the rural economy to collapse. If that rural economy collapses, we will be assured not only of a recession but much greater problems in our economy in coming years.

I applaud the majority leader for bringing up the issues on which we have worked. We have worked out the details. It will be of great assistance to the American people, particularly in rural America. As we begin with a farm bill that will be a great stimulus package to rural America, we can also work out the details of an economic stimulus package that will be comprehensive in helping workers in transition and also provide the tax relief that industries need, particularly small businesses, to be able to grow and thrive and increase a growing economy.

I hope that in the several days we have ahead of us and the work there is yet to be done we can continue along the road that the majority leader has paved for us in putting out these issues, that we can get some agreement that will be beneficial to the American people, and that we can all go home at the end of these 2 weeks to a holiday and know we have done our very best. That is what we owe to the people.

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. THOMAS. 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. THOMAS. I ask unanimous consent to speak for 5 minutes.

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

## THE SENATE AGENDA

Mr. THOMAS. Madam President, I have listened this morning to the conversations on the floor. I think it is appropriate that we have had some discussion about what we are going to do in the remaining time before us. I hope we can come to a little more of a cooperative understanding of what our agenda should be in the next 2 weeks. What are the things that are most important? What are the things we ought to have as our priorities?

Obviously, we have to finish the appropriations, and we have only sent about half of those to the White House. So that is something we must do. Obviously, there is difficulty in trying to complete the work on the Defense appropriations.

It seems to me it is also important that we have a stimulus package. However, having been on the Finance Committee and sat through all the talk about it, we expanded it far beyond where anyone would suggest these were stimulus programs. I suppose you could expect that to happen. We are at the end of a session. We are at a time when, because of the terrorist attacks, emergencies have arisen that must be addressed. But now we find that everyone who has ever had a thought about where we ought to be spending more money wants to do it. I think we have to be a little more thoughtful about where we are.

We started out with a budget that we agreed upon. I think it was about $660-some billion. Then that was changed at the request of the President some time ago to $686 billion. In addition to that, of course, we have had another $40 billion, and another $5 billion, and agreed to guarantee another $10 billion. So we have spent a great deal of money. I think we have ought to give some thought as to what our priorities are to be at this point.

It is my belief we could come up with a stimulus package that would deal with the needs of unemployment and some of the medical needs there. I think we could do something that is rather limited in terms of accelerated depreciation that would cause businesses to create jobs, which is what we want to do. We do not need to spend $120 billion simply because we have an excuse to spend.

So I am hopeful that we can get together on a stimulus package. The majority leader said this morning the Republicans refuse to meet. That is not the case at all. The Republicans are not willing to have the Appropriations Committee be part of that meeting because it is a Finance Committee responsibility. That is where we ought to be; there is no question about that.

I hope we can take a little time now to say what our priorities should be. We need a little vision, just over 2 weeks. It ought not to be too difficult to decide what it is that we need to get done and step aside from some of these other questions.

We are talking about a farm bill. I am on the Agriculture Committee and

we have not even scored it. We don't know how much it will cost. Yet we are here. We want to get it on the floor. We have not had the farm bill before the committee, not even had a chance to look at it, but we were asked to mark it up. That is not the best way to deal with the important issues there. We can deal with them.

I am hopeful we will slow down just a moment, decide what it is that is most important for the country that we do in the very little time we have, and not just absolutely think we ought to be spending every dime we can possibly find. That is not necessarily the thing to do at this point.

Hopefully, we will be able to do that. I hope we can do at least those two things, the appropriations bills and the stimulus package. These other things ought to have a little more thought. We are going to be back next year, early. We can put a time certain on those and do them at that point.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion of the absence of a quorum?

Mr. THOMAS. I withhold the request.

## RECESS

Mr. THOMAS. If it would be more appropriate, I ask unanimous consent that the Senate be in recess until 2:15.

The PRESIDING OFFICER. That would be appropriate.

The Chair thanks the Senator.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that I be given 15 minutes in morning business.

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

## PROHIBITION OF HUMAN CLONING

Mr. FRIST. Mr. President, I rise to continue a discussion that began in morning business earlier today. That is on the issue of human cloning. I had not expected to be talking about this issue during the closing days of this session of Congress. But I feel compelled to do so in light of Sunday's announcement. That is indeed very troubling for everybody as they seek to understand what this is all about after Sunday's announcement that a U.S. company is pursuing the purposeful creation of cloned human embryos.

I believe all human cloning for scientific reasons, for ethical reasons, and for reasons surrounding the health and safety of women should be banned.

This whole subject of human cloning was the subject of a lot of discussion earlier this year. This summer, the House of Representatives passed a bill prohibiting the human cloning by a large and overwhelming margin. But in light of the events of September 11, much of the discussion was put aside. A lot of that changed on Sunday. And now I believe it is incumbent upon the Senate to address this critical issue before adjourning for the year.

I urge the majority leader to call up the House bill and to allow the Senate to work its will on that bill. We don't have the luxury of time that I think many of us thought we had. If we look over the last several years—really beginning in 1997, when Scottish researchers first captured the attention of the world after they used the process called somatic cell nuclear transfer to successfully clone that adult sheep by the name of Dolly—since that period of time a lot has happened in this particular body. The portrayal of human cloning has intrigued our imagination over the last 4 to 5 years. But we all must recognize that this is serious business. The idea that cloning human beings may be technologically possible challenges our fundamental beliefs—whether they be spiritual, or whether they be moral. Those people who pay attention to science ask if it is really possible. I believe the answer is yes. But what it really causes us to do is to go back and challenge our fundamental beliefs on what the appropriate limits are or should be of human control over nature.

I tell you, as a scientist and as someone who has thought a lot about end-of-life issues or beginning-of-life issues and disease and health, it provokes, in me, a lot of concern in terms of the issues of how much to intervene, at what point, what is someone's motive, and can that motive be shifted in such a direction that the great promises of science can be used to the abuse of what most people would regard as their moral sensibilities.

After the Dolly announcement, we held a series of hearings in the Health, Education, Labor, and Pensions Committee. The first hearing focused on science. We had scientists testify. We looked at all types of cloning: Animal cloning, human cellular cloning, and the cloning of a human embryo, the cloning of human individuals.

At the second hearing we had ethicists and theological representatives come in. We listened to distinguished individuals testifying from the Christian faith, the Jewish traditions, the Islamic traditions, all relating to human cloning. We also listened to philosophers well schooled in biomedical ethics.

The story went on. The National Bioethics Advisory Committee (NBAC), at the request of President Clinton, looked at, studied, and made a report on the moral and ethical issues as well as the scientific standpoints. NBAC then reported to the President that reproductive cloning was unsafe and should be prohibited by Federal law.

About a year after that, Senator BOND and I, based on our hearings, and based on that National Bioethics Advisory Committee report, introduced the Human Cloning Prohibition Act along with a number of our other colleagues. That bill would have prohibited the use of somatic cell nuclear transfer technology to produce a human embryo.

At the time—and the time today is very different; again, that was in 1998—the science of issues such as stem cell research, particularly embryonic stem cells, was all hypothetical. It was all theoretical. This whole field of embryonic stem cell research existed, but only as a hope of what might be. No research using embryonic stem cells had actually been conducted at the time.

The overall science of these issues, of cloning and stem cell research, was relatively undeveloped and even less understood. The bill got caught up in a lot of concerns that it could prevent this whole field of embryonic stem cell research from progressing, and the bill really fell by the wayside.

Indeed, almost 2 years would pass between the announcement of Dolly, the sheep, in 1997 and the groundbreaking reports on the successful isolation of what are called human pluripotent stem cells. It was 2 years after Dolly.

Now, more than 2 additional years past, the field of embryonic stem cell research has really made great strides, although it is still in its infancy, as we are seeing today. Today there are more than 60 established embryonic stem cell lines worldwide. The research, I believe, does show great promise for stem cell research as we look to the future.

We have also learned a lot about adult stem cells. Only recently people understood there are two—indeed, there are three—but two main types of stem cells: One is adult, and one is embryonic. A lot of our traditionally held beliefs about the adult stem cells, the fact that they can only go in one direction, have been modified as we have studied them scientifically. Now we know they are not restricted to one fate or one direction.

This past year, the NIH spent $250 million on stem cell research. That number, I am quite certain, is going to grow in the future because of the promise of stem cell research for therapies for a range of diseases. That money will be spent for both adult stem cell and embryonic stem cell research.

I will say that overall stem cell research is in its very early stages and there is a lot to learn. I have just outlined what we have learned in the last 2 years, and in the 2 years prior to that from the time that Dolly was first cloned.

But what we can say now, with confidence, I believe, is that a ban on human cloning—again, we are talking about stem cells and human cloning—a ban on human cloning will not be a barrier in any way to the aggressive pursuit of embryonic or adult stem cell research. I would argue that it is just to the contrary of what some people say, that if you ban human cloning in some way it might slow down stem cell research.

Why do I say that? It comes back to a debate we had on this floor 6 or 8 months ago when we were talking about stem cells. It is my belief that embryonic stem cell research, which I believe has great promise, and adult stem cell research can best be conducted in an environment, a framework, where you have ethical considerations, moral considerations, and a legal framework defined. That way, the American people can trust what is being done, what we are investing in, in relation to what the scientists are doing.

I would argue that that legal framework around stem cell research—to allow it to progress—demands, as one of its criteria, that we ban the cloning of human beings, that we ban human cloning. That is what is before us today as we define what America is thinking today. Where do the scientists fit in with all this? You will hear different scientists saying different things. But I think it is also clear that, scientifically, embryonic stem cell research can and will be able to proceed aggressively without the use of therapeutic cloning.

I think it is generally believed that most scientists consider the field of human cloning too immature and unknown if the goal is to safely attempt to clone a human being. Most scientists will agree it is too early. We do not know enough today.

What about therapeutic cloning? You hear these words. You have reproductive cloning and therapeutic cloning. And with more time we will probably get more into that. But conceptually there are two different types of cloning.

Some people say we should ban reproductive cloning but we should allow the therapeutic cloning to proceed. I would argue with the intent. We have heard people say they want to clone human beings. They said they are going to go out and do it. Now the technology, as we saw 3 days ago, is likely to get there. So they are likely to do it.

So when you are creating a human embryo, and you say you are going to use it just therapeutically, it is just too easy to take that embryo and implant it in the womb, and then it is reproductive cloning. And there will be more opportunity to talk about the differences there.

I will say therapeutic cloning is not necessary for rapid scientific advancement. The 60-plus stem cell lines out there are sufficient for Federal researchers to aggressively move in the direction of productive research. Moreover, the idea of therapeutic cloning, intended to combat the danger of autoimmune rejection, something I as a transplant surgeon am very aware of, carries with it challenges of its own and does not necessarily solve the problem of autoimmune rejection.

Let me just shift very quickly to risk. There are real risks to human cloning. Even those people who are not repulsed by creating superhuman beings and having people created in their own image and control—this whole field of human cloning is almost godlike—even those people, when you push them, recognize the frightening risks of human cloning.

Four years ago, it took about 270 attempts to get Dolly, the sheep. Whether it is 200 or 500 or 100, you translate that down to human beings, and that means 270 still births, 270 miscarriages, 270 deformed births—all because we do not know enough. It is simply not safe.

I think we should move quickly to prohibit human cloning no matter what the stated purpose. We do not act alone. Other nations are also struggling in responding to this issue as well. France and Germany have developed legislation to prohibit human cloning, and they have called upon the United Nations to take up this matter on the international level.

I believe the creation of human embryos purely for research purposes alone is the exploitation of human life. I say it, yes, as a pro-life Senator, but I think the idea of creating human embryos for the reason of just research is an exploitation that even the National Bioethics Advisory Commission and newspaper editorial pages, including the Washington Post have opposed. Why? Because you ultimately have to destroy those embryos.

There is also another issue about which I hope we will have the opportunity to talk. It is actually in an article from November 25 in the St. Louis Post-Dispatch. The heading of the article says: ''Buying and Selling of Women's Eggs Raise Fears of Bidding Wars.'' The first sentence states:

Egg donors needed. Healthy women ages 18–32 willing to help infertile couples.

In another paragraph it says:

In California, the increasing demand has resulted in a flourishing egg-donation industry that can reward donors with payments equivalent to a semester's tuition at an Ivy League school. Greater demand also has increased prices on the East Coast by several thousand dollars.

I mention that because clearly if there are individuals or companies out there with what inevitably will be a financial incentive to obtaining these eggs, the burden is very likely to fall upon women of low income.

The eggs will have to be obtained through a medical procedure. The medical procedure has its own risks as well. There are no safeguards today for women who would be used as sources of the needed eggs. I believe that a failure to prohibit human cloning not only poses a real risk to the health and safety of the women but will have the effect of turning their bodies into commodities.

In closing, because of statements by many people around the world who have said they are going to clone human beings and the recent announcement on Sunday which shows that human cloning is much closer on the horizon unless we act, I encourage my colleagues in this body and the majority leader, to bring up the House bill and allow us to modify that bill, if necessary.

The bill has already been passed by the House of Representatives. It is very similar to the bill Senator BOND and I introduced along with others 3 years ago. The House has improved it. They expand the definitions and exclusions from the original bill. The only act prohibited in that bill is human cloning.

Our challenge is to move quickly and carefully. We need to move quickly to achieve the goal of prohibiting human cloning without—it is important to understand—harming the important biomedical research which will be allowed to continue. That goal is within our grasp.

The majority leader has said we will bring up this bill next spring. Because of recent incidents, I encourage him to do it as soon as we can this year. The risks of delay simply are too great. Our responsibility is clear.

I ask unanimous consent that a copy of the St. Louis Post-Dispatch article I cited be included in the RECORD.

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

[From the St. Louis-Dispatch, Nov. 25, 2001]

BUYING AND SELLING OF WOMEN'S EGGS RAISE FEARS OF BIDDING WARS

(By Michelle Meyer)

''Egg donors needed. Healthy women ages 18-32 willing to help infertile couples.''

Adrienne Smith spotted the ad submitted by the infertilty and Reproductive Medicine Center at Washington University in the Riverfront Times earlier this year. Having read articles about egg donation, she knew that clinics paid several thousand dollars for young women's eggs.

Smith, 24, works as an administrative assistant and is planning on taking classes to become a certified massage therapist. That money could help pay her tution, so she applied to become a donor.

The experience went well for Smith. Doctors successfully extracted her eggs and donated them to an infertile couple. Smith will never meet the couple, nor the offspring who might result. But she was paid $2,500 and she also has the satisfaction of knowing that she is helping people who long to become parents.

Even so, the buying and selling of women's eggs raise troubling issues. With an estimated 6 million U.S. women suffering from infertility, the demand for transplanted eggs is great. Medical ethicists and reproductive specialists fear a bidding war may be in the offing. And that, in turn, could lure women into the program who are ill-suited or unprepared for the rigors of donating their eggs.

In California, the increasing demand has resulted in a flourishing egg-donation industry that can reward donors with payments equivalent to a semester's tuition at any Ivy League school. Greater demand also has increased prices on the East Coast by several thousand dollars.

No one can say for sure how many young women are donating eggs in the St. Louis area. What is clear is that sizeable fees paid to donors on the coasts aren't as prevalent in the Midwest.

But some are already concerned. ''The higher the amount of money, the more danger there is that a woman might take risks

that she might not ordinarily take for the sake of the money,'' says Rebecca Dresser, professor of law and ethics in medicine at Washington University and a member of American Society of Reproductive Medicine. ''The huge financial incentive increases the incentive to conceal health issues both to her own health and that of her offspring.''

The business of matching egg donors and infertile couples is largely unregulated with well-established medical institutions—like Washington University—and independent brokers involved. Some solicit and match donors discreetly. Others aren't shy about touting their prices to donors and bragging to infertile couples that their donors are some of the best looking and most intelligent people around.

Attracted by the promise of big money, potential donors may be unaware of the demands of egg extraction.

RETRIEVING THE EGGS

For egg donor Smith, that meant injecting herself daily with ovarian stimulation shots, visiting the doctor's office a half dozen times and enduring an uncomfortable bloating of her abdomen that prevented her from wearing her regular clothing. At the end of the process, a doctor administered a mild anesthesia and poked Smith's ovaries with a long needle, extracting the eggs that had ripened inside of her.

Awaiting the final procedure, Smith read an article about infertility and began to cry. ''I realized there is no amount of money that can compensate you for what you are doing,'' Smith said. ''I sat there reading about these people who were so excited by the chance to actually have a child. Helping people is very important to me. I hope and pray that a pregnancy came out of it.''

The egg retrieval took less than 45 minutes, and within an hour, Smith was awake and ready to go home. Like most women, Smith experienced mild abdominal discomfort and soreness for several days. Immediately following the retrieval, her eggs were fertilized with the recipient husband's sperm and implanted into the wife's womb.

''Egg donors needed. $3,500. Must be 21–34.''

Surrogate Parenting Center of Texas placed this simple, straightforward ad on the back page of a recent Riverfront Times. It is representative of many ads targeting readers in that age range. Many appear in college newspapers, including those at the University of Missouri at St. Louis, Washington University and St. Louis University.

''We had a lot of ads (requesting donors) run last year,'' says Nick Bowman, editor of the UMSL's newspaper, The Current. ''But since my regime as editor this year, we haven't seen as many.

Many ads appeal to a donor's sense of compassion. Dr. Ronald Wilbois of the Infertility and IVF Center of St. Louis says, ''There is no mention of monetary compensation in our ads, although some people in town have done that. I think you get into this big problem of clinics competing with each other if you do that. Plus, we don't want money to be the big draw. We have found that women who do it for the money are not real reliable as a group.''

The IVF Center performs six to eight donor egg retrieval procedures a month, and unlike several clinics in the area, doesn't have a waiting list for eggs, according to Wilbois. But he admits that it can be difficult to find ''good'' donors.

Many women do not pass the stringent physical and medical screening required. Donors are required to submit complete medical and family histories, as well as pass various screens for infectious diseases and medical or genetic disorders. About 10 percent find that their eggs are not viable.

THE INTERNET CONNECTION

The Internet has become a resource for couples seeking egg donors. Web sites provide a quick database that has replaced time-consuming paper files. Some sites include photos of young women, as well as personal information such as IQ level, high schook grade point average and physical measurements.

Dawn T. Hunt is an egg broker in California who helps to pair infertile couples with donors. Her company, Fertility Alternatives Inc., posts pictures of young women interested in donating, including some from St. Louis. The Web site, www.geocities.com/fertilityalternatives/oocyte.html, classifies some of the women as ''exceptional donors,'' those with above-average intelligence, academic achievements or physical attractiveness.

One ''exceptional'' donor, a young woman referred to as Rachel M., is a graduate of Washington University residing in the St. Louis area. Rachel is 23 with short blonde hair and a doll-like round face who scored 1430 on her SAT and earned a 3.66 GPA in graduate school. Individuals wanting to make a baby with Rachel's eggs can expect to pay $8,000, although that fee is negotiable. Hunt will get part of that money.

''I found a lot of my people wanted attractive donors with proven intelligence . . . so I gave it to them,'' Hunt said. ''My clientele feels guilty about (placing so much importance on physical attractiveness) but if it were me. I would probably want an attractive donor.''

The ethical debate over the sale of human eggs heightened after ''Ron's Angels'' appeared on the Internet in 1999. Ron Harris, a California fashion photographer, posted pictures of models on his site in an effort to create an auction for the eggs of beautiful women. Reportedly, bids for model's eggs soared as high as $42,000.

Last year, members of the American Society for Reproductive Medicine suggested that compensation up to $5,000 is appropriate for the donation of eggs but that anything above $10,000 is inappropriate.

But those are merely guidelines. Currently, every state except Louisiana allows for the sale of human eggs. And no states have enacted legislation aimed at capping fees or regulating egg donation.

Educators worry that students may be ill-prepared to weigh the costs and benefits of selling their eggs.

''I think college students would be vulnerable to this kind of solicitation because of the extreme financial incentive,'' said Judith Gibbons, a professor of psychology at St. Louis University who specializes in issues of early adulthood. ''When I ask college students about their major concerns, financial worries are always on top of the list. But I would never want to take their autonomy away from them because they are adults and can make their own decisions.''

Dresser, the Washington University professor, fears that young people may regret their decisions later in life. ''When they are that young they may not fully appreciate that there may be some risks to their future fertility,'' she said. ''Of course, it is only speculation at this point because we don't know if there is a danger to future fertility. Egg donation has only been going on for a few years, so we haven't been able to follow these women over time.''

Smith said that while trying to decide whether to become a donor, she wrestled with the idea of possibly having a child in the world and not knowing him or her. Although the thought bothered her, she decided to go ahead anyway.

Dr. Sherman Silber of the Infertility Center of St. Louis refuses to solicit donors with ads. ''I felt that was abusive to women. I don't like the idea of targeting a young 19- or 20-year-old girl who needs money.''

But if all goes well, the process can be fulfilling for everyone involved.

Tonya Weisheyer, 23, of Winfield, has donated her eggs twice and is now acting as a surrogate mother. For her first donation, Weisheyer donated to a couple in Boston and flew there for her egg retrieval, although she did not meet the prospective parents. Two weeks after her donation, Weisheyer got a call from the couple's lawyer informing her that the wife was pregnant.

After the donation, the couple sent Weisheyer a large bouquet of flowers and gift certificates to Toys 'R' Us for Weisheyer's three children, ''I was in tears,'' Weisheyer said. ''Just hearing they were pregnant was enough for me. Just to know that I had helped them to accomplish their dream. I was on cloud nine all day.''

Mr. FRIST. 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. FRIST. 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. FRIST. Mr. President, I ask unanimous consent that I be given 15 minutes in morning business.

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

## BIOTERRORISM

Mr. FRIST. Mr. President, I rise to speak regarding a topic that has emerged dramatically over the past 7 weeks, a topic that everybody in the United States of America has thought about, a topic that many of us in the Senate have been thinking about over the last 3 years. That topic is the use of viruses, bacteria, and other germs as bioterrorist weapons.

Going back 3 years when the Senate Public Health Subcommittee began to look at the issue of bioterrorism, we had a series of hearings to study in depth the ability of our Nation's public health infrastructure. Those three words—''public health infrastructure''—are words about which we hear a lot. People ask me: What is the public health infrastructure? I will address that question in a few minutes.

The public health infrastructure is the basis of our preparedness and response to such bioterrorist attacks—who we call if something happens, what they do, who does the test, how they communicate with each other, and how quickly they respond. When we began addressing the issue of bioterrorism, we wanted to look at the local, State, and national level. We wanted to examine how those systems respond to public health threats.

We had a series of hearings beginning 3 years ago focused specifically on our preparedness to respond to a bioterrorist attack—the use of viruses, bacteria, and germs with the intent to create terror or to kill. The testimony of

the witnesses fascinated me because few people were talking about bioterrorism. Our intelligence community was looking at it internationally, but people on the street corners, on Main Street, or in town squares were not thinking about bioterrorism 3 years ago.

After listening to these witnesses, it was very clear that it was no longer a question of ''if'' there would be a bioterrorist attack, but ''when, where, and how.'' When it did occur, we knew that a bioterrorist attack would not only occur on foreign soil but also on the soil of the United States.

These hearings also made equally clear to those of us on the subcommittee that the threat, the risk, was increasing and that our Nation was not fully prepared to meet the potential risk that could present.

As legislators do, we listened intently. We talked to the American people. We collected more information, and then we wrote a bill called the Public Health Threats and Emergencies Act. That bill had as its main goal two things—coordination of response and improvement of public health infrastructure. The coordination was two-fold horizontal, or coordination of all the different local organizations, entities, agencies at the point of the attack; and vertical, or coordination of the Federal, State, and local agencies that would all have a responsibility to respond.

The second goal of this crucial legislation was to improve the resources to support the public health infrastructure, principally at the State and local level. I encourage my colleagues to consider what they would do if there was a bioterrorist attack at their home or at their work. Given what occurred in the Hart Building just last month, that consideration should not be too difficult.

We passed that bill, and that bill was actually signed into law about a year ago, long before September 11. It was referred to the floor by the Health, Education, Labor, and Pensions Committee through the Subcommittee on Public Health. At the time, I chaired that subcommittee, and Senator KENNEDY was the ranking member. Both Senator KENNEDY and I have continued our interest in this topic over the last 3 years.

In terms of bioterrorism, what did September 11 and the ensuing events around the country do? It took what we thought was low risk and high vulnerability to a bioterrorist attack and made us realize that there was high risk and high vulnerability. As things appeared in the news and we learned about new inhalation anthrax cases, we realized our risks had increased markedly after September 11, and that our vulnerabilities, which we knew were high, were more clearly defined.

We know where the gaps are today because we have learned from the events of the past 3 months. We knew that some gaps existed, but the public health infrastructure is so large that it was difficult to determine exactly where those gaps were without having a specific challenge to the system. I mention that because now is the time to act. We did not have all of the information when we passed the Public Health Threats and Emergencies Act, but we had the foundation a framework that focused on prevention, preparedness, and consequence management. That same framework is still valid, and we now know where those defined gaps in the public health infrastructure are.

We are now aware of our increased risks and defined vulnerabilities or gaps in the system. Now is the time to address those gaps before we have another challenge to our system. We have a responsibility to the American people, to the people on Main Street, to the people in Alamo, TN—people who might not be thinking about what our government should be doing. It is our responsibility as government officials in the Federal, State, and local level to fill those gaps.

Eighteen people have already been infected with anthrax. Another five or so suspicious cases are currently being examined. Five have already died. I have had the opportunity to see firsthand how these few cases have stretched our public health infrastructure, have stressed the people who respond—the medical and laboratory personnel. The number of anthrax diagnostic tests have overwhelmed the system for these 18 cases.

It could have been worse. If the same amount of anthrax had been delivered by aerosolization, it would affected not 10, 15, 20, 30 people but clearly hundreds, indeed, thousands of people.

We have to act. We have 2 or 3 weeks before we leave. If we do not act, if we do not pass comprehensive legislation that looks at preparedness, prevention, and consequence management as well as filling the newly identified gaps, we have not fulfilled our responsibility to the American people.

We are learning more about anthrax and bioterrorism every day, and we need to continue to learn from these recent events. We do not know when and if there will be any future biological attacks, but we are on an alert now.

We know terrorists are around the world. We know what terrorists have said—Osama bin Laden has said that it is his religious duty to obtain biological weapons of mass destruction. We know that the same motivation that sent those airplanes into the World Trade Center and 2 miles from the Capitol at the Pentagon still exists. When that motivation for mass destruction is coupled with the hard evidence that Osama bin Laden and other terrorists intend to gain access to bacteria, to viruses, to germs, then we must conclude that the risk for bioterrorist attacks, whatever it was on September 9 or 10, is larger now and growing.

Again, we need to respond. We have already identified some vulnerabilities. Now is the time to respond. Because the risk is increasing, we must have a real response.

What is our next step? I mentioned that the Public Health Threats and Emergencies Act of 2000 passed a year ago. It has the basic framework of prevention, preparedness, and consequence management. Now is the time to build on that framework. Now is the time to appropriate the funds for that act. We have not yet put significant money into supporting that public health infrastructure, that crucial link in protecting us from and responding to any future biological attacks. The Public Health Threats and Emergencies Act was never fully funded. I am not pointing the finger at anybody, but now is the time to fund those issues.

More resources for that infrastructure are needed. I would ask that you call your local public health official and ask that person: How stretched are you? How prepared are you if there is an outbreak of Salmonella, botulinum toxin, tularemia, smallpox, or anthrax in your community? Call them on the phone and see what they say. I know what they will say because I have talked to many of them lately. They will tell you that they have a few people working to address the issue, but they do not have the ability to communication with local hospitals, clinics, or other health care delivery systems. Your local public health official will tell you that they cannot rapidly identify those germs.

If one thinks of things such as smallpox—and this is not to be alarmist because I think the risk of smallpox is tiny—we need people to diagnosis it quickly, communicate rapidly, and make sure the vaccines get there on time. If the system operates properly, then we would be okay.

I mention all this because a week ago Thursday, I, along with Senator KENNEDY and 40 of our colleagues, introduced a bill called the Bioterrorism Preparedness Act of 2001. We entered statements into the RECORD but did not have time to actually speak on the particular bill. I encourage my colleagues to read the bill and its summary. You can find two summaries—a one-page summary and a six-page summary—120-page bill on my website.

The Bioterrorism Preparedness Act of 2001 incorporates the recommendations by President Bush to improve the national pharmaceutical stockpile. It includes authorized funding for the development of additional doses of the smallpox vaccine. It includes the funding to help encourage the development of additional vaccines and other bioterrorism countermeasures.

Given the whole host of germs available for use—tularemia, anthrax, smallpox, botulinum toxins—we cannot concentrate on one virus or bacteria or other germ because the terrorists, if they want to, will simply move to another germ once we have developed an appropriate response. Therefore, a vaccine, although an important part of the

comprehensive policy, is not the complete answer to the risk of germ biowarfare.

In our bill, we also provide substantial additional funds, over $1 billion to the States and local communities, to improve the public health infrastructure. If something happens to someone's daughter and/or son and they suspect bioterrorism, we call on the public health infrastructure. What we need to do is have them prepared to receive that phone call and to respond in an effective way, and we provide the funds to make sure they are prepared to receive that phone call.

In our bill, we look at revitalizing the Centers for Disease Control and Prevention's training initiatives. We look at response capabilities. We look at epidemiologic capacity.

We do not disturb the Federal funding established under the Public Health Threats and Emergencies Act that goes into the core facility laboratories, the public health capacities. In fact, we broaden the funding streams and increase the authorization for these capacity-building activities.

Not only will these additional funds assist us in the event of another biological attack, but the strengthening of the public health infrastructure means that we will also be able to respond to other infectious diseases as well. No matter what infectious disease it is, whether it is a result of a terrorist attack or a natural-occurring disease, we need the same response—quick diagnosis, high surveillance, good communication, and quick treatment.

In our bill, there is also a section on food safety protections, which I hope my colleagues will examine. My number one priority is to ensure that we address all of the issues laid out in the bill because the bill focuses on the entire system required to respond to any future bioterrorist attack—a system dependent upon the public health infrastructure.

I close simply by saying we have made tremendous progress. Our colleagues have spent a lot of time looking at the issues in putting together this bill. I encourage them, once again, to look at what is in this bill and understand the comprehensive framework of prevention, preparedness, and consequence management as we move forward. The gaps have been defined in the public health infrastructure. Now is the time to respond. The Bioterrorism Preparedness Act gives that framework. I encourage my colleagues to support it when it comes to the floor.

I yield the floor and 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. I ask unanimous consent that the order for the quorum call be rescinded.

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

## UNANIMOUS CONSENT REQUEST—H.R. 1140

Mr. DASCHLE. Mr. President, I announced this morning we would attempt to move to proceed to the railroad retirement bill. In consultation with our Republican colleagues, I am prepared to do that at this time.

I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1140, the Railroad Retirement Act, and the Senate proceed to its immediate consideration under the following limitation: that the only amendment in order be a substitute amendment offered by the chairman of the Finance Committee; and following the disposition of the amendment, the bill be read the third time, and the Senate vote on passage, with no intervening action or debate.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DASCHLE. In light of this objection, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1140, and that the Senate proceed to its immediate consideration.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

## COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED

Mr. DASCHLE. In light of this objection, I then ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, H.R. 10.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

### CLOTURE MOTION

Mr. DASCHLE. In light of the objection, I move to proceed to Calendar No. 69, H.R. 10, and 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 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 the motion to proceed to Calendar No. 69, H.R. 10, an act to provide for pension reform and for other purposes:

Paul Wellstone, Richard Durbin, Byron Dorgan, Harry Reid, Jon Corzine, Hillary Clinton, Blanche Lincoln, Thomas Carper, Patrick Leahy, Tom Harkin, Benjamin Nelson, Mary Landrieu, Bill Nelson, Ron Wyden, Charles Schumer, Bob Graham, Barbara Mikulski.

Mr. DASCHLE. I ask unanimous consent the motion be considered as read.

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

Mr. DASCHLE. I will be brief I know my colleagues may wish to speak on this issue. This bill passed with an overwhelming 384 votes in the House. There is very, very strong bipartisan support in the Senate; 74 of our colleagues have cosponsored the bill, including a majority in both the Democratic and Republican caucuses. All the rail unions are united behind this bill, and it is supported by the entire railroad industry. It represents the first time in 25 years that labor, management and retirees have agreed on a set of changes to the system.

The reason is pretty simple. Most Members recognize we want to give railroad retirees the same opportunity as other retirees in the private sector, the opportunity to maximize their investment opportunities for retirement purposes. This bill would simply give them as many different options as we already provide to others in the private sector.

As a result of increased returns from these investments, it would provide enhanced benefits for railroad retirees and reduce retirement taxes for railroad companies. Among other things, it would expand benefits for surviving spouses, provide a retiree health insurance plan and reduce the vesting requirement to five years. These are important changes that should be made.

Enactment of this bill is long overdue. It is a good bill. It deserves our support. I am disappointed we are not able to move to it this afternoon. I will schedule a cloture vote on Thursday. We will do all we can to ensure that the legislation is considered and passed. It deserves our support, as it was given support in the House. We will do all we can to see that happens.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Texas.

Mr. GRAMM. Mr. President, in the 24 years I have served in Congress, I have seen many ideas debated; some of them good, some of them bad. I guess we are all prone, on the spur of the moment, to overstate things, but I think I can say without any fear of contradiction that of all the bills I have ever seen on which cloture has been filed, this comes closest to simply being an overt effort by two established and powerful special interests to literally pilfer the retirement fund that is available for railroad retirees, and the backing for that retirement fund.

Part of our problem in debating a bill such as this is that there is a natural tendency in a partisan body when, in this case railroads and railroad unions get together, everybody sees this as an opportunity to jump on the bandwagon. I don't know that I would state it as any first law of political behavior, but normally when business and labor get together on something, it is generally an effort to reach deeply into the pockets of the American taxpayer. That is what the provision before us is, in reality.

We have a retirement trust fund which has built up for railroad retirement, principally as a result of the action we took when railroad retirement was going broke and when Social Security was going broke. My colleagues will remember that we passed a bill changing the retirement age, setting up a procedure where the retirement age would rise—in the case of railroad retirement from 60 to 62; in the case of everybody else's retirement, from 65 to 67. We made other changes. In the process, back in the mid-1980s, we were able to bring some degree of temporary solvency to both these programs.

The net result in railroad retirement is that we have built up a trust fund for railroad retirement of $19.2 billion. I remind my colleagues and everybody in the country who is listening to this debate that we talk about Social Security being in deep trouble now because we started out with 42 workers per retiree, and we are down to 3 workers per retiree. And we are heading over the next 30 years to 2 workers per retiree.

Obviously, when you have two workers supporting one retiree, you are talking about a very heavy burden.

In railroad retirement, we have one worker supporting three retirees. Every problem we have in Social Security, multiply it by 9, and you have some index of the problem in railroad retirement. Also, you have the implicit taxpayer guarantee behind that program.

What has literally happened? What gave rise to the bill that is now before us in the form of a cloture motion is that railroads, facing some financial difficulty, got together with the railway unions and basically said: We have built up a base of financial assets—in this case Treasury bonds—of $19.2 billion. So what we should do is take $15 billion of that money out of the retirement program and roughly give half of it to the railroads and give half of it to the retirees. And, in the process, commit the taxpayer to deal with the problem if insolvency is faced in the future.

What we have before us is literally an effort by two powerful vested interests to take $15 billion of the $19.2 billion in the railroad retirement trust fund and literally divide it up, with roughly half of it going to the railroads and roughly half going to the employees of the railroads and the retirees. In fact, the Railroad Retirement Board, in their data, in analyzing this proposal, has basically concluded that the net result of this will be that $15 billion will be taken out of the retirement trust fund over the next 17 years. So what the proposal before us does is pilfer $15 billion.

Obviously, people have some shame; not much, but they have a little. So rather than saying we are simply going to steal this $15 billion and we are going to get 74 Members of the Senate to applaud when we steal it, they came up with a clever ruse. The clever ruse is to say: Look, let's take this $15 billion and invest it. Instead of having it in Government bonds, we will invest it in stocks and bonds. So as a result of this new investment and the new rate of return that we will get, we will be able to do some things to help the railroads and to help the employees.

The problem is, before any investment is ever made, they are lowering the retirement age. They are cutting taxes on the employers. They are expanding benefits for employees, and when you add it all up, even with a higher rate of return that they hope to gain over the next 25 years, the trust fund will be $28.7 billion lower under this new proposal than it would be under current law. The $15 billion in question would be completely pilfered over the next 17 years. These are not my numbers. These are the numbers of the Railroad Retirement Board.

What does the bill do? First of all, it immediately cuts taxes on railroads that they are paying in to support these retirement programs. It cuts their tax rate from 16.1 percent to 14.75 percent, and it does that next year. Then it cuts it again in calendar year 2003, to 14.2 percent. So the net result is that in very short order, $4 billion from the retirement trust fund is transferred from the trust fund to the railroads.

I remind my colleagues that beginning this year, based on the Social Security solvency bill we passed in the early 1980s, the retirement age for American workers is starting to go up. We are moving from 65 to 67, the age that you have to be to draw full Social Security benefits. We are in the process of the largest increase in the retirement age in American history beginning this year. But what do you think the bill before us does for people who work for railroads?

At the very instant that we are raising the retirement age for everybody else from 65 to 67, remarkably, almost unbelievably, we lower the retirement age for people who work for railroads from 62 to 60.

Survivors of railway workers already get substantially better benefits than survivors from Social Security, but we raise those benefits. We change the vesting requirements. The net result is that over 17 years, roughly $7.5 billion is taken out of the railroad retirement trust fund and is given to the railroads. Roughly $7.5 billion is taken out of railroad retirement and given to beneficiaries by lowering the retirement age, by raising survivor benefits, by changing the vesting requirements—in essence, increasing benefits. $15 billion is pilfered over a 17-year period under this bill.

You might say, well, this is sort of a victimless crime because the railroads are for it, and the railroad retirees are for it. It is their $19.2 billion. They are pilfering $15 billion, and it was their money to begin with. So where is the victim? In fact, 73 Members of the Senate signed on to the bill. It is obvious that has been the question. Where is the victim?

The victim, as is usually the case when powerful vested interests get together, is the taxpayer. The taxpayer stands in line to cover shortfalls in the future.

It is true that in the future, up to a point, you can raise the tax on the railroads. There is no provision for requiring employees to give back these benefits, or to pay higher taxes.

Does anyone here doubt that when $15 billion is pilfered over the next 17 years, when the day of judgment comes and there is no money to pay railroad retirement benefits, especially if the very optimistic projections that are being made don't turn out to be correct in terms of the retirement fund, who is going to be paying the money that has been pilfered? The taxpayers.

I know there are others who want to speak. Let me just say that it is not every day that you have a proposal to pilfer $15 billion from a retirement trust fund and have 73 Members of the Senate cosponsor it. It is not every day that you get railroads and railway unions together in support of something. But, look, when each one is getting $7.5 billion, that is a lot of incentive.

This is about as bad a public policy as you could possibly propose. How in the world can anybody justify that at the very moment when everybody else's retirement age is rising to 67, we are going to lower the retirement age for those working for the railroad from 62 to 60? How could anybody stand up in any city or town in America and justify raising the retirement age to make Social Security solvent when its trust fund is many times bigger per retiree and bigger in billions of dollars than the railroad retirement trust fund? How can anybody justify raising the retirement age on the great mass of workers in America and lowering it for a privileged few? How can anybody justify, when you have a retirement program that has one worker for three retirees, adding benefits and cutting taxes when everybody knows that the retirement program is potentially insolvent?

That is the problem before us. If the bill is in fact brought up, if cloture is obtained, then I think there have to be some changes. I do not per se object to investing the money. I think there have to be protections for the railroad worker to be sure the Government doesn't direct the investments to benefit some interests other than the worker. There needs to be some firewall between the investment committee and the Government.

Then we need to look at the proceeds of these investments and ask ourselves: Are they needed to pay benefits in the future? In that case, they should be retained. If they are not needed, giving some of it back to the railroads and giving some of it back to the workers, I think, you could justify. But how do you justify giving all of their money back until any money is earned?

Finally, how in the world can we justify lowering the retirement age for railroad retirement workers at the

very moment that we are raising it for everybody else?

This is a very bad bill, in my opinion. It is special interest at its worst. I know there are relatively few people who are against it. But people who are against it feel very strongly about it. So we intend to resist.

I hope someone out in the country will take a look at these numbers I am talking about. You have to have some pause when the Railroad Retirement Board, which oversees the retirement fund, clearly says that in 17 years, if this bill is passed, there will be $15 billion less in the trust fund than if the bill is not passed, and $7.5 billion has gone to the railroads and $7.5 billion has gone to railroad workers. Yet the liability and the solemn commitment of the Federal Government to these retirees has not changed.

So if they have gotten $15 billion richer, and the commitment has not changed, who is $15 billion poorer? The same person is always poorer when special interests get together to benefit themselves; that is, the American taxpayer.

That is why I am opposed to this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment our colleague from Texas on his statement, and I will add a few comments.

I earlier told the majority leader that there would be strong objection to moving forward with this bill. I am disappointed that he did. After the tragedy of September 11, many of us thought it would be very much in our Nation's best interests for us to be working together to try to pass legislation that is in our national interest. We passed emergency legislation. We passed antiterrorism legislation. We passed spending bills, a lot of which, in some cases, we thought were maybe overly generous. Yet we wanted to do that in a very bipartisan way.

Unfortunately, the majority leader is now moving forward with some legislation which, I think we have informed him, leaves a lot to be desired and which doesn't fit into any national criteria as far as a national emergency. It is purely and simply a special interest bill designed and written by special interests.

This bill wasn't written by the Finance Committee. It deals with taxes. I am on the Finance Committee. This bill had no input by the Finance Committee. Not one member of the Finance Committee has had any input in this bill. This is a bill written by and for special interests. They did a pretty good job. They benefit themselves by at least $15 billion. They benefit themselves by increasing benefits, cutting taxes, and keeping Uncle Sam as the guarantor of the benefit.

Senator DASCHLE said something about wanting to provide the railroad companies and employees the same opportunity as every other private pension plan so they can invest their funds in the marketplace and enjoy good rates of return. I welcome that but take away the Federal guarantee. We can do that. I don't care if they make early retirement at age 50. I will be happy to let the employees and the railroads work out whatever benefit package they so desire as long as they are liable.

What they did in this case, as Senator GRAMM eloquently pointed out, greatly increases their benefits. They cut the payroll taxes to pay for those benefits, and they say Uncle Sam is still liable. That is what I disagree with. They increase benefits far and above what almost any other pension plan in America has.

Name another private pension plan that has a 100-percent survivor benefit. Social Security doesn't do that. For Social Security, if you are a survivor, you get maybe a 50-percent benefit. Not in this package. For Social Security, you don't get full retirement benefits at age 60. You get full retirement at age 65. Senator GRAMM mentioned that it is going to 67. This bill says you get full benefits at age 60.

Again, maybe that is fine, if the railroad companies and employees want to pay for that. But they have asked us to pay for it. We are liable. Some say: Wait a minute. They have a scheme in here that says even though their payroll taxes go down and their benefits go up, we think maybe it will all work out. But if it doesn't, Uncle Sam is still liable. We still have a law on the books saying these benefits are going to be paid.

Why don't we privatize this system and allow the employees and the railroad companies to come up with whatever retirement system they want? God bless them. It would be a generous system. I love the railroad companies. I love the railroad employees. Let them work out whatever they mutually desire to get us off the hook.

Why should some poor company in Delaware or Oklahoma or Texas have to guarantee benefits that greatly exceed any benefits they provide and they are liable for it as taxpayers? Then somebody said: Wait a minute. Isn't this $15 billion that we are transferring to them their money? No, not really. They may claim it is in a trust fund. I have looked it up.

For the life of the railroad retirement system, the total amount of money paid out in benefits exceeds all the payroll tax contributions by employees and companies by about $90 billion. That means Uncle Sam has been putting in and subsidizing a lot of money for the railroad retirement system since its inception. Basically, it is a pay-as-you-go system. It has problems because the number of active workers in relation to retirees has declined. So it has a significant problem, as any payroll system, any pension system would have if they were stupid enough to go on a pay-go system.

Private plans do not go pay-go. Private systems have actuaries. They want to have funds, real funds, that are really invested. You could say let's go private. We can do that. The administration has offered to do that. There are many of us who are willing to work with the railroads and the employees of the railroads to come up with a truly private pension system but not a Government guarantee that says: Hey, let's increase benefits, cut payroll taxes, make great big guarantees. Government, you guarantee it all. And then, oh, incidently, if there is a problem a few years down the road, Uncle Sam, that is your problem because it is a benefit stipulated by law of the books. As to this proposal, even the railroad's own actuaries think it would be a problem.

Looking at the payroll taxes, they reduce payroll taxes significantly in the immediate few years, and then they expect that by the years 2020 and 2021 the payroll taxes will go up about 69 percent. In other words, under their own scheme, they say: Oh, we are going to have lots of problems. Well, that is somebody else's problem.

Wait a minute. Whose problem is it? Right now it would be the Federal taxpayers' problem because the Federal taxpayers would still be liable.

So I strongly object to this bill and will work very aggressively to see that this bill does not become law. I will be happy to work with people. The unanimous consent request that was offered said let's move this bill with no amendments. Wait a minute. If we are going to move this bill, we will have lots of amendments. Every Senator is entitled to offer amendments. I may want to have an amendment that says, let's eliminate the Government guarantee. Let's make it purely private. Why have tier 1 benefits that are supposedly the equivalent to Social Security—that is what everybody says in railroad retirement—but they offer benefits much greater than Social Security.

In Social Security, the normal retirement age is 65. The normal retirement age in the railroad system right now is 62; and they take it to 60. But yet we tell all of our constituents, your normal retirement age is 65—and now it is going to 67—but just the opposite in this bill. All the while we do it by cutting payroll taxes. And there are a lot of other benefit enhancements. A survivor benefit of 100 percent? There may be some, but I have not found any private pension plans that will allow survivor benefits of 100 percent. But I am all for it as long as they pay for it. Great. If a private company and their employees have a benefit system that says, here are your benefits for your retirement system—so much on an annuity, so much per month, or whatever—if you pass away, your survivor gets the same amount, fine, as long as they pay for it.

I think what is wrong is if they start asking us to pay for it, if they ask us to guarantee it. If they want us to make that the law of the land, where the Federal Government is ultimately

liable for it, then that is wrong. That is what is in the bill before us.

So I am just amazed. We have asked for hearings on the bill. This bill has never had a hearing in the Senate, and a good reason is that people would be embarrassed. People would be embarrassed when you started asking interesting questions, difficult questions to the CEOs. They do not want to appear before the Finance Committee. The actuaries do not want to appear before the Finance Committee answering why we should guarantee benefits that are far in excess of everybody else's private pension system.

Why don't we truly privatize it? Then they can invest 100 percent of their money in any investment they so desire. I would love for that to happen. Let them invest. I hope they make great returns. But to give $15 billion—and they pretend that is their money when, in reality, for every year that the railroad retirement system has been in existence, more money has gone out to beneficiaries than has come in in payroll taxes. That means Uncle Sam has been paying a lot, subsidized the system a lot, I believe to the tune of about $90 billion since the 1930s.

So to say, oh, we want that $15 billion, that is really ours, so we can go out and invest it just like everybody else does, kind of leaves a little bit short the idea that Uncle Sam has been subsidizing this system for a long time. We still underwrite it and guarantee it. It is still part of the law of the land.

Let's change that. Let's allow the railroad retirees and the active employees and the railroads to have whatever pension system they want, desire, and can afford, but let's not pass a law that says we will increase your benefits, cut your taxes, and thank you very much; Uncle Sam will guarantee the outcome now and forevermore. I think that is a serious mistake.

We have asked other countries, we have encouraged other countries, to move towards a market system, to move towards the private sector, to move to entrepreneurship, and yet, with the railroad companies, we maintain this absurd idea that Government knows best, Government should control it, Government should own it, and Government should dictate it.

I think we should get out of that. I want to turn them loose. I want the employers and employees to work out whatever is mutually advantageous and affordable and let them pay for it. Those are big companies. Those are big unions. Those are people with good jobs. Let's make sure they have their own good pension system, and let them pay for it and not be asking Uncle Sam to be guaranteeing it now and forevermore.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I thank Senator GRAMM and Senator NICKLES for their comments and for their knowledge of the legislation. They are on the Finance Commitee, which has jurisdiction in this area. They know the details of what is in the bill. A lot of us have not had the time or are not on the committee of jurisdiction to study it as closely as they have.

It is interesting to note that this legislation has been around for at least a year. The Finance Committee could have had hearings and could have marked it up.

I think some of the major problems that have been pointed out by the two Senators who just spoke could have been worked out through an amendment process in the Finance Committee.

But lo and behold, to the surprise of a lot of people, we are being told now that the Democrats want to set aside the stimulus package and move over to railroad retirement. Where is the emergency? We are at war and we are in a recession. We ought to be working on the Defense appropriations bill and an economic stimulus package. And yet we are going to delay one until—it appears, I guess, the Defense appropriations bill will not come up before next week. If we move over to this railroad retirement legislation, which many Senators support in concept, it will put the stimulus package on a sidetrack, on the back burner.

I think the timing is just not right. We have been through 2½ months of difficult times. We have dealt with it in a bipartisan, nonpartisan way. It has not been easy, but we found a way to come together, and yet now, when we get to the point of discussing, How do we provide an instant, positive impact on the economy, how do we pass a stimulative package that will have economic growth effects and job creation, we cannot come together.

The House acted in a way in which, obviously, many in the Senate do not agree. But the Finance Committee, instead of doing as we have always done in the past, coming together in a bill that has bipartisan votes, overwhelmingly, as we did earlier this year in the tax package, had a totally partisan vote, right down partisan lines, on a package that I guess is around $60 to $65 billion and is $51 billion in expenditures as it is offered.

So the Finance Committee reported out a partisan bill and then added $15 billion for so-called homeland security that has not been requested by the President or his administration. There have not been hearings on it. Just voila, it was added to this package. And to make matters worse, now we are being told we should get off this and go to a bill that is clearly not going to help us in the war effort or in stimulating the economy—a railroad retirement bill. Then, after that, we are going to go to an agriculture bill. Supposedly, the Democratic leader will try to do that. And there are going to be objections to that. There are all kinds of problems in that bill. It will take quite some time. And then, and only then, would we go to the Department of Defense appropriations bill? And what happened to the stimulus package?

To further the effort to see if we can't come together, I have just been talking about some compromises we could work out. Everybody agrees we need additional unemployment compensation. Nobody wants to block that. The President has recommended and we are prepared to go with 13 weeks of unemployment compensation on top of the 26 weeks that is already in the law. We recognize that for people who have lost their jobs who had insurance coverage but who may have lost their insurance coverage, we have to find a way for them to get that coverage. We are prepared to do that.

We are prepared to add to the national emergency grant fund $5 billion for the States to use to provide health insurance coverage or other related assistance. If in fact we have a State where there has not been a significant increase in unemployment, they could use it for other health-related issues. The Governors and the States would like that very much.

One of the ways to make sure we have an immediate impact on the economy—next month, not in the next 6 months or a year—is to take a serious look at a proposal by Senator DOMENICI and Senator BOND and others—an approach that has even been talked about favorably by the ranking Democrat in the House, Congressman RANGEL—to have a payroll tax holiday. Say for the next month employees and employers would not have to pay the payroll tax. Substitute that for the rebate checks and for the alternative minimum tax retroactive features. It is about an equal amount of money. It would have an immediate impact on money that workers would have in their pockets and that employers could benefit from, the 6.2 percent they have to pay. It would have an effect next month at Christmastime.

If we are really serious, we can come up with alternatives that will stimulate the economy. I challenge Senator DASCHLE and our colleagues on both sides of the aisle, let's look for some attractive alternatives. I prefer we have a 30-percent bonus for depreciation, but we could compromise at 20 percent if it is there for multiple years—3 years.

There is the art of getting this done. After 2½ months of finding a way to make it happen in case after case, counterterrorism, assistance for cleanup and disaster assistance, with aviation security, while they may not have been perfect at all, we accomplished them and the American people had a very positive reaction.

Now, right before Christmas, we are going to start drifting toward not being able to come to a conclusion on an economic growth package. This would be a mistake.

While I clearly have a long history of being supportive of the railroad industry, the workers in the railroad industry—I support trying to have a viable railroad industry in this country; I have been supportive of Amtrak even to the criticism of some of my colleagues on this side of the aisle—I think if we start moving into this area in the way that is being suggested, if we try to bring this bill up and basically just push the stimulus off the table, that will be a mistake. I oppose that.

I would be willing to work in the Finance Committee to come up with a bill that would get the job done properly, but not this bill and not in this way, and not at the expense of the stimulus package and completing our work in the appropriations area, particularly the Department of Defense. We are at war. We have an economic slowdown bordering at least on a recession. That is what we should focus on. Help our troops in the field and help our workers in their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to compliment the Republican leader. I am speaking in terms of what I see him doing today. The Republican leader has concluded that for some reason the Democratic leader wants to take the economic stimulus package away from the Senate.

Instead of continuing with it, if it is as important as everyone says, we have a whole new piece of legislation requiring very lengthy debate when, as a matter of fact, whether you are for it or against it, it can be done in due course. It need not be done today or the day after tomorrow or next week. As a matter of fact, it could be done as the first or second item of business next year, and it would make no difference whatsoever.

Instead, what will make a difference, in addition to taking care of our troops—and our military in every respect will soon get an appropriations bill; if nothing else happens, that will happen; that issue is going to be taken care of, that big commitment—the second and equally as important commitment is to stimulate the American economy so that the working men and women who are unemployed can look out there at America and say: They are hiring people back. We were just reading the new statistics and instead of 800,000 jobs lost, we have an increased 250,000 or 300,000. We are on the way up, so that everyone who participates in this economy, from the smallest equity owner and the smallest employee in the American free enterprise system to a highly paid high-tech employee—so that they can all receive encouragement from their Government to spend, to buy things they might need.

A very simple way to do it, along with the wonderful ideas that have been worked out heretofore by Senators on both sides of the aisle—I will speak for the way you get money into the hands and pockets of American working men and women and their employers. That is called the payroll tax holiday. Perhaps it would be fairer to call that the Domenici piece and say that is what my amendment was trying to do.

The other items our distinguished minority leader brought forward are part of the various stimulus packages that have been discussed. Some are in the centrist package wherein one of the leaders was OLYMPIA SNOWE coming up with some of these great ideas. They are hers. They are centrist Senators. Some of them—not too many—are in the Democratic bill that is pending that would be replaced. But there are not very many that are comparable; there are a few.

It is absolutely imperative that we ask honestly and forthrightly of those who know the American economy what will do the most good to put America back to work.

The best social program in the world remains even today a good, solid job. There is no social welfare program in America that comes anywhere close to that. People who get good jobs, steady jobs, steady paychecks, for the most part have health insurance and the like.

So what is the best thing for American working men and women with children and families and who want to buy a car so they can start going to the mountains or taking their children out camping, whatever it may be? For them to have confidence in the economy and have money to spend; you can't beat those two in America. If you can find confidence in the American people and money in their pockets, you have a vibrant American economy.

You can't have everybody employed because that does not work in our system. But we were down to 3.9 percent unemployment for a significant period of time. Everybody was very thrilled.

Yesterday we received an economic evaluation from a very powerful group that said this economic downturn has been of long duration. I myself have spoken in the Chamber monthly or every 6 weeks or so; I said the economy started coming down 13 months ago. That is now verified by experts. It started then.

I also kept saying, don't argue about the word ''recession'' or is it there yet; it is not good. And if it isn't there yet, it will be there in a couple months. Why don't we get on with doing something to help the economy.

Yesterday that same very powerful economic group said we have been in a recession since March. We don't have to argue anymore; we are in a recession. Whether we stay there for a few more months or 6 months or a year is very important. The sooner we can start coming out of it and get closer to neutral, where we are not growing and not going up or down, then we will break out of that and start down the positive track of recovery, which means more jobs, more opportunity, more confidence, and more money in the pockets of our people.

Our distinguished Republican leader said to a group of us, we ought to talk about the fact that we don't need to go on to another bill; we ought to stay hitched to the economic recovery plan, the stimulus package, and get it done.

I will send to the desk the principal components of the proposal he and I and others have put forth today. It is called ''Amendment to House Stimulus Bill.'' It is there for people to read and puruse.

I ask unanimous consent that it be printed in the RECORD.

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

AMENDMENT TO HOUSE STIMULUS BILL,
NOVEMBER 26, 2001

A. Stimulus proposal for rewarding work:

1. Marginal Rate Cuts: Accelerate into 2002 reduction of the 28% tax bracket to 25%.

B. Stimulus for encouraging investment:

1. Bonus Expensing: Enhance expensing of capital expenditure with 20% bonus depreciation (3-year sunset).

2. AMT Repeal: Repeal corporate alternative minimum tax on a prospective basis.

C. Relief for low and middle-income Americans:

1. Payroll Tax Holiday: Offer workers one-month (December) holiday from Federal payroll taxes while holding federal trust funds harmless.

D. Expand the safety net for working Americans:

1. Extended Unemployment Benefits. Provide additional 13 weeks of unemployment benefits to worker who exhaust their standard benefits after September 11.

2. Additional National Emergency Grants. Provide governors with additional $5 billion in Emergency Block Grants for health insurance coverage and other related assistance.

Total first year stimulus and assistance: $100 Billion.

Mr. DOMENICI. Mr. President, this would be a $100 billion stimulus in the first year, and if we include the holiday for 1 month, when the American people will begin to see hope, when the paychecks go up, even if it is only for 1 month, and when their employers get to keep 6.2 percent in their treasury to use for other things, what could be better?

I urge our Democratic friends to take a look at it. This Senator has talked to many Democrats prior to today about this proposal, maybe as many as 15. As a general matter, most of them thought it was an exciting idea. I will not go beyond that because far be it appropriate for me to characterize it beyond saying they certainly gave me encouragement.

I do not believe people are free today to go to meetings and speak their piece because they are all tied up in entanglements of commitments. They have commitments to the old package, to the new package, to the centrist package, to the Democratic package that came out of committee. Unless you can get on board the group that supports one of those, you cannot get a package for America.

The lines established for those various groupings in the Senate should

disappear, and those who lead them should go to a meeting, be it with the Democratic leader or both leaders, and say: Let's ask the Finance Committee to put forth a bipartisan effort for the next few days. Here are all the issues. They are all boiled down to five or six issues. The rest is detail.

I believe if they went there with the right spirit—that we really need to do this, that it is far more important than anything else other than to make sure we appropriate the money needed for our military around the world and at home—we will not let the American people down.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I rise in strong support of this legislation, a bill to substantially revise and modernize the railroad retirement system, a system that was established in the dark days of the Great Depression. I also commend our leadership for bringing this important matter before the Senate in the closing days of this session. The fact that this body is willing to take the time to consider this measure during these critical days highlights the importance of this issue to both rail labor and management. Swift passage of the bill is essential to the continued vitality of our rail industry, and I urge the Senate to act on it without delay.

Two of the giants of our Nation's rail industry have roots in my State of Nebraska. The headquarters of the Union Pacific Railroad is located in Omaha. And the Burlington Northern maintains a major presence in the State, with over 8,500 employees in Nebraska alone. One stretch of Burlington's line located in Nebraska is the busiest rail segment in the world; coal unit trains traverse Nebraska constantly, providing energy to meet the Nation's needs.

In this case, management and labor of the Union Pacific Railroad and the Burlington Northern have worked cooperatively over a period of several years to develop this legislation and to build wide support for it here in Congress. The House has acted on it overwhelmingly, in three separate votes, and it is now time for the Senate to move it forward. It enjoys strong bipartisan support in both Chambers, and we simply cannot afford to delay the bill when we all know it will pass easily, especially when we have so much other important work to do, and so little time in which to do it. It is time for the Senate to act.

This bill introduces tried and true investment techniques into the railroad retirement system. It represents a way to make better use of the resources built up by the contributions of rail employees and employers to the system. Approximately $17 billion in retirement funds will, for the first time, be invested as normal, modern pension plans are, diversified among different types of investments, instead of locked into safe but low-yield Federal bonds. This simple change will permit the opportunity for better benefits and lower contributions for our rail workers, and give the industry the opportunity to take more responsibility for its own pension system.

For the first time, the law will now automatically regulate the amount of contributions going into the system in response to the actuary's estimate of the amount of reserves in the system. Under present law, if reserves falter, the Congress must step in and create new legislation to either reduce benefits or raise taxes, or both—a cumbersome mechanism to accomplish an unpopular task. This bill provides a much more streamlined means of dealing with such a contingency, without Government involvement. Industry and labor both support this automatic provision, because they know that the investment markets, in the long run, will be more productive for the system than a steady diet of only Federal bonds.

One of the most compelling arguments for this legislation is that it will improve the lot of widows and widowers of retired railroad employees. Under current law, they watch their monthly compensation decline by two-thirds once their spouse passes away. This is not only antiquated, it is an unbearable burden on some of our elderly. It is a throwback to a time when the system was in difficult straits and could not afford more. Today the system can afford to do better than this, if railroad retirement reform is enacted. The bill will provide the surviving spouse 100 percent of what the deceased former rail employee was entitled to in his or her own right. There are 50,000 retirees affected in one way or another by this one provision.

There is one other important element of the bill. The industry will now be permitted to reduce the very heavy payroll tax burden it now carries to provide benefits under the system through a 3-percentage-point drop in contributions, phased in over three years. This aspect of the bill will remove a real disincentive to hire new employees or to replace those who retire. It will free up capital for other worthwhile expenditures. And as we continue to strive to reach agreement on an economic stimulus package, we all can recognize that this benefit is especially important during this time of economic downturn.

I do not intend to go into all the improvements and the modernization that has been written into this bill at this time. There will be adequate time for a full explanation of the bill as debate progresses. But I want to once again stress the need for the Senate to move this measure forward. The Nation's railroad retirees and their families need us to act. The Nation's rail industry can help our economic recovery if we act. And the Nation's citizens expect us to act.

I appreciate the opportunity to make these important points today, and I urge the Senate to act as quickly as possible.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to address the Senate for 10 minutes.

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

Mr. CARPER. Mr. President, I had the privilege of presiding over the Senate during the last hour and listening to debate on two measures, including the measure the Senator from Nebraska has raised, the change in the railroad retirement system. We had considerable discussion on the economic stimulus package which has been debated in the Senate and passed in the House. I will take a few minutes and share a word about each of these.

The Senator from Nebraska was a Governor and a former insurance commissioner of his State. In my previous life, I served as Governor of my State and also State treasurer. During that period of time we established the first cash management system for the State of Delaware. We had good, sound, progressive policymaking with respect to pension investments. We took a pension system that was not funded, a pay-as-you-go system, fully amortized it and strengthened the State's financial condition considerably. Basically, the State had money in accounts that did not earn much at all, the equivalent in some cases of Treasury rates, and we ended up developing a policy that enabled us to invest those moneys at market rates in things other than U.S. Treasurys or CDs of the bank.

Part of what is proposed in this railroad retirement plan is: Take the money that has been set aside, paid into by the railroads themselves and by the railroad employees; that can only be invested in U.S. Treasury obligations. Let's give them the opportunity—not imprudently, but under the kinds of safeguards we have in Delaware, Nebraska, and South Dakota, as well, for State pension moneys—to invest those moneys on behalf of railroad employees, pensioners, and their survivors, in something other than U.S. Treasury obligations.

If you look at the performance of mutual funds, the stock market, the corporate bond market, over time they will outperform Treasurys. Under that plan, given a prudent investment policy, we will be able to see a higher rate of return from those investments than currently realized in the investments under the current railroad retirement plan.

We could have a good debate, and we ought to, about some other aspects of

this bill—which I cosponsored and I very much want to see come to the floor for debate and discussion. Some of our colleagues have raised concerns about reducing the retirement age for those under the railroad retirement plan from 62 to 60.

We could have a legitimate discussion over whether that reduction should be a graduated reduction to see if the money in the pension fund holds up. We could have a good discussion and debate about that. We ought to. We could have a good discussion about the issue of whether or not we ought to reduce all at once the payroll tax paid by the employers by the railroads. Maybe that is a reduction that should be phased in over a longer period of time. Again, this is a perfect issue to debate and seek middle ground. We should have a debate over whether or not the survivor benefits should go immediately to 100 percent of the benefit of the deceased railroad retiree or whether that, again, should be phased up over time.

Railroad retirement is not Social Security. It is not the same as Social Security. I don't believe it was ever intended to be. Railroad retirement predates Social Security and has been around longer than Social Security. There are two aspects of railroad retirement, one called tier 1, which is comparable to Social Security.

But another aspect is called tier 2, which provides, if you will, more of a private sector dimension. What we have in railroad retirement is a hybrid of Social Security and a private pension plan.

People say we cannot make some of the changes that are envisioned here with the railroad pension plan because they are not consistent with what we are doing in Social Security. A lot of private retirement plans let people retire at age 60. A lot of private retirement plans allow employees to retire with benefits after 30 years of service. A lot of them provide that benefit at age 60 with 30 years of service, and that is what is being proposed here.

We can, I guess, debate for some time whether or not this is the right time to bring this issue up. It is not a partisan issue. It has been suggested it is partisan and divisive. It is not a partisan issue. I believe 380 Members of the House voted for this bill earlier this year. There are 74 cosponsors to the measure in the Senate. The cosponsors come from both sides of the aisle. This is not a partisan issue. This is a bipartisan issue which seems to enjoy pretty good support in both Houses of the Congress, and also has the attractiveness, at least to me, that both rail labor and the railroads themselves support this bill.

Enough on this measure. We are going to have a vote on cloture. We will have an opportunity to vote whether or not to move to the bill. I hope we do, and I hope when we do we will have an opportunity to actually discuss and debate some of the issues that our Republican friends have raised earlier this afternoon. I think we can find some middle ground that augurs well for those who are working in the railroad industry, those who are retired from the railroad industry and for their survivors, and one that is not unfair to the taxpayers of this country.

Let me mention one other thing before I yield my time and that is on the economic stimulus package. This is a debate and an issue which cries out for a reasonable compromise. Several of the elements of a reasonable compromise have been suggested today. I want to go back to them, if I may.

Senator DOMENICI, along with Senator CORZINE and others, has come forward with I think a perfectly reasonable proposal on a payroll tax holiday whereby for 1 month neither employers nor employees would pay the Social Security payroll tax. The employees would keep that money in their paychecks. It would help people who are poor and also people who are not poor, but it would disproportionately help people at the lower end of the income spectrum. In addition, the employers would not pay their share of the payroll tax. It would help those businesses that are small and those that are not so small. I think disproportionately it might help those that are small more than those that are large. That idea, the idea of a payroll tax holiday for 1 month, if it were offered in lieu of the proposal to provide additional payroll tax rebate checks, in lieu of an expedited reduction in the 27 percent rate, and in lieu of an expedited expansion of the 10-percent bracket—that idea could be a very good compromise to bring Republicans and Democrats together.

The payroll tax holiday has the added virtue, frankly, of helping States. Like other employers, States pay payroll taxes for their State employees. If they had a 1-month holiday, it would help most States. My State is not hurting as badly as others. The unemployment rate is well below average, but we are hurting too, and my guess is so is South Dakota and others. A payroll tax holiday would also provide money in the pockets of people who are very likely to spend it, and we need some of that stimulus.

Another of the elements I want to mention today to provide a bridge between Democrats and Republicans on economic stimulus deals with what is called bonus depreciation, accelerated depreciation for capital investments that are made over the next 1, 2, or 3 years. Several principles were outlined for us in an agreement adopted earlier this fall by Democratic and Republican leaders of the House and Senate Budget Committee. Among those principles that were agreed to are these: the economic stimulus package should have an immediate impact; it should not have a long-term adverse consequence for a balanced budget; and it should be temporary in nature. The leaders of the budget committees agreed that all measures in the stimulus package should sunset in one year, to the extent practicable. If we take those three criteria and look at this notion of accelerated depreciation in order to stimulate capital investment, I think a compromise lies between what the House has agreed to and what the Senate is contemplating.

If you look at the history of the last 12 months or so in this country as our economy has wound down, one of the things that has happened is we have seen a drying up of capital investment. There is a proposal offered by our Republican friends that says let's provide a 30-percent writeoff, 30-percent bonus depreciation for investments made over a 3-year period for companies that make those kinds of investments.

Senator BAUCUS, in his proposal, said we should provide a 10-percent depreciation bonus over a 12-month period of time. There is plenty of room to compromise between 10 percent and 30 percent, and I suggest 20 percent might be that compromise for accelerated depreciation, bonus depreciation if you would. As for the time period, we should stay true to the 1-year figure, as Senator BAUCUS has proposed and as the budget committee leadership suggested.

The third measure I have to offer as a compromise between Democrats and Republicans deals with a proposal I heard from Senator COLLINS of Maine and Senator LIEBERMAN of Connecticut that we adopted in the Congress before I got here, in 1993. It is a proposal to encourage investment in small cap companies, those whose capitalization is $50 million or less. Those who hold investments in these companies—securities issued by those companies, issued for 5 years—the 1993 law promised a reduction by one-half in the capital gains tax. As it turns out, because of the alternative minimum tax that is in place, the practical effect of the incentive offered by the 1993 law is for the most part moot. There is just not much of an incentive anymore, especially when the capital gains rate is taken down to 20 percent.

I offer this. Look at a proposal offered by Senator COLLINS, cosponsored by Senator LIEBERMAN, to make the 1993 law work. That proposal says let's make the 1993 law work by taking away the effect of the alternative minimum tax for those who make investments in accordance with the 1993 law.

Those are three potential compromises which I think might bring us a little closer together as we try to work out some compromises. I hope we can get to work on this Railroad Retirement Act and hammer something out on that as well.

I yield my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the remarks of the Senator from Delaware. I agree it is something on which we need to move forward.

EXECUTIVE SESSION

MOTION TO PROCEED

Mr. REID. I now move to consider the nomination of William Baxter of Tennessee to be a member of the Board of Directors of the Tennessee Valley Authority, and I 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.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

I further announce that if present and voting the Senator from New Hampshire (Mr. SMITH) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—95

| | | |
|---|---|---|
| Akaka | Dorgan | Lugar |
| Allard | Durbin | McCain |
| Allen | Ensign | McConnell |
| Baucus | Enzi | Mikulski |
| Bayh | Feingold | Miller |
| Bennett | Fitzgerald | Murkowski |
| Biden | Frist | Murray |
| Bingaman | Graham | Nelson (FL) |
| Bond | Gramm | Nelson (NE) |
| Boxer | Grassley | Nickles |
| Breaux | Gregg | Reed |
| Brownback | Hagel | Reid |
| Bunning | Harkin | Roberts |
| Burns | Hatch | Rockefeller |
| Byrd | Helms | Santorum |
| Campbell | Hollings | Sarbanes |
| Cantwell | Hutchinson | Schumer |
| Carnahan | Hutchison | Sessions |
| Carper | Inhofe | Shelby |
| Chafee | Inouye | Smith (OR) |
| Cleland | Jeffords | Snowe |
| Clinton | Johnson | Stabenow |
| Cochran | Kennedy | Stevens |
| Collins | Kerry | Thomas |
| Corzine | Kohl | Thompson |
| Craig | Kyl | Thurmond |
| Crapo | Landrieu | Torricelli |
| Daschle | Leahy | Voinovich |
| Dayton | Levin | Warner |
| DeWine | Lieberman | Wellstone |
| Dodd | Lincoln | Wyden |
| Domenici | Lott | |

NOT VOTING—5

| | | |
|---|---|---|
| Conrad | Feinstein | Specter |
| Edwards | Smith (NH) | |

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATIONS OF WILLIAM BAXTER TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the nomination of William Baxter for both TVA positions be confirmed en bloc, the motions to reconsider be laid on the table en bloc, the President of the United States be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations were considered and confirmed en bloc as follows:

TENNESSEE VALLEY AUTHORITY

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 2011.

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2002.

Mr. FRIST. Mr. President, I rise to speak in support of the confirmation of Bill Baxter to be a member of the Tennessee Valley Authority's Board of Directors.

The Tennessee Valley Authority has played and will continue to play a critical role in the future of Tennessee and the entire TVA region. TVA is the Nation's largest public power producer serving over 8.3 million customers through its 158 distributors with revenues of $7 billion annually. In addition, TVA manages the fifth largest river system in the country.

Over the last 7 years as a Senator from Tennessee, I have come to realize that TVA is more than a power public company, more than steward of a river system, it is an integral part of the valley's economy and community.

An organization of this size with such an important role must have the very best leadership and management team in place. The board must be able to lead the organization into a future which presents many challenges including inevitable restructuring of the electric industry, addressing air quality issues, and managing TVA's debt.

I am pleased that President Bush has nominated an individual who has the experience and the skills to help lead TVA into this dynamic future. In addition, I have known Bill for most of the last decade and can personally attest to his intelligence, integrity, and ability. Simply stated, Bill Baxter is the right man for the job.

A TVA Director must fill three needs for the agency that Bill Baxter fits exceptionally well: business acumen, a commitment to public service, and leadership skills that will benefit the entire Valley. I will elaborate briefly on each of these. Bill is a business man, and a good one, who for over 20 years has shown he knows how to manage a company and meet a bottom line. He is chairman of Holston Gases, Inc., a distributor of propane, industrial, medical, and laboratory gases. Holston Gases, Inc., has eight distribution facilities throughout middle and east Tennessee.

Bill is a public servant who knows the importance of economic development. He served as Commissioner of the Tennessee Department of Economic and Community Development for several years, returning to his family business early this year. During his tenure in State government, Tennessee achieved 3 consecutive years of record private capital investment and job creation, shattering all previous records and winning national acclaim.

Bill is also a community leader who knows that a successful community must have citizens who are willing to give of themselves. That is why Bill has served as United Way chairman, board chairman for the Knoxville Zoo, and in a variety of other civic and philanthropic roles. He is also extremely loyal to his college alma mater, Duke University, where you will find him in the stands during basketball season.

Bill's energy knows no bounds; his ability to assess a situation and make good business decisions is second to none; and as a life-long Tennessean, he deeply cares about the Tennessee Valley. For Bill Baxter, the opportunity to serve on the TVA Board is a life-time dream come true.

Bill's background in business, government and as a community leader will be a great addition to the TVA Board, and I know he is looking forward to joining Chairman Glenn McCullough and Director Skila Harris as quickly as possible. Mr. Baxter comes before the Senate with my full confidence and highest recommendation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for not more than 10 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I wish to address some comments made by the majority leader this morning. Comments made by the majority leader this morning indicated he was postponing consideration of energy legislation until next year. I do not believe this is being responsive to the security needs of this Nation. As we know, the

House has passed comprehensive energy legislation. It has now been almost 6 months since the administration transmitted its report and recommendations on national energy policy to the Congress.

I do not think there is any question that had it not been for that the change of leadership in the Senate, we would have had energy legislation completed before the August recess.

When we left for the Thanksgiving recess, we assumed we would return to consider the stimulus legislation, followed by appropriations bills and items related to terrorism. The majority leader has stated that the energy legislation would come to the floor as soon as issues relating to the terrorist attacks of September 11 were addressed. Now we seem to have a change, again. The majority leader has announced we will turn to the railroad retirement bill and the farm bill this week before we return to energy.

I ask my colleagues: Is railroad retirement more important to our Nation's security than protecting our Nation's energy supply? Is the farm bill more important to protecting our Nation's security? This is like Lucy pulling the football from Charlie Brown. It seems the majority leader can always find something else to do rather than address the critical energy needs of this Nation and the energy security threat.

We see new threats appearing. I find this terribly disturbing, especially in light of two recent events that could jeopardize our national security. First was the announcement yesterday by the Attorney General that there was reason to believe that threats exist against our Nation's natural gas supplies should bin Laden be captured or killed. Second is the strong statement by the administration against Saddam Hussein and Iraq about their continuing efforts to develop weapons of mass destruction.

I need not remind this body, as I have often said, that we import a significant amount of oil from Saddam Hussein—more than 1 million barrels per day in September alone. Just last week two Navy sailors were killed defending against Iraq's illegally smuggling oil.

I am going to quote from an article that appeared in an Alaska paper and is entitled ''Iraqi oil: 2 sailors die'':

For reasons mysterious to us, a few Alaskans become irrational when it is suggested that oil from ANWR would be preferable to oil imported by the U.S. from Iraq. Anything, it seems, is better than opening the Arctic National Wildlife Refuge.

Well, maybe not anything. Everyone surely must be heartsick over the loss of two American Navy men a few days ago when a rusty tanker smuggling 12,000 barrels of Iraqi oil sank in the North Arabian Gulf.

The two sailors from the USS Peterson boarded the overloaded rust-bucket as part of the U.S. effort to prevent Iraq from illegally diverting oil to shady foreign buyers, who resell it on the spot market—with much of it winding up in American refineries.

When the tanker, the Samra, went down, it took with it four Iraqi crewmen and the American sailors. The oil was in tanks hidden under bags of grain in the hold.

At the risk of further angering opponents of opening ANWR, we point out that Petty Officer 1st Class Vincent Parker, 38, of Preston, Miss., and Petty Officer 3rd Class Benjamin Johnson, 21, of Rochester, N.Y., died because our own domestic oil resources are not sufficiently developed.

It seems we have a grave inconsistency. On one hand, we are importing oil from Iraq; on the other, enforcing a no-fly zone. And now we have had the loss of two Navy sailors defending against Iraq's illegal oil.

Should an attack on our natural gas supplies occur or should there be some disruption in our supply of imported energy, we will see energy prices skyrocket and risk seeing our recession quickly turn into a depression.

Should this occur, I hope the American people will understand the majority leader's position that they will just have to wait until next year for some relief on energy legislation.

I was also quite surprised to hear the majority leader state that all committees of jurisdiction have had the opportunity for input on the legislation he will introduce when, in fact, just the opposite is true.

In order to frustrate the will of Senators, the majority leader had to resort to the extraordinary measure of closing one of the standing committees of the Senate, the Committee on Energy and Natural Resources, so that it would not report partisan energy legislation.

Despite the requirements of both the Senate and committee rules that we hold business meetings at least monthly, we have been forbidden to meet and, in fact, have not had a business meeting since the August recess. I ask: Is this allowing the Senate to work its will?

Now that the majority leader has postponed consideration of comprehensive energy legislation, will he allow the Energy and Natural Resources Committee to consider this legislation? That appears pretty evident.

I respectfully suggest the majority leader lift his prohibition on our committee so we can hold a business meeting to immediately consider this legislation. I do not think it will take the committee more than one business meeting to report an amendment or amendments to the Senate. If the majority leader introduces his version this week and allows the Energy Committee to meet next week, I am confident we will be able to report bipartisan legislation in time for consideration by the full Senate.

Should this not occur, I believe it to be my obligation as ranking member of the Energy and Natural Resources Committee to bring the debate about our Nation's energy security to the floor of the Senate as soon as possible, using whatever procedural means are available. I alert all my colleagues that it is my intent to use whatever means are necessary to get an energy bill before this Senate before we recess.

I further remind my colleagues, as we look at a stimulus package, there is no better stimulus than the ANWR issue in the energy bill. Where else are you going to generate about 250,000 jobs in this country? Where else are you going to generate about $3 billion in revenue from lease sales? And where else are you going to do this without the cost to the taxpayers of any amount of money?

This is a money generator. It is a jobs issue. The Senate should move on this issue expeditiously.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Massachusetts.

Mr. KERRY. Madam President, what is the matter before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.R. 10 is the pending question.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed as in morning business.

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

## SENSIBLE ENERGY POLICY

Mr. KERRY. Madam President, at some point that is appropriate—this is not the time; I might do it after I ask unanimous consent and speak on some other business—I certainly would want to speak to the issue the Senator from Alaska has raised a number of times on the floor of the Senate.

I will say, a moment ago he asked the question: Where else are you going to provide 250,000 jobs a series of times? The fact is, there is a sensible energy policy for this country and a way to provide many more than 250,000 jobs by properly pursuing a series of measures other than violating the Arctic National Wildlife Refuge. It is such a false premise, such a false offering for jobs that it really obviates most of the commonsense approaches to energy that the Senate has yet to debate.

I very much look forward to the debate the Senator promises us. It will be a good debate. There are millions of jobs awaiting Americans in a sensible energy approach, and millions of Americans understand that and are waiting for us to move to that approach as rapidly as possible.

What is really interesting about the debate about the Arctic wildlife refuge, so much as there is a debate, is that not a drop of oil is going to come in the near term and answer any of the immediate needs of national security with respect to our dependency.

Moreover, most of the world's reserves are everywhere else but the United States. So whatever Alaska has to offer, we have great respect for Alaska. We love the 95 percent of the oil shelf that is available for drilling. It is not going to be a literal drop in the bucket with respect to the independence issue or the global price of oil. So these are all issues that await us.

It is an important debate for the country to have. There will be no difference in the outcome whether that debate takes place in December or takes place in January, as the majority leader has promised us. So I anticipate the budget of this country, which still awaits action by the Senate, and the Defense appropriations bill itself, which is important to the funding of our troops immediately, ought to take precedence over that other debate which incidentally has been begging for its proper attention for some 30 years or more.

I do not think another month is going to make all that much difference in the outcome. So I do look forward to it.

## UNANIMOUS CONSENT REQUEST—S. 1499

Mr. KERRY. Madam President, Senator BOND and I have been trying to bring S. 1499 before the Senate since it was introduced, but literally for more than 1 month steadily, we have been held up, depriving the Senate of an appropriate debate and depriving us of an opportunity to achieve maybe 90 to 95 votes for this legislation.

I ask unanimous consent that the Senate now proceed to Calendar No. 186, S. 1499; that the Kerry-Bond substitute amendment which is at the desk be considered and agreed to, and the bill, as amended, be read three times, passed, and that the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, I object reluctantly on my behalf and on behalf of other Senators. I believe both Senator KERRY and Senator BOND wish to speak on the issue, and I will speak to it when they have completed their remarks.

The PRESIDING OFFICER. The objection is heard.

Mr. KERRY. Madam President, I understand the Senator from Arizona has indeed objected to this bill for a period of time now, as I referenced moments ago. I regret that. We have tried to work out the issues with respect to what is the American Small Business Emergency Relief and Recovery Act of 2001. The ranking member of the Small Business and Entrepreneurship Committee, Senator BOND, has joined me for some period of time now in trying to move this important legislation for the small businesses of our country. We have 55 cosponsors of this bill, a majority of the Senate, prepared to help the small businesses of the country. Two United States Senators, I regret to say, oppose this bill, and we are not able to proceed forward.

We have the support of the Airport Ground Transportation Association, the American Bus Association, the Association of Women's Business Centers, the CDC Small Business Finance, the Chicago Association of Neighborhood Development Organizations, the Citizens Financial Group of Rhode Island, the Clovis Community Bank of California, the Coastal Enterprises of Maine, the County of San Diego, the Delaware Community Reinvestment Act Council, the Fairness in Rural Lending Group, the Florida Atlantic University Small Business Development Center, the Helicopter Association, the National Association of Development Companies, the National Association of Government Guaranteed Lenders—some 5,000-plus lenders—the National Community Reinvestment Association, the National League of Cities, the National Limousine Association, the National Restaurant Association, the National Small Business United, National Tour Association, the Rural Housing Institute, the Rural Opportunities, Small Business Legislative Council, the U.S. Conference of Mayors, the United States Chamber of Commerce, the United States Tour Operator Association, the Women's Business Development Center, and others.

This amendment incorporates a number of improvements that Senator BOND and I have made at the recommendation of the administration and of other colleagues and of the business community. It seeks to provide help to small businesses nationwide that are struggling because of the events of September 11, exacerbating an already declining economy in the months prior to September 11.

They need access to working capital until normal operations resume, or until they can restructure or change the business to address the market changes. Many small businesses simply cannot find the working capital they need, even though they are a viable business under normal circumstances, because of this momentary downturn, because of an abrupt cutoff of business due to the reduction in auto rentals, hotel rentals, visits to restaurants, travel and therefore business with travel agencies. All of those immediately impacted by the events of September 11 are living out an aberration in the economy. It is not the normal course of doing business. Those are businesses that could be viable in a matter of months, which we do not want to lose, providing in the normal course of business we provide them with adequate access to credit.

The problem is, all across the country, we know credit has tightened up as a consequence of the outlook of the economy. So we create this self-fulfilling prophecy, this cycle of a downward trend as a consequence of people saying: I think the economy looks bad. . . . We have to hold back on those loans. . . . Consequently, they hold back on the loans and then, indeed, the economy looks bad because the failures ensue because working businesses do not get their capital.

In American Banker, they wrote the following:

> Lenders were already skittish following the steep economic decline of the past year. The events of September 11 have diminished their confidence and dimmed their prospect for recovery.

This bill is geared to try to provide emergency lending completely within the current law and capacity of the Small Business Administration. It builds on SBA's disaster loans, the 7(a) working capital loans, the 504 loans for equipment and building improvements, the venture capital investments and expanded access to SBA's business counseling. SBA has done an extraordinary job of leveraging small amounts of money into larger amounts of money in the country.

Let me point out that one of the objections of our colleagues who keep stopping us from proceeding forward is that this bill will cost money. Based on a 1992 study by Price Waterhouse, the $17 billion of 7(a) loans authorized by this bill will yield tax revenues from the small businesses borrowers of about $2.5 billion in the first year alone, more than off-setting the cost of the entire bill.

This bill is fiscally responsible. The Congressional Budget Office (CBO) has informally scored S. 1499 at $860 million if all aspects are fully funded and utilized. CBO has estimated that the vast majority of the loans provided by S. 1499 (those made under section 7(a) of the Small Business Act) will cost 3 percent; that means that for every $100 loaned, the cost to the government is $3. This is a cost-effective way to provide necessary access to capital to small businesses throughout the country.

The judgment that is made in making a loan is how assured is that return on investment or what is the track record of the people to whom you are lending. The fact is that the track record of the Small Business Administration over the last years has been improving steadily and is at a rate today that would suggest this is a positive undertaking for the Government of the United States. It is particularly important for us to engage in it. In fact, the Administrator of the SBA recently said at a conference that the cost of the 7(a) program will be 50 percent less in FY 2003.

I might point out that if one were to take a number of the businesses that have been helped by the Small Business Administration—and I will be very quick because I know my colleague from Missouri wants to speak—the entire budget of the SBA for several years has been paid for many times over by the tax revenues that have come from the success stories of the companies that the SBA has funded. How many of our colleagues are aware that SBA was involved in funding Fed Ex, SBA was involved in the funding of Callaway Golf, SBA was involved in the funding of Intel? Intel alone has returned more in terms of the tax revenue in this country than the entire annual budget of SBA.

So we have many small businesses that are currently trying to stave off

bankruptcies. They are trying to prevent the doors from being closed. They want to keep people working, and keeping those people working is in itself a stimulus for the United States because those are people who pay their health bills, pay their mortgages, make their car payments, and all of that begins to restore the health of the economy in the long run.

I urge my colleagues to take up this legislation in the next few days. Small businesses are asking Members to do this. Our friends in the House of Representatives, Congressman DON MANZULLO, chairman of the committee, and Congressman JIM MORAN have introduced a companion bill and are gearing up to pass it as soon as possible. I hope my 55 colleagues, who are consponsors of this, and others waiting to vote for it, and the small businesses who need it, will be liberated from this hold in the Senate.

Mr. President, I thank my 55 colleagues who are cosponsors of this bill, with a special thanks to Senator BOND, the ranking member of the Senate Committee on Small Business and Entrepreneurship. I also want to thank the many supporters of this legislation.

I ask unanimous consent that the list of cosponsors and several of the many letters of support for the legislation be printed in the RECORD.

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

COSPONSORS—THE AMERICAN SMALL BUSINESS EMERGENCY RELIEF AND RECOVERY ACT OF 2001

Senators Bond, Wellstone, Harkin, Cleland, Lieberman, Edwards, Carnahan, Levin, Cantwell, Landrieu, Snowe, Allen, Crapo, Enzi, Burns, Ensign, Schumer, Clinton, Daschle, Bingaman, Inouye, Sarbanes, Akaka, Reed, Durbin, Kennedy, Grassley, Torricelli, Lincoln, Rockfeller, Hollings, Leahy, Corzine, Johnson, Collins, Biden, Warner, Bill Nelson, Mikulski, Jeffords, Bennett, Murray, Carper, Domenici, Conrad, Smith (OR), Graham, Roberts, Stabenow, Dorgan, Hagel, Hutchison, Dodd, Hutchinson, and Boxer.

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CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
*Washington, DC, October 12, 2001.*

Hon. JOHN KERRY,
*Chairman, Small Business Committee,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to thank you for introducing S. 1499, ''The American Small Business Emergency Relief and Recover Act of 2001,'' on October 8, 2001, and pledge the U.S. Chamber of Commerce's support for this important bill that provides much needed relief to many of America's small business owners.

As a direct result of the events of September 11, many small businesses have been physically and economically devastated. Because of the unique character of this disaster, many of the existing programs meant to act as a ''safety net'' to the small business community have been found to be inadequate or not available. Your bill, ''The American Small Business Emergency Relief and Recover Act of 2001,'' serves to correct these inequities and provide the economic tools necessary for many small business owners to recover from this tragedy.

For those small business owners whose enterprises have been shattered by the repercussions of the economic shockwave from ground zero, we must extend the lifeline of assistance in the form of expanded Small Business Administration low-interest loans and programs. We must not let the recent tragedies serve to dampen the drive and determination of our nation's existing small business owners who may be struggling financially as a result of the events of September 11.

The U.S. Chamber of Commerce is the world's largest business federation, representing more than three million businesses of every size, sector, and region. More than 96 percent of the Chamber's members are small businesses with 100 or fewer employees. On behalf of these small employers, I again thank you for introducing S. 1499, ''The American Small Business Emergency Relief and Recover Act of 2001.''

Sincerely,

R. BRUCE JOSTEN.
*Executive Vice President, Government Affairs.*

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THE NATIONAL ASSOCIATION OF GOVERNMENT GUARANTEED LENDERS, INC.,
*Stillwater, OK.*

Hon. JOHN KERRY,
*Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Building, Washington, DC.*

Hon. CHRISTOPHER BOND,
*Ranking Member, Senate Committee on Small Business and Entrepreneurship, Russell Senate Building, Washington, DC.*

DEAR SENATORS KERRY AND BOND: On behalf of the members of the National Association of Government Guaranteed Lenders (NAGGL), SBA's 7(a) lending partners, thank you for your efforts to support capital access for small businesses, especially in this time of heightened need. In accordance with this need, NAGGL's leadership and membership fully endorses S. 1499, the ''The American Small Business Emergency Relief and Recovery Act of 2001.''

This bill's goal is to provide small businesses with the necessary financial assistance to spur them, and thus America's greater economy, to full recovery. It will do this by addressing the credit needs of a variety of small businesses, from those located at or near disaster sites, to the multitude of small businesses throughout the country that were indirectly impacted by the events of September 11, 2001.

Prior to September 11, there were already signs of a slowing economy and a tightening of credit underwriting standards by commercial lenders. Some small businesses were already facing difficulty in obtaining credit. The events of September 11th have only exacerbated these problems.

This is why the quick passage of S. 1499 is so important. This bill addresses the difficulties facing America's small business sector, and so we encourage your Senate colleagues to pass it expeditiously.

Sincerely,

ANTHONY R. WILKINSON,
*NAGGL President & CEO.*

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NATIONAL LEAGUE OF CITIES,
*Washington, DC, October 30, 2001.*

DEAR SENATOR: On behalf of 138,000 local elected officials, the National League of Cities (NLC) strongly urges you and your colleagues to support and push for immediate consideration of S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001.

In the wake of September 11, cities nationwide have reported stress to local economies and city finances, and have indicated that a decline in local business is one of their greatest concerns. In a recent letter to Senator Daschle and members of the Senate Finance and Budget Committees, NLC urged inclusion of small business relief in any economic stimulus package.

S. 1499 would help the efforts of lending institutions, community organizations and local public agencies in providing assistance to small businesses. The measure would expand access to Small Business Administration (SBA) low-interest or no-cost recovery loans to small businesses that were directly or indirectly affected by the attacks, and those in need of capital and investment financing or procurement assistance.

NLC has always supported adequate federal assistance to new and existing small businesses, and this emergency legislation reflects an important and timely effort by Congress to recognize the impact of these attacks on local economies nationwide by helping mitigate bankruptcies, business closures, and lay-offs.

If you have any questions or comments, please contact Scott Shrum in our office at 202–626–3033.

Sincerely,

DONALD J. BORUT,
*Executive Director.*

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NATIONAL RESTAURANT ASSOCIATION,
*Washington, DC, November 14, 2001.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: On behalf of the National Restaurant Association, the leading trade group for the nation's 844,000 restaurant locations, we urge you to cosponsor S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001.

S. 1499 would address both emergency relief needed in the aftermath of the September 11 tragedies as well as the magnified credit crunch caused by the economic downturn and the uncertain economic outlook facing our nation. In October 2001, eating and drinking places cut 42,000 jobs, which followed a 43,000 job reduction in September (seasonally-adjusted). This is the worst employment performance in the industry for this two month period since records have been kept.

The purpose of S. 1499 is to help small businesses meet their payments on existing debts, finance their businesses and maintain jobs in the aftermath of the September 11 attacks by strengthening and expending access to the Small Business Administration's loan payments and management counseling. With 11.3 million employees, the restaurant industry is our nation's largest employer outside of government. Ninety-two percent of restaurant in the United States have fewer than 50 employees.

The National Restaurant Association applauds Senator John Kerry and Senator Kit Bond for introducing this bipartisan legislation and we ask that you consider cosponsoring S. 1499.

Sincerely,

STEVEN C. ANDERSON,
*President and CEO.*
LEE CULPEPPER,
*Senior Vice President, Government Affairs and Public Policy.*

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to be permitted to speak as in morning business for up to 5 minutes.

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

Mr. BOND. Madam President, there are a couple of issues on which I agree very strongly with my good friend, the chairman of the Small Business Committee, and one on which I disagree.

First, I agree on the need to bring up an energy package, have a sound and full debate, and pass a sensible energy package. We need it. I disagree with him on the need to continue the environmentally sound development of natural resources and petroleum products out of ANWR.

I have been on the North Slope, a frozen desert which is not harmed by drilling there now. The 2,000 acres that would be involved out of ANWR's 1.9 million acres will do nothing but provide a sounder base for the caribou that live there—I disagree on that, but I strongly agree with him on the need to bring up S. 1499.

If a Senator has a problem with it, air it on the floor. We have 55 cosponsors; 18 out of the 19 members of the Senate Small Business Committee said it is time to do something for small business.

It had become apparent to all Members that in 2000 we had an economic slowdown. Officially, we are in a recession. As we know, as banks tighten credit standards, and as access to credit drops, small business slows down. In the wake of the September 11 terrorist attacks, there were significant weaknesses in the small business sector. We proposed a reasonable, bipartisan measure that can go a long way toward helping small business get the restart it needs to provide jobs and spur economic activity in this country.

Very briefly, the American Small Business Emergency Relief and Recovery Act would make economic injury disaster loans available to all small businesses directly impacted by terrorist attacks. Businesses that shut down, such as airport shutdowns and general aviation shutdowns, and airport suppliers, would be allowed a repayment of principal and interest deferral for 2 years and interest could be forgiven.

The SBA current disaster loan program was not designed to meet the extraordinary circumstances that came about as a result of the terrorist activities. It could be a year or more before many of the small businesses in New York City can open their doors. They could not repay the loans right away, so we allow them to defer.

Small businesses throughout the United States have shut down. When general aviation was grounded, flight schools were closed, and other small businesses, depending on aircraft, were hurt. Our bill allows these small businesses to defer for 2 years repayment of principal and interest on their SBA disaster loans. Other small businesses experiencing economic problems that need help with their cashflow, working capital, or investments to continue their operation or hire more people would be available for special loan programs with a lower interest prime, with a 90 percent guarantee of the loan, and with a deferral of principal and payments for up to a year.

Small businesses are already hurt. We need to give them a stimulus to get them moving again. There would be other breaks: No guarantee fees to be paid by small businesses. The amount that the SBA could guarantee would increase from 80 to 90 percent for loans up to $150,000 and from 75 to 85 percent for loans greater than $150,000. The participating bank fees would be removed on 504 certified development company loans.

That is what we propose. That is what the Small Business Committee says makes sense. Right now we are talking about coming forward with a $70 to $80 to $90 to $100 billion stimulus package because we know the economy needs a jump-start. That is $70 to $80 to $90 billion that would mostly be paid out in the hopes that people would use that money to buy and get business started again.

We are in a business recession. The beauty of this program is no money is spent unless small business borrows money to put to work. We want small businesses to get back to work. This program doesn't cost a thing unless some small business goes out and borrows the money and puts it to work, buys equipment, uses it for working capital, uses it to pay employees.

When we talk about credit scoring in the credit subsidy rates, people's eyes always glaze over. They say the total cost of the bill for 1 year is $815 million. That means they make $17 billion worth of loans, and somewhere around half a percent of those or $800 million may go bad. We are talking million. The rest is paid back. There are other minor losses on fees. Total cost to the Government is $816 million.

I am almost embarrassed to come out here and talk about a stimulus package in terms of millions of dollars because anybody on this floor worth their salt can get up and talk about billions and billions and billions of dollars they would like to see in stimulus. We can get small business investing, growing, hiring more people, paying wages, buying equipment, being good customers for other businesses, for $816 million.

I think this bill makes sense. We have a majority of the Senate cosponsoring it. Let's get on with this bill. If we are not able to bring it up as a separate bill, I have this warm feeling that it will be offered as an amendment at some point and we will have an opportunity for that full debate at that time.

I agree with my colleague from Massachusetts; I expect as usual when we are talking about helping small business, some 80 to 90 Members of this body will go along with us.

I strongly urge my colleagues to let us know what their problems are with the bill, talk it out, get it done, and pass it. We are going to have an opportunity to vote on it at some point.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I ask unanimous consent I be given up to 15 minutes as in morning business.

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

## REMEMBER NEW YORK

Mrs. CLINTON. Madam President, exactly 11 weeks ago today, we as a nation suffered the most horrific and tragic attack in our long history on our shores. It is almost impossible to reconstruct the feelings, the emotions, the reactions that have swept through our Nation in the wake of the events of September 11. Certainly our Nation has responded both abroad, under the President's leadership, through the extraordinary efforts of our men and women in uniform, to root out the terrorists responsible for this attack. Here at home we have faced continuing challenges in the aftermath of September 11, including the use of anthrax to bring about death and injury and create an atmosphere of fear. But I want to bring our attention back to that part of our Nation that suffered the most grievous attack. That was in New York City in Lower Manhattan.

I don't think it was any accident that the terrorists chose this particular place in America to launch their attack. New York City is the global city, not only the capital of global finance but of global media, of entertainment, of intellectual ferment. It is a beacon, a magnet for immigrants from throughout the world. So the attack was well planned, not only to destroy buildings and kill innocent people but to send a signal to America that the terrorists were aiming to undermine our way of life.

Clearly, we have responded with such strength and resolution that the effort undertaken by those who thought they would destroy us has clearly been repudiated. We are, I believe, stronger and more unified today than we were on September 10. For that I am grateful. But I do not want our country, as we turn our television sets and our eyes toward Afghanistan, as we worry about tracking down whoever sent anthrax-laden envelopes to innocent people, including our colleagues, I do not want anyone to forget what happened on September 11 in New York City.

This is an aerial view of Lower Manhattan. It gives you some sense of the destruction—acres and acres of destroyed buildings, fires that are still burning below ground. Looking at this today brings back the memories that I will always have of flying over this site on September 12 and looking down and not only seeing that the towers and neighboring buildings were gone but looking into what appeared to be the jaws of hell.

But beyond this picture of destruction there are so many lives that have been impacted forever, not only those who are no longer with us but their family members, their colleagues, their friends, and their neighbors have been affected, not only those who lost their lives but so many whose livelihoods were turned upside down.

In New York City alone, as a result of the World Trade Center attacks, we lost over 3,500 innocent people. We are still reading their profiles and learning a little bit about each one because of the extraordinary series that the New York Times runs every day. For that I thank the Times.

Some 20,000 families who called Lower Manhattan home were rendered homeless. Think of it; 20,000 families couldn't go home, not only because of the destruction but because of the air quality. It was reported yesterday that 8,000 have still not returned home.

Madam President, 15 or 20 million square feet of office space was damaged or destroyed resulting in the loss of nearly 125,000 jobs. And because the scene—not just the immediate area of destruction known as Ground Zero but reaching far beyond—is a crime scene, and because the removal of the debris ties up streets, we have an area that is called the frozen zone. That makes it very difficult for businesses and residents to be able to resume anything resembling normal life.

The New York City Partnership estimates we lost nearly 125,000 jobs, and that a total of 270,000 are at risk. The Partnership expects over 50,000 small businesses to close their doors during the first quarter of the coming year. In the 45 days following the attack, 3,400 small businesses rendered inaccessible because of the damage and the crime scene designation lost an estimated $795 million in revenues.

We know the specific cases of the losses are not just in the private sector, because the public sector was also impacted in a way from which it will take years to recover. The Metropolitan Transportation Authority and the Port Authority of New York suffered millions of dollars to subway stations, to the PATH train station and infrastructure that ran underground, under the river, bringing thousands and thousands of people to work every day.

Hundreds of thousands of residents and businesses lost electricity and telephone capacity. Many remain without telephones all these weeks later.

Verizon, which provides our phone service, and serves 300,000 voice lines and 3.5 million data circuits out of its building at 140 West Street, was severely impacted because the building was destroyed.

Con Ed lost two substations that supplied power for nearly 400,000 homes and businesses and suffered destruction of 11,000 feet of gas distribution lines. Con Ed continues to provide electricity through what are effectively 35 miles of extension cords. I have seen these big extension cords lying on top of the streets, and I know this is something that needs to be tended to so they are cared for and covered up before the winter comes.

Many of New York's hospitals which cleared their beds in order to be ready for the injured, many of whom never came because they lost their lives instead, suffered millions of dollars in losses.

The estimates for the economic loss, for the cost of debris removal, for infrastructure repair and rebuilding, are in the range of $100 billion.

During those days after the attacks we received a tremendous amount of support. Indeed, many people, many of my colleagues as well as colleagues in the House, made the trip to Ground Zero because they understood what our Constitution says, which is that the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion. When we were invaded by those hijacked airplanes on September 11, our country responded, not only out of the goodness of our hearts, out of a sense of empathy and sympathy, but because as a United States that is what is called for in our Constitution.

Many who came, including the President with whom I went to Ground Zero, made a clear commitment. As the President said in the joint session of Congress on September 21: We will rebuild New York City.

The Speaker of the House made a wonderful commitment to see New York ''rise from the ashes that we saw today.''

Our leaders, Senator DASCHLE, Senator LOTT, Congressman GEPHARDT, all made that commitment. And OMB Director Mitch Daniels said the President's pledge of $20 billion is an absolute guarantee and it is likely to be more. Of course, it will be more because the damage is so much more.

In those first days we had tremendous support, not only from our majority leader but from the chairman of the Appropriations Committee, Senator BYRD. Senator SCHUMER and I went to Senator DASCHLE and Senator BYRD and to the President, told them what we had seen, made clear we were going to face tremendous needs that we could not carry on our own, and secured a commitment for $20 billion to address those needs.

We all acknowledge that that $20 billion was a first installment. With the invoices beginning to come in, it is quite clear that the cost will be considerably higher. That is not something new for our Nation. In natural disasters, and in terrorist attacks in the past, the Federal Government, which represents all of us, has stepped up to the plate to take care of Americans.

The charts here illustrate the loss of life and damage from just a sampling of past disasters—Hurricane Hugo in 1989, the Northridge earthquake in California in 1994, the Oklahoma City bombing in 1995, and the World Trade Center attack. If you look at the loss of life in this first chart, you can see how the World Trade Center compares—the terrible, terrible commentary, to think that with all of the natural disasters to which we are subject in our Nation that take the lives of innocent people caught in a hurricane, or a tornado, or caught in an earthquake, or a flood, what happened at the World Trade Center is so much greater. The enormity of it, even today with the count at 3,553, is almost impossible for us to take in.

If you look at the estimated economic impact from major disasters—again looking at Hurricane Hugo, Northridge, Oklahoma City, World Trade Center—Hurricane Hugo resulted in losses exceeding $10 billion; the Northridge earthquake had a total cost of $25 billion; in Oklahoma City, the cost totaled $650 million; and, again, if we look at the World Trade Center with costs in excess of $100 billion, it is so much greater than any tragedy, natural or man-caused tragedy, that we have ever encountered.

The Federal Government has always come to our rescue. If you look at these examples—we could have taken others, but these are representative—the return to the impacted area, the city or the State, has always been in the range of 30 percent to 40 percent of economic loss.

With the money so far allocated by the White House from the $40 billion emergency package enacted following the attacks, combined with amounts earmarked for New York in the House appropriations bill, the financial capital of the world, a place that has so much meaning in our Nation's history and the home of 8 million fellow Americans, is receiving just 11 percent of the estimated losses suffered. Hurricane Hugo received 38 percent; the Northridge earthquake in California, 39 percent; Oklahoma City, 41 percent; and, so far, even including the House appropriations, 11 percent for what New York has suffered. Even with the full $20 billion committed by the President following the attacks, the Federal response would only be in the 20-percent range.

Sadly, while I, along with many of my colleagues, acknowledge that this $20 billion would be just a first installment, even that money has been slow to come.

If we look at where we stand with respect to the summaries of loss of life, the economic impact, and the estimated percentage of Federal response, we can see that New York is not getting the help that we not only should expect but must count on.

New York needs that $20 billion which has been promised—not next year but this year. The resources allocated thus far by the White House and the House appropriations bill leave so many immediate needs unmet.

If you look at what has already been provided, we are grateful indeed for this help because already provided is $2 billion through FEMA for emergency response and debris removal; $500 million for SBA loans, medical services, and dislocated worker assistance; $700 million to go into a community development block grant; the House added to the money that the administration had already provided an additional $8 billion desperately needed, to increase the amount for debris removal by $4.4

billion; to increase the amount for the community development block grant by $1.8 billion; to put some money into workers compensation, which is desperately needed, of $175 million; and then creating an emergency employment clearinghouse to help all of the dislocated workers who have, through no fault of their own, lost their jobs in the aftermath of September 11.

The total is $11.2 billion, far short of the $20 billion that New York was promised and that many of my colleagues and colleagues in the House and people in the administration certainly committed.

Let's look at what is left out. New York City agency costs, MTA infrastructure damages, Port Authority costs, the utilities and exchange costs, hospital costs, university facilities that were impacted, unemployment assistance, health care coverage for our displaced residents and businesses—all of those are zero.

If you look at where New York's $20 billion should be for ground zero, unfortunately, too many of our needs are on zero ground. All of these needs that have been specified are not being taken into account by either the administration or the House appropriations process.

I commend my House colleagues from New York who fought hard, especially the five members of the Appropriations Committee. They waged a valiant battle, which actually resulted in increasing what the administration was going to give us this year by $8 billion. It was against a tremendous amount of pressure that was placed on them.

There was lobbying against New York getting this necessary money from the highest places in the administration, which I just for the life of me don't understand. I do not recall there being any argument for any lobbying against the needs of our residents and citizens who were impacted by Oklahoma City or by the Northridge earthquake or by the hurricanes or floods or tornados that we have suffered. Yet the damage here is so much greater.

People say, well, you know you can't use that money right now. That is just not true. We have specific requests that have been backed up by each of these particular items. We know we can sure use the unemployment assistance and the COBRA premium assistance because of all of our unemployed workers. We know the utilities have already spent over $1 billion getting telephone service and electricity reconnected. We could go down each of these.

We are particularly concerned about our hospitals because so many of them spent millions and millions of dollars and turned away revenues in order to be ready for injured victims who never came.

The Senate will begin its work on the appropriations for New York as well as the stimulus package which includes some incentives that will help us to keep businesses and provide some assistance for residents so they will go back downtown despite the fact that the fires are still burning. The air quality is subject to question. We will be able to provide some additional help to our hospitals, we hope, as well as to businesses to stay in Manhattan and New York City.

The Senate is about to begin our process. But I wanted to take a few minutes on this day of commemoration as to what happened to New York and America 11 weeks ago to remind all of us about the cost of these attacks. New York City is a place noted for resilience. I think the country and the world have certainly seen that. It is a place that bounces back and keeps going. But one only has to be reminded of the tremendous damage that was inflicted to know we need some help. We are more than willing to pick ourselves up and rebuild and do what needs to be done to make this an even greater city in the 21st century than it has been for 400 years, but now New York needs America's help. For decade after decade after decade, New York has sent billions and billions and billions of dollars right here to Washington. We run a balance of payment deficit between New York and Washington that is $15 to $18 billion a year. But New York has a lot of wealthy people. Fifteen percent of the State's revenues came right out of Ground Zero. So we have paid for a lot of what needed to be paid for in our country that did not directly affect New York.

We pay for commodities support systems so we have a good, safe food supply, and our farmers are well prepared to produce the food we need. We pay for our military even though we only have one major base left in our State. We pay for so many of the needs that people have all over America. So as far as we are concerned, that is one of the prices we pay for being so successful.

But now New York needs America's help. After having done so much for so long to make sure our country was strong and prepared for the future, we need some help to put New York back into business so that it will continue as the capital of the global markets, as the capital of the global entertainment and media world.

And so, Madam President, I ask that the administration reconsider its position and be willing to provide us with the additional money that so many of our people need and so many of our agencies require to get back on their feet. I hope that everyone will remember that disparity of damage and economic cost compared to the amount that has been provided for us and make good on the President's promise of $20 billion. That was one of the most emotional moments that I can certainly remember. To have such a quick, open response from the President to meet the needs of New York was a shot in the arm and a great confidence booster when we needed to hear it. What a shame it would be if that promise isn't fulfilled and if it isn't fulfilled in a timely manner this year so people can put that money to work to rebuild their lives, to reclaim their jobs, to keep their businesses going, to repair the infrastructure, and to make clear that New York is back and better than ever.

I appreciate the opportunity to take a few minutes to talk about where we are 11 weeks after this attack and to remind all of us that it was an attack on America, and New York is counting on America's help.

Thank you very much.

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 rescinded.

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

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes each.

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

## THE SELECTIVE SERVICE SYSTEM

Mr. THURMOND. Madam President, in the wake of the September 11, 2001 attacks on the World Trade Center and the Pentagon, our Armed Forces have again been called upon to preserve our National Security. The Secretary of Defense and Chairman of the Joint Chiefs of Staff previously assured us that the military was ready for this latest endeavor. As demonstrated by the ongoing actions in Afghanistan, they were right on target. As the senior member of the Senate Armed Services Committee and a retired Major General, I heartily concur that the world has never seen a finer fighting force. However, as President Bush cautioned in his September 20 address to Congress, ''Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen.''

International terrorism is an enemy different than any we have faced before. President Bush has made it clear that ridding the world of this evil is of the utmost importance. He stated ''terror, unanswered, can not only bring down buildings, it can threaten the stability of legitimate governments.'' As we continue to wage ''civilization's fight'' we must ensure our National Security structure is prepared for an unpredictable future.

Providing for our Nation's security is the most important responsibility of the United States Congress. The Constitution instructs the Congress ''To

raise and support Armies. . . .'' and ''To provide and maintain a Navy.'' Since it is possible that we may be facing a lengthy campaign which potentially includes casualties, Senators and Representatives must be prepared to take whatever actions are required to meet this sacred Constitutional directive. Although the Armed Forces have succeeded in meeting this year's recruiting goals, there are no guarantees that tomorrow's youth will volunteer to the degree required to maintain the end strength goals of our Army, Navy, Air Force and Marine Corps.

Like all of you, I pray that we are able to swiftly bring to justice those who perpetrated these heinous crimes of September 11. I hope this can be done without incurring further loss of American lives and that diplomacy and international law will succeed in eliminating the threat of terrorism in the future. Developments around the world following the attacks give us hope that some good may come from this tragedy. For example, in Ireland officials have reported important progress in their negotiations for arms decommissioning. Unfortunately, history illustrates that terrorism has existed for over two thousand years. Certain cowardly groups will inevitably resort to terror against innocent people to compensate for their weakness and attempt to achieve their objectives. Accordingly, the President has rightly turned to our men and women in uniform.

Several years ago, I argued that; ''we need to take a hard look to see if it is time to reinstate compulsory national service.'' I believed then, as I do now, that the positive benefits to the Nation from compulsory service outweigh any of the conceivable drawbacks. However, the reality is that even today as we face the most serious threat to our Nation since the Second World War, a national draft of some sort is not being actively considered. The military is not eager to return to a conscript force, and others have not recognized the opportunity and value of asking Americans to provide public service as a responsibility of citizenship.

Moreover, some have argued against the practicality of maintaining the Selective Service System at all, claiming that its application is now merely a part of the past. On the contrary, I believe that Selective Service is a national security insurance policy in place for the scenarios we are facing today or may potentially face in the future. If, as the President has said, defeating the evil of international terrorism will require a substantial National effort, the United States must be prepared. In this case, the Selective Service System will be needed as an integral element for assuring our Nation's Security.

The recent attacks in New York and Washington, DC, and the subsequent anthrax cases have forever changed the way our leaders consider National Security. In response, we must take appropriate actions. I agree with and support President Bush's assertion that nothing is to be ruled out of consideration. Furthermore, I believe that operational readiness or response to a major crisis may require the resources of the Selective Service System. For this reason we must make absolutely certain that this organization is at the highest level of readiness and ability. Sadly, this is currently not the case.

Here are the facts. In 1985, the budget for the Selective Service System was $27.8 million. Today, the budget is $24.4 million, which in constant dollars equals roughly $11 million. Today there are 150 fewer civilians and 300 fewer military personnel associated with the Selective Service to carry out its missions. Finally, in 1985, if called upon to respond to a crisis, the Selective Service was capable of delivering personnel in 13 days. Today, we would have to wait 193 days for the first person.

Some believe that 193 days is an acceptable amount of time. They argue that the likelihood of a crisis of significant magnitude to require a draft is simply too remote. Unfortunately, such thinking is naive. Recently, the Senate Armed Service Committee held a hearing to examine the results of an exercise called ''Dark Winter.'' The exercise, which took place at Andrews Air Force Base in June of this year, simulated a possible United States reaction to the deliberate introduction of smallpox in three states during the winter of 2002. The exercise highlighted a number of potential problems. Foremost among those was that the medical system was quickly overwhelmed and that public health is now a major national security issue.

We now know that bioterrorism is not merely a concept for a war game. The Anthrax cases have highlighted the need to have a rapid and substantial response to medical crisis. In 1987, Congress correctly tasked the Selective Service System to develop a system to draft health care personnel during a crisis. Driving Congressional concerns at that time were the unpredictability of future threats and the availability of weapons of mass destruction, specifically, biological, chemical or nuclear. However, no additional resources have been provided since then and this program remains incomplete. No database exists to quickly mobilize health care practitioners in a crisis. Furthermore, we do not have a validated centralized database of health care skills.

Again, there are those who believe if there were a crisis of the ''Dark Winter'' type, the existing resources of the Federal government would suffice. This is absolutely not the case. This past February, the head of the Joint Task Force for Civil Support, Major General Bruce Lawlor, expressed concern about the existing military medical system responding to a homeland crisis. Specifically, he pointed out that the Army medical system has been downsized by as much as 40 percent and ''what remains is not organized for domestic support.'' Further, he cautioned that the current organization ''is not designed to deal with a large number of civilian casualties that could occur in case of a domestic terrorist event. Consequently, he recommended that the active duty military medical system be considered the ''last resort.''

I believe the Selective Service System is precisely the right tool to respond to such a crisis. I envision an extremely capable and flexible Selective Service System. A system that can, when called upon, deliver medical personnel for homeland defense in a matter of days and deliver these professionals where they are needed in order to save lives. A truly capable Selective Service System would be able to identify whatever specific skill was required in order to guarantee the security of our Nation and quickly deliver appropriate individuals to where they were needed. Such a system should require more than simply filling out one card at age 18. In order to keep records current and databases useful, one might be required to update information periodically. I am confident that all Americans would be pleased and honored to do this small part for their Country.

Congress would also have to make some difficult decisions. First, women would also have to be considered eligible for the draft. One could not envision a draft of Doctors and Nurses without calling upon the many women who make up the majority of the health care profession. Also, Congressional language prohibits any allocation of resources or implementation of plans for a special skills draft such as I have just described. Finally, an enhanced Selective Service System would clearly require greater funding and manpower.

I have previously asked my colleagues to debate this issue, and now is the time for action. I plan to introduce legislation which will strike those provisions of the law which prohibit the Selective Service System from implementing a special skills draft. Additionally, I have asked the General Accounting Office to conduct a study to determine the costs of a Selective Service System capable of performing the myriad of tasks I envision. Finally, In the next Session of this Congress, I will introduce legislation which will require the registration of all Americans for Selective Service at age 18.

The 21st Century is upon us and we must recognize that all Americans share the responsibility to protect our homeland. I am confident that all Americans are eager to do their part.

## DEATH OF SAMUEL L. WOODRING

Mr. THURMOND. Madam President, I rise today in remembrance of Mr. Samuel L. Woodring, a dedicated member of the community of North Augusta, SC, who passed away Thursday, November 15, 2001, at the age of 75.

Sam Woodring will be remembered as one of North Augusta's most visible

and spirited citizens. Perhaps best known as the owner and publisher of The STAR newspaper, Mr. Woodring led the weekly newspaper for 45 years and was one of the city's most outspoken commentators. He worked tirelessly to inform the people of North Augusta and to remind the community's public officials that their ultimate responsibility was to the citizens who placed them in office. His work the The STAR newspaper earned him great respect within the journalism community of South Carolina and he won numerous awards from the South Carolina Press Association, including the prestigious Elijah Parish Lovejoy Award for Courage in Journalism.

However, the significant contributions Mr. Woodring made during his lifetime are not limited to his role with The STAR newspaper. He also served the people of North Augusta as the president of the Chamber of Commerce, and he was a recipient of the Order of the Palmetto, South Carolina's highest civilian honor. In addition, he served his country with honor and courage in the United States Army during World War II.

In conclusion, Sam Woodring was a man of character and integrity who will be greatly missed by a wide circle of friends. He lived a life of accomplishment and made wonderful contributions to the community of North Augusta. He was a true American and a fine South Carolinian, and my heartfelt thoughts and prayers remain with his family during their time of mourning.

## TITLE I TARGETING

AMENDMENT NO. 2058

Mr. LIEBERMAN. Madam President, I am proud to have joined Senators LANDRIEU, COCHRAN, and DEWINE in offering a truly historic amendment, which will for the first time specifically target new title I funding directly to our nation's poorest communities and schools. In doing so, this amendment will help us move closer to realizing the original promise of title I and, more importantly, help us move closer to realizing the promise we have made to give every child in America a high quality education.

The compromise reached today will provide $1 billion for the targeted grant formula under title I, which was enacted into law by Congress in 1994 but unfortunately has never actually been funded by appropriators. This agreement ensures that no state, or local school district will lose any funds, but at the same time ensures those school districts with the greatest need and with the greatest challenges will receive a significant boost in resources.

For example in my own State of Connecticut, this would mean our three communities with the greatest poverty and educational needs including Bridgeport, Hartford, and New Haven would receive increases of 25, 35, and 31 percent, respectively, over their current funding levels for a combined increase of over $12.4 million. That is $12 million more worth of educational services provided and high quality teachers hired to ensure that title I children may achieve academic successes. I would also mean substantial increases in investment for many other communities serving low-income students.

This agreement is by no means perfect. It leaves in place a distribution system that remains badly diluted and seriously inefficient. However, it represents a dramatic change in policy, one that Senator LANDRIEU and I, and the members of the Senate New Democrat Coalition have been fighting for for some time. And we are optimistic that we can build on his breakthrough in the future to really put our education money where our mouth is, and concentrate our resources and our resolve on lifting up our most disadvantaged schools.

Most immediately, this amendment makes a strong statement, acknowledging that title I is just not working as it was intended. The original goal of this critical program was to compensate for local funding inequities within States and help level the playing field for low-income children. But the truth is that this well-intentioned program is not nearly as focused on serving poor communities as it is perceived to be, leaving many poor children without any aid or hope whatsoever.

As my colleagues know, Federal funds for poor children are currently distributed through two grants, basic and concentration. In order to be eligible for basic grants, which comprise the bulk of current title I funds, local districts only need to have 10 school-age children from low-income families, and these children must constitute only 2 percent of the total school-age population. Under the concentration grants, districts with a child poverty rate of 15 percent are eligible to receive funding. As a result of these low threshold, title I funding has been spread too thin and too wide. In fact, according to a 1999 CRS report, title I grants are provided to approximately 90 percent of all local school districts, and 58 percent of all public schools. Even worse, because title I has not been close to fully funded, these diluted formulas have left little aid available for many of the country's poorest students. CRS found that one fifth of all schools with concentrations of poverty between 50 and 75 percent do not receive a dime of title I funding.

In examining these inequities we also cannot ignore the growing impact that concentration of poverty is having on the academic achievement of our nation's school children, particularly those who live in disadvantaged communities. America's top 150 highest poverty cities have 40 percent of our all title I students. Students in these cities face many challenges, none greater that the pervasive poverty that surrounds them. Studies show that, even after controlling for student's socioeconomic background, concentration of poverty has an important negative effect on student achievement.

For example, a U.S. Department of Education study found that ''The relationship between family poverty status and student achievement is not as strong as the relationship between school poverty concentrations and school achievement averages.'' An Urban Institute study of public-housing students in Albuquerque, NM found that, after controlling for home environment, if a poor child lived in a neighborhood and attended school with 20 percent poverty rather than 80 percent poverty, that child's standardized test scores were likely to improve by 13 percentage points.

Concentration of poverty does create a barrier to educational achievement, but that barrier is not impenetrable. University of Tennessee's William Sanders found that high concentrations of poverty do not on their own preclude or prevent schools from raising student achievement. Low-achieving students are often the first to gain, and experience the greatest gains, from quality instruction. Unfortunately, only a small share of our federal resources are getting to the districts most in need of critical funds, which limits the ability of those districts to hire the most qualified instructors and provide the best services.

The Federal Government alone cannot solve this grave inequity. We can only supplement state and local funding, but cannot supplant those resources, and states and localities must do more to target their own resources. A recent Education Trust analysis of funding inequities reveals that school districts with the greatest numbers of poor children have less money to spend per student than districts with the fewest poor children. And a growing body of research shows, according to the Education Trust report, that additional dollars, if directed at the most critical activities, can significantly raise the achievement of poor and minority students.

But the Federal Government can make a real and consequential contribution, both in terms of leadership and of leverage of national resources, and this amendment aims to do both. As I have noted, it will significantly improve the targeting of Federal dollars. But it also includes a second piece that will help reduce the inequities within states. In addition to funding the targeted formula for the first time, this amendment also funds the State finance and incentive grant formula for the first time, a formula intended to reward states that have made real strides in eliminating funding gaps with their own resources.

The amendment calls for channeling $500 million through this fourth formula, which is commonly known as the ''Effort and Equity'' formula. Although I share the concerns raised by many

that the current design of this formula has substantial flaws and should be modified so that truly meets its intended goal, I also share the belief of my colleague from Iowa that we should do more at the federal level to prompt states to better equalize their own funding.

That is why I am committed to seeing improvements made to the effort and equity formula through the Elementary and Secondary Education Act conference that is currently pending. I commend Senator HARKIN for his willingness to reexamine and overhaul this formula so that it better targets funds within states to the districts with the highest concentrations of poverty. And I look forward to working with him and with a common focus to improve the fairness and the performance of title I. In achieving this goal, I believe that we can further work together to see even more funds appropriated to the targeted formula as the appropriations process moves forward.

The compromise we have struck today might not be politically popular or perfect, but it is a great beginning and a way to draw our attention back to the original intent of the ESEA and the primary function of the Federal Government in education. It is a bold step forward, one that I believe that we can only enhance as the appropriations process as well as the ESEA conference moves forward, and I urge my colleagues to join us in supporting it.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in April 1995 in Seattle, WA. Ian West, 29, was arrested for attacking a gay man. Mr. West was subsequently sentenced to five days in jail, ordered to pay restitution, perform community service, and complete an anger management class.

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.

## ADDITIONAL STATEMENTS

### DONALD TAYER: IN MEMORIAM

● Mrs. BOXER. Mr. President, on October 26th, I was deeply saddened to learn of the passing of San Francisco Bay Area resident, Donald Tayer.

I have known Don Tayer and his family since the beginning of my career in public office, when I served as a Marin County supervisor and Don served as councilmember and mayor of the town of Tiburon. He was a multitalented man who cared deeply for his community.

In addition to his work as a local elected official, Don Tayer forged a distinguished legal career as a senior partner in the firm of Beeson, Tayer & Bodine. For 25 years, he served as Executive Secretary in the San Francisco office of the American Federation of Television and Radio Artists (AFTRA) and the Screen Actors Guild; he served as counsel to the Actors' Equity Association and the American Guild of Musical Artists; he was the very first recipient of the Annual Bill Hillman Award, in recognition of his service to AFTRA's San Francisco local; and in August of this year he received AFTRA's National George Heller Memorial Gold Card—the highest honor bestowed by the union—for his many and remarkable contributions.

He was an adjunct professor in the School of Urban and Public Affairs at Golden Gate University and former chairman of the Labor and Employment Law Section of the Bar Association of San Francisco.

Don also somehow found the time to enjoy a rich cultural and community life. He was president of the San Francisco Bay Area Chapter of the American Jewish Committee for 5 years, and continued to serve as a member of the Committee's National Board of Governors. He was a recipient of its Distinguished Service Award in 1987.

Don Tayer served on the Marin Arts Council and was both president and a member of the Board of Directors of San Francisco's Center for the Arts at Yerba Buena Gardens—where a memorial tribute will be held on December 1st.

I offer my condolences to Don's wonderful wife Joyce; to his children Lisa and Marc and his four grandchildren.●

### TRIBUTE TO KATHRYN KAY AND HER ''THANKSGIVING PRAYER''

● Mr. HATCH. Mr. President, today I pay tribute to a wonderful Utah woman, mother, and nationally published poet, Ms. Kathryn Kay. I also want to relate a remarkable story concerning Ms. Kay and a poem she wrote more than 60 years ago.

The poem, ''Thanksgiving Prayer,'' and the story behind it could have happened today. Its message is timely, its impetus notable.

''Thanksgiving Prayer'' was part of a book of poems If the Shoe Fits, written by Kathryn Kay. The book was sold out of a little book store in the heart of Hollywood, California, where Ms. Kay was living and working at the time. The book, and its ensuing poem, were read and well-liked by many Hollywood stars, including the wife of the legendary veteran film actor, Hobart Boswarth.

At that time, the Nation was about to embark on a celebration commemorating the sesquicentennial of the ratification of the Bill of Rights. Mrs. Boswarth was serving as the Pacific Coast chairwoman of the celebration, and in that role was able to give the poem, ''Thanksgiving Prayer,'' to President Franklin and Eleanor Roosevelt. She framed it in gold and presented it to Eleanor Roosevelt for her work in improving the cultural arts. Kathryn also officially dedicated the poem to her with ''sincere appreciation of her example, which causes women of today to build for tomorrow.''

Mrs. Boswarth also arranged for this poem to be part of the Southern California Bill of Rights Celebration. She had the poem cast on a large bronze plaque, ready to be placed on Mt. Whitney, and read at the beginning of the official week long celebration of the Bill of Rights, as proclaimed by President Roosevelt. The date for the ceremony was December 7, 1941.

As history so tragically reminds us, no celebrations took place that day; America was attacked, and we were at war.

The bronze plaque was melted down to make bullet casings for the war America was battling. The heartfelt words of gratitude for America would not be immortalized.

Ms. Kay went on to publish many more poems, and two more books of poetry. She returned to Utah, and continued her career in live television and as a columnist for the Salt Lake Tribune. She married Lee Pratt, and raised two wonderful sons.

But her love for poetry never dimmed. Kathryn Kay has been a driving force for many, many years in Utah to promote poetry, from the high school to the professional society level. She helped found the Utah State Poetry Society, and served two terms as its president. In fact, well into her late 80s, she continued to edit the society's yearly publication.

Kathryn is 95 years old, still living in Utah, and still touching the lives of those around her. Perhaps her greatest tribute recently came from her son, Jim. He described his mother this way: ''She is a happy breath of sunshine, who appreciates life and makes life better for everyone she meets.''

I pay tribute to Kathryn Kay today, and in turn, share with the Nation the words penned by her so many years ago. As we all pause during the next few weeks to celebrate the holiday season in our own way, I hope that the words of this poem written during another time of conflict and war will serve to strengthen us and remind us of the blessings we share as Americans.

The poem follows:

THANKSGIVING PRAYER

God ev'ry year about this time,
according to routine,
I've bowed my head in the accepted way
and offered thanks, like some well synchronized machine.
that prayed because it was the time to pray.
But, God, this year is different, this year I seem to feel

America's Thanksgiving is my own,
that in my nation's gratitude I have a part that's real
a part that until now I've never known.
And, God, this year a deep humility has filled my heart,
a newborn pride rings true throughout my soul
because I do belong, because I have and am a part,
a tiny part of one tremendous whole.
I think I know the feeling of those first Americans
who said, ''We must give thanks for this, our land.''
I cherish now the rights that are each woman's, ev'ry man's,
the rights I've just begun to understand.
This year my heart has learned what all Thanksgiving Days are for,
true thankfulness at last I realize,
but, God, I'm sorry that it took the tragedy of war
in other lands to open up my eyes.
Again I bow my head but this time deep within me stirs
a mighty prayer, part of one vast design,
''God, help me make America as proud that I am hers
as I am proud, and grateful she is mine!''●

## HONORING MONTANA'S STUDENTS

● Mr. BAUCUS. Madam President, I rise today to congratulate science students and science educators in my home State of Montana.

Last week, newly released scores from the 2000 National Assessment of Educational Progress, NAEP, often referred to as ''Our Nation's Report Card,'' placed Montana's eighth grade science students atop the Nation. Our fourth grade students earned the 2nd highest score among States.

These scores reflect the high quality science education that Montana's teachers provide. I am proud of the dedication and hard work of Montana's teachers and students; in our technologically-advanced, information-rich society, an understanding of scientific thought and an ability to use scientific methods to make new discoveries will be critical to improving our quality of life.

We often lament our public education system and the challenges it faces. There can be no doubt that we can and must meet these challenges. The scores that I commend today, however, demonstrate two things. First, that dedicated, hard-working teachers are critical to the success of the education we provide. Second, that our public schools deliver a quality education, despite the financial challenges they face.

These scores also underscore the importance of investing in our education system. In my State of Montana, teachers have demonstrated again and again their teaching skills, their commitment to delivering a solid education, and their ability to make creative improvements in their schools and classrooms, all this, despite low wages and ever-increasing responsibilities. Unfortunately, this level of commitment will not persevere if these trends continue.

We are at a crossroads at the Federal level with respect to education policy and financial support. We know that a quality education is the key to future success as individuals and as a nation. We need to make a commitment to our students that the education they receive will provide them with the knowledge and skills they need to be successful.

Let's match the commitment that Montana's teachers and students have made to science education excellence with a commitment from the Federal level to provide the resources and support that they need.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on November 16, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the report of the committee on conference on the disagreeing vote of the two Houses on the amendment of the House to the bill (S. 1447) to improve aviation security, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions:

S. Con. Res. 83. Concurrent resolution providing for a National Day of Reconciliation.

S. Con. Res. 85. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1042. An act to prevent the elimination of certain reports.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on November 16, 2001.

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 3093. An act to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse.''

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 272. Concurrent resolution expressing the sense of Congress regarding the crash of American Airlines Flight 587.

The message further announced that the House has passed the following bill, with an amendment:

S. 1196. An act to amend the Small Business Investment Act of 1958, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on November 17, 2001, she had presented to the President of the United States the following enrolled bill:

S. 1447. An act to improve aviation security, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 2559: A bill to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1271: A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1729: An original bill to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001.

By Mr. HARKIN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1731: An original bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Mark W. Olson, of Minnesota, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1996.

*Susan Schmidt Bies, of Tennessee, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 1998.

*James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

*John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2009.

*John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2002.

*Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

*Franz S. Leichter, of New York, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2006.

*Allan I. Mendelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2007.

*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.

By Mr. BIDEN, from the Committee on Foreign Relations.

Treaty Doc. 106–6 (Exec. Report No. 107–2).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTIONS OF ADVICE AND CONSENT: (TREATY DOC. 106–6)

*Resolved (two-thirds of the Senators present concurring therein),*

**SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.**

The Senate advises and consents to the ratification of the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998 (Treaty Document 106–6; in this resolution referred to as the ''Convention''), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

**SEC. 2. RESERVATION.**

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 20(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 20(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the procedure in Article 20(1) of the Convention or any other procedure for arbitration.

**SEC. 3. UNDERSTANDINGS.**

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION FROM COVERAGE OF TERM ''ARMED CONFLICT''. The United States of America understands that the term ''armed conflict'' in Article 19(2) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) MEANING OF TERM ''INTERNATIONAL HUMANITARIAN LAW''. The United States of America understands that the term ''international humanitarian law'' in Article 19 of the Convention has the same substantive meaning as the law of war.

(3) EXCLUSION FROM COVERAGE OF ACTIVITIES BY MILITARY FORCES. The United States understands that, under Article 19 and Article 1(4), the Convention does not apply to—

(A) the military forces of a state in the exercise of their official duties;

(B) civilians who direct or organize the official activities of military forces of a state; or

(C) civilians acting in support of the official activities of the military forces of a state, if the civilians are under the formal command, control, and responsibility of those forces.

**SEC. 4. CONDITIONS.**

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION. The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT. The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998, unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION. Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

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TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT: (TREATY DOC. 106–49)

*Resolved (two-thirds of the Senators present concurring therein),*

**SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.**

The Senate advises and consents to the ratification of the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000 (Treaty Document 106–49; in this resolution referred to as the ''Convention''), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

**SEC. 2. RESERVATION.**

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 24(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 24(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 24(1) of the Convention or any other procedure for arbitration.

**SEC. 3. UNDERSTANDINGS.**

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION OF LEGITIMATE ACTIVITIES AGAINST LAWFUL TARGETS. The United States of America understands that nothing in the Convention precludes any State Party to the Convention from conducting any legitimate activity against any lawful target in accordance with the law of armed conflict.

(2) MEANING OF THE TERM ''ARMED CONFLICT''. The United States of America understands that the term ''armed conflict'' in Article 2(1)(b) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

**SEC. 4. CONDITIONS.**

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION. The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF

Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT. The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998 unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION. Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

## 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. KENNEDY:

S. 1729. An original bill to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. AKAKA:

S. 1730. A bill for the relief of Vichyai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Mr. HARKIN:

S. 1731. An original bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DASCHLE:

S. 1732. A bill to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes; read the first time.

By Mr. EDWARDS:

S. 1733. A bill to develop and implement a unified electronic data system to enhance access to information that is relevant to determine whether to issue a visa or admit an alien to the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1734. A bill to require a transfer of jurisdiction for development of an Armed Forces recreation facility, Park City, Utah; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1735. A bill to establish a National Commission on Threats to the Homeland and United States National Security; to the Committee on Armed Services.

## ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 540

At the request of Mr. DEWINE, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 677

At the request of Mrs. MURRAY, her name 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. 790

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 829

At the request of Mr. BROWNBACK, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 1022

At the request of Mr. WARNER, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors 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. 1084

At the request of Mr. DURBIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1140

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1174

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1174, a bill to provide for safe incarceration of juvenile offenders.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1365

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1365, a bill to authorize the Secretary of the Department of Housing and Urban Development to make grants to States for affordable housing for low-income persons, and for other purposes.

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1365, supra.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1496

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1496, a bill to clarify the accounting treatment for Federal income tax purposes of deposits and similar amounts received by a tour operator for a tour arranged by such operator.

S. 1499

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1499, supra.

S. 1500

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. SMITH ) was added as a cosponsor of S. 1500, a bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes.

S. 1502

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1502, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs for COBRA continuation coverage, and for other purposes.

S. 1512

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1512, a bill to report on any air space

restrictions put in place as a result of September 11, 2001, terrorist attacks that remain in place.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1618

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1618, a bill to enhance the border security of the United States, and for other purposes.

S. 1651

At the request of Mr. DORGAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1651, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Montana (Mr. BURNS), the Senator from Ohio (Mr. DEWINE), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1707 , a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 1723

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1723, a bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions.

S.RES. 109

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S.Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

AMENDMENT NO. 2152

At the request of Mr. DEWINE, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. MILLER), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 2152 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1734. A bill to require a transfer of jurisdiction for development of an Armed Forces recreation facility, Park City, Utah; to the Committee on Energy and Natural Resources.

Mr. HATCH. Madam President, today I introduce a bill that requires a transfer of jurisdiction for development of an Armed Forces recreation facility in Park City, UT. This bill would enable the Secretary of the Interior to transfer, without reimbursement, a parcel of real property in Park City to the Secretary of the Air Force. The Air Force will use this property as the location for an Armed Forces recreation facility.

I can think of no better use for this beautiful land in Utah than to support the military men and women who are serving our country. The bill I introduce today is the culmination of several months of careful coordination between the Department of Interior and the Department of Defense to make certain that the transfer is accomplished within all applicable laws, policies, and regulations. Given the tremendous challenges our nation's service members face at this time, I am proud to introduce this bill which will contribute much to the morale, recreation, and welfare of our service members. I hope that we can secure quick passage of this important legislation.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1735. A bill to establish a National Commission on Threats to the Homeland and United States National Security; to the Committee on Armed Services.

Mr. BIDEN. Madam President, today I am pleased to join Senator LUGAR in introducing legislation to create the National Commission on Threats to the Homeland and United States National Security.

Two months ago, in barbaric attacks in New York and Washington that we will never forget, the world changed before our eyes. In an instant, the fight against terrorism became our top national security priority. That new reality requires us to undertake a thorough review of our national security priorities. That effort is underway across the executive branch and in several committees of Congress. President Bush acted decisively to create the Office of Homeland Security and in naming Governor Ridge to be its head. Congress acted quickly to tighten aviation security and to give federal law enforcement new tools to counter terrorism.

These measures are just initial steps in what will surely be a major reorientation of the ship of state. As we begin to reorient our government, I believe we must engage in a thorough assessment of the range of threats that we face and the priorities which we should accord such threats in our national security strategy.

Terrorism is undoubtedly the major threat to the United States. In that regard, we must have a full understanding of the types of terrorist threats we face and of their relative probability. This week, the continuous reports of anthrax being discovered in various parts of the country, including here in the Senate, have focused the country on the threat of bioterrorism.

Unfortunately, this is not the only threat we face. Terrorists proved their deadly ability to turn airplanes into weapons of mass destruction. They have used truck and car bombs in the past. And we know that terrorist organizations are seeking materials necessary for the production of chemical or nuclear weapons. What we need to know is the priority we should accord those threats. That is the purpose of this proposed commission.

There are, to be sure, other threats that remain to our territory and to our national security interests. Russian weapons of mass destruction stockpiles and expertise pose the risk of accidental war or of proliferation to rogue states and terrorist groups. Ballistic missiles in developing countries can threaten U.S. forces overseas and could someday threaten our homeland. And international narcotics trafficking continues to threaten many countries, including ours. Terrorism is not the only threat. But after September 11 it is clearly the preeminent threat.

The proposed National Commission on Threats to the Homeland and United States National Security will not seek to reinvent the wheel. Rather, it would build on the work of several recent blue-ribbon commissions which have assessed various threats, both collectively and individually, to U.S. national security.

In seeking the creation of this new commission, neither Senator LUGAR nor I wish to discredit this earlier work and the ideas that flowed from it. Instead, we seek to use that work as a foundation in constructing a comprehensive threat assessment and a resulting U.S. national security strategy. It is therefore instructive to quickly review the major findings of some of these earlier commissions and hearings.

Perhaps the best-known is the U.S. Commission on National Security/21st

Century, better known as the Hart-Rudman Commission after its two co-chairs, former Senators Gary Hart and Warren Rudman. In its final report, issued in 2001, the Hart-Rudman Commission offered a chilling prediction borne out only months later: ''States, terrorists, and other disaffected groups will acquire weapons of mass destruction and mass disruption, and some will use them. Americans will likely die on American soil, possibly in large numbers.'' The Hart-Rudman Commission urged making the security of the American homeland the primary national security mission of the U.S. government and called for the creation of a National Homeland Security Agency to coordinate these efforts.

Two commissions have focused on the specific threat of international terrorism and dealing with the consequences of a terrorist attack with a weapon of mass destruction, WMD.

The National Commission on Terrorism, chaired by Ambassador L. Paul Bremer, recommended a series of measures to expand the authorities of U.S. intelligence and law enforcement, steps now under consideration in the anti-terrorism legislation before Congress. It also urged the United States to use all the instruments at its disposal, diplomatic, financial, economic, and military, in targeting states that sponsor international terrorism.

The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, better known as the Gilmore Commission after its chair, Virginia Governor James Gilmore, focused on the need to develop a national strategy of domestic preparedness to respond to any act of WMD terrorism. This commission also called for the creation of a central office within the White House to coordinate federal efforts, which closely resembles what President Bush has decided to do in appointing Governor Ridge to a new ''homeland czar'' position.

The Russia Task Force of the Secretary of Energy's Advisory Board, better known as ''the Baker-Cutler Task Force'' after its co-chairs, former Senator Howard Baker and former White House Counsel Lloyd Cutler, looked at the particular threat posed by unsecured nuclear weapons and fissile material in the former Soviet Union. This task force declared the deteriorating situation as ''the most urgent unmet national security threat facing the United States today'' and called for spending approximately $30 billion over the next 8 to 10 years to adequately secure these weapons and related materials.

Finally, with the emergence of several anthrax cases in several locations in the United States, the threat has become all too real. The Committee on Foreign Relations held a hearing on this subject the week before the September 11 attacks. Former Senator Sam Nunn, now heading the Nuclear Threat Initiative, Dr. D.A. Henderson, the architect of the international campaign to eradicate smallpox in the 1970s, and other experts testified on the nature of the threat and what we can do in response. As they made clear, a mass destruction bioterrorism attack is a low-probability event with high consequences. The right answer is not panic, but rather the foresight to implement a set of commonsense measures to strengthen our public health system, including our emergency care capabilities and our vaccine stockpiles, to handle a bioterrorist attack if and when it occurs.

The Commission that we envision would, I repeat, build on the fine work done by the foregoing panels. It would assess the current threat, in light of the attacks on September 11, and in light of the assessments and analyses performed by government agencies and the panels I have just discussed. The commission would be a small group, just six distinguished Americans with experience at the highest levels of national security, law enforcement, and public safety. It is my hope that the commissioners chosen for this task would include former cabinet secretaries, and even former Presidents.

The bill we introduce requires two reports, an interim report to be produced within 180 days of enactment of the legislation and a final report to be produced by September 11, 2002, one year after the attacks on our country. The reports should provide a roadmap for our national security strategy, what the major threats are, the likelihood such threats will result in attacks on the United States, the potential damage to the United States or U.S. interests, and the current U.S. capabilities to counter and respond to such threats. From this assessment we can build a national security strategy for the coming decades.

I appreciate the support and assistance of the Senator from Indiana in developing this legislation. I urge my colleagues to support it.

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. 1735

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

**SECTION 1. ESTABLISHMENT.**

There is established the National Commission on Threats to the Homeland and United States National Security (in this Act referred to as the ''Commission'').

**SEC. 2. COMPOSITION.**

(a) IN GENERAL.—The Commission shall be composed of six members, as follows:

(1) Two members appointed by the President, not more than one of whom shall be appointed from the same political party.

(2) One member appointed by the Majority Leader of the Senate.

(3) One member appointed by the Minority Leader of the Senate.

(4) One member appointed by the Speaker of the House of Representatives.

(5) One member appointed by the Minority Leader of the House of Representatives.

(b) QUALIFICATIONS.—Members of the Commission shall be appointed from among distinguished Americans in private life who have served at the most senior levels of the Federal government, including the national security, law enforcement, and public safety agencies of the United States.

(c) CHAIRMAN.—The Commission shall elect a Chairman from among its members.

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

(e) VACANCIES.—Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(f) MEETINGS.—After it initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members.

(g) APPOINTMENTS DEADLINE.—It is the sense of Congress that members of the Commission should be appointed not later than 30 days after the date of enactment of this Act.

**SEC. 3. PURPOSE.**

(a) IN GENERAL.—The Commission shall evaluate, in light of the terrorist attacks against the United States on September 11, 2001, the threats to the United States and to United States national security, in order to assist the Federal Government set priorities in the national budget, and in the organization of the relevant government departments, to address those threats.

(b) PARTICULAR SUBJECTS FOR REVIEW.—In particular, the Commission shall—

(1) provide a comprehensive assessment of the range of threats to the United States and to United States national security, taking into account analyses by United States agencies and nongovernmental entities that have recently reviewed relevant issues, such as the United States Commission on National Security/21st Century, the National Commission on Terrorism, the Department of Energy Russia Task Force, and the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; and

(2) make recommendations to the President and Congress on the priority that should be accorded to those threats in the United States national security strategy, taking into account—

(A) the likelihood such threats will result in attacks on the United States or important United States interests;

(B) the potential damage to the United States or important United States interests that would result from such attacks; and

(C) current United States capabilities to counter and respond to such threats.

**SEC. 4. POWERS OF THE COMMISSION.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this Act, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly or from any Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon request of the Chairman of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) POSTAL, PRINTING AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

**SEC. 5. STAFF OF THE COMMISSION.**

(a) IN GENERAL.—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole.

(b) COMPENSATION.—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(e) ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of General Services shall furnish the Commission, on a nonreimbursable basis, any administrative and support services requested by the Commission consistent with this Act.

**SEC. 6. COMPENSATION AND TRAVEL EXPENSES.**

(a) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

**SEC. 7. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.±**

The appropriate departments, agencies, and other entities of the United States Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

**SEC. 8. REPORTS.**

(a) INTERIM REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit an interim report to the President and the Congress describing its activities since the date of enactment of this Act.

(b) FINAL REPORT.—Not later than September 11, 2002, the Commission shall submit a final report to the President and the Congress describing its activities since the date of enactment of this Act, together with a summary of the comprehensive assessment and recommendations made by the Commission under section 3(b).

**SEC. 9. FUNDING.**

Notwithstanding the provisions of the Act of September 18, 2001 (Public Law 107–38), amounts appropriated by that Act shall be available to carry out the provisions of this Act.

**SEC. 10. TERMINATION OF THE COMMISSION.**

(a) IN GENERAL.—The Commission shall terminate 60 days after the date of the submission of the final report required by section 8(b).

(b) WIND UP ACTIVITIES.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to congressional committees concerning its final report and disseminating that report.

## AMENDMENTS SUBMITTED AND PROPOSED—NOVEMBER 15, 2001

SA 2156. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2155 submitted by Mr. ENZI and intended to be proposed to the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; which was ordered to lie on the table.

## AMENDMENTS SUBMITTED AND PROPOSED—NOVEMBER 27, 2001

SA 2166. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table.

SA 2167. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

SA 2168. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

## TEXT OF AMENDMENTS—NOVEMBER 15, 2001

**SA 2156.** Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2155 submitted by Mr. ENZI and intended to be proposed to the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (1) of Sec. 6(c) and insert in lieu thereof the following:

''(1) ADOPTING STATES TO TRANSMIT.—Upon the 25th State becoming a signatory to the Compact, the adopting States shall transmit a copy of the Compact to Congress.''.

## TEXT OF AMENDMENTS—NOVEMBER 27, 2001

**SA 2166.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

**SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 ( 2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

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**SA 2167.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was referred to the Committee on Agriculture, Nutrition, and Forestry, as follows:

At the appropriate place in the bill insert the following section:

**SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

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**SA 2168.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

**SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 27, 2001, at 2:30 p.m., to conduct a markup on the nominations of Mr. Mark W. Olson, of Minnesota, to be a member of the Board of Governors of the Federal Reserve System; Dr. Susan Schmidt Bies, of Tennessee, to be a member of the Board of Governors of the Federal Reserve System; Mr. James Gilleran, of California, to be Director of the Office of Thrift Supervision; Mr. Allan I.

Mandelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board; Mr. Franz Leichter, of New York, to be a Director of the Federal Housing Finance Board; Mr. John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board; and Mr. Randall Scott Kroszner, of Illinois, to be a member of the Council of Economic Advisors.

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 ''The National Immunization Program: Is it Prepared for the Public Health Challenges of the 21st Century?'' during the session of the Senate on Tuesday, November 27, 2001, at 10 a.m.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President. I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 27, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 691, a bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe; H.R. 223, a bill to amend the Clear Creek County, Colorado Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the act; S. 1028, the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2001; S. 1451, a bill to provide for the conveyance of certain public land in Clark County, Nevada for use as a shooting range; and S. 1240, the Timpanogos Interagency Land Exchange Act of 2001.

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

## APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public law 107–12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: David E. Demag, of Vermont, and Thomas J. Scotto, of New York.

The Chair announces, on behalf of the Republican Leader, pursuant to Public Law 107–12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: Michael D. Branham, of Arizona, and Jimmy Houston, of Mississippi.

## MEASURE INDEFINITELY POSTPONED—S. RES. 39

Mr. REID. Madam President, I ask unanimous consent that the following calendar item be indefinitely postponed: Calendar No. 15, S. Res. 39.

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

## MEASURE READ THE FIRST TIME—S. 1732

Mr. REID. Madam President, it is my understanding that S. 1732, introduced earlier today by Senator DASCHLE, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1732) to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

Mr. REID. Madam President, I now ask for its second reading and object to my own request on behalf of the Republicans.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

## EXTENSION FOR COMPLIANCE WITH HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

Mr. REID. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1684 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1684) to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 1684) was read the third time and passed, as follows:

S. 1684

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

**SECTION 1. 1-YEAR EXTENSION OF DATE FOR COMPLIANCE BY CERTAIN COVERED ENTITIES WITH ADMINISTRATIVE SIMPLIFICATION STANDARDS FOR ELECTRONIC TRANSACTIONS AND CODE SETS.**

(a) IN GENERAL.—Notwithstanding section 1175(b)(1)(A) of the Social Security Act (42 U.S.C. 1320d–4(b)(1)(A)) and section 162.900 of title 45 of the Code of Federal Regulations—

(1) a health care provider shall not be considered to be in noncompliance with the applicable requirements of subparts I through N of part 162 of title 45 of the Code of Federal Regulations before October 16, 2003; and

(2) a health plan (other than a small health plan) or a health care clearinghouse shall not be considered to be in noncompliance with the applicable requirements of subparts I through R of part 162 of title 45 of the Code of Federal Regulations before October 16, 2003.

(b) SPECIAL RULES.—

(1) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(A) as modifying the October 16, 2003, date for compliance of small health plans with subparts I through R of part 162 of title 45 of the Code of Federal Regulations; or

(B) as modifying—

(i) the April 14, 2003, date for compliance of a health care provider, a health plan (other than a small health plan), or a health care clearinghouse with subpart E of part 164 of title 45 of the Code of Federal Regulations; or

(ii) the April 14, 2004, date for compliance of a small health plan with subpart E of part 164 of title 45 of the Code of Federal Regulations.

(2) APPLICABILITY OF PRIVACY REQUIREMENTS TO CERTAIN TRANSACTIONS PRIOR TO STANDARDS COMPLIANCE DATE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, during the period that begins on April 14, 2003, and ends on October 16, 2003, a health care provider or, subject to subparagraph (C), a health care clearinghouse, that transmits any health information in electronic form in connection with a transaction described in subparagraph (B) shall comply with the then applicable requirements of subpart E of part 164 of title 45 of the Code of Federal Regulations without regard to section 164.106 of subpart A of such part or to whether the transmission meets any standard formats required by part 162 of title 45 of the Code of Federal Regulations.

(B) TRANSACTIONS DESCRIBED.—The transactions described in this subparagraph are the following:

(i) A health care claims or equivalent encounter information transaction.

(ii) A health care payment and remittance advice transaction.

(iii) A coordination of benefits transaction.

(iv) A health care claim status transaction.

(v) An enrollment and disenrollment in a health plan transaction.

(vi) An eligibility for a health plan transaction.

(vii) A health plan premium payments transaction.

(viii) A referral certification and authorization transaction.

(ix) A transaction with respect to a first report of injury.

(x) A transaction with respect to health claims attachments.

(C) APPLICATION TO HEALTH CARE CLEARINGHOUSES.—For purposes of this paragraph, during the period described in subparagraph (A), an entity that would otherwise meet the definition of health care clearinghouse that processes or facilitates the processing of information in connection with a transaction described in subparagraph (B) shall be deemed to be a health care clearinghouse notwithstanding that the entity does not process or facilitate the processing of such information into any standard formats required by part 162 of title 45 of the Code of Federal Regulations.

(c) DEFINITIONS.—In this section—

(1) the terms ''health care provider'', ''health plan'', and ''health care clearinghouse'' have the meaning given those terms in section 1171 of the Social Security Act (42 U.S.C. 1320d) and section 160.103 of part 160 of title 45 of the Code of Federal Regulations;

(2) the terms ''small health plan'' and ''transaction'' have the meaning given those terms in section 160.103 of part 160 of title 45 of the Code of Federal Regulations; and

(3) the terms ''health care claims or equivalent encounter information transaction'', ''health care payment and remittance advice transaction'', ''coordination of benefits transaction'', ''health care claim status transaction'', ''enrollment and disenrollment in a health plan transaction'', ''eligibility for a health plan transaction'', ''health plan premium payments transaction'', and ''referral certification and authorization transaction'' have the meanings given those terms in sections 162.1101, 162.1601, 162.1801, 162.1401, 162.1501, 162.1201, 162.1701, and 162.1301 of part 162 of title 45 of the Code of Federal Regulations, respectively.

## ORDERS FOR WEDNESDAY, NOVEMBER 28, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Wednesday, November 28; that following the prayer and Pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 10; further, that the Senate stand in recess tomorrow from 12:30 to 2:15 p.m.

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

## ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Wednesday, November 28, 2001, at 10:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate November 27, 2001:

### NATIONAL CREDIT UNION ADMINISTRATION

JOANN JOHNSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2007, VICE YOLANDA TOWNSEND WHEAT, TERM EXPIRED.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIANE LENEGHAN TOMB, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JEAN NOLAN, RESIGNED.

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEAN O'KEEFE, OF NEW YORK, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE DANIEL S. GOLDIN, RESIGNED.

### DEPARTMENT OF STATE

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE, 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 THE PHILIPPINES AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PALAU.

ENI F.H. FALEOMAVAEGA, OF AMERICAN SAMOA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

STEVEN JOSEPH CHABOT, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ROGER P. WINTER, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HUGH Q. PARMER, RESIGNED.

FREDERICK W. SCHIECK, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HARRIET C. BABBITT, RESIGNED.

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005, VICE REGINALD EARL JONES, TERM EXPIRED.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MICHAEL HAMMOND, OF TEXAS, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE WILLIAM JAMES IVEY, RESIGNED.

### DEPARTMENT OF JUSTICE

LAWRENCE A. GREENFELD, OF MARYLAND, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE JAN M. CHAIKEN, RESIGNED.

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

VERN J ABDOO, 0000
LAWRENCE D ABEL, 0000
PATRICIA A ABRAHAM, 0000
ROBERT E ACKLEY, 0000
BENJAMIN F ADAMS III, 0000
PAMELA L ADAMS, 0000
RICKY G ADAMS, 0000
ROY S ADAMS, 0000
CHRISTOPHER P AIKEN, 0000
PHILIP H ALEXANDER, 0000
IVAN ALFONSOMORALES, 0000
DANIEL L ALLEN, 0000
DAVID F ALLEN, 0000
RALPH H ALLEN, 0000
CALLEN H ALRED, 0000
CLAIR V ANDERSON, 0000
DAVID A ANDERSON, 0000
JAMES K ANDERSON, 0000
JAMES R ANDERSON, 0000
NELL N ANDRE, 0000
JAMES D ANDREWS, 0000
DEBORAH J ANDWOOD, 0000
ROBERT G ANISKO, 0000
EDDY L ANTHONY, 0000
MICHAEL D ARMOUR, 0000
DENISE J ARN, 0000
CHRISTINE D ARRINGTON, 0000
JAMES W ATCHISON, 0000
MILTON R AYALA, 0000
SERGIO AYALALAMBOY, 0000
EDWIN R BABBITT III, 0000
MARK O BAKER, 0000
WILLIAM A BANKHEAD JR., 0000
HENRY J BARBER, 0000
KENNETH P BARDEN JR., 0000
RAYMOND J BARNARD, 0000
BENNIE W BARNHILL, 0000
OWEN M BARNHILL, 0000
SILVIO J BARUZZI, 0000
GARY C BASS, 0000
MICHAEL A BEAM, 0000
JAMES W BEATTY, 0000
WILLIAM D BEATTY, 0000
JOHN P BECKER, 0000
MARTIN D BECKMAN, 0000
BRUCE M BEEBE, 0000
PAUL J BEHRENS, 0000
WAYMAN C BENFORD, 0000
PHILLIP B BENOIT, 0000
CHARLES E BENSON, 0000
WILLIAM S BENYO JR., 0000
STANLEY C BERGAN, 0000
JON D BERLIN, 0000
LOUIS D BERMAN, 0000
THOMAS M BERNSTEIN, 0000
ROBERT J BETKER, 0000
VICTORIA A BETTERTON, 0000
JIMMIE D BIGGS, 0000
KATHERINE M BIGLER, 0000
RHETT S BILEK, 0000
BRANT L BISHOP, 0000
CHRISTOPHER D BISHOP, 0000
JAMES R BISHOP, 0000
DEMETRIUS K BIVINS, 0000
THOMAS S BLACK, 0000
WILLIAM C BLACK, 0000
JEFFREY H BLACKWOOD, 0000
MARY N BLISS, 0000
ROY C BLUMENSHINE, 0000
JAMES M BOERSEMA, 0000
JOALLYN BOHN, 0000
WILLIAM A BOIK, 0000
DONALD F BOND, 0000
MICHAEL J BONNER, 0000
JOHN P BOOS JR., 0000
DAVID E BORTNEM, 0000
CHARLES E BOURBEAU, 0000
ELIZABETH A BOURBEAU, 0000
THOMAS A BOWMAN, 0000
LYNNETTE Z BOYLE, 0000
CLAY S BRADFIELD, 0000
JAMES C BRADLEY III, 0000
WILLIAM E BRADLEY, 0000
DANIEL P BRADT, 0000
ALLAN T BRAGG, 0000
LAURIE V BRASHER, 0000
ROBERT L BRAY, 0000
JAMES T BRENNER, 0000
TRAVIS R BREWSTER, 0000
CHARLES E BRIERE, 0000
DARRELL L BRIGHT, 0000
RALPH A BRILEY, 0000
BENNIE O BROOKS, 0000
JAMES T BROWN, 0000
STEPHANIE S BROWNE, 0000
CHARLES E BRUCE, 0000
MARK H BRYANT, 0000
WILLIAM BUCKLER, 0000
CARYL L BUFORD, 0000
HERMAN E BULLS, 0000
MICHAEL J BURBACH, 0000
LUIS R BURGOS, 0000
RONALD W BURKETT, 0000
JAMES A BURNS III, 0000
MILTON L BUSHMAN, 0000
STEVEN E BUTLER, 0000
DEBORAH J BUXTON, 0000
MICHAEL A BYRNE, 0000
STEVEN D CAGE, 0000
ROGER D CAGLE, 0000
GARY S CALABRESE, 0000
MARK M CALAMBRO, 0000
BRUCE N CALDWELL, 0000
ALDO R CALVI, 0000
ROBERT M CANNON, 0000
EDMUND R CAPAS, 0000
REGIS A CARDIFF, 0000
ALFRED B CARLTON, 0000
DOUGLAS C CARPENTER, 0000
ROBERT F CARPENTER, 0000
THOMAS C CARROLL, 0000
NORMAN B CARVER, 0000
CLYDE R CASSELBERRY, 0000
FELIX D CASTRO, 0000
GERRY A CHESSOR, 0000
WILLIAM T CHILDERS, 0000
BILLY M CHISUM, 0000
CHRIS S CHOPPER, 0000
FAY A CHU, 0000
QUENTIN P CIOLFI, 0000
JUAN J CLAUDIO, 0000
PERRY R CLAWSON, 0000
DUNCAN S CLEMENTS, 0000
GARY L COBE, 0000
CARL M COCHRAN, 0000
ROBERT N COCHRAN, 0000
RICHARD COCHRANE, 0000
DEBRA L COHEN, 0000
WILLIAM S COLEMAN JR., 0000
PAUL E CONRAD, 0000
ENRIQUE CONTRERAS, 0000
JAMES T COOK, 0000
KEITH W CORBETT, 0000
JOHN E CORNELIUS, 0000
PATRICK E CORRIGAN, 0000
ROBERT D COSTELLO, 0000
RAYMOND COUGHENOUR, 0000
TERRY R COUNCIL, 0000
PAUL E CRANDALL, 0000
CAMERON A CRAWFORD, 0000
DAVID C CREE, 0000
JOE CROOM, 0000
CLARENCE CULBERT JR., 0000
EDNA W CUMMINGS, 0000
DOUGLAS W CURTIS JR., 0000
JOEL D CUSKER, 0000
OLIVER P CUSTEAD, 0000
LAWRENCE O DAHL, 0000
DENNIS L DANIELSON, 0000
LINNIE L DARDEN III, 0000
BRET D DAUGHERTY, 0000
BARBARA A DAVIDSON, 0000
RICHARD B DAVIS JR., 0000
ROBERT L DAVIS JR., 0000
ROLAND R DEAN JR., 0000
JESSE DEETS, 0000
MICHAEL A DEMARCO, 0000
RONALD J DENOYA, 0000
DENNIE L DENSON, 0000
MICHAEL D DEVINE, 0000
KEITH D DICKSON, 0000
PAUL H DIETRICH, 0000
MICHAEL P DIETZ, 0000
RANDY J DILLON, 0000
JERRY P DINKELACKER, 0000
JAMES E DODSON, 0000
MICHAEL P DONNELLY, 0000

PHILIP J DONNELLY, 0000
FREDDY A DOWDEN, 0000
JON W DRYSDALE JR., 0000
ALEXANDER E DUCKWORTH, 0000
LAWRENCE E DUDNEY JR., 0000
DANIEL L DUNCAN, 0000
DAVID S DUNCAN III, 0000
RICHARD K DUNCAN, 0000
JOSEPH E DUNLEAVY, 0000
DONALD R DUPUIS, 0000
JAY C DUQUETTE, 0000
PETER W DUSEL, 0000
ALISTAIR G DYER, 0000
STUART M DYER, 0000
JOHN M DYKSTRA, 0000
HARRY M EDWARDS, 0000
GERALD F EHRLICH, 0000
MICHAEL J ELEFANTE, 0000
DALE F ELLENBURG, 0000
DAVID T ELLIOTT, 0000
DENNIS D EMERY, 0000
JONI L ENOS, 0000
WILLIAM L ENYART JR., 0000
WILLIAM L ERWIN, 0000
CHARLES D ESTES, 0000
TERRY A ETHRIDGE, 0000
HENRY S EVANS, 0000
KAREN D EVANS, 0000
CHARLES J EVERHARDT III, 0000
WILLIAM R EWALD, 0000
JAMES P EWING, 0000
BRUCE W FALCONE, 0000
LAVON T FARNSWORTH, 0000
THOMAS D FARRELL, 0000
ROLLAND E FEARNOW, 0000
ROBERT J FELDERMAN, 0000
PETER J FERRARA, 0000
MARIO M FEUSIER, 0000
MICHAEL B FINNEGAN, 0000
ANDREW G FISHMAN, 0000
BERNARD A FLYNN JR., 0000
LEE T FORTIER, 0000
WESLEY P FORYSTEK, 0000
DEL C FOUGNER, 0000
GERALD P FRAISER, 0000
WILLIAM D FRINK JR., 0000
KURT A FROEB, 0000
GERALD T GAIDA, 0000
CHARLES A GAMBARO, 0000
ROQUE GARCIA JR., 0000
TERRELL N GARREN, 0000
WILLIAM P GATES, 0000
LEROY GAUB, 0000
SALVATORE GIANGREGO, 0000
NICHOLAS N GIBBS, 0000
THOMAS S GIOVANNINI, 0000
STEWART E GOESCH, 0000
LAWRENCE D GONZALES, 0000
GEORGE M GOUZY III, 0000
REGINALD A GRANT, 0000
RUDOLPH GRANT, 0000
RUSSELL D GRAVES, 0000
DAVID E GRAY, 0000
MORGAN M GRAY, 0000
ROY C GRAY III, 0000
MICHAEL R GREENWOOD, 0000
STANLEY GREENWOOD JR., 0000
THOMAS G GREGAR, 0000
CARY C GRIFFITH, 0000
GROVER K GRIFFITH, 0000
JAMES J GROSS, 0000
ROBERT B GROVE, 0000
ROBERT K GRUBBS, 0000
ARTHUR J HAGG, 0000
RICHARD D HAGGERTY, 0000
LARRY S HAMARA, 0000
MICHAEL J HAMILTON, 0000
JOHN W HAMMEL, 0000
JAMES E HANDLEY, 0000
JAMES F HANKINS, 0000
HERBERT R HANKS SR, 0000
JUDITH A HANLEY, 0000
CHARLES T HARDEE, 0000
RONALD N HARDING, 0000
STEVEN G HARDING, 0000
LEON L HARRELL III, 0000
EARNEST L HARRINGTON JR., 0000
DAVID L HARRIS, 0000
JAMES M HARRIS, 0000
LAWRENCE A HASKINS, 0000
DAVID A HAWKINSON, 0000
WAYNE M HAYES, 0000
MICHAEL L HERMAN, 0000
RONALD K HERRINGTON, 0000
ROBERT D H HERUM, 0000
TIMOTHY E HIGGENS, 0000
DAVID M HILL, 0000
JAMES R HILL III, 0000
STEPHEN J HINES, 0000
RANDY T HINTON, 0000
ROBERT HIPWELL, 0000
HENRY J HOGAN III, 0000
WILLIAM R HOLLINGSWORTH, 0000
SANFORD E HOLMAN, 0000
BRENT L HOLMES, 0000
WILLIAM C HOLMES, 0000
STEPHEN G HOLT, 0000
DAVID R HOLTGRIEVE, 0000
PAUL D HOPPES, 0000
STANLEY T HOSKIN, 0000
RICHARD O HOWE, 0000
CHARLES E HUFFMAN, 0000
MILES M HUFFSTUTLER, 0000
JAMES L HUGAR, 0000
GERALD S HUGHES, 0000
MICHAEL D HUGHES, 0000
ERNIE G HUSE, 0000
STEVEN R HUSTON, 0000
ROBERT D IMPELLIZZERI, 0000
HOWARD C IRVING, 0000
JAMES P ISITT, 0000
ROBERT L IZLAR, 0000
JAMES N JACARUSO, 0000
JONATHAN R JACKSON, 0000
ROBERT E JACKSON, 0000
JEFFREY F JACOBS, 0000
BUD R JAMESON JR., 0000
JEROME T JANKOWIAK, 0000
LEONARD H JANSEN, 0000
SAMUEL N JENKINS II, 0000
DAVID L JENNETTE JR., 0000
RANDY G JENSEN, 0000
KELLY R JIMENEZ, 0000
BRUCE P JOHNSON, 0000
FREDERICK J JOHNSON, 0000
MICHAEL J JOHNSON, 0000
MICHAEL K JOHNSON, 0000
NEIL L JOHNSON, 0000
ROLAND V JOHNSON, 0000
RONNIE D JOHNSON, 0000
WILLIAM E JOHNSON, 0000
WILLIAM P JOHNSON, 0000
CAROLYN JONES, 0000
GEOFFREY P JONES, 0000
ROGER L JONES, 0000
THAD J JONES, 0000
JERRY D JORGENSEN, 0000
MAXIE L JOYE, 0000
DAVID P JURENKA, 0000
MICHAEL E KACZMAREK, 0000
RICHARD C KANISS, 0000
BRADFORD M KARD, 0000
WALTER G KEALEY JR., 0000
CALVIN G KELLY III, 0000
KENNETH E KELLY, 0000
WENDY A KELLY, 0000
NEAL W KEMP, 0000
BILLY G KENNEDY, 0000
CHARLES F KENNEDY, 0000
DANIEL R KERN, 0000
DAVID D KEY, 0000
SHAWN P KEYES, 0000
MICHAEL W KING, 0000
DANIEL E KINSEY, 0000
KATHLEEN A KLAESER, 0000
DENNIS M KLINE, 0000
WILLIAM H KOCHER, 0000
KRIS F KOHLHOFF, 0000
HELGE KORSNES, 0000
ROBERT K KOSTER, 0000
DENNIS J KRAJAC, 0000
DONALD L KREBS, 0000
CATHERINE D KROPF, 0000
KEITH E KUDLA, 0000
WILLIAM E KUMPE, 0000
KEITH C KURBER II, 0000
RICHARD A KUTZLER, 0000
MICHAEL K LAFUZE, 0000
LINDER J LANCASTER JR., 0000
TIBOR J LANCZY, 0000
KIM G LANGLEY, 0000
KEVIN J LARSON, 0000
KURT R LAVIN, 0000
JIMMY L LAWRENCE, 0000
BENJAMIN T LAYTON JR., 0000
DALE A LAZO, 0000
EDWARD A LEACOCK, 0000
DAVID E LECKRONE, 0000
MICHAEL W LEE, 0000
LAWRENCE J LENTZ, 0000
RICHARD LEPLATTENIER, 0000
JAMES E LERUMS, 0000
DANIEL T LESLIE, 0000
WILLLIAM D LETHGO, 0000
DWIGHT A LEWIS, 0000
HERMAN B LIGHTSEY JR., 0000
PETER M LIMOGES, 0000
PAUL D LINKENHOKER, 0000
WALTER E LIPPINCOTT, 0000
DAVID J LISENO, 0000
DAVID A LIVELY, 0000
ROBERT E LIVINGSTON JR., 0000
JAMES E LOCKEMY, 0000
FRAZER R LOCKHART, 0000
RICHARD M H LOESCH, 0000
WILLIAM L LOFTIS, 0000
GARY W LONG, 0000
SHAWN P LOVETT, 0000
JAMES H LUCKETT, 0000
CHARLES D LUCKEY, 0000
DWIGHT D LUSK, 0000
STEVEN K LUTTER, 0000
JAMES R LYMAN, 0000
JONATHAN C MAGEE, 0000
JOHN P MAIETTA, 0000
JOAN F MALLOY, 0000
FREDERIC F MANGET, 0000
ROBERT L MANNING, 0000
GREGG A MARCHESSAULT, 0000
MARC E MARSZALEK, 0000
JACK MARTIN JR., 0000
ROBERT R MARTIN, 0000
PABLO MARTINEZ, 0000
VICTOR MARTINEZBRANA, 0000
JAY L MARTS, 0000
JAMES D MARZE, 0000
GEORGE J MATHAR, 0000
FLEMING W MATHEWS III, 0000
WILLIAM R MAY, 0000
RICHARD H MAYNARD, 0000
MICHAEL D MAZUK, 0000
JOSEPH M MAZUREK, 0000
MELVIN MCBRIDE, 0000
MICHAEL P MCCAFFREE, 0000
JAMES C MCCASTLAIN, 0000
ELBERT A MCCOLLUM, 0000
HARRY J MCDONOUGH III, 0000
MICHAEL D MCGANDY, 0000
ALVIN J MCGREW, 0000
RODNEY D MCKITRICK, 0000
DOUGLAS E MCLEOD, 0000
LESA M MCMANIGELL, 0000
KENNETH B MCNEEL, 0000
DAVID A MCPHERSON, 0000
TERESA L MCSWAIN, 0000
GARY R MEDEN, 0000
ANGEL A MERCADO, 0000
JOSEPH W MERCURI, 0000
RODRIGUEZ L MILLAN, 0000
HARRY E MILLER JR., 0000
ROBERT A MILNER, 0000
JOHN P MITCHAM, 0000
DAVID B MITCHELL, 0000
DAVID L MITCHELL, 0000
TERRY J MITCHELL, 0000
LESLIE L MOFFETT, 0000
JEFFREY W MONTGOMERY, 0000
JOHN M MORIHLATKO, 0000
RONALD O MORROW, 0000
JOSEPH MOSCARIELLO, 0000
MICHAEL K MOYER, 0000
DON A MURPHY, 0000
MICHAEL J MURPHY, 0000
KATHLEEN E MURRAY, 0000
KENNETH E MUSSER, 0000
JOHN E NELSON II, 0000
BRETT E NILA, 0000
ERNEST MARION NIX, 0000
HAROLD W NOBLE, 0000
MARY R NORRIS, 0000
JAMES M NOVAK, 0000
THET S NYUNT, 0000
TIMOTHY J OBRIEN, 0000
DANIEL S ODELL, 0000
RAFAEL OFERRALL, 0000
BLANE O OGATA, 0000
SCOT T OLSON, 0000
MARK P ORT, 0000
MANUEL ORTIZ JR., 0000
WILLIAM M OSELES, 0000
GARY G OTTENBREIT, 0000
CLYDE L OVERTON JR., 0000
DALLAS W OVERTON, 0000
DALLAS D OWENS JR., 0000
DAVID S PATTERSON, 0000
RICHARD G PATTERSON, 0000
GARY D PAYNE, 0000
WILLIAM B PEARRE, 0000
ERIC C PECK, 0000
RENELDA PELDUNASHARTER, 0000
HOWARD A PELL, 0000
JAY W PETERSON, 0000
ROBERT J PETRICH, 0000
TIMOTHY B PFRANG, 0000
GREGORY K PIOTROWSKI, 0000
ROBERT L PITTS, 0000
TIMOTHY D POLLES, 0000
WILLIAM Y PORTER, 0000
ANDREW L POSEY, 0000
WILLIE C PRATT, 0000
ROBERT M PREVETTE, 0000
JAMES R PULLEN, 0000
BARNEY PULTZ, 0000
WESLEY R QUERNS, 0000
MANUEL L QUITERIO III, 0000
JAMES B RANEY, 0000
MARK A RASSAS, 0000
JESSE T RAWLS JR., 0000
HOSEA M RAY, 0000
CARROLL A REED, 0000
ADAM J REICH IV, 0000
WILLIAM S REIN, 0000
PRICE L REINERT, 0000
STEVEN L REYNOLDS, 0000
DAVIS M RICHARDSON, 0000
DREW S RICKS, 0000
EDWIN I RIVERA, 0000
LLOYD W ROBERTS, 0000
BETH A ROBISON, 0000
CARLOS RODRIGUEZLOPEZ, 0000
GUY A ROGERS II, 0000
JOHN B RONEY, 0000
JAMES V ROOT, 0000
JESUSA S ROPER, 0000
PHILIP L ROSER, 0000
KEVIN B RUE, 0000
PAUL S RUSINKO, 0000
JAMES G RUSSELL, 0000
MICHAEL P RYAN, 0000
RALPH M C SABATINO, 0000
ROBERT J SAMPL, 0000
JAMES W SAMPLE, 0000
HECTOR L SANCHEZ, 0000
MAYNARD J SANDERS, 0000
NAN C SANDERS, 0000
ROBERT M SANDERS, 0000
SCOTT D SANDERS, 0000
DOUGLAS W SANFORD, 0000
STEVEN D SAUNDERS, 0000
CELIA M SCARBROUGH, 0000
ROGER M SCHMITT, 0000
CHRISTOPHER M SCHNAUBELT, 0000
DOUGLAS G SCHNELLE, 0000
JAMES A J SCHOETTLER, 0000
ALLEN W SCHULDT, 0000
WILLIAM L SEEKINS, 0000
EDWARD D SETHNESS JR., 0000
STEPHEN E SEWELL, 0000
ALEXANDRA P SHATTUCK, 0000

JOHN M SHAUGHNESSY III, 0000
GARRETH E SHAW, 0000
DAVID H SHELLEY, 0000
DENNIS K SHEPPARD, 0000
JOANNE F SHERIDAN, 0000
CLIFFORD M SILSBY, 0000
MICHAEL J SILVA, 0000
GENE S SILVERBLATT, 0000
WILLIAM J SIMMONS, 0000
ROBERT H SIMPSON, 0000
ROBERT D SINACOLA, 0000
PATRICK T SKELLY, 0000
THOMAS J SMEDLEY, 0000
CARLON L SMITH, 0000
ERIC A SMITH, 0000
JOHN F SMITH, 0000
JOHN W SMITH II, 0000
MICHAEL M SMITH, 0000
RANDALL E SMITH, 0000
ROBERT L SMITH, 0000
RUFUS J SMITH, 0000
WILLIE J SMITH JR., 0000
DONALD R SMOLINSKI, 0000
JAMES M SNOWDEN, 0000
MICHAEL G SODEN, 0000
ROGER L SODEN, 0000
MANUEL G SOTOMAYOR, 0000
CHARLES L SPARKS, 0000
STEVEN E SPATOLA, 0000
GARY S SPRINGER, 0000
CORTEZ T STANDARD, 0000
LANCE J STANGE, 0000
JAMES W STARKS JR., 0000
SHELBY L STARLING, 0000
CHARLES N STEED, 0000
NORMAN E STEEN, 0000
ROBERT C STEIGER, 0000
RALPH E STEINER, 0000
EUGENE A STOCKTON, 0000
DONALD A STOFFA, 0000
STEPHEN J STOMBER, 0000
GARY W STRATTON, 0000
RICKY W STREIGHT, 0000
RICHARD C STROUD JR., 0000
DONALD R SUTHERLAND, 0000
WILLIAM N SWANDAL, 0000
JOHN C SWARTS, 0000
MICHAEL K SWEENEY, 0000
MICHAEL C SWEZEY, 0000
JOHN V SYLVESTER IV, 0000
CHERIE D TAKAMI, 0000
GEORGE R TANKERSLEY, 0000
CRAIG D TATE, 0000
MEGAN P TATU, 0000
RICHARD M THEVEL, 0000
CLARENCE E THOMAS, 0000
DAVID W THOMPSON, 0000
JOHN A THOMPSON, 0000
KRIS P THOMPSON, 0000
FLETCHER B THORNTON, 0000
KEITH L THURGOOD, 0000
JOHN N TOBIN, 0000
ALBERT J TOCZYDLOWSKI, 0000
EDWARD M TOLER, 0000
FREDERICK W TONSING, 0000
NICKOLAS P TOOLIATOS, 0000
JOHN N TORRENCE JR., 0000
PAUL E TRESSA JR., 0000
MICHAEL J TUOHY, 0000
CHARLES R TURNER JR., 0000
PAUL W TYLER, 0000
FRED E UMPHREY, 0000
JOSE USON JR., 0000
STEVEN VALENTE, 0000
JAMES E VANDEGRIFT JR., 0000
KINGSLEY R VANDUZER, 0000
JAMES B VAUGHT JR., 0000
ALCIDES VELEZ JR., 0000
GARRY L VEST, 0000
JOSEPH M WADE, 0000
GEORGE M WALDROUP, 0000
RICHARD J WALKER, 0000
GERALD L WARREN, 0000
PAUL V WATERBURY, 0000
FELTON WATKINS III, 0000
MICHAEL K WEBB, 0000
WILLIAM D WEBB, 0000
STEVEN G WEEMS, 0000
JAMES M WELLS, 0000
JAY D WELLS, 0000
MICHAEL E WELLS, 0000
ROBERT WERNER JR., 0000
THOMAS J WERNER, 0000
CHESTER J WERNICKI, 0000
JAMES E WEST, 0000
LARRY A WEXLER, 0000
DAVID J WHEELER, 0000
CURTIS C WHITE, 0000
WILLIAM T WHOBREY, 0000
JACK I WIER, 0000
DAVID A WIKER, 0000
BRUCE A WILHELM, 0000
JAMES W WILHITE, 0000
LYLE A WILKES, 0000
BLAKE E WILLIAMS, 0000
DWIGHT E WILLIAMS, 0000
GUY T WILLIAMS, 0000
JOSEPH M WILLIAMS, 0000
ROBERT J WILLIAMS, 0000
SAMUEL T WILLIAMS, 0000
DARREL A WILLIAMSON, 0000
HENRY W WILSON, 0000
GREG M WILZ, 0000
CHRISTOPHER L WINSTON, 0000
DONNA J WOELFEL, 0000
PAUL T WOERNER, 0000
STEPHEN A WOMACK, 0000
BARRY M WOOFTER, 0000
EDWARD D WOYCIK, 0000
BENJAMIN WRIGHT JR., 0000
WILLIAM E WRINKLE, 0000
BLAINE M WYCKOFF, 0000
DAVID C WYNN, 0000
KERRY K C YEN, 0000
JAMES W YOUKER, 0000
JAMES G YOUNG, 0000
PETER A YOUNGBLOOD, 0000
THOMAS K ZABASKY, 0000
DOUGLAS K ZIMMERMAN II, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JOHN B. STOCKEL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

PHILIP F. STANLEY, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

PATRICK C. HUGHES, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

LYNGRID SMITH RAWLINGS, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

WALLACE R. BAIN, OF OREGON
BEVAN BENJAMIN, OF MISSOURI
JENNIFER LARA CHRISTENSON, OF PENNSYLVANIA
OWEN ANTHONY CLARKE, OF OHIO
JEREMY A. CORNFORTH, OF WASHINGTON
SARA M. CRAIG, OF COLORADO
MICHAEL PHILIP EVANS, OF WEST VIRGINIA
PATRICK MATTHEW GILLEN, OF VIRGINIA
MAURICE F. GLORIOSO, OF ALABAMA
DAVID C. GRIER, OF FLORIDA
JOHN HALL GRIFFITH III, OF CALIFORNIA
SARAH COOPER HALL, OF NEW YORK
KRISTEN J. HESLINK, OF NEW YORK
MATTHEW C. HURLEY, OF NEW JERSEY
CHRISTOPHER PATRICK JESTER, OF PENNSYLVANIA
CHRISTOPHER KLEIN, OF NEW YORK
BRUCE ROBERT KRAFT, OF CALIFORNIA
PETER I. KUJAWINSKI, OF ILLINOIS
JOHN F. LARREA, OF CALIFORNIA
YAEL LEMPERT, OF NEW YORK
ERIN CATHLEEN MCCONAHA, OF NEW YORK
ALEXANDRA KOTHMANN MCKNIGHT, OF TEXAS
MARIO MCGWINN MESQUITA, OF CALIFORNIA
BURKE O'CONNOR, OF CALIFORNIA
TABITHA RUSSELL OMAN, OF THE DISTRICT OF COLUMBIA
THOMAS ANDREW PALAIA, OF CONNECTICUT
ALBERT ROBISON PYOTT, OF ILLINOIS
KARL LUIS RIOS, OF VIRGINIA
KEARN C. SCHEMM JR., OF VIRGINIA
DREW F. SCHUFLETOWSKI, OF TEXAS
DEBORAH LYNN SISBARRO, OF COLORADO
ROBERT L. SKINNER, OF ILLINOIS
LAURA MERRITT STONE, OF THE DISTRICT OF COLUMBIA
MARJA DANIELLE VERLOOP, OF WASHINGTON
ROBERT PATRICK WALLER, OF IDAHO
JACQUELINE LEANN WARD, OF RHODE ISLAND
SARAH EMILY WELBORNE, OF MARYLAND
MEREDITH A. WOLNICK, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ANNEMARIE E. ALANO, OF VIRGINIA
NATHAN C. ALANO, OF VIRGINIA
SUSAN E. ANDREWS, OF VIRGINIA
BRIAN R. BAUMAN, OF WASHINGTON
AVERTANO S. BRAGANCA, OF NEW JERSEY
SUSAN ELIZABETH BRIDENSTINE, OF IOWA
KAREN M. BURNS, OF VIRGINIA
JOHN J. CALLANAN, OF VIRGINIA
PHILIP S. CARGILE, OF VIRGINIA
ISABELLA G. CASCARANO, OF THE DISTRICT OF COLUMBIA
BENJAMIN A. CLARK, OF VIRGINIA
AARON M. COPE, OF WASHINGTON
SCOTT T. CRAMER, OF VIRGINIA
JOSEPHINE E. DANKO, OF VIRGINIA
ROBERT J. DONOVAN JR., OF THE DISTRICT OF COLUMBIA
CHRISTOPHER D. DOUGLASS, OF VIRGINIA
JONATHAN W. DUBLIN, OF WASHINGTON
MICHAEL A. EDSON, OF VIRGINIA
CECELIA K. EL-KHATIB, OF VIRGINIA
JONATHAN FLOSS, OF NEW YORK
KYLE DUSTIN FOGGO, OF VIRGINIA
RODNEY DELANEY FORD, OF TENNESSEE
LISA C. FREESE, OF VIRGINIA
JAMES E. FREITAS, OF VIRGINIA
HOLLY M. FRIDHOLM, OF FLORIDA
PATRICIA GASKILL-SALVADOR, OF CALIFORNIA
JEFFREY G. GIAUQUE, OF UTAH
BRIAN MITCHELL GIBEL, OF NEW YORK
LAURA J. GRITZ, OF WASHINGTON
AMANDA J. HARDER, OF FLORIDA
LARA HARRIS, OF ARIZONA
STEPHEN K. HARRISON, OF NORTH CAROLINA
SARAH OLIVIA HAUPTMAN, OF NEW YORK
CLAYTON PORTER HAYS, OF TEXAS
BIRGITTA S. HOGGREN, OF ILLINOIS
ERIC K.P. HSU, OF OREGON
STEPHEN R. JACQUES, OF VIRGINIA
ROBERT DOUGLAS JANKE, OF TEXAS
BRANDON LEE JONES, OF VIRGINIA
KRISTIN M. KANE, OF CALIFORNIA
AUGUSTUS F. KANGAS, OF THE DISTRICT OF COLUMBIA
FRANK R. KATTERMAN, OF THE DISTRICT OF COLUMBIA
ROBERT T. KOEPCKE, OF PENNSYLVANIA
PREM KUMAR, OF NEW YORK
CLARK DARROW LEDGER, OF NEVADA
DIANE M. LEWIS, OF FLORIDA
ELLA A. LUTTRELL, OF MARYLAND
OMAR A. MAHMOOD, OF THE DISTRICT OF COLUMBIA
DANA T. MALEC, OF THE DISTRICT OF COLUMBIA
BARBARA JO MASILKO, OF NEBRASKA
ERIC M. MENTZ, OF VIRGINIA
JASON W. MILLER, OF NORTH DAKOTA
DARSI R. MYERS-LANZER, OF VIRGINIA
GREGORY J. O'CONNOR, OF VIRGINIA
LEYLA L. ONES, OF FLORIDA
THOMAS JONATHAN PACK, OF THE DISTRICT OF COLUMBIA
MATTHEW S. PARK, OF VIRGINIA
JEFFREY CARL PATMORE, OF CALIFORNIA
THOMAS E. REOTT, OF OHIO
PHILIP JOCELYN RICHARDS, OF NEW YORK
ROBERT A. ROTHACKER, OF FLORIDA
EDWARD M. RUSSO, OF VIRGINIA
NATHALIE C. RUSSO, OF VIRGINIA
MATTHEW SANDELANDS, OF CALIFORNIA
FATUMA YASSIN SANNEH, OF MICHIGAN
NICOLE C. SCHMIDT, OF THE DISTRICT OF COLUMBIA
RACHEL SCHNELLER, OF MONTANA
ELIZABETH NOLAN SCHWEFLER, OF THE DISTRICT OF COLUMBIA
LORINDA C. SHAW, OF THE DISTRICT OF COLUMBIA
KAREN M. SMITH, OF UTAH
GREGORY S. STEIN, OF VIRGINIA
WILLIAM WINTHER SULLIVAN, OF TEXAS
TIMOTHY D. SWANSON, OF NEBRASKA
PAULETTE SYKES, OF THE DISTRICT OF COLUMBIA
CRAIG L. TADKEN, OF MARYLAND
WILLIAM R. TALIAFERRO, OF OREGON
SCOTT COOPER TURNER, OF WASHINGTON
MARGARET TWEEDY, OF VIRGINIA
SCOTT EUGENE URBOM, OF UTAH
GWENDOLYN SIEFERT WEBB, OF TEXAS
SHARON ANN WEBER-RIVERA, OF NEW YORK
JOANNA ROSE WEINZ, OF WASHINGTON
GREG WIEGAND, OF CALIFORNIA
AUGUSTUS V. WILBERDING, OF VIRGINIA
PARKER S. WISE III, OF VIRGINIA
ROBERT BOOTH YOUNG, OF CALIFORNIA
MASON YU, OF WASHINGTON

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KATHLEEN T. ALBERT, OF FLORIDA
B. BIX ALIU, OF ILLINOIS
ROBERT SCOTT ALLISON, OF THE DISTRICT OF COLUMBIA
G. LINDA AMINTINAT, OF CONNECTICUT
GINA M. ANDREWS, OF THE DISTRICT OF COLUMBIA
LAURA A. AROMAKI, OF VIRGINIA
EUGENE BAE, OF KANSAS
PAUL R. BALDWIN, OF WASHINGTON
LAURA S. BALLMAN, OF THE DISTRICT OF COLUMBIA
MICHAEL J. BAVISOTTO, OF VIRGINIA
CHASE A. BEAMER, OF THE DISTRICT OF COLUMBIA
KAREN REDDINGER BEL, OF LOUISIANA
STACEY E. BLAU, OF THE DISTRICT OF COLUMBIA
JANE ELLEN BOCKLAGE, OF VIRGINIA
CLAYTON ALAN BOND, OF MICHIGAN
STEPHANIE LYNNE BOWERS, OF OHIO
RICHARD JAMES BRACKEN, OF THE DISTRICT OF COLUMBIA
BENJAMIN A. BROWN II, OF VIRGINIA
CYNTHIA A. BROWN, OF CALIFORNIA
STEPHANIE A. BUNCE, OF VIRGINIA
SAMANTHA A. CARL, OF NEW YORK
RAYMOND ALEXANDER CASTILLO, OF THE DISTRICT OF COLUMBIA
CHRISTINA JEANNE CAVALLO, OF VIRGINIA
LOREN E. CHOVAN, OF CALIFORNIA
TIMOTHY L. CIPULLO, OF COLORADO
MICHAEL D. COLE, OF COLORADO
JIMMIE L. COLLINS, OF COLORADO
KAREN NOEL COVERT, OF ILLINOIS
LAURA GABRIELLE COWAN, OF THE DISTRICT OF COLUMBIA
MARK STEPHEN CROSS, OF TEXAS
NANCY S. CUNNINGHAM, OF GEORGIA
CHRISTINE MARIE VITTORIA DAL BELLO, OF CALIFORNIA
CAROLYN YVETTE DAVIDSON, OF MARYLAND
JESSIE DEBUSSCHERE, OF CALIFORNIA
CARON DE MARS, OF TEXAS

DANA DAVID DEREE, OF ARKANSAS
DANIEL C. DEYO, OF VIRGINIA
JOSEPH E. DIETZ, OF VIRGINIA
MARGARET BRUMFIELD DIOP, OF CALIFORNIA
GREGORY P. DRAZEK, OF MARYLAND
BLANCHE REGINA DUDLEY, OF VIRGINIA
MICHAEL L. DUNKLEY SR., OF VIRGINIA
KATHLEEN M. EAGEN, OF THE DISTRICT OF COLUMBIA
SHAU LING ECKERT, OF VIRGINIA
DANIEL J. ERNST, OF PENNSYLVANIA
SCOTT R. FAGAN, OF THE DISTRICT OF COLUMBIA
THEODORE R. FAHS, OF VIRGINIA
SHARON E. FEISER, OF VIRGINIA
JOHN W. FLESHMAN JR., OF THE DISTRICT OF COLUMBIA
MICHAEL S. FLORES JR., OF CALIFORNIA
WILLIAM JOHN FLYNN III, OF VIRGINIA
CHARLES FORD, OF VIRGINIA
KAREN W. FORD, OF THE DISTRICT OF COLUMBIA
JOHN T. FRANCIS, OF VIRGINIA
SCOTT A. GAEDE, OF VIRGINIA
DANIELLE N. GARBE, OF WASHINGTON
KEITH R. GILGES, OF FLORIDA
GUSTAV GOGER JR., OF VIRGINIA
ALEX DAVID GREENSTEIN, OF WEST VIRGINIA
MEGHAN GREGONIS, OF PENNSYLVANIA
SARAH L. GROEN, OF NEW HAMPSHIRE
DAVID M. GROVE, OF VIRGINIA
HUGO A. GUEVARA, OF FLORIDA
BRUCE BRADFORD GUTHRIE, OF VIRGINIA
RYAN D. HALEY, OF NEW HAMPSHIRE
TIM O'NILEE HALL III, OF SOUTH CAROLINA
MICHAEL P. HANKEY, OF THE DISTRICT OF COLUMBIA
PAUL QUENTIN HARRISON, OF ILLINOIS
MARNIE HAUSAUER, OF VIRGINIA
SARAH ELIZABETH HAYES, OF ILLINOIS
CATHERINE A. HENDRICKSEN, OF VIRGINIA
WALTER A. HENDRICKSEN, OF VIRGINIA
JOSE H. HERNANDEZ, OF VIRGINIA
MALIA VENIE HEROUX, OF MARYLAND
DOUGLAS I. HEWITT, OF VIRGINIA
MICHAEL D. HONIGSTEIN, OF FLORIDA
JOSHUA HUCK, OF NEW YORK
TIMOTHY JOHN HUIZAR, OF THE DISTRICT OF COLUMBIA
PATRICIA A. HULINGS, OF VIRGINIA
CHRISTOPHER S. HUTTLESTON, OF THE DISTRICT OF COLUMBIA
MICHAEL A. JIMENEZ, OF VIRGINIA
MOISES E. JULIAO, OF VIRGINIA
RANDALL HOKU-AO KAAILAU, OF HAWAII
JOAN E. KANE, OF CALIFORNIA
PAULINE A. KAO, OF WASHINGTON
MICHAEL KELLEHER, OF NEW YORK
ARTHUR B. KELLER, OF VIRGINIA
JOHN CHRISTOPHER KELLEY, OF THE DISTRICT OF COLUMBIA
ALAN EDWARD KENT, OF VIRGINIA
D. JOHN T. KNILEY, OF VIRGINIA
CATHERINE N. LAKE, OF MARYLAND
JAMES R. LAKE, OF MARYLAND
ALLISON J. LEE, OF OHIO
JASON D. LEWIS, OF VIRGINIA
R. MICHAEL LOVELADY, OF TEXAS
KENNETH D. LUM, OF VIRGINIA
ROSEMARY R. MACRAY, OF FLORIDA
PETER J. MARIGLIANO, OF VIRGINIA
JON LATON MARTINSON, OF VIRGINIA
LESLIE LEON MCBRIDE, OF VIRGINIA
MONICA E. MCGARRAGHY, OF VIRGINIA
ANDREW JAMES MCLEAN, OF OHIO
JOSEPH B. NELSON MELLOTT, OF THE DISTRICT OF COLUMBIA
BIANCA E. MENENDEZ, OF VIRGINIA
FRANK L. MILHOUS, OF VIRGINIA
CRAIG F. MILLER, OF THE DISTRICT OF COLUMBIA
RENO MOGAMI, OF VIRGINIA
GREGORY M. MOHRMAN, OF MARYLAND
DONALD DEVON MOORE, OF VIRGINIA
VERONICA MUNIZ, OF TEXAS
SHANNON K. NAGY, OF IDAHO
NANCY J. NOREM, OF VIRGINIA
JOHN D. NYLIN, OF CALIFORNIA
DANIEL B. O'CONNOR, OF MARYLAND
BISOLA OJIKUTU, OF WASHINGTON
ERIKA ANN OLSON, OF WASHINGTON
RICHARD J. O'SHEA, OF NEW YORK
ANDREW HAK OU, OF HAWAII
SUSAN M. PALMS, OF VIRGINIA
TIFFANY L. PARKER, OF VIRGINIA
LEAH MICHELLE PEASE, OF CALIFORNIA
JILL C. PETERS, OF VIRGINIA
CALVIN PETERSON, OF OHIO
JEFFREY J. PFISTER, OF MARYLAND
MALCOLM D. PICKETT, OF VIRGINIA
WILLIAM J. PIDGEON, OF FLORIDA
SUSAN K. RADDANT, OF WISCONSIN
KATHARINE MONIQUE READ, OF CALIFORNIA
JEANETTE M. REBERT, OF PENNSYLVANIA
MARK E. RINCON, OF TEXAS
BRUCE U. ROETT, OF VIRGINIA
ALEXANDER G. ROMERO, OF VIRGINIA
THOMAS M. ROSENBERGER, OF TENNESSEE
CHAD W. RUEFLI, OF TEXAS
ERIN E. RUPPRECHT, OF VIRGINIA
ANN MOFFETT RYAN, OF NEW JERSEY
HEIDI ANN SCHMIDT, OF VIRGINIA
DAVID M. SCHNIER, OF THE DISTRICT OF COLUMBIA
KERRY A. O. SCHNIER, OF THE DISTRICT OF COLUMBIA
R. SCOTT SPELLMEYER, OF VIRGINIA
MARK A. STAMILIO, OF VIRGINIA
MOLLY L. STEPHENSON, OF VIRGINIA
ZEENAT MUNSHI SYED, OF TEXAS
ZIA SYED, OF TEXAS
CANDACE R. TAFT, OF VIRGINIA
RIA M. THOMAS, OF VIRGINIA
ROBERT WARREN THOMAS, OF VIRGINIA
DANIEL A. TRAVIS, OF CALIFORNIA
WILLIAM F. VAN PILSUM, OF VIRGINIA
SHAWN L. WADDOUPS, OF UTAH
THOMAS J. WALLIS, OF MARYLAND
NICOLE E. WEBER, OF NEW JERSEY
PATRICK J. WENINGER, OF VIRGINIA
STEVEN T. WESTON, OF VIRGINIA
AMY MARIE WILHEM, OF THE DISTRICT OF COLUMBIA
JAMES B. WILLIAMS, OF LOUISIANA
THOMAS W. WOLF, OF NEW YORK
W. DAVID WOMBLE, OF NORTH CAROLINA
SUNGHWAN YI, OF VIRGINIA

## CONFIRMATIONS

Executive nominations confirmed by the Senate November 27, 2001:

TENNESSEE VALLEY AUTHORITY

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 2011.

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## IN HONOR OF HON. JOHN BOWLER

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Ms. HARMAN. Mr. Speaker, I rise today to honor a good friend, John Bowler, who is retiring today from eight years on the Hermosa Beach City Council, including two terms as the town's mayor.

John is retiring in order to spend more time with his family and friends and to devote more of his energies to civic groups and causes. I admire his decision, Mr. Speaker, because all of us in the House know how hard it is to pursue an active public schedule and still maintain a private one.

But I will miss John on the City Council. He has hosted and fed me and my staff in his city many times. John has been instrumental in the revitalization of Hermosa's downtown areas, including the construction of the Pier Plaza—now a popular hot spot. His former restaurant, Fat Face Fenner's, is a Pier landmark.

Leaving the City Council does not mean John is leaving the city, because I'm counting on him to continue to be involved in our community.

I join the citizens of Hermosa Beach in thanking him for his services and wishing him well.

## HONORING THE RECYCLING EFFORTS OF DR. PATRICK DOYLE

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding recycling efforts Dr. Patrick Doyle has made at my alma mater, Middle Tennessee State University. His tireless work in this area has benefitted not only the environment, but it has also helped fund a scholarship program.

Dr. Doyle, a biology professor at MTSU, started the university's recycling program in 1972. Nearly 11 million pounds of newsprint, 218,400 pounds of aluminum cans and 1.3 million pounds of white paper have been recycled in the nearly 30 years Dr. Doyle has overseen the program. Proceeds from the program have generated about $450,000 in scholarships for MTSU students.

Dr. Doyle's work has not gone unnoticed, though. He has received numerous awards for his conservation efforts. Just last year, for example, he received the prestigious President's Service Award for his recycling campaign at MTSU. He has twice received the Tennessee Education Association's teaching award and has received the Lifetime Achievement Award from the Tennessee Department of Environment and Conservation for contributions to environmental education and natural resources conservation.

The entire Middle Tennessee community has benefitted from Dr. Doyle's concern for the environment and higher education. I salute Dr. Doyle for all he has done to make Middle Tennessee a better place to live.

## KLAMATH BASIN EMERGENCY OPERATION AND MAINTENANCE REFUND ACT OF 2001

SPEECH OF

HON. WALLY HERGER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2001*

Mr. HERGER. Mr. Speaker, I would like to thank my friend and colleague from Oregon, Representative GREG WALDEN, for his hard work on this important piece of legislation.

Mr. Speaker, the idea behind this bill is a simple one. Requiring Klamath Basin farmers, already beset by extreme financial hardship, to pay the costs of operating and maintaining the Klamath Project, from which they received no water this year, would simply add insult to an already serious injury.

Unfortunately, this money is a mere drop in the bucket of the more than $220 million in financial suffering the family farmers and small business owners in this area have had to endure because of the Endangered Species Act. But it is important. It is important because it will provide a measure of economic relief to farmers and others struggling to survive financially in the face of this unmitigated government-caused disaster. It also sets an important policy that this Congress must continue to ardently pursue—that the federal government should be financially accountable for the economic and social harm it causes by virtue of its misguided regulatory decisions.

Fortunately for the farmers on the California side of the Basin, earlier this year the State of California passed an emergency relief bill, which contained $3 million to compensate the Tulelake Irrigation District (TID) in California for its operation and maintenance costs (O&M). H.R. 2828 attempts to account for this state action. It includes language designed to offset any money due under its provisions against any other O&M reimbursement a qualifying entity may have otherwise received pursuant to state law.

This intent behind this provision is narrow. It seeks only to prevent any water district that may have already received an O&M reimbursement, including the TID, from receiving a second payment. Congress continues to recognize that the TID and other California farmers were subject to the same zero water decision as those farmers who will receive compensation under H.R. 2828 and, as such, have suffered the same and equally difficult financial hardships.

As such, the policies and principles underlying H.R. 2828 should apply equally as to Klamath Basin water districts. Accordingly, the record should reflect that H.R. 2828 obligates the Secretary to treat any district that may have been reimbursed for O&M the same in all respects under the bill as those not receiving such state benefits, and to continue working in good faith with the TID to relieve any and all other burdens associated with federal O&M for the 2001 water year.

Again, I would like to thank my colleague for his work on this bill, and I urge my colleagues to support this important legislation.

## IN MEMORY OF LOUIS BRATHWAITE

HON. HOWARD P. "BUCK" McKEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. McKEON. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Louis Brathwaite and to acknowledge his many contributions to the Santa Clarita Valley. Louis passed away in early November after suffering a heart attack.

He was born on April 25, 1933, in New York City. Louis served in management positions with the U.S. Air Force, retiring in 1990 after 38 years of service. He was also a member of the U.S. Naval Air Reserve and in addition, he designed office furniture and sold personal computers. Louis moved to the Santa Clarita Valley in 1969 and quickly amassed a list of civic accomplishments.

Always a community activist, Louis was involved in the creation of the City of Santa Clarita. He went on to become a planning commissioner where he influenced local development decisions. Louis took his responsibility as a planning commissioner very seriously and was a proponent of environmentally friendly, quality growth as well as a wonderful advocate for the arts.

Louis took an exceptional interest in everything he did. I first met him when we served together on the William S. Hart Union High School District governing board. I soon discovered he was a man of kindness, strength, and integrity.

Louis was also very involved in the creation of the headquarters of the Boys and Girls Club in Newhall. He assisted with the entire spectrum of the population. As a board member for the Committee on Aging with the SCV Senior Center, he was a driving force to acquire senior housing. With any project he was involved with, Louis brought a sense of compassion and he always tried to make the world a better place.

Just prior to his death, Louis completed his autobiography, ''Black Man's Job, White Man's World,'' chronicling his accomplished career with the federal government at a time when blacks were rarely found in positions of responsibility. A man who achieved a tremendous amount in life, he was pivotal in bringing the Equal Employment Opportunities Act to the United States Navy.

● 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.

Louis will be remembered as a kind, caring, and capable man who was generous with his time and talents in order to help others. Louis is survived by his widow Mary, her daughter, Valerie, his daughter, Neshia, their son Louis II, and Grandchildren Kate and Akira.

## PAYING TRIBUTE TO BRIAN DAVID YOUNG

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Brian David Young on his distinguished achievement of not only passing the Michigan Bar Exam, but scoring exceptionally high. He has recently been admitted to the State Bar of Michigan.

Mr. Speaker, after receiving his undergraduate degree from the University of Michigan, Brian continued to be a highly competitive student at Wayne State University Law School in Detroit, MI, where he served on the Wayne Law Review. Not only was he a published author, but as Note and Comment Editor, he assisted other Law Review members with their writings. This exemplary student graduated cum laude in May, 2001. He currently practices law as an associate at Bodman, Longley & Dahling LLP. All who come in contact with Brian clearly notice his stellar attitude and high quality job performance. He is certainly worthy of recognition.

Brian has proven to be a professional of the highest caliber. His values and beliefs are reflected in his dedication to his work and his relationships with family, friends, and people in the community. On behalf of the many who have benefitted from his concern, expertise, and leadership, I commend him.

Indeed, this young man sets an excellent example to all. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Brian David Young for being admitted to the State Bar of Michigan. I wish him all the best of luck and continued success in the future.

## IN HONOR OF HON. JULIE OAKES

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Ms. HARMAN. Mr. Speaker, I rise today to honor my friend, Julie Oakes, who retires today from 8 years as a member of the Hermosa Beach City Council, including two as mayor.

Julie is only the seventh woman to serve on the Hermosa Beach City Council in its 90-year history. As a female elected official myself, I respect and admire the challenges that Julie has had to face in running for and maintaining her seat all these years, and she has done a terrific job. In my observation, she balances her roles as professional architect, politician, mother, and spouse extremely well.

Julie has been instrumental in reshaping and refocusing the Hermosa Beach City Council, and has been a constructive and knowledgeable voice in the recent ''Renaissance'' of Hermosa Beach, and particularly its downtown area.

I have enjoyed working with Julie through the years, and join the citizens of Hermosa Beach in thanking her for her service and wishing her well.

## HONORING THE DISTINGUISHED PUBLIC SERVICE OF ED ''SONNY'' ELAM

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a great friend of mine, Ed ''Sonny'' Elam. Sonny is retiring next year as the Rutherford County (Tennessee) Clerk after serving 28 years in office.

Sonny was first elected as the Rutherford County Clerk in 1974 when the office had only nine employees and one electric typewriter. His office now employs 28 people and uses a computer system to keep up with one of the fastest growing communities in the United States.

Sonny has helped transform the County Clerk's Office into a modern, efficiently run operation. His work ethic and friendly ways have made him a popular official among Rutherford County residents.

His unflinching dedication and tireless service to the county will be sorely missed. I congratulate Sonny on his distinguished career and wish him well in future endeavors.

## TRIBUTE TO CAYUGA COUNTY LEGISLATURE CHAIRMAN RALPH STANDBROOK

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. WALSH. Mr. Speaker, I rise today to recognize a strong leader in Central New York on the eve of his retirement from public service. Ralph Standbrook has devoted virtually his entire professional life to the betterment of his community and in defense of his nation. On December 11th, Mr. Stanbrook will preside over his final meeting as Chairman of the Cayuga County Legislature in Central New York after a ten-year tenure on that body.

Shortly after graduating from Red Creek High School, Ralph Standbrook joined the United States Army, retiring in 1972 at the rank of lieutenant colonel. Chairman Standbrook served his nation in both the Korean and Vietnam Wars and has been decorated with the Agri-Service Award, Conspicuous Service Cross Award, Legion of Merit, Bronze Star, Air Medal, Army Commendation Medal, Joint Service Commendation Medal, Combat Infantry Badge, and Senior Parachute Badge. He met his wife of fifty years, Tula, during his service while stationed at Fort Temple, Kentucky.

After retiring from the Army, Chairman Standbrook farmed and worked in real estate and construction in Tennessee. In 1983, he returned to his native Central New York to pursue a retirement career as a charter fishing boat captain on Lake Ontario. In 1991, he was elected to the Cayuga County Legislature. He also served as Mayor of the Village of Fair Haven from 1991 until 1994 when he was elected Chairman of the Cayuga County Legislature—a position that has since developed into a full-time position which also oversees the County's executive branch of government.

Under Chairman Standbrook's leadership, Cayuga County has prospered. During his watch, Standbrook ushered in major public improvements to the county's Emerson Park and the Sodus Bay breakwater. Standbrook led the effort to purchase significant Lake Ontario-front property, establishing the Sterling Nature Center, and created the Cayuga County Sewer and Water Authority. He has served as a strong steward for the county's watersheds and natural resources and supported the expansion of programs at Cayuga Community College, including the development of its Regional Applications Center.

Mr. Speaker, in my twenty-plus years of public service both in local government and here in Washington, it is rare that I have come across a leader with the vision, the integrity, and the drive of Ralph Standbrook. He is indeed one of the best individuals I have ever met in public life and is a true visionary. Ralph Standbrook is a leader who always thinks big.

It is my honor to recognize Chairman Ralph Standbrook for his tireless service on behalf of the people of Cayuga County. I thank him for the legacy of progress that he leaves and wish him, his wife Tula, and their entire family much health and happiness throughout his retirement from elected office. Knowing Ralph's drive and concern for community, I am certain he will continue to improve Central New York's quality of life for years to come.

## PROCLAMATION FOR ANTHONY PEREZ

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Anthony Perez. This young man has received the Eagle Scout honor from his peers in recognition of his achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 21 merit badges as well as contribute at least 100 man-hours toward a community-oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their

activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Anthony and bring the attention of Congress to this successful young man on his day of recognition, Friday, November 2, 2001. Congratulations to Anthony and his family.

## IN HONOR OF STUDENTS AND FACULTY AT DISNEY ELEMENTARY IN MAGNOLIA SCHOOL DISTRICT, ANAHEIM, CALIFORNIA

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Ms. SANCHEZ. Mr. Speaker, today I rise to honor the students and faculty at Disney Elementary in Magnolia School District, Anaheim, California, for their contributions of $2,700 to the relief fund for the September 11th tragedy in New York City. These young students raised the money on their own, and when asked what they wanted to do with it, said ''We want to donate the money to the victims' families, firefighters, policemen, and all those people affected.''

It is incredibly sad that our children would have to experience such a horrible event in their lifetime, but their compassion clearly shows, even at such an early age. I am so proud of all the students and faculty at Disney Elementary! Keep up the good work! Through your eyes, we see the shining hope for the future.

## TRIBUTE TO MR. RANDY BERRYHILL OF THE MUSCLE SHOALS FIRE DEPARTMENT

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor Mr. Randy Berryhill of Muscle Shoals, Alabama as he retires on December 1, 2001. Mr. Berryhill has been a very special member of the Muscle Shoals Fire Department for 30 years. He was hired on June 19, 1971 by the City of Muscle Shoals as a custodian for the Fire Department, but has assumed a much larger role over the years. Mr. Berryhill is handicapped, but has not let that stop him from greatly expanding his responsibilities at the department. He picks up the mail, raises and lowers the flag on a daily basis, and performs various other tasks that are crucial to efficiently running the department.

Mr. Berryhill is very active in the Muscle Shoals community as well as the Fire Department. He is a member of the Woodward Avenue Baptist Church Choir, an avid supporter of the Muscle Shoals High School Football and Basketball teams, and a fervent fan of the University of Alabama. Mr. Berryhill's dedicated service will be greatly missed by the Fire Department, but I am confident that he will remain an active member of the Muscle Shoals community during his well-earned retirement.

## IN HONOR OF PRESIDENT STUART RABINOWITZ

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Stuart Rabinowitz, on the occasion of his recent appointment as the new president of Hofstra University in Nassau County, New York.

Chosen as the eighth President at Hofstra University, Stuart Rabinowitz assumes the post with 29 years of service to the University. Professor Rabinowitz joined the faculty of Hofstra University School of Law in 1972, and from 1989 to 2001, served as Dean of the Hofstra School of Law. In recognition of his outstanding contributions to the Hofstra community, Professor Rabinowitz has been honored by his appointment as the Andrew M. Boas and Mark L. Claster Distinguished Professor in Law.

Professor Rabinowitz received his juris doctor degree, magna cum laude, from Columbia University School of Law, where he was a member of the board of editors of the Columbia Law Review and a Harlan Fiske Stone Scholar. He received his undergraduate degree with honors, from City College of New York, and is a member of Phi Beta Kappa and the American Law Institute.

Stuart Rabinowitz is an outstanding citizen and dedicated to his community. In addition to being a devoted father and husband, Professor Rabinowitz holds many positions with a number of important government and community organizations. These include the Nassau County Health and Welfare Council, Cradle of Aviation Museum, Fund for Modern Courts and Long Island Coalition for Fair Broadcasting. He is also a former member of the Nassau County Blue Ribbon Financial Review Panel and former chair of the Nassau County Local Advisory Board.

For his notable service, Stuart is the recipient of the Martin Luther King Living the Dream Award, EOC; Distinguished Service in the Cause of Justice, Legal Aid Society; UJA Federation Leadership Award; and the Bar association of Nassau County Proclamation for Outstanding service to both the Legal Profession and the community.

Mr. Speaker, it is with great pride that I honor Professor Rabinowitz for his distinguished contributions to Hofstra University and the Nassau County community. I ask all my colleagues in the House of Representatives to please join me in congratulating Stuart Rabinowitz as he assumes his appointment as President of Hofstra University.

## WHITE HOUSE CHRISTMAS TREE

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. SHUSTER. Mr. Speaker, I rise today to share some exciting news from my district. I am delighted to report that the official White House Christmas tree is coming from a farm in my district. Specifically, the White House Christmas tree has been chosen from the Hill View Tree Farm in Middlecreek, Pennsylvania, which is owned and operated by Janice Bowersox and her son and daughter-in-law, Darryl and Aimee Bowersox.

In order to achieve the honor of being designated the farm to supply the White House Christmas trees, the Bowersox family entered the National Christmas Tree contest, an event sponsored by the National Christmas Tree Association. The Bowersox family won the contest at the national convention in August 2000, where they were named Grand Champions. As the winner, Hill View Tree Farm became the chosen supplier of two Christmas trees for the White House.

One tree will be set up in the Yellow Oval Room to serve as the tree for the Bush family. This is the tree under which members of the first family are likely to put their presents. This tree, from the Hill View Farm, is about eight feet tall and has been growing in the field since 1989. The larger tree, which will be placed in the Blue Room, must be at least 18½ feet high. This larger tree will be the official White House Christmas tree. It is being supplied for Hill View Farm by Donald Craul of Lewisburg, Pennsylvania.

The two trees will be cut and delivered to the White House the week after Thanksgiving. Janice, Darryl and Aimee Bowersox will present the official White House Christmas tree to First Lady Laura Bush at the White House on the morning of November 28.

Hill View Tree Farm was founded in 1954. The farm has about 150,000 Christmas trees growing on 120 acres. The Bowersox family grows Douglas fir, Colorado spruce, white pine, and concolor fir trees. According to Joyce Bowersox, winning the White House Christmas tree contest has long been a family goal. Joyce Bowersox said she and her family are honored to be presenting this year's tree and thrilled to have received the top honor in the Christmas tree industry.

I am delighted that a farm from my district was chosen to be a part of the White House Christmas tree tradition. I am happy for the Bowersox family, and I hope that the Christmas tree chosen for the White House will bring joy to the President and Mrs. Bush and their family.

## OUR NATION AND THE SEA

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. ABERCROMBIE. Mr. Speaker, on October 11, 2001, Mr. John P. Craven, the President and founder of the Common Heritage Corporation, Honolulu, Hawaii, was honored as a Doherty Lecturer in our Nation's Capital.

I would like to share some of his thoughts and comments about our Nation and the sea with my colleagues by having his enclosed keynote speech entered into the CONGRESSIONAL RECORD.

WHAT AMERICANS SHOULD KNOW ABOUT OUR NATION AND THE SEA

(By John P. Craven)

The days of my years are more than three score and ten and I find myself called upon to share the experiences of a lifetime of involvement with a diverse set of vocations and avocations—all involving the ocean. To be chosen as the Doherty lecturer is a particularly special invitation, inasmuch as it is an honor to which I have aspired for longer than I can remember. When to my surprise I received word of my selection, I lost no time in weighing anchor and setting sail.

The formal invitation arrived several days later and I discovered that I was sailing under false colors. I was not invited, as I assumed, as the flamboyant master of submarine espionage depicted in the best selling book Blind Man's Bluff. Instead it was clear that my invitation was based on my role as the Past Director of the Law of the Sea Institute, an international NGO dedicated to the creation of the United Nations Convention on the Law of the Sea. I was thus expected to say, as I will say, that it is imperative that the United States ratify this convention. It was also apparent that I was invited as the President of the Common Heritage Corporation, a company intimately involved in the use of ocean resources and dedicated to the management of innovation involved in the use of ocean resources and dedicated to the management of innovation for the benefit of humanity. I was thus also expected to say, as I will say, that society must commit itself to research and development of programs leading to the use of ocean resources and ocean space to change our world into an environmentally sustainable habitat for its burgeoned and burgeoning population.

I am here today, therefore, as the wearer of three distinctly different caps: one representing my years of involvement in national security, another designating me as a proponent of translational law and justice and a third worn by an innovator of futuristic technology. Yet it is my contention that my roles are connected by more than just the ocean. They also form an integrated view of the future—a view that I believe society must come to accept for its survival.

Through the anecdotes that follow, I hope to provide my fellow Americans with insights into the lessons that I have learned during my careers, with the hope of convincing you about the importance—indeed the need—of sharing my hopes and aspirations for humanity.

Those of you familiar with my own recent book, The Silent War, may recall my description of ''The Polaris Marching and Chowder Society.'' This Honolulu-based group initially consisted of submariners that had a role in the development of the Polaris Fleet Ballistic Missile system (the nation's first undersea strategic deterrent). The Society has met for breakfast once each month for the past two decades. I quote from my book here: ''What prevents this breakfast from being just another gathering of old timers is the regular attendance of the active duty commander of the submarine forces of the Pacific fleet and members of his staff. This is a family breakfast and a rare opportunity for the family elders to offer their wisdom to the young in command. I am an adopted member of this family and, except for myself, all are qualified to wear the dolphins of the submarine service.'' A surprising number are also qualified to wear the master divers pin, suggesting that they are a part of the teams of ''saturated divers'' (i.e., humans as marine mammals living on the open ocean seabed of the world's continental shelves). They have carried out highly classified ''special operations'' of intelligence gathering for more than thirty years.

At the Society's meeting this past October 3rd, the events of September 11th were fresh in all members' minds. I distributed copies of The Silent War to young officers who were first time breakfast attendees. I noted that my book was written with the tacit encouragement of the Navy and the Intelligence services to tell the story of these operations as they should be told, without compromising national security. The very existence of these special operations was a secret until the publication of Blind Man's Bluff.

Sensitive details will not be revealed or discussed at this or any other meeting of the Marching and Chowder Society, but my book details the philosophy and strategy employed in winning the Cold War without firing a shot. The relevance of that philosophy and that strategy to the war against terrorism was a major topic at the Society's last meeting.

I reminded the Society of an unclassified talk given by former CIA Director Robert Gates at a reunion of the submarine Parche—the winner of seven Presidential Unit citations. He asserted that the CIA had four classes of heroes: (1) Operatives in the field who intercepted vital communications; (2) scientists and technicians who designed equipments and units that could intercept communications; (3) the operators of these equipments in environments where their skills were required and where their lives were in danger; and (4) the analysts in the intelligence agencies who interpreted the results of these missions and transmitted them to the President for those national policy positions and actions which would deter war and win peace. Director Gates then informed the men of Parche that the missions of the United States Navy submarine service were the most important of all the missions that had been conducted and that their story ''had to be told.''

This morning meeting ended with the thought that now more than ever the story had to be told for its relevance to the new conflict. Indeed, that very morning Secretary of Defense Donald Rumsfeld reminded the public of the long drawn out but successful Cold War experience that we might have to endure to resolve the current terrorism conflict. What emerged from that meeting were insights into what I might characterize as my first lesson of this afternoon:

We cannot ask the Federal Government to reveal how many cruise missiles, cable tapping, undersea surveillance units have been built and deployed. Indeed, it is possible that nobody knows. The compartmentalization of this program within the Navy and within other Federal agencies is such that it is doubtful that any single individual has the knowledge of the ''need to know'' the full panoply of our undersea capability.

What then should Americans know? At the very least, we should know and understand that the people of the United States have occupied ''inner space,'' or the oceans of our planet, in a manner that we have not accomplished or cannot hope to accomplish in outer space for a decade or more. Americans should know that we can publish and proclaim this underwater capability in a way that will not compromise national security but will tell those that would do us harm that we are in full control of the undersea environment. We should so publish; we should so proclaim.

I had to leave the Chowder Society breakfast early to hasten to Washington to attend the forum on the international law of terrorism organized by our host, John Norton Moore. En route To Dulles, I was recognized by a visibly nervous flight attendant who had seen me on The History Channel. The cause of her concern was understandable to all of us I'm sure, but some reflection and perspective are in order here. This woman and a hundred or so others were hurtling through the sky at 40,000 feet and more than five hundred miles per hour—a remarkable transportation achievement. Science and technology had made air travel so safe that the statistical likelihood or her demise remained an extraordinarily low probability event—recent tragic events notwithstanding. To remind and reassure her, I gave her a copy of The Silent War inscribed with my most immediate poetic thoughts of the moment: ''And the night shall be filled with music and the cares that infest the day shall fold their tents like the nomads and as silently steal away.''

Later that evening as with headphones on my head and brandy in my hand I looked out the window to see the beautiful glow of the lights of Denver below before sweet sleep possessed me. My last thoughts were: ''Shall I be lifted to the skies on flowery beds of ease while others seek to win the prize and sail through stormy seas.''

The lesson of this anecdote was first taught to us by Franklin Delano Roosevelt as we faced the prospect of World War II: ''The only thing we have to fear is fear itself.''

Upon my arrival in Washington, I listened to a set of provocative legal papers presented by brilliant scholars including the Honorable Stephen Schwebel, former President International Court of Justice, Professor Ruth Wedgwood of the Yale Law School and Professor Malvina Halberstam of the Benjamin N. Cardozo School of Law. A central issue discussed was whether in the present instance, state sponsored assassination in defense of a terrorist would be murder or legally justified as an act of self-defense. I remarked to a most distinguished legal colleague seated next to me that I thought it was a matter of perspective as to whether you were holding the trigger or peering into the barrel of a gun. My colleague shot me down with the rejoinder that my remark was political and not legal.

I believe Gandhi had the better view. Certainly to the surprise of many not closely familiar with his philosophy, he has written: ''I do believe that, where there is only a choice between cowardice and violence, I would advice violence.'' To be sure, Gandhi characterized violence as an animal response to an immediate attack and non-violence, where possible, as a civilized alternative. Violence under attack becomes acceptable, however, when there is no alternative—that is when a decision to take no action emerges from fear rather than strength. This lesson is one that is particularly timely to Americans today.

In any event, all participants including Schwebel agreed that the definitive word of law was enunciated by the United Nations Security Council Resolutions of September 12 and September 28. Indeed until the Security Council spoke unanimously, the United States was not assured of the protection of all of the member States in its actions against terrorist acts. Americans should finally realize that, regardless of individual political feelings about this international body, we have no choice but to seek its protection when a declaration of International Law is necessary in the face of a World crisis.

The Law of the Sea Treaty is no different. This is one of the most comprehensive treaties ever negotiated and it has been modified

to comply with all of the demands of the United States. Our manifest inability to enforce its provisions through our customary system of law, with the Coast Guard and internal legislation such as the Magnussen Act, demonstrates that our enforcement mechanism requires international cooperation. This cooperation can be assured only if we ratify and, parenthetically, pay our United Nations dues to support the Convention.

In contemplating the critical issues concerning national security and transnational law that I have set forth this afternoon, it is essential to consider the fundamental problem from which they emerge. These issues are rooted in the underlying reality that the resources of the world are limited while the potential consumers of these resources continue to grow in numbers. Thus, I now finish my Doherty Lecture wearing the hat of the President of the Common Heritage Corporation, or CHC.

I established CHC a decade ago in order to address the problems of an increasing global population, now over 6 billion, and its associated migration to the coastal zone. CHC's product is the demonstrated design of an environmentally sustainable habitat for installation on coastal deserts having access to deep ocean water. Our facility on the Kona coast of Hawaii is a showroom for the demonstration of such an installation. This showroom was specifically designed for Haiti, although our first installation may well occur in the Marshall Islands or in a form suitable for the affluent developed world on the island of Oahu.

Any of you who have visited Haiti know that it is a coastal desert on the lee side of a trade wind island. It has a population of six million living in desperate and deprived conditions. The local fishing industry does not have a single motorized fishing boat or any cooling or refrigeration. Fish are caught off the northern coast and by the time they arrive in the market at Port au Prince, about a third of the catch are not edible, even by Haitian standards. Haiti's fishermen care not that the maximum sustainable yield of the ocean was exceeded some twenty-five years ago. They must fish or perish. Agriculture and manufacturing are non-existent and the government is effectively dysfunctional. Common Heritage Corporation has a joint venture agreement with a Haitian Company, ''Energie General,'' that would be capable of managing the installation of one of our facilities, if the political climate of Haiti were receptive to such an installation. Today it cannot. We nevertheless are proceeding, waiting for that day to come.

What technology is in use at CHC's facility? It utilizes the sun and deep ocean water as its primary resource. Deep Ocean water or DOW is very cold, very rich in nutrients and very biologically pure. We convert seawater into fresh water in a device called a microclimate tower, which operates like nature—using the cheap cold at the top of the tower to condense vapor from hot ocean water at the bottom. We do air conditioning and industrial cooling utilizing deep ocean water that passes through reclaimed automobile radiators. We grow cold-water algae utilizing the deep ocean water nutrients, and then use the algae as compost and as food for humans, for abalone, for shrimps, lobsters and fish. We have also developed a form of agriculture that utilizes deep ocean water passing through PVC pipes in the ground, producing more than enough condensate for irrigation and a thermodynamic environment that can only be characterized as a super spring.

But our facility is also designed as habitat. Accordingly, it does more than produce the basic necessities of life. Young children who visit our facility are quick to understand a habitat is more than life—it must also foster liberty and the pursuit of happiness. To that end, our facility features every kind of crop and food product, every kind of flower, parks and gardens and athletic fields for soccer and even golf.

Our facility has been technically successful beyond our wildest dreams. By way of illustration, let me tell you what we are doing with grapes. We have grape vines that grow in the hot desert without any rain or external irrigation. Cold ocean water pipes embedded three feet deep at the root zone provide the irrigation water and the thermodynamic climate. When the grapes are ripe and harvested, the cold water is turned off. The vines are then pruned and, after a week of dormancy, the cold water is turned on again and the vines produce yet another crop. Three abundant crops per year are produced, one of which is illustrated by the photograph that has been distributed.

But returning to Haiti briefly, we confront the basic problem that it cannot avail itself of our technology for the simple reason that it requires a significant number of dollars to install a system. Export crops are, of course, one way to raise dollars, but these crops must first be produced. In order to simulate the economic obstacles to the installation of a CHC sustainable facility in a country like Haiti, CHC operates as ''bare-bones'' a corporation as you are likely to see in the developed world. CHC has not borrowed any money from a bank. It utilizes where legal and possible its management and student trainees for construction and labor, much as is done by organizations such as Habitat for Humanity. Apart from a small amount of electric power and a very limited amount of external supplies, the entire facility is self-sustaining.

Thus, the jar of jelly provided to each of you symbolically and literally represents what CHC's technology can make possible with developing world production techniques, notwithstanding all of the economic limitations. The glass jars and tops were manufactured in the Dominican Republic and purchased in bulk quantities at extremely low cost. The label was designed by a member of CHC's Board of Directors and printed using an obsolete computer printer purchased at a thrift shop. The cartons were assembled and loaded by my family here in Washington—and we could not prevent my two-year-old granddaughter from filling the boxes and applying stickers and decorations on some of the boxes as a form of play.

What more can CHC do to demonstrate the viability of environmentally sustainable habitats? We carried our PowerPoint road show to Mexico and gave a high level presentation the government agency responsible for economic development for the poor. Enthralled by our presentation, they asked how much an initial 100-acre installation would cost. Between five and ten million dollars was CHC's reply—a bargain. They were appalled. The agency's entire budget for the year was only 70 million dollars—a simple result of the devaluation of the peso. Committing up to one-seventh of their resources to a single project was simply out of the question.

Americans, we and other countries must find a way to avoid these Catch 22s and to start a development process that promotes an environmentally sustainable world. This world must be capable of providing all of its citizens with a reasonable standard of life. And, we must start now.

I speak not from an abstract perspective of what a good and just society would do. Instead, I am asserting an imperative. The tragic incidents of the past month have revealed that we can no longer ignore the resource limitations that confront the world. The gap between rich and poor nations grows greater and greater; the population of the developing world grows at unsustainable rates, yet even the best-intentioned citizens of developed nations have done little more than engage in impassioned rhetoric. We have let our global educational and research activities atrophy and decay; we have imposed the product of our material comforts on the impoverished and peoples of the undeveloped world. Should it surprise us that people with literally nothing to lose might choose to lash out against us? We have replaced reality with a dazzling world of virtual reality, but September 11th has taught us that there are realities that we can no longer ignore. I speak from a lifetime of immersion in that real world. Even so, from that experience I conclude that there is hope.

Americans we must and we can work with the World to end terrorism—there is no alternative; we must and we can work with the world to defuse the threats of war—there is no alternative; we must and we can work with the world to establish an international regime for the wise use of the ocean—there is no alternative, and; we must and we can start the development process that leads to an environmentally sustainable world habitat for humanity—there is no alternative—there is none.

## HEREFORD HIGH SCHOOL'S LADY WHITEFACES WIN STATE VOLLEYBALL TITLE

### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. COMBEST. Mr. Speaker, I rise to join Hereford, and the Texas Panhandle in congratulating the Hereford Lady Whitefaces in their win in the Class 4A state volleyball championship. This is the fourth state volleyball title that the Lady Whitefaces have brought home, a record that is truly deserving of recognition and praise.

The Hereford High lady volleyball team has a history of hard work, dedication and sportsmanship. This hard-fought victory comes after falling just short of winning the title last season. The women of the Lady Whiteface volleyball team have stood firm in their goal to regain this prestigious title. This team has shown what today's youth can accomplish when teamwork and determination are applied to a goal.

It is with great pride that I recognize the members of the Hereford Lady Whitefaces and their coaches for this accomplishment, as well as the faculty and fans that led them to victory. Thanks to their tremendous efforts, Hereford, Texas is once again home to the Class 4A state volleyball championship title. I salute the Hereford Lady Whitefaces for bringing home this state title.

## THRIFT SAVINGS PLAN ENHANCEMENT ACT

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mrs. MORELLA. Mr. Speaker, I rise today to introduce the Thrift Savings Plan Enhancement Act. This bill will amend title 5 to allow

all Thrift Savings Plan (TSP), participants who are over 50 to take advantage of ''catch-up'' contributions. It will also eliminate the 6-to-12 month waiting period which currently governs eligibility for Agency Automatic (1%) and Agency Matching Contributions.

The first section of the bill is necessary because recent changes in tax law (Public Law No. 107–16) permit 401(a) plans and others, like the TSP, to accept additional contributions from those age 50 and over, but this new law does not change the terms of any plan to provide the benefit, in fact, plans are not required to make the benefit available to participants. Instead, plans that choose to do so must take steps to amend their plan documents before such contributions may be accepted. Similarly, FERSA—the plan document for the TSP—must be amended before the TSP may accept additional contributions. Only Congress may amend FERSA. Thus, before the TSP can accept catch-up contributions in excess of the current limits, Congress must change the law. My legislation will make the requisite change in title 5 and allow all age 50 and over TSP participants to contribute more to their pension.

The catch-up provision is particularly justifiable for the Federal plan since the TSP was not created by law until 1986. The ''catch-up'' contributions will allow workers to make-up for years when they weren't employed, didn't contribute to their plan or otherwise weren't able to save. It is also particularly beneficial for women who have returned to the workforce after taking time away to raise families.

The second section of the bill would eliminate the confusing situation that now exists whereby employees may immediately contribute to the TSP but must wait between 6 and 12 months before any matching contributions are deposited. In 2000, Congress passed legislation that I sponsored which eliminated a similar waiting period for employee contributions. The change proposed in my new bill would make the timing of eligibility for employer contributions consistent with that governing employee contributions. This bill would eliminate all waiting periods for employer contributions to the TSP for new hires and rehires—employees who are hired or rehired would be received matching funds as soon as they join the TSP.

It is essential that we in Congress do as much as we can to foster improved savings by enhancing private and public sector pension plans. America has one of the lowest national saving rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing Americans' security during what is supposed to be their golden years. Even though Americans recognize that they should be saving more, half of all family heads in their late fifties possess less than $10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress must help encourage Americans to save more.

Mr. Speaker, the Thrift Savings Plan Enhancement Act would be a very effective tool in encouraging Americans to save more and I urge my colleagues to support it.

## A TRIBUTE TO DEE DEVLIN

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. FARR of California. Mr. Speaker, Dee Devlin, a federal employee at the Center for Civil-Military Relations (CCMR), recently was selected to receive the Association of the United States Army (AUSA) Sixth Region Civilian of the Year Award. The sixth region is comprised of sixteen chapters located throughout the states of Washington, Oregon, Nevada, and California.

In recognition of receiving the regional award, the AUSA Exceptional Service Award was presented to Mrs. Devlin at the annual national meeting of the Association of the United States Army in mid-October. The award is presented to federal employees who directly or indirectly support America's Army in the Sixth Region area. All nominees for this award compete locally and then regionally on the basis of their contributions to the local community as well as to the Army.

Dee Devlin has been recognized for her work in support of Soldiers, Marines, Sailors, Airmen, Coast Guardsmen and the family members of the military community while she resided as a military spouse at the Defense Language Institute Foreign Language Center and the Presidio of Monterey. In addition to the support she has provided to the military community, Mrs. Devlin also served as a volunteer at Monterey Kiwanis events, and served for multiple years as the scholarship chairperson for the Community Thrift Shop, chairing a committee that provided over $30,000 in scholarships to military personnel and family members. Throughout her career with the federal government, working at different installations for the Departments of Defense, Army, Navy, and Air Force, Dee Devlin has always been known for her caring attitude, customer service orientation, and cooperative spirit that ensured mission accomplishment at a higher standard than required, while taking care of the people involved in the mission.

Throughout thirty-one years serving the military community worldwide as a military spouse and community member and fifteen years as a civil servant, Dee Devlin served as a mentor and role model for both family members and active duty military personnel. She has served as an unofficial ambassador for the military to many local communities in the United States while residing in foreign countries.

Dee Devlin has been married for over thirty-three years to retired Colonel Daniel D. Devlin. They have two sons, Dan Jr. and Rob, who also reside in the Monterey peninsula community, as well as countless military sons and daughters whom they unofficially adopted around the world through the years.

Dee Devlin's extraordinary efforts and superb accomplishments have earned her recognition from the highest levels of the Department of the Army, the AUSA and the United States government.

## HONORING AMERICA'S VETERANS

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. FORBES. Mr. Speaker, I rise in support of two important resolutions the House is considering today, both honoring America's veterans.

Since 1994, we have set aside December 7th of each year to remember the more than 3,600 soldiers, sailors, Marines, and civilians who were wounded or killed at Pearl Harbor. This year, however, on the 60th anniversary of that horrible attack, the occasion seems somehow more solemn. That attack awoke a sleeping giant, spurring the United States into World War II and reviving a sense of patriotic purpose in men, women, and children across the nation. The tragic events of September 11th evoke an eerie parallel. Again, the sleeping giant has been aroused from slumber and patriotism reigns supreme in all corners of this great nation.

S. Con. Res. 44 reminds us both of what we lost and what we gained on that infamous day sixty years ago. And, it is a reminder that we should hold in our hearts now as our brave servicemembers face our new enemy abroad.

The veterans of Pearl Harbor—indeed, all our veterans—deserve special recognition for the sacrifices that they make on our behalf. And, it is for this reason that I also rise in support of H. Res. 293. Since 1918, November 11th has been a day to honor all those who served their nation in peace and in war. Now, some are suggesting that another grand American tradition, voting, share this day of remembrance. The right to vote and participate in our democracy is cherished by all—as it should be. But, we should not honor it at the cost of the respect we show our nation's veterans. Let Election Day stand as it does and let Veterans Day stand as it does. Let these be two separate days in which to participate in our democracy and honor those veterans who have secured the very freedoms exercised in that democracy.

## RECOGNIZING IMPORTANCE OF A NATIONAL DAY FOR WORDS CAN HEAL CAMPAIGN

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. RANGEL. Mr. Speaker, I rise today to recognize the importance of a National day for the Words Can Heal campaign as called for in H. Res. 235 introduced by our collegue Congresswoman ILEANA ROS-LEHTINEN and passed by the House on the Suspension Calendar on Tuesday, November 13, 2001. As children, many of us were taught the expression ''sticks and stones may break my bones, but words can never hurt me.'' This phrase was intended to provide a tool for kids, often victims of cruel words and thoughtless remarks, to protect themselves.

While this concept often allowed children to stand strong against painful statements, as adults we sometimes de-emphasize the importance that the use language plays in our relationships. When we take part in gossip or say

inconsiderate things about others, we disrespect the people we are talking about, those with whom we are engaging in conversation, and especially ourselves. This disparagement can create an environment of negativity and foster a community where the role of each person is under-appreciated.

Rabbi Katsof's revolutionary effort to reduce verbal violence and gossip provides us the opportunity to use language to heal our wounds rather than deepen them. The power of words to bring a smile as opposed to a tear cannot be understated. While few people would disagree, despite our best intentions, we sometimes veer off course and need a nudge in the right direction. Rabbi Katsof understands this and his national media campaign designed to encourage us to use ethical speech each and every day has the potential to help us not lose sight of the significance of the words we use.

## AMARILLO HIGH SCHOOL LADY SANDIES VOLLEYBALL TEAM WINS STATE TITLE CHAMPIONSHIP

### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. COMBEST. Mr. Speaker, I rise today to congratulate the members of the Amarillo High woman's volleyball team in their great victory in the class 5A state championship. Their November 17th triumph marks the fourth state championship title for the Lady Sandies, an accomplishment that is truly deserving of recognition and praise.

The Amarillo High woman's volleyball program has been built upon a solid foundation of hard work, dedication and sportsmanship. This year's team had a strong season with an impressive 37–2 record. The Lady Sandies played every game with powerful determination and energy. This team showcases the ability of today's youth to pull together as a team to reach their goals, and support one another.

It is with great pride that I recognize the members of the Amarillo High's Lady Sandies volleyball team and their coaches for this accomplishment, as well as the administration and fans that carried them to victory. Thanks to their tremendous efforts, Amarillo, Texas is now home to the 2001–2002 Class 5A State Champions. I salute the Lady Sandies for bringing home another state volleyball title.

## H.R. 2269—INVESTMENT ADVICE ACT

### HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. BAIRD. Mr. Speaker, over the last twenty years the influx of 401k plans has changed the pension landscape. When the ERISA laws were written back in 1974, we had no idea how popular 401k plans would become. And as the popularity grows for these plans, the need for quality investment advice becomes ever more vital to the retirement plans of pension holders. Although there are many avenues to obtain information about stocks and bonds, many people lack the knowledge to filter out the good information from the bad. Most people do not have the time necessary to investigate the nuances of the market to make informed decisions about market purchases. This is why we need to turn to professionals. Our pensions are too important to American workers and families these days to let this problem go unresolved. That is why I strongly support the Investment Advice Act that is before this body today.

I recognize there is some contention about the conflict of interest between the adviser's and the interest of their clients. However, this legislation specifically requires that a ''fiduciary adviser'' be personally liable for any failure to act solely in the interest of the worker. Furthermore, investment advisers will be subject to the highest form of fiduciary duty under the law, including civil and criminal enforcement by the Labor Department. I believe these safeguards protect our employees and mandate professional advisors to work in the best interest of their clients.

Mr. Speaker, in the end, it is my belief that the Investment Advice Act will increase the value of pensions for working Americans. I believe this act will lead Americans into a healthier and happier retirement. And lastly, I believe that Americans want and need access to professional financial advice.

## A PROCLAMATION HONORING ELIZABETH JONES

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. NEY. Mr. Speaker, whereas, Ms. Elizabeth Jones was an upstanding citizen of Bellaire, Ohio, and;

Whereas, Ms. Jones never wavered in her enthusiasm and dedication to her education, her family, and her community, and;

Whereas, due to all of Ms. Jones' accomplishments, she will be fondly remembered by her son Allen Kenton Jones and his wife Delores; her sister Rosemary Ney; her grandson Allen Jones Jr; her four great-grandchildren, her four great-great-grandchildren, and her nieces and nephews including myself, along with many others who knew and loved her.

Therefore, I ask that my colleagues join me in recognizing the commitment and effort of Ms. Elizabeth Mary Ney Jones. Individuals like Elizabeth Jones are the key to our nation's success.

## IN HONOR OF LOULA LOI-ALAFOGIANNI

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Loula Loi-Alafogianni, the Executive Global President and CEO of the Euro-American Women's Council. Mrs. Alafogianni has spent her professional life facilitating the needs of the Greek and American entrepreneurial communities and advancing the cause of women's rights in the areas of business and education.

Mrs. Alafogianni has demonstrated that intelligence, integrity, energy, clear objectives and the love of a task well-executed, creates credibility. Her love for Greece and her desire to promote greater understanding and cooperation between Greece and America has made her a strong advocate and a wonderful ally. Mrs. Alafogianni, like so many talented women of her generation, has had several careers.

For two decades, Mrs. Alafogianni served as an elementary school director, helping to ensure that our young people have a strong educational foundation.

She then turned to the challenges offered by business, public relations and event-planning. Mrs. Alafogianni's entrepreneurial skills are widely recognized and she has served as a delegate to White House Conferences on small businesses since 1990, and has advised numerous public officials and government leaders.

Additionally, Mrs. Alafogianni is very civic-minded. With her husband, John, Mrs. Alafogianni co-founded the United Hellenic-American National Council, which has sponsored numerous White House luncheons for prominent and influential businesswomen from across the United States and Greece.

In 1991, she founded and organized the ''Best Buddies Foundation'' in Greece, along with Anthony Kennedy Shriver, who serves as its Global President and CEO. In 1995, Mrs. Alafogianni became the Global President and CEO of the Euro-American Women's Council, which promotes ties among Greeks, wherever they may live, and their motherland. She is also President of the ''daughters of Roumeli'' and of the ''Hermes Athletic Club'' of New York. She is currently a board member to the Human Rights Advisory Council of New York.

Mrs. Alafogianni has received a number of prestigious awards for her outstanding contributions, including the Crown Award, which recognizes her as one of the most creative minds of the top leading entrepreneurial women of the world. She has also earned the distinguished award of ''Honorary Citizen of Baku'' as a result of her pioneering efforts to improve entrepreneurial training in the former Soviet Union.

Mr. Speaker, I am pleased to bring to the attention of my colleagues the outstanding work of Loula Loi-Alafogianni. Her unwavering dedication to improving relations among the Greek and American entrepreneurial communities, and promoting opportunities for women is truly worthy of our recognition. Thank you.

## PAYING TRIBUTE TO THE HISTORIC ARKANSAS RIVERWALK OF PUEBLO FOUNDATION

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*November 27, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize and congratulate the Historical Arkansas Riverwalk of Pueblo Foundation located in Pueblo, Colorado. The group has recently been selected as the outstanding non-profit organization of the

year at the El Pomar Awards for Excellence banquet. The banquet was created to honor non-profit groups in the State of Colorado.

HARP's mission is to raise the necessary funding to bring improvements to the Arkansas Valley area. Their project involves the creation of a riverwalk for the City of Pueblo to attract shoppers and restaurateurs throughout the area. Voters approved the need for such an attraction in 1995. The river walk has already begun to revitalize and re-energize the area of downtown Pueblo, not far from my district office, thanks to the efforts by many including HARP.

The foundation is led by Jean Rickman who accepted the Julie and Spencer Penrose Award on behalf of the organization on November 13, 2001. The award contributes $25,000 to the HARP foundation, which seeks funding from private and corporate contributions. The cash award adds to the impressive total of $7,000,000 now raised for the project.

Mr. Speaker, it is an honor to congratulate the HARP foundation on their recent achievement award. Through organizations such as HARP, the people of Colorado can be proud of their heritage and their community. HARP is a model group for non-profit foundations throughout the nation. It is again with great pride that I commend and thank HARP for all their efforts in enhancing the community of Pueblo.

## HONORING MS. DIANNE O'DELL

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. TANNER. Mr. Speaker, I rise today to honor a dear friend of mine, a remarkable woman who teaches us there are no limits to what a person can accomplish.

At 3 years old, Dianne O'Dell was diagnosed with polio and, soon after, began her life in an iron lung. Her parents, Freeman and Geneva, were told Dianne would not reach adulthood. Now, more than 50 years later, Dianne is still going strong. It is believed she has lived longer in an iron lung than anyone else in the world.

Ms. O'Dell's physical handicaps have not discouraged her. While living inside the yellow, seven-foot-long iron lung, she used a two-way radio to complete coursework and graduate from Jackson High School. She took classes from Freed-Hardeman College, now Freed-Hardeman University, and accepted an honorary doctorate in psychology from Freed-Hardeman. She wrote a children's book, ''Blinky Less Light,'' and is currently working on her autobiography.

Dianne says she has been able to reach her goals despite her physical limitations because of positive thinking and her sense of humor. She often refers to her iron lung as her ''yellow submarine'' and enjoys having it decorated for holidays. Dianne remembers one Halloween when she costumed the machine as a giant roll of Life Savers candy.

Ms. O'Dell also credits her strong sense of faith. She worships with the Campbell Street Church of Christ in her hometown of Jackson, Tennessee, although she is not able to attend services. Members of the congregation bring her taped sermons and the Lord's Supper.

Dianne's family has also played a valuable role. Mr. and Mrs. O'Dell, along with Dianne's two sisters, have been by their daughter's side her whole life, often making personal sacrifices for her health.

Over the years, Ms. O'Dell has worked with others coping with disabilities, especially families with disabled children. She tells them how important it is to keep faith and a positive outlook.

I believe Dianne's spirit and love of life are encouraging—not only to those facing similar situations, but to all of us. She is an inspiration to everyone who knows her or has heard her remarkable story. Above all, Ms. O'Dell is a reminder that there is no limit to what a person can accomplish with an unyielding spirit like hers. Mr. Speaker, I ask that you and our colleagues rise and join me in recognizing Ms. Dianne O'Dell.

## TRIBUTE TO JENNIFER JEAN SMITH

### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. SMITH of Michigan. Mr. Speaker, I rise to congratulate Jennifer Jean Smith on the release of True North, a musical album that she both wrote and composed. Jennifer's love of music and words began at an early age. Always a singer and performer, grade school led to choirs, show choirs and many gigs as a soloist.

An outgoing yet introspective young Jennifer displayed her writing skills at an early age. Little blank books became filled with poetry, and an antique typewriter became a favorite tool for composing stories. An old upright piano, passed on by Jennifer's grandmother, Ruth Smith, a beloved music teacher and musician, served as the instrument for the composition of early songs, including ''The Energy Crisis'' written in the early 70s.

Jennifer said, dreaming of being a star is one thing, but for a small town girl raised on a dairy farm, actually knowing how one goes about such a thing is quite another. ''There were many challenges.''

Her first years of college were spent at Michigan State University where she pursued a career that included music. Jennifer moved to Ann Arbor in 1990. Once settled and working at the University of Michigan, she turned her attention again to making music and writing songs. Picking up and learning to play the guitar soon led to many finished songs and trips to Nashville. Jennifer launched her own music publishing company, The Michigan Rose Music Co., and record label, Michigan Rose Records.

In June 2001, Michigan Rose Records released its first single, True North, the title cut to Jennifer's first CD. True North—relating to the life and death of Dale Earnhardt, the race car hero—was recorded along with four other original songs in Nashville this past May. The CD, which was recorded and produced by Phil Dillon at Nickel City Studios, features her daughter Jackie on background vocals and a group of world-class Nashville studio musicians. Despite being an independent release, the single has received airtime on major country radio stations across the United States and has resulted in further opportunities to write and sing—the beginning of a long-awaited dream.

Mr. Speaker, we congratulate Jennifer Jean Smith for her perseverance and success.

## JONES COUNTY JUNIOR COLLEGE BOBCATS

### HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. PICKERING. Mr. Speaker, I rise to commend the Jones County Junior College Bobcats for winning the state championship. I am very proud of JCJC which is in my home county. Both of my parents are alums of Jones County Junior College and I was raised supporting the school and its athletic programs. The Bobcats finished the season with 10 wins and 1 loss. Congratulations are in order for Jones County head coach Parker Dykes, his staff and his team. Their victory brings pride and respect not only to the athletic program, but to the college as a whole. Jones County Junior College continues to set the standard not only in athletics, but in academics as well. The technical and vocational training provided at JCJC equips students with the necessary skills to enter the 21st century workforce and become successful members of their community. I am always pleased to see our junior colleges excel. Again, congratulations on an outstanding season.

## PAYING TRIBUTE TO RICH KOLECKI

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*November 27, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Rich Kolecki and thank him for his contributions to the Boy Scouts of America and the community of Glenwood Springs, Colorado. For the past eighteen years, Rich has served in a number of leadership positions in the Boy Scouts and his dedication is certainly worthy of recognition from this body.

Rich began volunteering when one of his sons joined the Cub Scouts in 1983. That led to an eighteen-year career, which was recently recognized by the Scouting community for his time and volunteering efforts to the program. He has served as a Cub Master, Troop Leader, and Assistant Scoutmaster. While serving in his leadership roles, his sons Ricky and Matthew have achieved the highest honor in Scouts, the coveted rank of Eagle Scout.

The Boy Scout program is designed to introduce young men to the outdoor environment and establish them as civic volunteers. As a Scout Leader, Rich participates side by side with his scouts allowing him to share the same experiences with his troop. It is Rich's hope that participation in these programs will instill leadership qualities in the young men they can draw on later in their future endeavors. The overall goal of the entire program is to produce well-rounded individuals for the community.

Mr. Speaker, it is an honor to recognize Rich Kolecki for his contributions to the Boy Scouts and the community of Glenwood Springs, Colorado. It is people like Rich, who volunteer their time and effort, who ensures the creation of future leaders for this nation. Keep up the good work Rich and congratulations on your achievement.

## COMMEMORATING THE RETIREMENT OF JAMES BEAVER, SERGEANT OF THE POLICE DEPARTMENT AT CALIFORNIA STATE UNIVERSITY, LONG BEACH

### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. HORN. Mr. Speaker, I rise today to recognize the retirement of James Beaver. Sergeant Beaver has served with distinction for nearly 30 yeas as a member of the Police Department at California State University, Long Beach.

Sergeant James Beaver came to the CSULB Police Department after serving our country in Vietnam as a member of the Army. Upon his return, Sergeant Beaver found a calling in public service that appealed to him strongly, and joined the Campus Police on September 6, 1972,

During his tenure, Sergeant Beaver has provided University students, staff and guests with the highest levels of professional police service. He has distinguished himself in perhaps the highest order of being an unparalleled mentor of colleagues and new officers for nearly three decades. Sergeant Beaver has been a model member of both his profession and his community.

Sergeant Beaver will close his professional police career effective December 31, 2001. When he retires, Sergeant Beaver will look back on a career that spanned a period of unprecedented change in our country, and extraordinary dynamic growth in our nation's colleges and universities.

So best wishes to Sergeant Beaver. He will be missed but not forgotten by all those friends and colleagues who will gather on December 22 to wish him the very best for a long, active and healthy retirement.

## GENERAL AVIATION INDUSTRY REPARATIONS ACT OF 2001 (H.R. 3347)

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the good work of Aviation Subcommittee Chairman JOHN MICA. Today, he introduced the ''General Aviation Industry Reparations Act,'' in an effort to compensate general aviation businesses that were closed by government edict after the tragic events of September 11. I am pleased to join Chairman MICA as an original cosponsor of this much-needed legislation.

As a result of the terrorist attacks, this segment of the aviation industry was grounded significantly longer and was saddled with greater flight restrictions than the larger air carriers. In some cases, certain general aviation airports are still unable to operate. On October 17th, the Aviation Subcommittee heard testimony from those affected by the government shutdown, where we learned that direct compensation is the only hope left for man small companies. Drawing from these hearings, Chairman MICA's legislation allows qualified companies that have suffered economic losses due to the government's actions, to ask for reasonable compensation. This legislation directly provides the much-needed cash infusion these small businesses require to stay in business, while making sure only eligible companies receive funds.

This legislation will affect the constituents of almost every Member of Congress, because general aviation operates at more than 5,300 public airports across America. More than 92 percent of the roughly 225,000 civil aircraft registered in the United States are general aviation aircraft. More than 500,000 of the nation's 635,000 pilots fly general aviation aircraft. General aviation is compromised of private business owners, large and small, that rely on our national airspace for their livelihood. Many of these companies are mom and pop flight schools, parachute schools, scenic tour operators, and the people who gas up planes and tie them down at night.

On October 3, I introduced the ''General Aviation Small Business Relief Act'' to help out the struggling industry. My bill would allow the Small Business Administration to provide direct grants and low-cost loans to general aviation small businesses directly affected by the terrorist attacks to help them make it through this tough time. I am proud to report that 50 of my colleagues, including Chairman MICA, have joined in the effort to provide relief to general aviation businesses.

This is why I am pleased to join with Mr. MICA today, in trying to help out the general aviation industry. Congress acted swiftly to stabilize the large carriers after the tragic events of September 11. It is time to address the financial crisis facing the general aviation industry. I fully support Mr. MICA's efforts and am proud to be an original cosponsor of his legislation.

## MEMORIALIZING MAYOR BILL MANNING

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. TANNER. Mr. Speaker, I rise today in recognition of the late Bill Manning, a decorated war hero, a faithful public servant and my friend.

A California native who settled in Tennessee with his wife Jane, Mr. Manning served two tours of duty in Vietnam and was wounded both times. During his second tour in 1968, he lost both his left arm and right hand as a result of a rocket grenade attack. Mr. Manning had a prosthetic left arm and shoulder, and he designed and patented the Accra Hook to replace his right hand so he could maintain its functionality. Those disabilities did not stop what would become a long list of great achievements.

When he returned from Vietnam, Mr. Manning was elected Recorder in Gibson County, Tennessee, and later, Governor Ned McWherter appointed him state Commissioner of Veterans' Affairs. During that time, Mr. manning played an important role in the construction of three retirement homes for veterans and three cemeteries for veterans in Tennessee. The West Tennessee Veterans Cemetery and the state veterans home in Humboldt are named in his honor.

In 1999, Mr. Manning was first elected mayor of Bradford, Tennessee, and has been credited with reinvigorating community spirit in that town. He was elected to his second term in that position in May 2001.

I am honored to have worked alongside Bill Manning, who is truly an American hero. His spirit and determination allowed him to overcome his physical obstacles and become a leader whose good work still benefits the people of Bradford, Gibson County and the state of Tennessee. We have lost an amazing man, a courageous leader and a dear friend. Mr. Speaker, I ask that you and our colleagues join me today in recognizing my friend, Mr. Bill Manning.

## PAYING TRIBUTE TO DON CHAPMAN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*November 27, 2001*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Don Chapman and thank him for his contributions to the community of Paonia, Colorado. Don will always be remembered as a dedicated leader of the community. As he celebrates his retirement, it is a great loss for a town that has relied on Don for his knowledge and wisdom in times of hardship and prosperity.

Don has served the community of Paonia for over forty years. As a member of the business community he and his family owned and operated a service station, garage and machine shop in the area since 1956. Answering a call to public service in 1973, Don entered the field of politics. He was elected that year to the Town Council as a Trustee, a position he held for the next 10 years. This position propelled Don to the Mayor's office a year later. In 1995, following an eleven-year retirement, Don returned to service and was elected to the Town Council once again.

While serving Paonia, Don has been involved in several organizations that have been instrumental in improving the lives of those who reside in Paonia. He has served on the Fire District Board and the Delta County Hospital Board where he served as President. He has held leadership positions in Masonic Lodge 121, helped bring television to the area, as well as promote Paonia fundraisers, events, and services.

Mr. Speaker, it is a great honor to recognize Don Chapman and his contributions to the community of Paonia as he celebrates his retirement from public service. I would like to thank him for his years of dedication and hard work. His time and dedication are well served. I wish Don the best of luck in his future endeavors and hope he enjoys his well-deserved retirement.

## MOVING TOWARDS A CLEAN DIAMOND TRADE

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. FARR of California. Mr. Speaker, I would like to thank Representatives HALL, WOLF and HOUGHTON for putting together this compromise bill with the Administration. It is important that we enact legislation to reform the conflict-driving diamond trade, and this is an important first step.

Mr. Speaker, for years terrorist bands masquerading as political rebels have been using income from the illicit trade in diamonds to fund their attacks on civilian populations. The scars that they have left are deep. They are seen every where on the mangled limbs and faces of men, women and children on the streets of Monrovia and Freetown.

As appalling as the profiteering of these groups, is the commercial support that they have received from brokers in the legitimate diamond trade in what we refer to as the developed world. While some of thee traders have dealt unknowingly in these blood diamonds, others have consciously taken advantage of their market position to ''launder'' these tainted goods. There is a clear need to establish a system which punishes those that are supporting terrorist bands that profit from diamond trading, and prevent dirty diamonds from entering the market which make legitimate dealers unwittingly complicit.

The substitute for H.R. 2722 that we have before us is not perfect, but it is an important first step in creating such a system. Moreover, passing this bill will send a clear signal to those states, industries and NGOs participating in the Kimberly Process, that the United States is serious about Clean Diamonds. I am confident that this bill will help move the Kimberly agenda forward, and that concrete steps to implement a verification system will be agreed to by all participating parties. This, after all, is the key. A verification system will not work unless it has the support of all those concerned.

I urge my colleagues to support this bill and to continue to work towards making the diamond industry one that supports trade and economic development without compromising human rights.

## H.R. 3206, THE ''HOME OWNERSHIP EXPANSION AND OPPORTUNITIES ACT''

### HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. MALONEY of Connecticut. Mr. Speaker, I come to the floor today to make a brief statement about my cosponsorship of H.R. 3206, the ''Home Ownership Expansion and Opportunities Act.''

By cosponsoring this legislation, I am expressing my support for new ideas to provide additional opportunities for homeownership. This legislation is intended to bring more competition into the secondary mortgage marketplace, the result of which will be more opportunities and lower costs for homebuyers.

The ''Home Ownership Expansion and Opportunities Act'' would allow the Government National Mortgage Association (GNMA) to guarantee the securities of conventional mortgages above the 85 percent loan to value ratio, up to the statutory conventional mortgage limit. In case of default, the participating private mortgage insurance companies (PMIs) would bear the first level of loss.

Of course, our current mortgage financing system works well. After all, homeownership in the United States is at an all time high. Any system can be improved, however, so long as no industry or company is ceded any structural competitive advantage.

Like any legislation, this proposal takes calculated risks to achieve demonstrable gains. First, the federal government will guarantee these mortgages. I see no reason, therefore, why we wouldn't see to it that certain affordable housing goals are met and enforced. In doing so we will ensure that all American's have access to affordable financing so they can realize their dream of home ownership.

Additionally, because the federal government will be taking on some of the risk associated with these mortgages, we must ensure that the program is managed in the most fiscally prudent manner. That is why the legislation includes a provision that any PMI participant receive an AA rating or better from a nationally recognized rating agency, and must meet additional requirements as determined by the Government National Mortgage Association (GNMA). While the PMIs are regulated at the state level, we may want to consider additional safety and soundness mechanisms, to further minimize the risk to taxpayers.

I look forward to working with my colleagues as this proposal moves through the legislative process. This bill serves as a starting point to begin the debate on how best to accomplish our goal of increasing homeownership for all Americans.

## GUILLERMO A. GOMEZ: TEACHER OF EXCELLENCE

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to recognize and honor Guillermo A. Gomez, a sixth-grade bilingual teacher at Vista Square Elementary School in Chula Vista, California.

Mr. Gomez was nominated by the California Teachers Association (CTA) for the prestigious National Education Association Foundation Award for Teaching Excellence. He was the only California teacher, chosen from a pool of more than 300,000 educators, to represent our state of California. Although he was not the final winner, his nomination is a glowing tribute to his service to our children.

CTA President Wayne Johnson's nomination letter includes the following information about Mr. Gomez and his achievements: ''CTA conducted a search for nominees for this prestigious award. Many excellent California teachers were nominated, but Mr. Gomez stood head and shoulders above the rest. Not only is he an excellent teacher, but he is also an inspiring one. He created an after-school program called Circle of Little Brothers and Circle of Little Sisters, where he helps upper-elementary students explore possibilities for their futures. He coordinates an after-school homework center and takes the lead in training staff on English language development standards.

Becoming concerned that there were few males, especially of Latino descent, who were involved in a school with many Latino children, Mr. Gomez, along with another teacher, created a group called ''Mi Papa'' in the community resource center. This program helps bring fathers into the school community as role models and pairs them with children in educational and art activities.

Despite the fact that he has been a teacher for only six years, Mr. Gomez is active in his local CTA chapter, Chula Vista Educators. He serves on many communities and, as an association representative, he kept teachers in his school informed and focused during recent negotiations with the school district. He is also the chair of the political action committee for his local association. In short, CTA believes that Mr. Gomez exemplifies all the qualities that are present in the best teachers: dedication, caring, innovation and creativity, and teaching excellence.''

Both Marilyn Prall, Principal, and Martha Deichler, Associate Principal of his school, who was Mr. Gomez' mentor, attest to his efforts to grow professionally and to become the best teacher possible—asking for advice, taking suggestions, and making them work in his own classroom. They believe that his passion for teaching has enabled him to become the excellent teacher he is today.

Mr. Gomez also works outside the classroom walls with the families of his students. He believes that only as an active social agent in the community can a teacher provide opportunities for students to advance in this competitive society. He participates in literacy nights, harvest carnivals, job-a-thons, and fundraising activities, such as car washes and haunted houses, to make sure that all of his students can go to sixth grade camp. In his ''spare time'', he also coaches soccer!

Mr. Gomez' public service goes beyond his local community. He and his students are often involved in charitable activities to help victims of natural disasters thousands of miles away. He is compassionate and appreciative of all people and cultures. His students know that he cares deeply about them and their families, and they return year after year to visit Mr. Gomez after their elementary school graduation.

Mr. Gomez is a graduate of San Diego State University (SDSU) and holds a Bilingual Cross-Cultural Language Academic Development multiple subject credential. He will receive his Master's Degree in Latin American studies from SDSU this coming summer. In addition, he regularly attends Saturday workshops, after-school in servicing training, and district workshops. He reads professionally and implements in his classroom the methods and ideas supported by current research.

Mr. Gomez knows the abilities of each and every one of his students and works to help each child achieve his or her full potential. He is proud to be a teacher, and I am proud that he is a teacher in my Congressional District. He will be honored by the National Education Association Foundation for the Improvement of Education in Washington, DC on December 6, 2001.

A sincere thank you, Mr. Gomez, for your dedication to our young people, the future of our nation.

## HONORING FRANCIS M. BAIN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember and honor the life of one of America's true leaders. Not only was he a patriotic soldier during World War II, but he was also a civic leader in his community. Francis M. Bain passed away at the age of ninety-two on November 1, 2001, and it is with a solemn heart that I would like to pay tribute to his life and memory.

Francis Bain was born in Springfield, Illinois on November 7, 1908. He spent the majority of his childhood growing up in Tungsten, Colorado, outside of Boulder, where he completed his high school education and graduated from the University of Colorado in 1931. He went to Europe during World War II, where he served for four years as a Lieutenant Colonel in the 65th Infantry Division of the United States Army fighting to defend the freedom we hold so dear in the United States.

Mr. Bain's role switched from a military soldier to civic leader when he returned home from Europe to Colorado. He joined his brother to manage the family business, Campbell-Sell Baking Company. Throughout the years he undertook several civic responsibilities including such posts as a member of the Denver Board of Education for 16 years, president of the Metropolitan Council for Community Service, and Trustee of the Temple Buell College and Iliff School of Theology among others.

Mr. Speaker, Francis Bain contributed so much to our nation and gave selflessly of himself to the community. He was a leader and role model for the people of our country both at home and abroad. He has touched so many lives and his contributions will not be forgotten. I would like to express my condolences to his family and friends during their time of mourning.

## TIME IS RUNNING OUT

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Ms. SCHAKOWSKY. Mr. Speaker, at an historic inter-Korea summit in June of 2000, the leaders of the two Koreas pledged to work toward reconciliation and reunification of the divided peninsula. A key component of healing the 50-year old wounds is for the Korean governments to work quickly to reunite families that were torn apart during the violence and chaos of the Korean War.

Families on the Korean peninsula, as well as many Korean Americans in my district and across the United States, have not given up hope that one day they will be reunited with their long lost relatives. I applaud Congressman BECERRA for introducing House Concurrent Resolution 77 and thank Chairman HYDE and Congressman LANTOS for bringing it to the floor tonight. It is my hope that this resolution will reinforce the United States commitment to a united and peaceful Korea. I urge all members to vote in support of this important measure.

## TRIBUTE TO JOHN D. GROENDYKE

### HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. LARGENT. Mr. Speaker, I rise today to pay tribute to John D. Groendyke on the 25th anniversary of his appointment to the Oklahoma Wildlife Commission by then Governor David Boren.

Let me tell you a little about this man. John Groendyke graduated from Wentworth Military Academy where as Cadet Lt. Col., he served as the first brigade commander when the corps was organized as a ''battle group'' with seven subordinate companies. He now serves as President of the Wentworth Board of Trustees. John went on to receive his Bachelor of Science in Business from Oklahoma State University and his law degree from the University of Oklahoma. He served as a Captain in the U.S. Army, and after a two-year tour of duty he returned to Enid, Oklahoma to join the family trucking operation. He is a lifelong resident of Oklahoma whose vocation is serving as owner, Chairman and CEO of Groendyke Transport Company, founded by his father, Harold C. Groendyke in 1932 and today, one of the nation's largest motor carriers of bulk commodities serving the continental United States, Canada and Mexico. He and his wife, Virginia have two daughters, two sons, and four grandsons and live in Enid, Oklahoma where they are actively involved in many community activities. He serves as Chairman of the Board of the National Tank Truck Carriers and is a member of the Board of Directors of Central National Bank in Enid. He is a Trustee of the Oklahoma chapter of the Nature Conservancy, and is a member of the Board of Directors of the Grand National Quail Foundation and Grand National Quail Club, having served as a past President and Chairman of the Board. Obviously, John stays pretty busy since he also owns and operates several cattle ranches in Oklahoma and also enjoys antique automobiles!

But John's avocation and service to Oklahoma has been in the area of wildlife conservation efforts. As the Commissioner of District 8 for the past 25 years, John has guided our Oklahoma Wildlife Department through a period of acquiring the Sandy Sanders, Cooper, Packsaddle, James Collins, Hackberry Flat and Deep Fork Wildlife Management Areas. He helped develop the biodiversity program with the Weyerhaeuser Company and assisted in creating oil and gas development policies for wildlife lands and reasonable oil and gas environmental regulations. During his 25 years of service, John also helped develop a cash leasing agricultural and grazing revenue program on wildlife lands and participated in the development of deer depredation and management policies.

Abraham Lincoln said, ''And in the end, it's not the years in your life that count. It's the life in your years.'' Mr. Speaker, please join me in saluting John D. Groendyke, for his tireless service not only to Oklahoma but to the nation as well in his wildlife conservation efforts. He has made his years count! May he enjoy many more!

## CUBA

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend to you the attached article from earlier this summer written by Mr. Frank Calzon, entitled ''Yes, Cuba is a Terrorist Nation''. Mr. Calzon is the executive director of the Center for a Free Cuba in Washington, DC and is a tireless fighter for democratic causes. I encourage my colleagues to learn from his insightful article.

[From the Miami Herald, Nov. 7, 2001]

YES, CUBA IS A TERRORIST NATION

(By Frank Calzon)

Harvard scholar and former New York Sen. Daniel Patrick Moynihan once said that everyone is entitled to his own opinion but not his own facts. Not a bad concept to keep in mind now that Cuban government officials claim that the reason for including Cuba on the list of terrorist nations is total nonsense; that the inclusion of Castro's Cuba among Iraq, Libya, Iran and other unsavory characters is motivated by U.S. domestic politics.

Sixteen anti-embargo activists, including Princeton professor Alejandro Portes and Johns Hopkins University visiting professor Wayne Smith agreed, charging that Castro is on the terrorist list due to the unwillingness of the United States to offend elements of the Cuban-American community.

Is Castro's Cuba a terrorist state?

Biological weapons are of no minor concern for Americans today. Castro's bankrupt regime has spent more than $1 billion to set up a scientific infrastructure that, former Secretary of Defense William Cohen said in 1998, could support an offensive biological-warfare program. In 1995 the U.S. Office of Technological Assessment included Cuba among 17 countries believed to possess biological weapons.

Last year Ken Alibeck, former deputy director of Biopreparat, the Soviet Union's biological-weapons program, revealed that a few years after Castro's visit to the Soviet Union in 1981, Cuba had one of the most sophisticated genetic-engineering labs in the world.

A few days ago the University of Miami School of International Studies released a report, Castro and Terrorism: A Chronology. It says that:

Castro refused to join the other Ibero-American heads of state in condemning ETA terrorism at the 2000 Ibero-American Summit in Panama and slammed Mexico for its support of the summit's statement against terrorism.

This summer Colombian officials arrested IRA members Niall Connolly, Martin McCauley and James Monaghan and accused them of training the Revolutionary Armed Forces of Colombia (FARC). Connolly had been living in Cuba as the representative of the IRA for Latin America.

Argentine-born Cuban intelligence agent Jorge Massetti helped funnel Cuban funds to finance Puerto Rican terrorists belonging to the Machetero group. The Macheteros hijacked a Wells Fargo truck in Connecticut in September 1983 and stole $7.2 million.

Illich Ramírez Sánchez, known as Carlos the Jackal and responsible for numerous terrorist acts in Europe in the 1960s and '70s trained in Cuba.

Black Panther leaders in the 1960s received weapons training in Havana.

Does any of that have anything to do with the influence of Cuban Americans? Were exiles responsible for the expulsion of Castro's diplomats from Paris and London who were linked to Carlos the Jackal? Do exiles explain why Castro supported Puerto Rico's Macheteros, charged with terrorist acts there and on the mainland? Were exiles responsible for his training of the Faribundo Marti Front, El Salvador's terrorist group, or for Uruguay's Tupamaros, known for targeting Americans?

One day the archives of Cuba's intelligence service will be opened just like the KGB's and East Germany's Stasi's. Then details will be known, as well as the names and activities of Castro's ''agents of influence'' in the United States. But if history is any indication, they will say they fell for the romance of the revolution, that they could not have imagined such a regime and such a tyrant. They will go on with their lives, just like the old Stalinists who saw no difference between Stalin's Russia and Great Britain and who claimed, while it mattered, that Stalin's terror was simply an invention of the Russian exiles in Paris.

## CONGRATULATING RICHARD LUEHRS

### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2001*

Mr. COX. Mr. Speaker, I rise today to congratulate Richard Luehrs on his retirement as president of the Newport Harbor Area Chamber of Commerce.

Richard began his service with the NHACC in 1982 as its executive director, and for the last 15 years has served as president and chief executive officer. He has helped to expand NHACC's membership to more than 1,000 businesses.

Richard has been a visible and enthusiastic champion of the free enterprise system, fostering programs that contribute to the success of local businesses. Overall, his vision has been one of responsible growth and development for the city of Newport Beach. To achieve this goal, he has actively participated in civic development efforts through his work with the Newport Beach Economic Development Committee, the State Independent Living Council, the Baden-Powell district for handicapped Boy Scouts of Orange County, the 552 Club for Hoag Hospital, and the Newport Beach Building Code Commission on Environment Quality Affairs.

For these and many other efforts, Richard was recognized in 1995 as the ''Executive of the Year'' by the Western Association of Chamber Executives.

During his tenure, Richard has been lovingly supported by his wife, Susan; son, Richard; and daughter, Samantha.

In behalf of the U.S. Congress, many thanks to Richard Luehrs for his tireless dedication to the Newport Harbor Area Chamber of Commerce and the community of Newport Beach.

# *Daily Digest*

# Senate

## *Chamber Action*

*Routine Proceedings, pages S12017–S12063*

**Measures Introduced:** Seven bills were introduced, as follows: S. 1729–1735. **Pages S12054–55**

**Measures Reported:**

H.R. 2559, to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

S. 1271, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, with an amendment in the nature of a substitute.

S. 1729, to provide assistance with respect to the mental health needs of individuals affected by the terrorist attacks of September 11, 2001.

S. 1731, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber.

**Page S12053**

**Measures Passed:**

***Health Insurance Portability and Accountability Compliance Extension:*** Committee on Finance was discharged from further consideration of S. 1684, to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996, and the bill was then passed. **Pages S12059–60**

**Comprehensive Retirement Security and Pension Reform Act:** Senate began consideration of the motion to proceed to consideration of H.R. 10, to provide for pension reform. **Pages S12036–43**

A motion was entered to close further debate on the motion to proceed to the consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, November 29, 2001. **Page S12036**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of H.R. 10 (listed above) at 10:30 a.m., on Wednesday, November 28, 2001.

**Page S12060**

**Measures Indefinitely Postponed:**

***Rules Committee Expenditure Authorization:*** S. Res. 39, authorizing expenditures by the Committee on Rules and Administration. **Page S12059**

**Appointments:**

***Medal of Valor Review Board:*** The Chair announced, on behalf of the Majority Leader, pursuant to Public Law 107–12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: David E. Demag, of Vermont, and Thomas J. Scotto, of New York.

**Page S12059**

***Medal of Valor Review Board:*** The Chair announced, on behalf of the Republican Leader, pursuant to Public Law 107–12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: Michael D. Branham, of Arizona, and Jimmy Houston, of Mississippi.

**Page S12059**

**Executive Reports of Committees:** Senate received the following executive report of a committee:

Report to accompany the International Convention for the Suppression of Terrorist Bombings (Treaty Doc. 106–6), and the International Convention for the Suppression of the Financing of Terrorism (Treaty Doc. 106–49) (Exec. Rept. No. 107–2)

**Pages S12053–54**

**Nominations Confirmed:** Senate confirmed the following nominations:

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 2002 and for the term expiring May 18, 2011. **Page S12063**

Prior to the consideration of this nomination, Senate took the following action:

By a unanimous vote of 95 yeas (Vote No. 342), Senate agreed to the motion to proceed to Executive Session to consider the nomination of William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

**Page S12043**

**Nominations Received:** Senate received the following nominations:

JoAnn Johnson, of Iowa, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2007.

Diane Leneghan Tomb, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Sean O'Keefe, of New York, to be Administrator of the National Aeronautics and Space Administration.

Donna Jean Hrinak, of Virginia, to be Ambassador to the Federative Republic of Brazil.

Francis Joseph Ricciardone, Jr., of New Hampshire, to be Ambassador of the United States of America to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador to the Republic of Palau.

Eni F.H. Faleomavaega, of American Samoa, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Steven Joseph Chabot, of Ohio, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Roger P. Winter, of Maryland, to be an Assistant Administrator of the United States Agency for International Development.

Frederick W. Schieck, of Virginia, to be Deputy Administrator of the United States Agency for International Development.

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2005.

Michael Hammond, of Texas, to be Chairperson of the National Endowment for the Arts for a term of four years.

Lawrence A. Greenfeld, of Maryland, to be Director of the Bureau of Justice Statistics.

Routine lists in the Army, Navy, and Foreign Service. **Pages S12060–63**

**Messages From the House:** **Page S12053**

**Enrolled Bills Presented:** **Page S12053**

**Executive Reports of Committees:** **Pages S12053–54**

**Additional Cosponsors:** **Pages S12055–56**

**Statements on Introduced Bills/Resolutions:** **Pages S12056–58**

**Additional Statements:** **Pages S12052–53**

**Amendments Submitted:** **Page S12058**

**Authority for Committees to Meet:** **Pages S12058–59**

**Record Votes:** One record vote was taken today. (Total—342) **Page S12043**

**Adjournment:** Senate met at 10:30 a.m., and adjourned at 5:58 p.m., until 10:30 a.m., on Wednesday, November 28, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12060.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## NOMINATIONS

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the nominations of Mark W. Olson, of Minnesota, and Susan Schmidt Bies, of Tennessee, each to be a Member of the Board of Governors of the Federal Reserve System, James Gilleran, of California, to be Director of the Office of Thrift Supervision, Department of the Treasury, Allan I. Mendelowitz, of Connecticut, Franz S. Leichter, of New York, and John Thomas Korsmo, of North Dakota, each to be a Director of the Federal Housing Finance Board, and Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

## LAND CONVEYANCE

*Committee on Energy and Natural Resources:* Subcommittee on Public Lands and Forests concluded hearings on S. 691, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, H.R. 223, to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act, S. 1028, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, S. 1451, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range, and S. 1240, to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, after receiving testimony from Senators Reid and Bennett; Representative Udall; Tom Fulton, Deputy Assistant Secretary for Land and Minerals Management, and Larry Todd, Director of Operations, Bureau of Reclamation, both of the Department of the Interior; and Abigail Kimbell, Acting Associate Deputy Chief for the National Forest System, Forest Service, Department of Agriculture.

## NATIONAL IMMUNIZATION PROGRAM

*Committee on Health, Education, Labor, and Pensions:* Committee concluded hearings on the National Immunization Program, focusing on the importance of strengthening the public health system to detect and respond to bioterrorist attacks, produce an adequate

supply of vaccinations, and improve the developments of counter-measures against other types of bioterrorist attacks, after receiving testimony from Walter A. Orenstein, Director, National Immunization Program, Centers for Disease Control and Prevention, and Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, both of the Department of Health and Human Services; F. E. Thompson, Jr., Mississippi State Department of Health, Jackson, on behalf of the Association of State and Territorial Health Officials; and Betty Bumpers, on behalf of Every Child By Two, and John Calfee, American Enterprise Institute, both of Washington, D.C.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 10 public bills, H.R. 3346–3355; and 3 resolutions, H. Con. Res. 279, and H. Res. 294–295 were introduced.

**Pages H8420–21**

**Reports Filed:** Reports were filed today as follows:

H.R. 2972, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse'' (H. Rept. 107–301);

H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington (H. Rept. 107–302); and

H. Res. 296, providing for consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002 (H. Rept. 107–303). **Page H8420**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Biggert to act as Speaker pro tempore for today. **Page H8345**

**Resignation from Congress:** Read a letter from Representative Largent wherein he notified the Speaker of his resignation as Congressman of the First District of Oklahoma, effective February 15, 2002. **Page H8346**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Afghan Women and Children Relief Act:*** S. 1573, to authorize the provision of educational and health care assistance to the women and children of Afghanistan—clearing the measure for the President; **Pages H8346–51**

***Computer Security Enhancement Act:*** H.R. 1259, amended, to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security (agreed to by a yea and nay vote of 391 yeas to 4 nays, Roll No. 449); **Pages H8351–56, H8391**

***Honoring Joseph Henry for his role in the Advancement of Science and Electricity:*** H. Con. Res. 157, recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity; **Pages H8356–58**

***Price-Anderson Reauthorization Act:*** H.R. 2983, amended, to extend indemnification authority under section 170 of the Atomic Energy Act of 1954; **Pages H8358–67**

***National Pearl Harbor Remembrance Day:*** S. Con. Res. 44, expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day (agreed to by a yea and nay vote of 393 yeas with none voting ''nay'', Roll No. 450); **Pages H8367–71, H8391–92**

***Export Extension Act:*** H.R. 3189, to extend the Export Administration Act until April 20, 2002; **Pages H8371–72**

***Salt Lake City Winter Olympics Torch Relay:*** S. Con. Res. 82, authorizing the 2002 Winter Olympics Torch Relay to come onto the Capitol Grounds; **Pages H8376–77**

***James A. McClure Federal Building and Courthouse, Boise, Idaho:*** S. 1459, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse''—clearing the measure for the President; **Pages H8377–78**

***Supporting the Goals and Ideals of Native American Heritage Month:*** H. Con. Res. 270, expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples; **Pages H8386–91**

***Pueblo of Acoma Land and Mineral Consolidation:*** H.R. 1913, amended, to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation; **Pages H8392–93**

***Detroit River International Wildlife Refuge Establishment Act:*** H.R. 1230, amended, to provide

for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan; and **Pages H9393–96**

***Gratitude and Appreciation to GAO and its Employees:*** H. Res. 294, expressing the gratitude of the House of Representatives to the General Accounting Office and its employees for enabling the House to continue its work while the House office buildings were closed due to the presence of Anthrax. **Pages H8396–97**

**Suspensions:** The House completed debate on the following motions to suspend the rules upon which further proceedings were postponed:

***Supporting Efforts to Reunite Americans with Their Families in North Korea:*** H. Con. Res. 77, expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea; and **Pages H8372–76**

***Clean Diamond Trade Act:*** H.R. 2722, amended, to implement a system of requirements on the importation of diamonds. **Pages H8378–86**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, Nov. 28. **Page H8418**

**Recess:** The House recessed at 10:45 p.m. and reconvened at 11:31 p.m. **Page H8419**

**Quorum Calls—Votes:** Two yea and nay votes developed during the proceedings of the House today and appear on pages H8391, H8391–92. There were no quorum calls.

**Adjournment:** The House met at 2 p.m. and adjourned at 11:32 p.m.

# *Committee Meetings*

## AIR SECURITY REGULATIONS

*Committee on Government Reform:* Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on "What Regulations are Needed to Ensure Air Security?" Testimony was heard from Representative Mica; and public witnesses.

## DEFENSE APPROPRIATIONS

*Committee on Rules:* Granted, by voice vote, an open rule on H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered for amendment by paragraph. The rule provides that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted. The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in a general appropriations bill or prohibiting reappropriations in a general appropriations bill), except as specified in the rule. The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation). The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Young of Florida and Representatives Walsh, Gilman, Manzullo, Ney, Obey, Visclosky, Lowey, Serrano, Edwards, Hinchey, Rangel, Frost, Nadler, Maloney of New York, Filner, Jackson-Lee of Texas, Velázquez, Hastings of Florida and Crowley.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, November 13, 2001, *p. D1136)*

H.J. Res. 74, making further continuing appropriations for the fiscal year 2002. Signed on November 17, 2001. (Public Law 107–70)

S. 1447, to improve aviation security. Signed on November 19, 2001. (Public Law 107–71)

## CONGRESSIONAL PROGRAM AHEAD

### Week of November 28 through December 1, 2001

### Senate Chamber

On *Wednesday,* Senate will continue consideration of the motion to proceed to consideration of H.R. 10, Comprehensive Retirement Security and Pension Reform Act.

On *Thursday,* Senate will continue consideration of the motion to proceed to consideration of H.R. 10, Comprehensive Retirement Security and Pension Reform Act, with a vote on a motion to close further debate on the motion to proceed to consideration of the bill.

During the balance of the week, Senate may consider any other cleared legislative and executive business, including appropriation bills and conference reports when available.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Appropriations:* November 28, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine anthrax decontamination, 3 p.m., SD–124.

*Committee on Banking, Housing, and Urban Affairs:* November 29, to hold hearings to examine housing and community development needs, focusing on the fiscal

year 2003 housing and urban development budget, 10 a.m., SD–538.

*Committee on Finance:* November 29, business meeting to mark up S. 525, to expand trade benefits to certain Andean countries; and S. 1209, to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, 9 a.m., SD–215.

*Committee on Foreign Relations:* November 29, to hold hearings on the nomination of John V. Hanford III, of Virginia, to be Ambassador at Large for International Religious Freedom; the nomination of Arthur E. Dewey, of Maryland, to be Assistant Secretary of State for Population, Refugees, and Migration; and the nomination of John D. Ong, of Ohio, to be Ambassador to Norway, 10:30 a.m., SD–419.

November 29, Full Committee, to hold hearings on the nomination of James David McGee, of Florida, to be Ambassador to the Kingdom of Swaziland; the nomination of Kenneth P. Moorefield, of Florida, to be Ambassador to the Gabonese Republic; and the nomination of John Price, of Utah, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Federal and Islamic Republic of The Comoros and Ambassador to the Republic of Seychelles, 2:30 p.m., SD–419.

*Committee on Governmental Affairs:* November 29, Subcommittee on International Security, Proliferation and Federal Services, to resume hearings to examine combating proliferation of weapons of mass destruction with non-proliferation programs and proposed legislation entitled the Non-Proliferation Assistance Coordination Act, 9:30 a.m., SD–342.

*Select Committee on Intelligence:* November 28, to hold closed hearings on intelligence matters, 2:30 p.m., S–407, Capitol.

*Committee on the Judiciary:* November 28, to hold oversight hearings to examine the Department of the Judiciary, focusing on how to preserve freedoms while defending against terrorism, 9 a.m., SD–226.

November 29, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD–226.

November 29, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine the protection of nuclear, radiological materials, and infrastructure from terrorism, 2:30 p.m., SD–226.

## House Chamber

*Wednesday, November 28 and the Balance of the Week,* consideration of H.R. 3338, DOD Appropriations Act for FY 2002 (subject to a rule); and consideration of H.R. 3210, Terrorism Risk Protection Act (subject to a rule).

## House Committees

*Committee on Financial Services,* November 28, Subcommittee on Financial Institutions and Consumer Credit, to continue consideration of H.R. 1701, Consumer Rental Purchase Agreement Act, 11 a.m., 2128 Rayburn.

*Committee on Government Reform,* November 29, Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on "Risk Communication: National Security and Public Health," 10 a.m., 2154 Rayburn.

*Committee on International Relations,* November 28, to mark up the following: S. 494, Zimbabwe Democracy and Economic Recovery Act of 2001; a measure to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center; S. Con. Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum; and H.R. 2739, to amend Public Law 107 10 to require a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, 10:15 a.m., 2172 Rayburn.

November 29, hearing on Implementation of the Trafficking Victims Protection Act, 11 a.m., 2172 Rayburn.

*Committee on the Judiciary,* November 29, Subcommittee on Courts, the Internet and Intellectual Property, oversight hearing on "The Operations and Federal Judicial Misconduct and Recusal Statutes," 10 a.m., 2141 Rayburn.

November 29, Subcommittee on Crime, hearing on the following bills: H.R. 556, Unlawful Internet Gambling Funding Prohibition Act; and H.R. 3215, Combatting Illegal Gambling Reform and Modernization Act, 2 p.m., 1137 Rayburn.

*Committee on Resources,* November 28, to mark up the following bills: H.R. 38, Homestead National Monument of America Additions Act; H.R. 1925, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System; H.R. 1963, to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System; H.R. 2234, Tumacacori National Historical Park Boundary Revision Act of 2001; H.R. 2238, Fern Lake Conservation and Recreation Act of 2001; H.R. 2440, to rename Wolf Trap Farm Park as "Wolf Trap National Park for the Performing Arts;" H.R. 2742, to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma; H.R. 3322, to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; and H.R. 3334, to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California, 10 a.m., 1324 Longworth.

*Committee on Rules,* November 28, to consider H.R. 3210, Terrorism Risk Protection Act, 2 p.m., H–313 Rayburn.

## Joint Meetings

*Joint Economic Committee:* November 28, to hold hearings to examine the economic outlook of the United States, 10 a.m., 311 Cannon Building.

*Next Meeting of the* **SENATE**

**10:30 a.m., Wednesday, November 28**

**Senate Chamber**

**Program for Wednesday:** Senate will continue consideration of the motion to proceed to consideration of H.R. 10, Comprehensive Retirement Security and Pension Reform Act.

*(Senate will recess from 12:30 p.m. until 2:15 p.m.)*

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**10 a.m., Wednesday, November 28**

**House Chamber**

**Program for Wednesday:** Consideration of H.R. 3338, DOD Appropriations Act for FY 2002 (open rule, one hour of general debate).

## Extensions of Remarks, as inserted in this issue

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