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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 16, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

S. Con. Res. 101. Concurrent resolution extending birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

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

REFLECTING ON TAX DAY, APRIL 15

Mr. STEARNS. Mr. Speaker, this week we again come to view one of the things Americans dread most, that is, tax day. It is a dreaded and feared day, a day on which taxpayers all across the country are concentrating and reflecting on America's frustrating and complex system of taxation.

We in Congress should take time ourselves to reflect on our Nation's Tax Code and the problems it imposes upon the taxpayers of this country. April 15 serves as a stark reminder that my constituents, and, in fact, all Americans, have paid entirely too much in Federal taxes, more than food, clothing and shelter combined. The Federal tax burden is the highest since World War II.

Also Americans are paying taxes at the same time they are trying to pay off personal debt. Yes, we seem to forget that Americans have a debt to pay down as well. They have mortgages, auto loans, credit card debt, and school loans.

We have stated time and time again that Americans deserve tax relief; and with the assistance of President Bush, we have given them just that relief. We passed the Economic Growth and Tax Relief Reconciliation Act of 2001, providing the economy a much-needed boost with the rebate check provided to all American taxpayers. In addition, the bill decreases the marginal tax rate, reduces the marriage penalty, and eliminates the death tax. It increases the child adoption credits and the child tax credit. We also passed the Job Creation and Worker Assistance Act, providing for additional tax decreases.

As a result of our efforts, Mr. Speaker, according to the Tax Foundation, the average taxpayer will work 2 days less this year to pay off their total tax bill. The so-called Tax Freedom Day, April 27, represents an identifiable mark for Americans to gauge their total tax burden. This serves as an example that we have made great strides reducing the Federal income tax burden on all American taxpayers.

However, there remains much to be done. The Federal tax burden continues to make up two-thirds of the total tax burden. Individual income taxes and payroll taxes are the primary culprits. We also face, Mr. Speaker, hidden taxes such as sales and excise tax on beverages. In fact, we are still paying a Federal telephone tax instituted during the Spanish-American War.

In addition, the taxpayer faces State and local taxes, which include property taxes, sales taxes and additional income taxes in most States. Wherever one turns, he can expect to pay a tax on something.

Finally, the taxpayer faces a cost of complying with our Tax Code. According to the Tax Foundation, in 2002 individuals, businesses, and nonprofit organizations will spend an estimated 5.8 billion hours complying with the Federal income tax code with an estimated compliance cost of over $194 billion. This amounts to imposing a 20.4 cent tax compliance surcharge for every dollar the income tax system collects.

We have kept our promise, Mr. Speaker, in working with the President to give Americans the tax relief they need. Later this week we will have the opportunity to make that relief permanent. The Economic Growth and Tax Relief Reconciliation Act of 2001 unfortunately contained sunset provisions which would end the tax relief after 10 years. We will have the opportunity to correct this oversight and give Americans permanent tax relief.

In conclusion, in this country there are seven traits that really define who we are as Americans, cultural traits. One of those traits is we like reform. We are willing to change things. We are just not satisfied with the status quo in this country. We are always trying to improve.

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Mr. Speaker, we are making progress. Let us continue to work harder and do more for the American taxpayers of this country.

AGRICULTURAL BILL PAYMENT LIMITATIONS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this afternoon I will introduce a motion to instruct conferees on the agricultural bill that suggests that we need to incorporate payment limitations.

Payment limitations now in effect are not binding simply because there is a loophole in the law which allows many farmers to receive $1 million-plus in farm benefit payments. One reason I feel so strongly that it is reasonable to have some kind of payment limits is that the public thinks that farmers are just being given a great deal of money, regardless of their need, regardless of their size. If we are going to have farm program policy in the United States, then I and many others suggest that we focus our efforts on those farmers that need that kind of help.

We talk about the family farm, and, of course, we can get in arguments about what is a family farm or how big is a family farm. But I think most of us can agree that if someone has 40,000, 50,000 or 60,000 acres and is taking in millions of dollars of farm program payments, then probably this is not the mainstream type of family farm that most of us think of.

I would like to read some quotes from the Senate debate when this language was put into the Senate version of the bill. What this shows is that there is tremendous bipartisan support for some kind of a limit on these farm payments.

Senator GRASSLEY, Republican from Iowa, said, ''When is enough enough? How long will the American public put up with these programs that send out billions of dollars to the biggest farm entities?''

BYRON DORGAN, Senator from North Dakota, a Democrat, said, ''Many of the benefits provided through the current ag programs are being funneled to large, non-family agricultural corporations while family farmers are being shortchanged. That is just plain wrong.''

Senator JOHN KERRY, Democrat of Massachusetts: ''This amendment ensures that farm aid will target the people who need it the most, the small family farmers that actually work the land and are the lifeblood of our rural communities. It is a pleasure to support this amendment.''

Senator CHUCK HAGEL, Republican: ''The amendment would remove the loopholes that allow a handful of large farmers to receive unlimited payments. Without real payment-limitation reform, we will continue to weaken the same farmers we claim to want to help.''

I want to just mention what that loophole is. There are price-support benefit limits on a couple ways a farmer can derive those benefits, specifically the loan deficiency payment and the marketing loans. But what is left out of that payment limit, which tends to hoodwink a lot of people when we brag there are some kind of payment limits in the House bill, is non-recourse loans. You can do an end-run and farmers can have a non-recourse loan that they can forfeit, or the government will give you the certificate that results in the same kind of subsidy benefit payments for price supports as do the loan deficiency payments in marketing loans.

It gets rather complicated, Mr. Speaker; but the fact is that we are calling for, and we are going to have, a debate in this House tomorrow on the reasonableness of having some kind of price limitations.

I am a farmer from Michigan. I served as deputy administrator of Farm Programs in the USDA in the early seventies. Currently 82 percent of the farm program payments go to 17 percent of the largest farm operations. If we do not control this, if we do not have some kind of a cap, some kind of a limit, we are going to lose the good will of the people of this Chamber, of the people in the Senate, of the people in the United States that really want to help those farmers. So payment limitations of $275,000 per farmer per year is reasonable as structured in the Senate version. I hope we can do that.

A couple more quotes, with your permission, Mr. Speaker. Senator RICHARD LUGAR said, ''This is a modest amendment. I stress 'modest.' There were 98,835 recipients of farm subsidies in Indiana during 1996 to 2000. Only six of that 98,000 would be affected by this amendment.''

Senator TOM DASCHLE says, ''I am pleased we were able to pass this important payment limitation amendment.''

The President of the United States says we need to help those small and medium-sized farmers that need it the most.

Mr. Speaker, I hope my colleagues will support me on this payment limitation that the gentleman from Michigan (Mr. BONIOR) and I are offering tomorrow.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

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

''O the happiness of the heavenly Alleluia sung in security, in fear of no adversity!'' These words of Your servant Augustine from the fifth century sound melodious, as from another world, when read in the springtime of our conflicted lives.

Lord, many Americans wonder if we have lost an innocence never to be regained. In the midst of war and unpredictable terrorism, evil sometimes seems more creative than goodness. Fear not only reveals the most fragile ones around us, uncertainty can cause the strong to be hesitant and slow down a Nation's progress.

Reassure us by Your presence, Lord. Out of compassion for Your people, grant a glimpse of Your glory so that hopefulness springs eternal and confidence is restored.

With hearts fixed on lasting values, give the Members of Congress practical wisdom to address the substantive issues which truly affect the lives of their constituents. May their work together build signs of hope that will move this country into a bright future.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PITTS 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.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

BUSH TAX CUTS

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

Mr. PITTS. Mr. Speaker, yesterday millions of Americans lined up at post offices all over the country to get their taxes in on time. And once again, as this poster illustrates, the average American family spent more on taxes last year than food, clothing, shelter, and transportation combined.

Once again, the average wage earner spends the first 3 hours of an 8-hour working day laboring just to pay his taxes. Once again, the equivalent of every paycheck from January to the middle of May goes just to pay taxes.

Mr. Speaker, last year we joined the President in passing much-needed tax relief for the American people. But because of opposition from the big spenders in the other body, there is a sunset clause in the law. In other words, unless we vote to make the tax cuts permanent, everyone will get a big tax hike, the marriage penalty tax will come back, the death tax will come back, the child tax credit will be cut in half, IRAs will be cut by $3,000, and the economy will suffer.

This week we will vote on a bill to prevent this from happening. I urge my colleagues to support the effort to make the tax relief permanent for the American people.

EQUAL PAY DAY: CLOSING THE WAGE GAP

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to urge Congress to pass legislation that will guarantee equal pay for equal work for women. Equal pay for equal work should not even be a question in the year 2002. Yet women earn only 73 percent of wages earned by men for doing the same work with the same qualifications. For African American women, it is only 64 cents on a dollar; and for Hispanic women, 52 cents for every dollar earned by men. The time for pay equity is now. Let us do the right thing: pass equal pay for women.

TRAFICANT EXPULSION RESOLUTION INTRODUCED

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

Mr. SENSENBRENNER. Mr. Speaker, I have introduced a resolution expelling the gentleman from Ohio (Mr. TRAFICANT) from the House of Representatives. Last week, a Federal court jury in Cleveland found the gentleman from Ohio (Mr. TRAFICANT) guilty on all 10 felony counts of a criminal indictment. Regretfully, this resolution is necessary because Mr. TRAFICANT foolishly rejected the call of the minority leader to resign. Felons belong in jail and not in Congress. He has broken the public trust by breaking the law; and if he will not voluntarily leave this House, our duty is to remove him.

Throughout my tenure in the House, I have consistently taken the position that Members who have been convicted of felonies should be expelled if they do not resign. In 1980, the House expelled Michael Meyers of Pennsylvania after he refused to resign following conviction of Abscam-related felonies. In 1995, Walter Tucker of California was convicted, initially refused to resign, and changed his mind after I introduced an expulsion resolution.

Mr. Speaker, I hope that Mr. TRAFICANT will follow the example of Mr. Tucker and save the House the need to debate once again whether felons should continue to serve in Congress.

BROOKLAND BAPTIST CHURCH'S 100TH ANNIVERSARY

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

Mr. WILSON of South Carolina. Mr. Speaker, the Good Book teaches us that the perseverance of a faithful few can touch the lives of many for the better. During the late 1800s in New Brookland, South Carolina, a small group of men and women met together for prayer and worship. By 1902, the group had grown and the Brookland Baptist Church was founded.

For decades, the church has been a refuge of hope, and the church began a new chapter in 1971 when Rev. Charles B. Jackson, Sr., became their ninth pastor at the age of 18. Attracting large crowds of over 4,000 members, the church bought and renovated a nearby shopping center. I am honored that Earl Brown, a deacon, is my special assistant.

Today, the church serves the community through HIV–AIDS program, homeless outreach, the Black Male Conference, scouting programs, recreational and tutorial programs, and has even organized a full-service credit union. The church is one of South Carolina's largest African American congregations.

This year, as Brookland Baptist Church celebrates its 100th anniversary, it is very easy to see how this once-small group of believers has grown to make the lives of those around them immeasurably improved for the better.

DOE HAS IGNORED GEOLOGICAL PROBLEMS AT YUCCA MOUNTAIN

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

Mr. GIBBONS. Mr. Speaker, this morning I joined with hundreds of Americans opposed to the idea of shipping high-level nuclear waste across the entire country to a geologically unstable site in a Nevada desert.

Scientific evidence continues to mount showing that Yucca Mountain is not a safe or sound location for nuclear waste, and evidence also shows that the Department of Energy has ignored its geologic problems.

Even former DOE officials have agreed that the DOE has not held Yucca Mountain to high scientific standards. Dr. Victor Gilinsky, former commissioner of the U.S. Nuclear Regulatory Commission, asserted in a sworn affidavit that the DOE's site suitability standard is so lax that it could be met in the basement of the DOE headquarters here in Washington, D.C.

Mr. Speaker, Americans deserve better. The site suitability of a nuclear repository should be based on science, not politics. Yucca Mountain is not a suitable site for the storage of the deadliest substance known to man. I urge Members to oppose the DOE Yucca Mountain lie.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

JOSEPH W. WESTMORELAND POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3960) to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the ''Joseph W. Westmoreland Post Office Building''.

The Clerk read as follows:

H.R. 3960

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

SECTION 1. JOSEPH W. WESTMORELAND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, shall be known and designated as the ''Joseph W. Westmoreland Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Joseph W. Westmoreland Post Office Building.

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

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

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3960, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3960, introduced by the gentleman from Florida (Mr. JEFF MILLER) designates the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the Joseph W. Westmoreland Post Office Building.

Mr. Speaker, Joseph Westmoreland was appointed as postmaster at the Jay, Florida, post office in 1948, where he served for 41 years until his retirement in September 1989. Prior to this appointment, Mr. Westmoreland also served in our Nation's military during World War II as a member of the Army Air Corps. Throughout his life, Mr. Westmoreland distinguished himself as a community leader, constantly working for what was best for northwest Florida. Mr. Speaker, I urge adoption of H.R. 3960.

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

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

Mr. Speaker, as a Member of the Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 3960, a measure which names a postal facility after Joseph W. Westmoreland, introduced by the gentleman from Florida (Mr. JEFF MILLER) on March 13, 2002, and enjoys the support and cosponsorship of the Florida congressional delegation. This measure was originally introduced by our former colleague, Mr. Scarborough.

Mr. Speaker, Joseph Westmoreland was a member of the postal community, serving as postmaster of the Jay, Florida, post office for 41 years until his retirement in 1989. A World War II veteran, community leader, and very devout member of the Jay United Methodist Church, Mr. Westmoreland was a civil servant who believed in going the extra mile to help the public. As a matter of fact, there are some who would say he was a servant of the community and enjoyed it. I urge swift passage of this resolution.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. JEFF MILLER), the distinguished sponsor of the bill.

Mr. JEFF MILLER of Florida. Mr. Speaker, it is a great privilege to rise today as the House considers H.R. 3960, a bill to designate the United States Postal Service Facility located in Jay, Florida, as the Joseph W. Westmoreland Post Office Building.

Mr. Speaker, earlier this year I introduced this measure to provide a fitting tribute to the service and life of the man who did so much for that area of the State in northwest Florida.

Mr. Joseph Westmoreland was born to humble beginnings in South Carolina before serving in the Army Air Corps during World War II. Upon leaving service in 1946, Joe married Evelyn, whom he had met while stationed at Hurlburt Field. The couple moved to Jay, where Evelyn's father owned a small grocery store, and where they would share 55 years of marriage.

Joe was appointed postmaster by Congress in 1948, a position he would serve in for 41 years until his retirement. Time and time again, Joe proved himself not only an exemplary postmaster, but a strong community leader until his death January 28 of last year. While living in Jay, he became a charter member of the Jay Lions Club and served in many positions in the Jay United Methodist Church, from teaching adult Sunday school classes to chair of the finance committee.

Joe was an example to all of us that a civil servant is forever indebted to the people he serves. His faith taught him that there is no greater act than service to fellow man, and his life was a testament to these beliefs. Although Joe is not with us today, his legacy of service and dedication to community serves as a shining example to those in northwest Florida.

Mr. Speaker, I thank Joe's wife, Evelyn, and his sons, Lofton and Dale, for sharing their husband and father with the communities for so many years.

I would like to thank the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), and the gentleman from California (Mr. WAXMAN) for their assistance in getting this bill to the floor, and urge my colleagues to support this measure to recognize a man who dedicated over 4 decades of his life to the people of Jay, Florida.

□ 1415

Mr. DAVIS of Illinois. Mr. Speaker, I yield such times he may consume to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I rise today to support H.R. 3960, to designate a post office in Jay, Florida, as the Joseph W. Westmoreland Post Office Building.

Joseph Willis Westmoreland was an admirable American and a public servant. He was among the greatest generation and served in the Army during World War II. World War II veterans alone represent nearly 40 percent of all American war participants. These great individuals risked their lives for the future of this country and we must keep our promise to them. Mr. Speaker, the World War II veteran population is aging and we must keep our promise to these individuals and give them the Social Security benefits we guaranteed to them when they went off to war.

Joseph Westmoreland served as the postmaster of the Jay Post Office in Jay, Florida for 41 years. He dedicated his working years to public service and made our government a better place. After a lifetime of public service, Mr. Westmoreland retired to enjoy his golden years. Like over 32 million Americans, Mr. Westmoreland relied on Social Security as a safety net. In Florida alone, where this post office will be dedicated, there are over 3 million Social Security recipients. The Republican budget taps into the Social Security trust fund and jeopardizes the future of these millions of seniors in Florida and throughout the country.

The Joseph W. Westmoreland Post Office Building in Florida will be another shining example of what good government is all about. The Postal Service has a slogan, ''We deliver.'' Sadly, Mr. Speaker, this Congress continues not to deliver for America's retirement. This Congress, after spending down the surplus, continues to pass legislation to raid the Social Security trust fund. Our seniors deserve better.

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

I can imagine that over a period of 41 years as postmaster that Mr. Westmoreland must have passed out hundreds and thousands of Social Security checks and people probably would come to the post office with a smile on their face and with glee in their heart, knowing that they were going to pick up that valued Social Security check. I would just hope that we never do anything that would jeopardize or take away the opportunity for people to continue to have that feeling.

Mr. Speaker, I urge the passage of this resolution.

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

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

I urge the adoption of this measure honoring an exemplary civil servant.

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

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3960.

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.

PHILIP E. RUPPE POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1374) to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the ''Philip E. Ruppe Post Office Building''.

The Clerk read as follows:

H.R. 1374

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

SECTION 1. PHILIP E. RUPPE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, shall be known and designated as the ''Philip E. Ruppe Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Philip E. Ruppe Post Office Building.

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

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

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

H.R. 1374, introduced by the distinguished gentleman from Michigan (Mr. STUPAK), designates the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the Philip E. Ruppe Post Office Building.

Mr. Speaker, Philip Ruppe was first elected to the United States House of Representatives from Michigan's Upper Peninsula in 1966 and served with distinction until 1979. Prior to his congressional service, Mr. Ruppe served in the United States Navy during the Korean War.

Mr. Ruppe, with his long family history in Michigan, has contributed to his community as an active civic leader and respected businessman. He brought this leadership and concern from northern Michigan to the Merchant Marine and Fisheries Committee and the Interior and Insular Affairs Committee where he served as the ranking member.

Mr. Speaker, I urge adoption of H.R. 1374.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join with my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) in consideration of H.R. 1374, legislation naming a postal facility after former Congressman Philip E. Ruppe. H.R. 1374 was introduced by the gentleman from Michigan (Mr. STUPAK) on April 3, 2001. This bill enjoys the support and cosponsorship of the entire Michigan delegation.

Mr. Ruppe represented northern Michigan from 1967 until 1979. During his tenure in Congress, Mr. Ruppe served on the Merchant Marine and Fisheries and Interior and Insular Affairs Committees, always dedicated to improving the quality of life for his constituents back home.

An active member of his community and noted businessman, he will long be remembered for his service to this House as well as service to the people of northern Michigan.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), the sponsor of this legislation.

Mr. STUPAK. I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to offer H.R. 1374, to designate the United States Post Office in Lake Linden, Michigan, as the Philip E. Ruppe Post Office Building.

Mr. Ruppe, as has been noted, became a Member of the United States House of Representatives on January 3, 1967, and served until January 3, 1979. Phil Ruppe was born in Laurium, Michigan, on September 29, 1926, where his family has lived since the 1870s.

Mr. Ruppe married the former Loret Miller and she went on to serve as director of the Peace Corps and Ambassador to Norway. Phil and Loret taught their daughters the intrinsic value of public service. Unfortunately, Mr. Speaker, Loret Ruppe passed away in 1996.

Throughout his lifetime, Mr. Phil Ruppe was a community leader and businessman in the Keewanaw Peninsula located in Michigan's Upper Peninsula. Besides serving this country as a legislator, Phil Ruppe served his country as a lieutenant in the United States Navy during the Korean conflict.

While in Congress, Mr. Ruppe was devoted to the concerns of the people of northern Michigan and was a member, as has been noted, of the Merchant Marine and Fisheries Committee and the Interior and Insular Affairs Committee. One of his legislative achievements included establishing the Father Marquette National Memorial near St. Ignace, Michigan. Mr. Ruppe was devoted to constituent and economic development in northern Michigan. He was actually the first Congressman representing this northern Michigan district to have district offices, demonstrating his focus on local concerns. Mr. Ruppe was well respected by all Members of Congress.

Before Mr. Ruppe retired, former Member Sonny Montgomery best summarized Phil Ruppe when he said, and I quote, ''I have always been impressed with Phil's intense interest and dedication to his legislative committees. He has never failed to be an effective member and contribute to the deliberation of the Interior and Insular Affairs Committee and the Merchant Marine and Fisheries Committee.''

Mr. Speaker, a fitting tribute to Phil Ruppe's service to northern Michigan would be naming the Lake Linden Post Office after Phil Ruppe. I would like to thank the chairman of the Committee on Government Reform the gentleman from Indiana (Mr. BURTON) and the ranking member, the gentleman from California (Mr. WAXMAN) for moving this legislation. I would like to thank the gentleman from Illinois (Mr. DAVIS) and also the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for moving forth the legislation on the floor.

I ask my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I rise in support of H.R. 1374, to designate a post office in Lake Linden, Michigan, as the Philip E. Ruppe Post Office Building. I am always satisfied when we honor a former colleague.

However, we should also be working to protect the Social Security trust fund from being raided. As we debate H.R. 1374, a good bill that will benefit hundreds or maybe thousands of Americans, we should also think about the millions of Americans who currently survive only on a Social Security income, like my 91-year-old grandmother back home in Prescott, Arkansas, who lives from Social Security check to Social Security check. Do they not deserve to live their latter years with dignity?

If we continue to pass fiscally irresponsible legislation that raids the Social Security trust fund, when will it be before their benefits are cut? Sometime between 2011 and 2016, we are going to have more people earning Social Security benefits than paying into the Social Security system. Everyone agrees that by 2041, Social Security as we know it today is broke.

My grandparents left an America a little bit better than they found for my parents. And my parents left us a little bit better country than they found for us. I think we owe it to our children and our grandchildren to ensure that we live the kind of life and make the kind of decisions, the kind of responsible decisions, sometimes difficult as they may be, but we must do those

things to ensure that we leave this country just a little bit better off than we found it for our kids and our grandkids.

What about the millions of baby boomers who will soon retire? Again, between 2011 and 2016 we will have more people earning Social Security benefits than those paying into the system. By 2041, Social Security as we know it today is broke. And guess what? That is assuming that the trillion dollars plus that has been borrowed from the Social Security system, with no provision on how it ever gets paid back, is paid back by 2041.

It is time that we stop raiding the Social Security trust fund. That is why the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security and Medicare trust fund.

I hope that when those retirees who go to the Philip E. Ruppe Post Office expecting to pick up a Social Security check in a few years, I hope they are not left with an empty promise. I hope they have a Social Security check in their post office building just as our seniors do today, a check that many of them live on from paycheck to paycheck.

Let us pass this bill, but let us quit raiding the Social Security trust fund

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the dean of the Congressional Black Caucus.

Mr. CONYERS. Mr. Speaker, I am pleased that the ranking member, the gentleman from Illinois (Mr. DAVIS) would allow me some time, because I knew Phil Ruppe and worked with him. He was a real gentleman, a collegial Member of Congress. We worked on many projects together. I also wanted to raise the memory of his wife, Loret Ruppe, who was a former head of the Peace Corps and an Ambassador to Norway as well. I do not think it has ever been done before, but if ever there was a case for naming this Federal facility after both a husband and wife, this would be it. Unfortunately, she is deceased but those of us who remember this great couple from Michigan will remember and think very highly of the very appropriate memorialization of a building in their honor.

□ 1430

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

Mr. Speaker, I certainly want to thank the gentleman from Michigan for his fond memories of Mr. Ruppe and the fact that we are naming this postal facility for him.

People often wonder why it is that you are naming Federal buildings and why you are naming post offices and how important is this. Well, it is important because people who have made America, who have made America strong, ought to in fact be remembered.

One of the things that has made America strong is the fact that we have always been able to rely upon some assistance in our old age. We have always known, after we passed the legislation, that when it came to a certain period of time, you could look forward to having some help, you could know that you had a Social Security check coming. You could just rely upon it and know that it was there.

I would hope that as we name these post offices in memory of Americans who have made great contributions, that we also keep in mind that we need to keep the tradition of Social Security being available alive, well and healthy.

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

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

Mr. Speaker, I urge adoption of this worthy measure honoring one of our former colleagues.

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

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 1374.

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. JO ANN DAVIS of Virginia. 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.

EXTENDING BIRTHDAY GREETINGS AND BEST WISHES TO LIONEL HAMPTON

Mr. OTTER. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 101) extending birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday.

The Clerk read as follows:

S. CON. RES. 101

Whereas Lionel Hampton is regarded internationally as one of the greatest jazz musicians of all time and has shared his talents with the world for more than eight decades;

Whereas Lionel Hampton has consistently exemplified acceptance, tolerance, and the celebration of racial and cultural diversity, by being one of the first black musicians to perform in venues and events previously open only to white performers, including performances with the Benny Goodman Quartet from 1936–1940, and as the first black musician to perform for a presidential inauguration, that of Harry S Truman in 1949;

Whereas Lionel Hampton has furthered the cause of cultural understanding and international communication, receiving a Papal Medallion from Pope Pius XII, the Israel Statehood Award, serving as a Goodwill Ambassador for the United States, and receiving the Honor Cross for Science and the Arts, First Class, one of Austria's highest decorations;

Whereas Lionel Hampton is one of the most recorded artists in the history of jazz;

Whereas Lionel Hampton has opened doors for aspiring musicians throughout the world, many of whom have established themselves as giants in the world of jazz, including Cat Anderson, Terrance Blanchard, Clifford Brown, Conte Candoli, Pete Candoli, Betty Carter, Ray Charles, Nat ''King'' Cole, Bing Crosby, Art Farmer, Carl Fontana, Aretha Franklin, Benny Golson, Al Grey, Slide Hampton, Joe Henderson, Quincy Jones, Bradford Marsalis, Wes Montgomery, James Moody, Fats Navarro, Joe Newman, Nicholas Payton, Benny Powell, Buddy Tate, Clark Terry, Stanley Turrentine, Dinah Washington, and Joe Williams, among others;

Whereas Lionel Hampton has worked to perpetuate the art form of jazz by offering his talent, inspiration, and production acumen to the University of Idaho since 1983, and in 1985, when the University of Idaho named its school of music after him, Lionel Hampton became the first jazz musician to have both a music school and a jazz festival named in his honor;

Whereas Lionel Hampton has received many national accolades, awards, and commemorations, including an American Jazz Masters Fellowship from the National Endowment for the Arts, Kennedy Center Honors, and a National Medal of Arts;

Whereas Lionel Hampton has received numerous awards and commendations by local and State governments and has received acknowledgment from hundreds of civic and performance groups;

Whereas Lionel Hampton's legacy of inspiration, education, and excellence will be perpetuated by the development of the Lionel Hampton Center at the University of Idaho, a facility that combines the finest in performance, scholarship, and research;

Whereas Lionel Hampton has made a difference in many lives by inspiring so many who have now become jazz greats, by reinforcing the importance of education at all levels, and by showing the world a way of life where love and talent are shared without reservation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on behalf of the American people, extends its birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday.

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

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

GENERAL LEAVE

Mr. OTTER. Mr. 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. 101.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider Senate Concurrent Resolution 101, a resolution introduced by my colleague, Senator LARRY CRAIG

from Idaho. This resolution is virtually identical to its House version, House Concurrent Resolution 363, introduced by my distinguished colleague, the gentleman from Michigan (Mr. CONYERS).

This resolution extends birthday wishes to Lionel Hampton, the undisputed ''King of the Vibraphone.'' Lionel Hampton, whose enduring contributions as an extraordinary musician and artistic achievements symbolize the impact that he has had on jazz and that jazz music has had on our culture. Happy birthday, Lionel Hampton.

Mr. Speaker, Lionel Hampton has devoted his life to the love and the belief in jazz and music and education. Lionel Hampton has stated, ''Nothing is more important than doing something that you like, and that's jazz music. My heart and my soul are in jazz.''

Mr. Hampton was born in Louisville, Kentucky, on April 20, 1908. In the 1930s, Lionel Hampton's musical career hit its stride when he began playing with such musical luminaries as Louis Armstrong and Benny Goodman. Lionel Hampton formed his own band in the early 1940s, writing top-of-the-chart sellers, including his signature tune, ''Flying Home.'' Lionel Hampton was the first black musician to perform for a Presidential inauguration, that of Harry S. Truman in 1949.

In his lifetime, Mr. Speaker, Lionel Hampton has received numerous prestigious awards. These include the title of American Goodwill Ambassador bestowed on him by President Eisenhower and President Nixon, along with the Papal Medal from Pope Paul I. President George H.W. Bush appointed him to the Board of the Kennedy Center, and President Clinton awarded him the National Medal of Arts in 1992.

Lionel Hampton branched out in his musical career by running his own publishing companies and his own record label. In the 1980s, Lionel Hampton founded the Lionel Hampton Development Corporation, which was responsible for building two multi-million-dollar apartment complexes in Harlem.

In 1985, the Lionel Hampton Jazz Festival was launched at the University of Idaho in Moscow, Idaho. The festival has become a nationally acclaimed event, featuring 4 days of concerts, clinics, and student competitions. In 1987, the music school at the University of Idaho was named the Lionel Hampton School of Music, becoming the first musical school of a university to be named for a jazz musician. Lionel Hampton has stated that this event was the highlight of his distinguished career.

I might also state, Mr. Speaker, that Lionel Hampton created more than just a school of music, because that institution today has become a cultural center for celebrating the diversities that we have in race, in creed, and in social life and also in music.

We honor Lionel Hampton on his upcoming 94th birthday on April 20, because Lionel Hampton is, in the words of David Friesen, ''. . . a man that has truly been blessed, not only with the gift of playing music, but also the ability to communicate his love of music to so many.''

Mr. Speaker, it is appropriate that the House recognize the dedicated and outstanding accomplishments of Lionel Hampton today. He improved the lives of all who have heard and been touched by his love for jazz and his musical talent.

Mr. Speaker, I ask all Members to support this resolution.

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

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

Mr. Speaker, I am pleased to join with the gentleman from Idaho in consideration of this resolution.

Lionel Hampton is an internationally acclaimed jazz artist and undisputed King of the Vibraphone. Lionel Hampton, who began his career as a drummer, has been thrilling individuals like the gentleman from Michigan (Mr. CONYERS) with his music for well over 50 years.

Hampton's idol during his early years was drummer Jimmy Bertrand, and drums became Lionel's first instrument. However, Hampton so impressed Louis Armstrong that he invited the young drummer to join his big band rhythm section for a recording session. During a session break, Armstrong pointed to a set of vibes at the back of his studio and asked Hampton if he knew how to play them. Taking up the challenge, Lionel, who was well schooled in his keyboard studies, picked up the mallets and said he would give it a go. Of course, the rest is history.

In 1936, Benny Goodman signed Lionel Hampton to form the Benny Goodman Quartet. The Quartet made history, not only for its great history, but because they were the first racially integrated group of jazz musicians.

In the 1940s, Lionel Hampton formed his own big band, the Lionel Hampton Quartet. ''Sunny Side of the Street'' and ''Central Avenue Breakdown'' are two of his most highly successful records. He flew to the top of the charts with his recording of ''Flying Home'' in 1942 and ''Hamp's Boogie-Woogie'' in 1943.

Many now-famous musicians and singers had their start with the Lionel Hampton Orchestra. Among these were Quincy Jones, Cat Anderson, Diana Washington, Joe Williams, and Aretha Franklin.

Hampton has received innumerable prestigious awards over the years. He was bestowed the title of Official American Goodwill Ambassador by Presidents Eisenhower and Nixon, the Papal Medal from Pope Paul I, and the Gold Medal of Paris, France's highest cultural award. In 1992 he received the highly coveted Kennedy Center Honors Award, and in 1997 he received the National Medal of the Arts, bestowed by President William Jefferson Clinton and First Lady HILLARY RODHAM CLINTON at the White House.

Lionel Hampton is a beloved classic in American jazz and popular music, and I join with the gentleman from Michigan (Mr. CONYERS) and others in both the House and Senate as sponsors of this resolution in congratulating Lionel Hampton on his 94th birthday. I thank him for his contribution to international music.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. Speaker, my remarks today are of a personal nature because I expect that the relationship that most of us have to Lionel Hampton is in fact personal.

I recall very clearly I think almost the first moment that I became aware of what was in fact America's contribution to the music of the world, jazz, when I inadvertently one afternoon was at a friend's house, and, completely without knowledge of what exactly I was doing, I had recently taken up the trumpet, and the gentleman from Michigan (Mr. CONYERS) is laughing at the moment because he knows when I say ''taken up the trumpet,'' I had just picked it up, because I was not able to do much more than that. I was a living example of ambition over technique and talent, and I can see that that relates then to a lot of Members here.

But what had happened was I saw something that said ''Carnegie Hall Concert, 1938, Benny Goodman Orchestra,'' and I had no idea at that time as a little boy what that might involve.

For those who are familiar with it, this was the concert that was made almost as an afterthought, with a single overhead microphone, tape that was in Benny Goodman's closet for many years, finally found it, and that was when the quartet that the gentleman from Illinois (Mr. DAVIS) cited, the first integrated quartet, not integrated in terms of musicians, integrated in terms of America's true voice of jazz, with white and black musicians, had been gathered together, with Teddy Wilson on piano and Gene Kruppa on drums, and, of course, Benny Goodman playing the lead in the quartet on clarinet and Lionel Hampton on the vibes.

When I heard that quartet playing, I had never heard anything like it in my life. It is so vivid in my mind, even now as I am speaking. And it is an emotional experience, because we have certain transcendent moments in our lives, and that was not just one of them, but perhaps one that most formed the world for me, a world view at the time, as to what was possible. The excitement of it, the vitality of it, the vividness of the playing, the exuberance, it was everything and anything that could be expected and hoped

for in American music and, by extension then, our gift, as I said before, to the world.

Lionel Hampton was a particularly meaningful part of that, because, along with Gene Kruppa on the drums, I do not think you can find, except perhaps in the hero of both of them, Louis Armstrong, anyone in jazz more enthusiastic, more full of life, more expressive of the innate vitality of jazz, than Gene Kruppa and Lionel Hampton playing together; and that excited me as a young boy. It motivated me in trying to do the best I could with that trumpet, becoming involved in a jazz band in high school; and I cannot think, as I look back and I try to recall in my life to this point, of a single minute, a single moment, when I was not happy playing music, that it did not give me a sense of self that was always by definition optimistic, I can tell my colleagues, if they ever heard me play.

□ 1445

I had a great tone, though. That was the thing. If only Hampton heard it, he would have said, kid, you got a great tone; too bad you missed out on the talent part. I cannot think of a single moment when I was not happy, not because I had any ambition to play the way that Hampton and Krupa and Goodman and Wilson played, but that that was my way of sharing with them the creative instinct that is in all of us and which had been freed in all of us by Lionel Hampton and all of the pioneers of jazz in this country.

It is fitting, of course, that we celebrate this today because Lionel Hampton is, of course, approaching almost a century. He has achieved iconic status, and for good reason, because that talent and that liveliness and that exuberance for life and for his music has been carried over into every venue in which he has exposed himself to the American public and, in fact, the world. If there is anything that characterizes Lionel Hampton, and for those who have not had the opportunity to see him in person, to listen to him in person, they have missed out on one of the greatest experiences of life. There is no one in music, there is no one in life that exudes more of the core of creativity and what it means to be a human being in terms of that creativity than Lionel Hampton.

I want to conclude, Mr. Speaker, by saying that we, as a species, differentiate ourselves from all of the other species on the earth by our ability to reflect and our ability to imagine. As I reflect on this life force called Lionel Hampton, and as I reflect on the capacity to create that he exemplifies, I can think of no greater example of what it means to be a good and true human being and creative person, a life force of which we can all be proud to have known musically and to be able to honor today.

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

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that music is a universal language, and it is my pleasure to yield such time as he might consume to the gentleman from Michigan (Mr. CONYERS), one who is known as a culturist, but also an impresario himself.

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

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS), the ranking member of the subcommittee for yielding me this time, and I thank the gentleman from Idaho (Mr. OTTER), the chairman of the subcommittee.

I am delighted to be here, because Lionel Hampton is coming to the Capitol tomorrow and I am hoping that a number of us will be able to celebrate, not just his birthday, but his life and works. The gentleman from Idaho and a number of people from the University of Idaho will be here and we will be able to see and enjoy the company of this great legend.

Now, some wonder why on earth would a university in Moscow, Idaho, of all places, decide to name its institution after Lionel Hampton. Well, I am glad that question was asked, because years ago, and I think it was in the 1930s, someone there used to call Lionel Hampton and beg him to either come in or send jazz musicians and Lionel Hampton would always come out to Idaho. And gradually, over the years, the jazz department, the music department began to grow, because no one could figure out why all of these people were flying in from New York and Los Angeles to celebrate with the University of Idaho. Lionel Hampton would either go himself or, if he could not go, he would send someone, and the school has become one of the famous music institutions that grants degrees in the country.

So with this American music called jazz came the references that were made by my colleague about how the social, musical, religious and racial diversity grew up in that State and out of that university, and now it brings in people from all over the world. I was privileged to be there one year myself.

So this is a wonderful occasion. I am confident that this resolution will be unanimously supported by the Members. I just wanted to add a comment about Lionel Hampton the musician, the human being, because he is one of the warmest, most outgoing people that one could have ever hoped to meet, and when he performs, it is like he has to put everything into every performance. Every performance is his best; complete, exhaustive, exuberant. He goes up and down the aisles and out into the street and anywhere else, and his music is infectious. Everybody goes along with it.

As the gentleman from Hawaii was mentioning about the epiphany that can occur when one listens to great jazz, and Lionel Hampton, when we think of all of the people that he has been associated with that came out of his group, we understand why.

National Public Radio did a profile on Lionel Hampton, and I am going to include it in my remarks. It details all of the people that have been connected with this great musician.

Now, it is only appropriate to mention that he was not the first great jazz vibraphonist. As a matter of fact, Red Norvo was the first person to popularize that instrument. But his enthusiasm and his learning of music, because he was originally a drummer, but he studied piano, as has been indicated, but he laid the groundwork for the greatest jazz bebop vibraphonist, Milt Jackson, the late Milt Jackson, who was at his birthday, another birthday celebration in New York, and he came to pay tribute. Bill Cosby was there, who was another great jazz aficionado.

Mr. Speaker, it is just a marvelous thing that we here in the House and in the Senate would collaborate to get this resolution out just in time for Lionel Hampton to make his appearance on the Hill tomorrow.

So I congratulate the committee for its expeditious work, and I look forward to presenting this resolution to Lionel Hampton tomorrow.

BIOGRAPHY

There is some confusion about the year of Lionel Hampton's birth, which has sometimes been given as 1908. Around 1916 he moved with his family to Chicago, where he began his career playing drums in various lesser bands. In the late 1920s he was based in Culver City, California, where he worked in clubs and took part in several recording sessions (1930) with Louis Armstrong, who encouraged him to take up vibraphone. Hampton soon became the leading jazz performer on this instrument, and achieved wide recognition through his many film appearances with Les Hite's band. After playing informally with Benny Goodman in 1936 he began to work in Goodman's small ensembles, with which he performed and recorded regularly until 1940; as a result he became one of the most celebrated figures of the swing period, and his resounding success allowed him to form his own big band in 1940.

This group, which at times has included musicians of the stature of Cat Anderson, Illinois Jacquet, Clifford Brown, and Quincy Jones, has been one of the most long-lived and consistently popular large ensembles in jazz. From the 1950s Hampton undertook numerous ''goodwill'' tours to Europe, Japan, Australia, Africa, the Middle East, and elsewhere, and made a large number of television appearances, attracting a huge and enthusiastic international following.

Hampton performed in the Royal Festival Hall, London, in 1957, and played at the White House for President Carter in 1978; during the same year he formed his own record label, Who's Who in Jazz, to issue mainstream recordings. In the mid 1980s his band continued to draw capacity crowds throughout the world. Hampton was honored as alumnus of the year by the University of Southern California in 1983.

Hampton was not the first jazz musician to take up vibraphone (Red Norvo had preceded him in the late 1920s), but it was he who gave the instrument an identity in jazz, applying a wide range of attacks and generating remarkable swing on an instrument otherwise known for its bland, disembodied sound. Undoubtedly his best work was done with the Goodman Quartet from 1936–1940, when he revealed a fine ear for small-ensemble improvisation and an unrestrained, ebullient manner

as a soloist. The big band format was probably better suited to the display of his flamboyant personality and flair for showmanship, but after a few early successes, especially the riff tunes Flying Home, Down Home Jump, and Hey Bab-Ba-Rebop, the group was too often content to repeat former trimuphs for its many admirers. Hampton has at times also appeared as singer, played drums with enormous vitality, and performed with curious success asa pianist, using only two fingers in the manner of vibraphrone mallets.

Lionel Hampton, former Presidential appointed Ambassador of Goodwill, the holder of over 15 Honorary Doctor of Music Degrees, awarded the highest honors from the Kennedy Center of the Performing Arts and, the National Commission On The Endowment for the Arts, was recently honored at the White House in August 1998 in celebration of his 90th birthday. This musical legend has been the Co-Honorary Chairman of the International Agency for Minority Artist Affairs (IAMAA) since 1978. Not only a musician, Lionel Hampton is a businessman and, has developed housing projects across this nation and, is a leading philanthropist for community-based initiatives.

Mr. Hampton, reigning King of the Vibraphone for over a half a century, begain his musical career as a drummer. Born in Birmingham, Alabama in 1908, he spent most of his childhood in Kenosha, Wisconsin, where he first studied music under very strict Dominican nuns. His tools then were Louis Armstrong and a drummer named Jimmy Bertrand, who tossed his sticks in the air as lights blinked from inside his bass drum (a style Hamp still uses today in some of his shows).

In 1930, Lionel finally got to meet Louis Armstrong. Playing in a backup band for ''Satchmo'' at a nightclub in L.A. Hamp so impressed Louis that he invited him to a recording session. Armstrong spotted a set of vibes in the studio and asked Hamp if he knew how to play them. Never one to refuse a challenge, Lionel (who knew keyboards well) picked up the mallets. The first tune they cut was ''Memories of You,'' a new number just written by Eubie Blake, and it became a hit for Louis. John Hammond, great jazz impresario, heard the record and began touting Lionel's vibes work to Benny Goodman.

In August, 1936, Hammon flew out to L.A. and brough Goodman in to the Paradise Club to hear Lionel play. At that time, Benny had a trio within his big band featuring Teddy Wilson on piano and Gene Krupa on drums. ''Next thing you know,'' recalls Hamp, ''I was out there on stage jamming with these great musicians. That's one session I'll never forget''

To make a long story short, the Benny Goodman Trio became a quartet and made history-not only with the brilliant music they produced, but because they were the first racially-integrated group in the nation. The foursome recorded ''Memories of You,'' ''Moonglow,'' and ''Dinah.'' Hamp spent the next four years with Goodman as the quartet developed into the hottest jazz group in the world.

In the early 1940's, Lionel left Benny Goodman to form his own big band after the release of a couple of wildly successfully RCA singles under his own name: ''Sunny Side of the Street'' (on which he sang as well as playing vibes) and ''Central Avenue Breakdown'' (on which he played piano with two fingers, using them like vibes mallets.)

His first big band included such sidemen as Dexter Gordon and Illinois Jacquet, and he busted the charts with his recording of ''Flying Home'' in 1942 and ''Hamp's Boogie Woogie'' in 1943. Among the sidemen who got their start with Lionel Hampton are Quincy Jones, Wes Montgomery, Clark Terry, Cat Anderson, Ernie Royal, Joe Newman, Fats Navarro, Charlie Mingus, Al Grey, Art Farmer, and, of course, the singers: Dinah Washington (who was discovered-and named-by Hamp while working in the powder room of Chicago's Regal Theater), Joe Williams, Betty (Be Bop) Carter the great Aretha Franklin, among others.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time, and I urge passage of this resolution.

Mr. OTTER. Mr. Speaker, far be it for me to add to the eloquence of the gentleman from Michigan, but I would just say that Lionel Hampton has been a groundbreaker throughout his career, throughout his life. He has been an internationally acclaimed giant of music, and because he is an internationally acclaimed giant of music, he has an been internationally acclaimed giant of communication, because we find many times in music one voice and we find one spirit, and that is what Lionel Hampton has brought to the world. We are to celebrate his 94th birthday.

Mr. Speaker, I would ask in closing that all Members support this resolution.

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

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 101.

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.

CLERGY HOUSING ALLOWANCE CLARIFICATION ACT OF 2002

Mr. RAMSTAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4156) to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property, as amended.

The Clerk read as follows:

H.R. 4156

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 ''Clergy Housing Allowance Clarification Act of 2002''.

SEC. 2. CLARIFICATION OF PARSONAGE ALLOWANCE EXCLUSION.

(a) IN GENERAL.—Section 107 of the Internal Revenue Code of 1986 is amended by inserting before the period at the end of paragraph (2) ''and to the extent such allowance does not exceed the fair rental value of the home, including furnishings and appurtenances such as a garage, plus the cost of utilities''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

(2) RETURNS POSITIONS.—The amendment made by this section also shall apply to any taxable year beginning before January 1, 2002, for which the taxpayer—

(A) on a return filed before April 17, 2002, limited the exclusion under section 107 of the Internal Revenue Code of 1986 as provided in such amendment, or

(B) filed a return after April 16, 2002.

(3) OTHER YEARS BEFORE 2002.—Except as provided in paragraph (2), notwithstanding any prior regulation, revenue ruling, or other guidance issued by the Internal Revenue Service, no person shall be subject to the limitations added to section 107 of such Code by this Act for any taxable year beginning before January 1, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. RAMSTAD).

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

Mr. Speaker, in one of the most obvious cases of judicial overreach in recent memory, the Ninth Circuit Court of Appeals in San Francisco is poised to inflict a devastating tax increase on America's clergy. Unless Congress acts quickly, the 81-year-old housing tax exclusion for members of the clergy will be struck down by judicial overreach on the part of America's most reversed and most activist circuit court.

The focus of this court's attack is a long-standing clergy housing allowance. Dating back to 1921 and recodified in 1954 in section 107 of the Tax Code, this allowance prevents clergy from being taxed on the portion of their church income that is used to provide their housing. This allowance is similar to other housing provisions in the Tax Code offered to workers who locate in a particular area for the convenience of their employers, and military personnel who receive a tax exclusion for their housing.

Clergy members of every faith and denomination rely on the housing allowance. Without it, America's clergy face a devastating tax increase of $2.3 billion over the next 5 years. At a time when our places of worship are financially strapped and struggling to serve people in need, we cannot allow this important tax provision to fall.

The case, now in the Ninth Circuit, Mr. Speaker, arose because of a dispute over a 1971 IRS ruling that limited the clergy allowance to the fair rental value of the parsonage. A taxpayer in turn challenged this limit and won in tax court and the IRS appealed. But rather than simply considering the issue presented in the case, which was whether the Internal Revenue Service had authority to limit the allowance, the Ninth Circuit hijacked the case and turned it into a challenge of the very constitutionality of the housing allowance. Neither party in the case even raised the constitutionality issue or requested the court to consider that issue, so the Ninth Circuit, in turn, asked for a ''friend of the court'' brief from a law professor who happened to believe that it was unconstitutional.

□ 1500

Mr. Speaker, this is judicial activism at its worst. The legislation on the floor today will stop the attack on the housing allowance by resolving the underlying issue in the tax court case. H.R. 4156, the bill before us today, clarifies that the housing allowance is limited to the fair rental value of the home, which has been common practice for decades, for 81 years.

H.R. 4156, as introduced, included a section of congressional findings and statement of purpose, I might add. But the amendment before us, Mr. Speaker, deletes that section in order to accommodate the tradition that the Committee on Ways and Means normally has; that is, not to include such language in tax legislation.

However, the fact that it has been deleted does not, let me repeat that, does not, reflect the lack of support within the House or among the bill's sponsors.

The gentleman from North Dakota (Mr. POMEROY) has been tremendous in working with us on this legislation in a bipartisan way, bringing his considerable expertise to this important legislation, and I thank the gentleman for that. Certainly there is strong support among the bill's sponsors on both sides of the aisle for that language.

We believe Congress clearly has the constitutional authority to enact section 107 of the Tax Code and the amendments contained in H.R. 4156 that are before us today. In addition, we believe the Internal Revenue Service should provide guidance on the issue of fair rental valuation to avoid unnecessary disputes with taxpayers. I intend to work with my colleagues to make sure the guidance is issued.

Finally, the amendment clarifies that the new fair rental value limitation to section 107 applies prospectively to the year 2002 and beyond. Both H.R. 4156 and this amendment explicitly provide that for tax years before the effective date, the fair rental value limitation does not apply. This language is intended to end the current litigation and fully resolve the matter.

Mr. Speaker, again, I appreciate the strong bipartisan support this legislation has received from our colleagues, with 37 cosponsors. My fellow Committee on Ways and Means member and friend, the distinguished gentleman from North Dakota (Mr. POMEROY), the chief sponsor on the other side of the aisle, has been tremendous on working on this legislation.

Mr. Speaker, I urge my colleagues to vote for this bipartisan legislation to protect America's clergy from an unwarranted judicial attack and to preserve the important housing allowance.

Mr. Speaker, I also want to thank the gentleman from California (Chairman THOMAS) and the majority leader, the gentleman from Texas (Mr. ARMEY), for helping expedite this legislation.

I thank Jim Clark, chief counsel on our Committee on Ways and Means, for his work, as well as counsel on the Committee on Ways and Means, Lisa Rydland and Bob Winters, for their exemplary work. I thank Siobhan Abell, who helped arrange this bill to be expedited from the office of the majority leader, the gentleman from Texas (Mr. ARMEY), who as well deserves our gratitude.

Finally, I thank my own tax counsel, Karen Hope, who has worked night and day since this issue arose, and has really done a yeo-person's work on this important legislation.

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

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

Mr. Speaker, I want to begin by making it very clear that I strongly support this legislation, the Clergy Housing Allowance Clarification Act. I want to commend my friend and colleague on the Committee on Ways and Means, the gentleman from Minnesota (Mr. RAMSTAD), for his leadership in identifying this very troubling issue and for bringing it into legislative response, and for securing the cooperation of the majority leadership so we could consider this quickly as a stand-alone issue, and send the kind of response that I know both parties in Congress will want to send.

It really has been a wonderful piece of work by the gentleman from Minnesota (Mr. RAMSTAD), and I am really very pleased to have been a part of it.

From the earliest days of the Federal income tax, in the 1920s, the Tax Code has allowed the clergy of all religious faiths to exclude their housing allowance from taxable income. This provision has always been recognized not as an endorsement of any one religion, but as a reasonable accommodation of all religions.

The housing exclusion benefits clergy of all faiths, recognizing that a clergy person's home is not just shelter, but an essential meeting place for members of the congregation, and also, in light of the unique relationship between a pastor or a clergy member and the congregation, the distinct housing component of it is a unique feature of that relationship.

Under a longstanding IRS revenue ruling, the housing exclusion is limited to the fair market rental value of the home. As the gentleman from Minnesota (Mr. RAMSTAD) outlined, in a recent court case a taxpayer successfully challenged the IRS' authority to set such a limit.

This is a case of bad facts making bad law. When the IRS appealed that decision, the Ninth Circuit decided not to limit its review to the narrow question of whether the IRS exceeded its authority, but instead chose to consider whether the exclusion violates the constitutional doctrine of separation of church and State, an issue raised by neither party nor presented in the litigation before the court.

If the housing exclusion is struck down, as we can only assume the Ninth Circuit appears to be poised to do, the effect would be to increase taxes on clergy by $2.3 billion over the next 5 years. Churches, which already operate on the thinnest of margins, would be unable to offset this tax increase, and as a result, many could actually lose the services of their clergy. Rural churches are especially vulnerable.

Although many of us believe in the constitutionality of this provision, we cannot tell the court how to rule. But by passing this legislation, we can resolve the underlying issue in the case, and thereby protect the housing exclusion. H.R. 4156 codifies the prior revenue ruling by expressly limiting the housing exclusion to the fair market rental value of the home.

The leaders of our churches face many challenges in ministering to their congregations. They must cultivate faith in a world that too often seems not to have the time or inclination to accommodate spiritual development. They must help us grow healthy families, avoiding the harms of alcohol, drug abuse, domestic violence, and other perils that can tear apart our families and communities. They must help us serve those who lack adequate food, shelter, and other basic necessities.

At a time when their role in all of this I think is appreciated more than ever, to have them have to divert precious program dollars to pay a new tax bill is just completely unacceptable.

I had a very interesting roundtable meeting in North Dakota yesterday with a number of clergy terribly concerned about the underlying threat to the housing allowance. North Dakota has more churches per capita than any other State in the country, more than 2,000 churches, 78 percent of which are located in communities of under 2,500 people. These are congregations just struggling to get by. We have already lost 400 churches over the last several years, and projections are we could lose another fifty in this decade.

I had one of the roundtable participants talk about how, when their daughter was born, the trustee who happened to be the city accountant said they should go down and apply for food stamps, because they were now eligible, but that was all that could be paid. One other minister talked about when the pledges did not come in on schedule, they were simply not given their full dimension of meager salary. And to think about laying upon these congregations and these faithful servants of those congregations, the pastors, this new tax bill is really completely unacceptable.

One of the pastors participating gave me the tax return that he was about to put in the mail yesterday. It reflects the combined income of him and his wife, both pastors serving a church in Fargo, North Dakota. Although making a very modest income, the tax hit, if they lost the housing exclusion, would be an additional $3,958.

When he explained that to the chairman of the board of trustees as he

came out of the church to go to the meeting, the response by the chairman was, well, there goes the playground equipment. In other words, this was a congregation prepared to hold harmless the tax burden to the clergy, but they would literally be forced to divert dollars from constructing a Sunday school playground to send it to the IRS.

This is not a result anybody wants. Therefore, I believe that this legislation is so completely important. I again commend the gentleman from Minnesota (Mr. RAMSTAD) for his leadership.

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

Mr. RAMSTAD. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Texas (Mr. SAM JOHNSON), a distinguished member of the Committee on Ways and Means and an important cosponsor of the bill.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am glad to be an original cosponsor of the Clergy Housing Allowance Clarification Act, and I totally agree with what the gentleman from North Dakota (Mr. POMEROY) just elaborated on. I am sorry that the Ninth Circuit Court of Appeals has made our actions today necessary. Their motives are unreasonable, unconscionable, and unnerving, at best.

We must act quickly on this bill to preserve the parsonage allowance that members of the clergy receive as part of their compensation. For thousands of years, churches, temples, mosques, and synagogues have provided housing to members of their clergy. It makes complete sense that these benefits are not taxed.

Since 1921, the parsonage allowance has been considered exempt from the United States income tax system. The problem is that the Ninth Circuit Court of Appeals has taken it upon itself to challenge the very constitutionality of the clergy housing being tax-exempt.

Rather than simply decide the facts in a case that only had to do with how much of a minister's salary could be considered exempt, the court has gone way out of its way to raise this question. The best I can say about this issue is that at least it was not the IRS this time that decided to take this strange action.

If Congress does not act, clergy in this country would be faced with a tax increase, as the gentleman from North Dakota (Mr. POMEROY) said, of roughly $2.3 billion in the next few years.

Reverend Dr. Frederick Schmidt of SMU's Perkins School of Theology, who lives in my district, said it best when he wrote me a letter stating that not protecting the tax exemption ''will drastically alter the financial well-being of many clergy, and present a fiscal hurdle to religious communities that are ill-prepared to address that change.'' He calls it unconscionable and unnerving, as well.

I say that our courts must be restrained from undermining American values by making law. Americans are the most generous of people. However, I doubt they will want to increase their charitable donations simply because of a bad decision of a court in California.

In passing this bill, we are merely providing a legislative capstone to an issue that everyone else in America, except for the judges in the Ninth Circuit, presume to be current law.

I look forward to this bill being signed into law very quickly to take the case away from these nutty judges and settle the issue for our hard-working clergy.

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

Mr. POMEROY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I want to thank the gentleman from North Dakota (Mr. POMEROY) for yielding me time. I also want to commend the Committee on Ways and Means for bringing this legislation to us. I commend the gentleman from Minnesota (Mr. RAMSTAD) for the leadership that he has provided.

Mr. Speaker, I rise in support of H.R. 4156, the Clergy Housing Allowance Clarification Act of 2002. Regarding the U.S. Tax Court ruling that occurred in May of 2000 in the Warren versus Commissioner case about a well-established Internal Revenue Service decision to limit the amount of income that a member of the clergy could exclude from taxable income for a housing allowance, the IRS appealed this decision to the Ninth U.S. Circuit Court concerning their authority to limit the tax allowance for fair market rental value of a home, and to allow the court to review the constitutionality of the housing allowance tax-exemption for members of the clergy.

I believe that members of the clergy should continue this long-standing practice since 1921 to exclude from taxes a portion of their church income that is attributable to housing. Many clergy from every denomination rely on this tax benefit. If this housing allowance is not permitted, our clergy men and women could face a harsh tax increase of $2.3 billion over the next 5 years.

I encourage all of my colleagues to support H.R. 4156. This legislation would codify the original IRS ruling. This legislation would help thousands of clergy men and women throughout the Nation.

As one who spends a great deal of my individual time near, close by, and in interaction with members of the clergy, I can tell the Members that there is no legislation that they are more concerned about than this issue. I would encourage all of my colleagues to support it.

Once again, I commend the Committee on Ways and Means for bringing this to us.

□ 1515

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

In conclusion, I would just observe that while this body considers many very complex issues, the issue before us is an easy one. It is an extraordinarily important issue but an easy one. Bipartisan, no-brainer. We want to continue existing tax treatment of the housing allowance allowed the clergy of this country, and in that regard, I urge all of my colleagues to vote for the legislation that the gentleman from Minnesota (Mr. RAMSTAD) has so capably brought before us.

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

Mr. RAMSTAD. Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore (Mr. PENCE). The gentleman from Minnesota (Mr. RAMSTAD) has 11 minutes remaining.

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

I first want to thank again my distinguished colleague and friend the gentleman from North Dakota (Mr. POMEROY) for his excellent work on this legislation and strong bipartisan support. I want to thank the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Illinois (Mr. DAVIS) for their supportive statements here today and their cosponsorship, as well as the 35 other cosponsors.

I certainly want to again thank the gentleman from California (Mr. THOMAS) and the gentleman from Texas (Mr. ARMEY), the majority leader, for helping us expedite this legislation to get it to the floor in such rapid fashion. I also want to thank the staff of the gentleman from California (Mr. THOMAS) of our Committee on Ways and Means, as well as the gentleman from Texas (Mr. ARMEY's) staff for working with my chief tax counsel, Karin Hope, on this important legislation.

Mr. Speaker, this legislative effort on behalf of our Nation's clergy is a great example of Congress working in a bipartisan, common sense way for a noble purpose. That purpose is to preserve the clergy housing allowance, to stop a $2.3 billion tax increase on our Nation's clergy. Hundreds of thousands of clergy from every faith and every denomination urge my colleagues support for this bipartisan legislation.

This legislation, Mr. Speaker, is important to virtually every religious congregation in America, to every church, every temple, every synagogue, and every mosque, and I urge a strong bipartisan vote for this important legislation to preserve the clergy housing allowance.

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 Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 4156, 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. RAMSTAD. 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.

GENERAL LEAVE

Mr. RAMSTAD. 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 materials on H.R. 4156.

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

There was no objection.

FAMILY FARMER BANKRUPTCY EXTENSION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4167) to extend for 8 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 4167

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Laws 106–5, 106–70, 107–8, and 107–17, is amended—

(1) by striking ''October 1, 2001'' each place it appears and inserting ''June 1, 2002''; and

(2) in subsection (a)—

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

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

SEC. 2. EFFECTIVE DATE.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Arkansas (Mr. ROSS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 4167, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4167. This bill reenacts and extends Chapter 12, a specialized form of bankruptcy relief for small family farmers for a period of eight months retroactive to October 1, 2001.

Chapter 12 was enacted on a temporary basis in 1986 and has been subsequently extended on several occasions over the years. Without question, the family farmer plays a critical role in our Nation's health and economic well-being. Unfortunately, bad weather, rising energy costs, volatile marketplace conditions, competition from large agri-businesses and economic forces experienced by any small business affect the financial stability of some family farmers.

Although Chapter 12 addresses the special needs of family farmers, it is utilized infrequently. While total bankruptcy filings in each of the past 6 years surpassed more than a million cases, the number of Chapter 12 cases has exceeded 1,000 on only one occasion, and that was back in 1996. In the absence of Chapter 12, family farmers may apply for relief under the bankruptcy code's other alternative, although these generally do not work quite as well for farmers as Chapter 12.

As my colleagues know, I have consistently supported prior efforts to extend Chapter 12 in this Congress. In addition, I have supported a provision included in both the House and Senate versions of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act, that would make Chapter 12 a permanent component of the bankruptcy code.

H.R. 333 is currently in conference. As the chairman of the bankruptcy conference, I am pleased to report that the anticipated bankruptcy conference report will likely include a series of other provisions that will give family farmers even more enhanced protections under Chapter 12. These farmer-friendly provisions were included in the bankruptcy conference as part of complex and an extensively negotiable effort.

Specifically, the other provisions would, first, increase the debt eligibility limit and require it to be automatically adjusted for inflation so that more family farmers would qualify for relief under Chapter 12.

Second, lower the percentage of income that must be derived from farming operations which would also ensure that more farmers would be eligible for Chapter 12 than would be under current law.

Third, give farmers more protection with respect to how they may treat the claims of creditors.

Fourth, for the first time in the history of Chapter 12, allow certain family fishermen to be eligible for this form of bankruptcy relief.

Since August of last year, the House and Senate staff have been actively working to resolve the differences between the respective bills. In February of this year, House conferees sent the Senate a proposed offer resolving all outstanding issues. Although the Senate did not accept the proffer, only a mere handful of issues remain to be resolved.

In fact, I have scheduled a meeting of the bankruptcy conferees one week from today for the purpose of resolving these remaining issues. Accordingly, I expect to complete the bankruptcy conference well before the extension of Chapter 12, effectuated by this bill, expires.

H.R. 4167 is good for family farmers because it immediately restores Chapter 12 and maintains the status quo for an appropriate period of time. This bill serves to support our efforts in resolving the pending bankruptcy conference which when completed and enacted will provide even more protection for family farmers.

Accordingly, I urge my colleagues to support H.R. 4167.

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

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

This bill today is important to my congressional district back home in rural Arkansas, and quite frankly, it is important to farm families all across America. Family farmers injured by low commodity prices are being held hostage by the lack of certainty of whether or not Chapter 12 is going to be there for them.

Just last week, the House and Senate both voted to make Chapter 12 permanent through bankruptcy reform legislation. Yet that legislation remains in conference committee, and it is an issue that has been going on since 1997, and I do not know that it is going to be resolved anytime soon.

I support bankruptcy reform. As a member of the House Committee on Financial Services, I have fought hard to see that bill to the floor. I fought hard to see it passed on the floor of the United States House of Representatives, and I am as frustrated as anyone else that we have been trying to get bankruptcy reform since 1997, and yet it remains in the conference committee with an awful lot of amendments attached to it that have nothing in the world to do with bankruptcy reform, and I am perhaps a little less optimistic than the Chairman that we may see bankruptcy reform come our way soon.

I believe the gentleman from Wisconsin raises some very good points about what we need to do for our farm families as it relates to Chapter 12 bankruptcy reform, and I would, in fact, offer to sign on as a Democratic sponsor with him to write a bill that addresses the aspects that are in the overall bankruptcy reform legislation that is stuck in the conference committee. Let us take that, let us extract those ideas that will help our farm families out of that bill that has been around since 1997 in one form, fashion or the other, and let us really try to file a bill tomorrow that will really help, that will really help our farm families in an important way.

I think it is also important to note that although we have not had a lot of farm families file Chapter 12 bankruptcy, I think the ability to do that has helped a lot of our farm families be able to negotiate rather than simply file for bankruptcy. I do not think there is any dispute that Chapter 12 has worked well in saving our farm families by protecting the needs of both our financially struggling farm families as well as protecting their creditors.

Our farmers cannot afford to continue to be left hanging out in the wind and held hostage by bankruptcy legislation that is stuck in conference committee. I am not opposing the bankruptcy reform bill. I support it. I supported it in the House Committee on Financial Services. I supported it on the floor of the United States House of Representatives. I hope it is enacted and I hope it is enacted soon.

I also hope a new farm bill is enacted soon. I am on the House Committee on Agriculture. We wrote and passed that bill last October. It went to the Senate. They put some amendments on it that have really caused a lot of problems for farm families in my district. That, too, is now in conference committee. It seems like these conference committees are really causing a lot of havoc for our farm families, everything from bankruptcy reform to a new farm bill.

Our farm families, they need help and they need it now. I think it is important to note that farm families are the backbone of our rural communities, of rural America, and when we lose farm families, it has a devastating impact on the economy of rural America. Unfortunately, our farmers are under increasing financial pressure each year to make ends meet due to low crop prices, added debt simply to get their crops planted and increasing competition from imports from other countries.

We have seen that with commodities, with Canadian soft wood lumber. We have even seen it with the dumping of the so-called catfish that are being raised in cages in polluted rivers in Vietnam.

When Chapter 12 of the bankruptcy code was first enacted, there was legitimate concern over whether it would work. We now know that it has worked, and there is no reason why our farmers should have to wait to know that this safety net is there for them. Yet it has not been there for them since October 1 of last year.

We must move forward in helping our farm families. This measure extends Chapter 12 for 8 months, retroactively starting on October 1 and ending on May 31. While this is only a temporary fix, while the conference committee continues to do what they have done since the mid to late 1990s and, that is, try to work out a bankruptcy reform bill that can pass both the House and Senate and gain the President's signature, it is desperately needed for our farmers, for rural America. It is needed now and that is why this temporary fix is so very, very important.

I urge my colleagues not to delay any further, pass the Chapter 12 bankruptcy extension. Please let us pass it today for our farm families, so that they can do what they do best, and that is, feed America and feed much of the world.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. SANDLIN), whose district joins mine in Texarkana.

□ 1530

Mr. SANDLIN. Mr. Speaker, the well-being of family farms in America is critical to our economy and to the American way of life. Family farmers deserve certainty in pricing. They deserve certainty in legal protections. This legislation and bankruptcy reform is a part of that critical protection for American families and American farmers.

Last year both the House and the Senate voted to make Chapter 12 permanent, and yet here we sit. No decision, no reform, no protection; and uncertainty reigns supreme. We all recognize that it is important to protect both the family farmer and the creditor who provides needed and necessary capital. Neither the farmer nor the creditors can afford endless uncertainty.

Mr. Speaker, it is critical to help farmers now. We need a legitimate farm bill that is truly pro-agriculture. Additionally, we need legitimate protections for farmers as provided by this bill. Family farmers face uncertainty every day; it is nothing new. Weather, foreign markets, increasing competition from big corporate farmers, the list goes on and on. They should not face another uncertainty. We can prevent it. We can do something about it. We can pass this bill. We can tell American farmers and their families that their well-being is important to us.

Now this bill is not the be-all and the end-all. It is a temporary fix; but one that is critical, nevertheless. Haul this safety net up for our farmers and their children. Extend Chapter 12 for 8 months starting on October 1 and ending on May 31. Let us pass this bill and support our family farmers in America.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Arkansas (Mr. ROSS) for calling attention to this issue and presenting it to us today. Our farmers deserve our attention and our respect.

Mr. ROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I rise to support H.R. 4167, which extends Chapter 12 bankruptcy protection. However, I have concerns that this legislation will only temporarily extend Chapter 12 bankruptcy protection, by being retroactive to October 12 and extending through the end of May. Our farmers need this legislation to be made permanent, the point we made about a week ago.

When Chapter 12 was enacted in 1986, there were some questions whether it would work properly, so Congress made it temporary. The idea behind Chapter 12 is very straightforward. Other forms of bankruptcy relief are either too costly or do not fit the particular circumstances of a family farm. If one is out in the small hamlets and villages, they will make that very clear.

Last week I offered a motion to instruct the conferees on the farm bill; and my motion to instruct, which passed overwhelmingly, asked the conferees on the farmer bill to accept the language in the Senate bill that would make Chapter 12 of the bankruptcy code permanent. I do not think there is any controversy whatsoever that Chapter 12 works well and that it protects our family farmers who are in distress, or that it properly balances the legitimate needs of financially troubled farmers and their creditors, and that it preserves the family farm, which is our whole intent, our whole point.

It is our hope that the farm bill conferees will include Chapter 12 bankruptcy protection in the farm bill and that we will finally be able to offer this to our family farmers. Chapter 12 bankruptcy protection is also included in the bankruptcy bill which is currently in conference. Again, it is my hope we are able to pass this legislation and that it does not remain tied up in conference. Our farmers need this option; and I hope that we see through all of this, that we can simplify, cut to the chase and equip the family farms with what they need to face the terrible situation that was not brought on through any fault of their own.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, this legislation is very important to farmers. I have been working on it for the last 6 years, trying to make Chapter 12 permanent so farmers are not put in the predicament of kind of an on-and-off situation, and also the bankruptcy courts holding pending some of those farm applications. I am glad that we are bringing it up to date and extending the Chapter 12 provisions until June 1, 2002.

Chapter 12 was originally enacted in 1986. We had a lot of farm bankruptcies. There was a problem. The other chapters were putting farmers at a disadvantage, making them sell their equipment which made it impossible for them to reorganize and start developing the kind of farm operation that could pay back some of those loans.

I appreciate that this is important legislation. It is an important piece of bankruptcy law. I am hopeful that we can make Chapter 12 permanent as the chairman's bankruptcy bill provides for. There are more than 12,000 farmers that have filed for Chapter 12 bankruptcy since it went into effect in 1986,

and they have been able to restructure their debts without having to liquidate property. The continued low commodity prices, the financial stresses facing farmers further exacerbate the importance of extending Chapter 12.

Mr. Speaker, I have introduced several bills. I would have preferred that we were going ahead with my bill, but I appreciate the chairman helping to make sure that this law is current for those farmers desperately needing bankruptcy protection.

Why is Chapter 12 so important to farmers—especially small, family farmers? Chapter 12 contains special provisions that allows farmers to use bankruptcy laws in the manner that is available to others seeking bankruptcy.

Under the bankruptcy laws, debtors must only have a certain level of debt to reorganize rather than liquidate. Many farmers have too many assets to do this, primarily because of the value of their farm equipment—their tractors, plows, combines, and tools. Obviously, this equipment is essential to the farm operation. If this equipment were used to pay off debts, how would the farmer then be able to operate the farm and reconstruct the business? Chapter 12 recognizes this fact of farm life and lets these farmers reorganize their debts rather than liquidate their property.

Extending this provision is especially critical today. There are many farmers who have filed for bankruptcy since the last Chapter 12 extension expired last fall. The courts are waiting for Congress to act and change the law to allow these farmers to re-file under Chapter 12. These farmers need the options available under Chapter 12 now.

I have introduced legislation that would make Chapter 12 protection permanent, and working with the Gentle Lady from Wisconsin, TAMMY BALDWIN, I have offered many bills extending these protections, most recently H.R. 2914.

Like many other Members, I am hoping that we can free the logjam that is holding up permanent Chapter 12 protections for farmers. I understand that the House and Senate conferees will be meeting soon on H.R. 3333, the bankruptcy reform bill. Let's hope that an agreement can be reached soon so that we do not have to come to the floor of the House to extend once again a provision that should be a permanent fixture in law.

I would like to express my support for the Gentleman for Wisconsin, Mr. SENSENBRENNER, the Chairman of the Judiciary Committee, not only for this bill, but also for his efforts to get the other body moving on a bankruptcy reform compromise that will make Chapter 12 permanent.

Mr. Speaker, Chapter 12 is critically important if we are to help family farmers maintain farms that, for many, have been in their families for generations. I urge my colleagues to support this very important piece of legislation.

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

Mr. Speaker, I would simply close in support of the bill by saying that this weekend I was driving across my congressional district, as I do every weekend, some 75,000 miles we traveled across those 29 counties over the past 16 months. There is a lot of row crop land not planted because our farm families do not know what to do. They do not know what to do because they are waiting on Chapter 12 bankruptcy protection; they are waiting on a new farm bill, both of which are tied up in conference committees.

Our farm families do not need more conference committees. They need Chapter 12 bankruptcy reform, and they need it permanent and they need it today. They need a new farm bill today. When that bill got gutted with amendments in the Senate and went to conference committee, in my district we began to see three-, four-, and five-generation farm families selling out. The price of equipment at those auctions dropped 35 percent overnight after those amendments were attached to the farm bill in the Senate and it was sent to the conference committee.

The time for action on bankruptcy reform, the time for action on a new farm bill for our struggling farm families is now. I think it is important to note that this bill sunsets 45 days from today. This is a temporary fix, and our farm families need it; but they need a long-term solution so they can continue to do what they do best, generation after generation after generation, and that is simply feed America and feed the world. I am proud today to stand in support of our farm families.

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

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

Mr. Speaker, I have been listening with great interest to the three speakers on behalf of my bill on the Democratic side of the aisle, and each of them complained about how long the bankruptcy conference has taken. Believe me, as the chairman of that conference, I am even more frustrated than they are because I have to deal with attempting to negotiate out very complex issues.

Mr. Speaker, let me tell the gentleman that we have made Chapter 12 permanent in that bankruptcy conference, and we have made it better for farmers so farmers will get a better deal by having the bankruptcy conference passed and signed into law, not only in Chapter 12, but also on the entire economic effect of bankruptcies on our economy.

In the last several years, bankruptcy courts have written off $44 billion of debt every year, and that amounts to $400 of additional cost of goods and services, in effect, a $400 hidden tax on people all throughout this country who pay their bills as agreed.

I think practically every farm family, let alone every other family in this country, would rather have that $400 in their pocket rather than having to pay more for goods and services because debts have been written off. One of the purposes of the bankruptcy bill that we have been dealing with has been to drive that $44 billion down so that the hidden tax on every American family would not be as great as $400 a year.

Last February I sent an offer to the Senate conferees. They rejected it. They never came back with their own offer; and I have called a meeting of the bankruptcy conference for Tuesday, April 23, 2002. I would like to ask the three Democratic speakers on behalf of Chapter 12 if they would do me a favor, and that is to write the Democratic Senate conferees and ask them to reach an agreement on the bankruptcy bill.

If we reach that agreement, I can assure the gentlemen that we can bring that bill to the floor the end of this month or the first part of next month and beat the farm bill conference to the President's desk.

I regret even having to talk about this because both Houses of Congress did pass bankruptcy reform legislation in the last Congress that included a permanent extension of Chapter 12, and guess what happened? The former President, Mr. Clinton, pocket vetoed the bill. If he had not done so, we would not be talking about this issue at all.

Mr. ROSS. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Arkansas.

Mr. ROSS. Mr. Speaker, I am in the House of Representatives. I am proud to be a conservative, small-town-value kind of Democrat that is standing before the gentleman today, and I am appalled that for some reason a Member of the House has some control over what happens in a Senate conference committee. I have no more control over the Democrats in the Senate than the gentleman from Wisconsin does.

Mr. Speaker, I think the American people are sick and tired of the partisan bickering that goes on in the Nation's Capitol. It should not be what makes the Republicans or Democrats look good or bad; it ought to be about doing what is right and providing a strong, effective voice for the people who sent us here to represent them.

Mr. SENSENBRENNER. Mr. Speaker, absolutely. I sent an offer over to the Senate 2 months ago to resolve all of the issues in the bankruptcy conference. They rejected it, but they never came back with a counterproposal of their own. So whatever we send over there, they appear not to like; but they do not have a counterproposal.

One of the things I think we are supposed to do in reconciling bills is to go back and forth until something is reached in the middle. I want to bring this matter to a head. I want to get the bankruptcy bill off the national table. I want to get Chapter 12 made better and made permanent, and I want to do it by getting H.R. 333 passed through both Houses and signed by the President of the United States. All I am doing is enlisting the gentleman's help and the help of the two other speakers to write a letter to those folks over there and tell them to be constructive, because they have not been that constructive to date.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R.

4167, which retroactively extends Chapter 12 bankruptcy for family farms and ranches to June 1, 2002. Chapter 12 bankruptcy expired on October 1, 2001. This legislation is very important to the nation's agriculture sector.

This Member would express his appreciation to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the House Judiciary Committee, for introducing H.R. 4167. In addition, this Member would like to express his appreciation to the distinguished gentleman from Michigan (Mr. SMITH) for his efforts in getting this measure to the House Floor for consideration.

This extension of Chapter 12 bankruptcy is supported by this Member as it allows family farmers to reorganize their debts as compared to liquidating their assets. The use of the Chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not extended for family farmers, it will be another very painful blow to an agricultural sector already reeling from low commodity prices. Not only will many family farmers have no viable option other than to end their operations, but it will also cause land values to likely plunge. Such a decrease in value of farmland will negatively affect the ability of family farmers to earn a living. In addition, the resulting decrease in farmland value will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contacts from his constituents supporting extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—it is clear that the agricultural sector is hurting.

I closing, this Member urges his colleagues to support H.R. 4167.

Mr. GEKAS. Mr. Speaker, I rise today to lend my strong support for H.R. 4167 and for farmers in financial distress. Extension of Chapter 12 is necessary to insure that these financially distressed farmers are granted the protection they need.

I would doubt that there is any one of us who does not want to aid a farmer in distress. Mr. Speaker, I am sure that H.R. 4167 will be approved today because the vast majority of this body recognizes the difficulty and risk inherent in farming and want to give farmers a fail-safe net of bankruptcy in case they become distressed. I have consistently supported efforts to extend Chapter 12. Since the bankruptcy reform movement started five years ago, there was not one moment in which we did not consider making Chapter 12 permanent.

Chapter 12 of the Bankruptcy code is a specialized form of bankruptcy relief available to family farmers. The special attributes of Chapter 12 makes it better suited to meet the particularized needs of family farmers in financial distress than other forms of bankruptcy relief, such as Chapter 11 (business reorganization) or Chapter 13 (individual reorganization). Chapter 12 allows family farmers to keep essential farm assets and reorganize their debts.

Chapter 12 was enacted on a temporary seven-year basis as part of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 in response to the farm financial crisis of the 1980's. It has subsequently been extended on several occasions. H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act, would make Chapter 12 permanent.

But isn't there more we can do? Of course farmers want a fail-safe net of bankruptcy in case they go into distress, but more than that, they want expanded markets, and an end to the federal death tax. We stand here today debating the merits of a bill that will aid failing farms, but we can't stop here—we must keep fighting to help American farms succeed. The best farmers in the world, American farmers, want a fair chance to compete with other farmers around the world and they want a legitimate chance to make a profit. I will continue to support Trade Promotion Authority and death tax repeal to help insure that American farmers have less need for the bankruptcy protections we vote to advance here today.

Mr. Speaker, I support H.R. 4167 for distressed farmers, but I urge my colleagues to grant the president Trade Promotion Authority so that markets for our agricultural goods will be opened from which our farmers will profit. I also ask that my colleagues permanently abolish the federal death tax, which is a specter that hangs over every family farmer who looks forward to passing his farm on to the next generation. Action on these pieces of legislation sends a message that the United States Congress recognizes the importance of the hard work, pride and competitive nature of the American agriculturalist.

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

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4167.

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. SENSENBRENNER. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 1374, by the yeas and nays;

H.R. 4156, by the yeas and nays; and

H.R. 4167, by the yeas and nays.

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

PHILIP E. RUPPE POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1374.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 1374, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 93]

YEAS—408

Abercrombie	Capito	Ehlers
Ackerman	Capps	Ehrlich
Aderholt	Capuano	Emerson
Akin	Cardin	Engel
Allen	Carson (IN)	English
Andrews	Carson (OK)	Eshoo
Armey	Castle	Etheridge
Baca	Chabot	Evans
Bachus	Chambliss	Everett
Baird	Clay	Farr
Baker	Clayton	Fattah
Baldacci	Clyburn	Ferguson
Baldwin	Coble	Flake
Ballenger	Collins	Fletcher
Barcia	Combest	Foley
Barr	Conyers	Forbes
Barrett	Cooksey	Ford
Bartlett	Costello	Fossella
Barton	Cox	Frank
Bass	Coyne	Frelinghuysen
Becerra	Cramer	Frost
Bentsen	Crane	Gallegly
Bereuter	Crenshaw	Ganske
Berkley	Crowley	Gekas
Berry	Cubin	Gephardt
Biggert	Culberson	Gibbons
Bilirakis	Cummings	Gillmor
Bishop	Cunningham	Gilman
Blumenauer	Davis (CA)	Gonzalez
Blunt	Davis (FL)	Goode
Boehlert	Davis (IL)	Goodlatte
Boehner	Davis, Jo Ann	Gordon
Bonilla	Davis, Tom	Goss
Bonior	Deal	Graham
Bono	DeFazio	Granger
Boozman	DeGette	Graves
Borski	Delahunt	Green (TX)
Boswell	DeLauro	Green (WI)
Boucher	DeLay	Greenwood
Boyd	DeMint	Grucci
Brady (PA)	Deutsch	Gutknecht
Brady (TX)	Diaz-Balart	Hall (OH)
Brown (FL)	Dicks	Hall (TX)
Brown (OH)	Dingell	Harman
Brown (SC)	Doggett	Hart
Bryant	Dooley	Hastings (WA)
Burr	Doolittle	Hayes
Buyer	Doyle	Hayworth
Callahan	Dreier	Hefley
Calvert	Duncan	Herger
Camp	Dunn	Hill
Cantor	Edwards	Hinchey

Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
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
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
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
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
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
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Berman
Blagojevich
Burton
Cannon
Clement
Condit
Filner
Gilchrest
Gutierrez
Hansen
Hastings (FL)
Hilleary
Hilliard
Jefferson
Jenkins
Jones (OH)
Kingston
Levin
Pryce (OH)
Riley
Serrano
Simpson
Sweeney
Thornberry
Traficant
Watkins (OK)

□ 1857

Ms. SLAUGHTER, Mr. HOEKSTRA and Mr. SHAW changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 93, I was attending a U.S./Mexico conference on border environmental issues. Had I been present, 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.

CLERGY HOUSING ALLOWANCE CLARIFICATION ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4156, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 4156, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 94]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
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
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
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
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
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
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—26

Berman
Blagojevich
Burton
Cannon
Clement
Condit
Ehlers
Filner
Gilchrest
Gilman
Gutierrez
Hansen
Hastings (FL)
Hilleary
Hilliard
Jefferson
Jenkins
Jones (OH)
Kingston
Levin
Pryce (OH)
Riley
Sweeney
Thornberry
Traficant
Young (AK)

□ 1906

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.

Slated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 94, I was attending a U.S./Mexico conference on border environmental issues. Had I been present, I would have voted "yea."

FAMILY FARMER BANKRUPTCY EXTENSION ACT

The SPEAKER pro tempore (Mr. ISAKSON). The pending business is the question of suspending the rules and passing the bill, H.R. 4167.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4167, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 3, not voting 24, as follows:

[Roll No. 95]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
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
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
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
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
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)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Rohrabacher

NOT VOTING—24

Berman
Blagojevich
Burton
Cannon
Clement
Condit
Doyle
Filner
Gilchrest
Gutierrez
Hansen
Hastings (FL)
Hilleary
Hilliard
Jefferson
Jenkins
Jones (OH)
Kingston
Levin
Pryce (OH)
Riley
Sweeney
Thornberry
Traficant

□ 1915

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 95, I was attending a U.S./Mexico conference on border environmental issues. Had I been present, I would have voted "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 476, CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–411) on the resolution (H. Res. 388) providing for consideration of the bill (H.R. 476) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. SMITH of Michigan. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2646 tomorrow. The form of the motion is as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed:

(1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and

(2) to insist upon an increase in funding for:

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

□ 1915

SPECIAL ORDERS

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

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

Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BACKLASH OF HATE

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to draw attention to the backlash of hate that is occurring around the country and around the world as the result of September 11 and as a result of current actions in the Middle East. Mr. Speaker, this Congress must condemn these violent acts which are hurting families and communities around the world and here at home.

During the first week in April, two men dressed in Orthodox Jewish clothing were attacked and beaten in Berkeley, California, one of the most tolerant cities in the United States, and they were beaten because they were Jewish. In the same town, a Jewish student center located near the campus was broken into and antiIsrael slogans were spray-painted on the property. Also in California, a Los Altos Hills orthodox Christian church with a congregation of mostly Palestinians and Arab Americans was destroyed in a mysterious fire.

And it continues. In Los Angeles, three 17-year-old boys, all wearing yarmulkes were walking home from a friend's house at 12:30 a.m., when 2 skinheads attacked and beat them for no other reason than that they were Jewish. Across the country in Florida, a pickup truck was driven into the front of an Islamic center in Tallahassee. The driver, motivated by hatred of Muslims, bragged to the officers that he could have blown up the mosque if he had put propane tanks on the front of his truck. He also said that he tried to join the military in order to kill Muslims.

Mr. Speaker, all of these events happened over the past 3 weeks. However, since September 11, the increasing trend of hate has been abundantly clear. Immigrants from south Asia appear to have been the victims of attacks and other racially motivated incidents because they were perceived, often incorrectly, to be Arab or Muslim.

The National Asian Pacific American Legal Consortium reported 250 incidents against South Asian immigrants just in the last 3 months of the year 2001. This number compares to 400 to 500 incidents a year, bad enough, that were reported in the past. Complaints of discrimination received by Arab American Muslim and Sikh groups have soared.

Since September 11, the Council on American Islamic Relations has received more than 1,700 reports of workplace bias, Arab profiling, discrimination in schools, physical assaults and other incidents compared with 322 in all of the year 2000.

This backlash is not only a national problem, it is a global problem. France has seen a wave of attacks on Jewish schools, cemeteries and synagogues. According to an annual study by the Tel Aviv University, anti-Semitic acts rose sharply around the world after September 11 and following Israel's offensive into the West Bank. The study revealed some of the worst anti-Semitic days since the end of World War II.

Congress must make it clear that there is no room for personal attacks and bigotry in America or abroad. The first step we as a Congress can take is to pass H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act introduced by Congressman JOHN CONYERS. Under current law, the government must prove both that the hate crime occurred because of a person's association with a designated group and because the victim was engaged in a Federal activity such as voting or serving on a jury. H.R. 1343 would eliminate these overly restrictive obstacles to Federal involvement, which have prevented government involvement in many cases in which individuals kill or injure others because of racial or religious bias.

In addition, H.R. 1343 would authorize the Department of Justice to assist local prosecutions and investigate and prosecute cases in which bias violence occurs because of the victim's sexual orientation, gender, or disability. Currently, Federal law does not provide authority for involvement in those cases.

Mr. Speaker, the people of the United States must set an example for the world by expressing our differences without resorting to violence against our neighbors. We must remember that disagreement can be expressed without physically attacking or demeaning those with whom we disagree. Our freedom of speech is a fundamental right that should be used for causes that citizens are passionate about, but not in a way that damages others' rights to their opinion.

Mr. Speaker, this Congress has the ability to combat unnecessary hatred and lead the charge. Let us take a first step by passing H.R. 1343.

CHALLENGES FACING RURAL AMERICA

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

Mr. MORAN of Kansas. Mr. Speaker, I appreciate the opportunity to address the House this evening in regard to our responsibility as Members of this body to listen to our constituents. It is important that once we listen, that we bring that message back to Washington, to our colleagues here on the House Floor, and to the administration down the street.

Mr. Speaker, within the last few weeks I completed my 66th town hall meeting, one in each county of the First Congressional District of Kansas. Unfortunately, Mr. Speaker, there are many challenges that rural America faces as we try to survive today, have a little prosperity, and move our people and our communities to the future.

The issues across my State and across rural America continue to be serious; issues related to agriculture. This is another year, Mr. Speaker, in which farm commodity prices remain low. In addition to that, we have, in many places in the country, and including most of Kansas, a very severe drought.

So on top of low commodity prices, our farmers face the prospect of poor production. Absent snow falls this winter, absent rainfalls this spring, our ability to put a product into the bin at any price has become very difficult.

Our circumstances in agriculture are bleak, remain bleak, and they are the backbone for the economy of places like Kansas, and it is important that we continue our efforts in regard to farm legislation. Our conferees, the gentleman from Texas (Mr. STENHOLM), the ranking member, and the gentleman from Texas (Mr. COMBEST), the chairman of the House Committee on Agriculture, continue in almost 24-hour-a-day sessions attempting to negotiate a farm bill. It is important that this work proceed. It is important that there be a return financially to the farmers and ranchers of this country.

Our farmers are concerned not only about farm policy, but about the desire for competition within the agribusiness world, the entities which they buy from and sell to, and certainly a desire for open markets, the ability to export their agriculture commodities around the world.

So, Mr. Speaker, I hope to raise the awareness of my colleagues from places outside the farm belt of the importance of farm policy, the importance of agriculture and consumption, and the importance of having competition within the agricultural arena.

We look forward to meeting the country's energy needs with agriculture, and certainly the opportunities for biodiesel and ethanol remain an important opportunity for our farmers across the grain belt of our country. But in addition to agriculture, we

have concerns with our hospitals. Medicare has become a huge factor in whether or not hospital doors remain open, whether or not there are physicians in our communities, and we need to continue to find ways that we can reimburse our health care providers in rural America who are 60, 70, 80 and even 90 percent of the patients that those hospitals treat and that are seen by our physicians are Medicare recipients.

In addition, we have issues related to small businesses. How do we keep our businesses on Main Street? Clearly, the tax burden, the rules and regulations that we in Congress and those in administrations, current and past, have placed upon our business community have a huge impact. We do not have more customers everyday who move to our communities for our businesses to sell to, to spread those increasing costs among. So we in Congress have an obligation to oversight, to reign in those rules and regulations that lack common sense and that are not based upon science, because the end result of failing to do so means that the business community in rural America suffers.

It is also important for us to have adequate transportation, to make certain that our railroads, our highways, our airports and aviation are functioning, that people who live in rural America have access to the rest of the world. Of course we have concerns about the consequences of losing passenger train service across long distances of our country. I look forward to working with my colleagues in that regard.

Finally, I would say education and technology are important to rural America. We need to do our part to make certain that our Federal mandates are paid for. The consequences of our failure to pay for IDEA has a huge effect upon those who try to finance local school districts through the property tax levy.

So we have our work cut out for us as we look at educational issues to make sure that what we require, we pay for. It is important for us to make certain that the rural communities and the people who live there are not left behind as the rest of the world accesses technology. It is important to us to have fiberoptics and Internet and broadband services; things that used to have to be done in the city can now be done in rural places across the country.

So despite all of our challenges, we know what the issues are. We must work together, rural and urban America, to try to make a difference in the lives of all Americans. But I will tell my colleagues that despite the problems in 66 counties during the last few weeks, I remain optimistic because the people are there to make a difference.

□ 1930

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

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO LIEUTENANT (J.G.) RAFE WYSHAM, USN

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

Mr. WALDEN of Oregon. Mr. Speaker, I rise this evening to pay tribute to a young Oregonian serving our country abroad as part of Operation Enduring Freedom. Lieutenant Junior Grade Rafe Wysham, a native of Madras, Oregon, is currently assigned as an F–14 Radar Intercept Officer aboard the U.S.S. *John F. Kennedy* in the Arabian sea.

Mr. Speaker, Lt. Wysham is a third-generation naval officer. His grandfather, a veteran of the Second World War, served on a destroyer and received the Purple Heart. Rafe's father, Bill, served as a tactical coordinator on a P–3 naval aircraft in Vietnam. In short, Mr. Speaker, the Wysham family is not unfamiliar with the sacrifices that attend service in the United States Armed Forces.

After his graduation from Madras High School in 1994, Rafe entered the United States Naval Academy, where he graduated in 1998 in the top 10 percent of his class. Following his graduation from the academy, Rafe was sent to flight school in Pensacola, Florida, followed by advanced training in Norfolk, Virginia. His assignment to the U.S.S. *Kennedy* marks his first overseas deployment.

Mr. Speaker, on March 3 of this year, Lieutenant Wysham was confronted with a sobering reminder of the danger he faces every time he straps himself into his Tomcat and is catapulted into the sky.

That day during takeoff on a routine training mission in the Mediterranean Sea, Rafe's aircraft developed a problem that prevented it from gaining enough airspeed to take flight. Nevertheless, the carrier's catapult system launched the plane forward too fast to abort the takeoff, but too slow to make it into the air. The aircraft's pilot, Lieutenant Commander Christopher M. Blaschum of Virginia Beach, immediately called for both to eject.

Rafe complied, but blacked out from the force of that ejection. Tragically, while Rafe's parachute opened and delivered him safely to the water below, Commander Blaschum's chute failed and his life was lost.

Lieutenant Wysham woke to find himself floating in the water in full gear, directly in the path of one of the world's most lethal warships. Cutting away his seat pan, he swam desperately to escape the oncoming carrier, which passed within 20 feet of him. Fortunately, Rafe survived.

Mr. Speaker, the loss of his pilot was a devastating blow to Lieutenant Wysham, his shipmates aboard the U.S.S. *Kennedy*, and the entire naval family. Commander Blaschum leaves behind a wife and two sons, Jack and Max, who will carry the memory of their father's service and his ultimate sacrifice as long as they live.

Mr. Speaker, Lieutenant Wysham would probably be mortified to know that he is being honored on the floor of the United States House of Representatives today. He is not the sort who seeks public recognition for his service to our country. Neither is he the sort to dwell on his own mortality, or let the fear of the unexpected keep him from completing his vital mission.

Indeed, Rafe was back up in the air less than a week after the accident, and in an e-mail to his mother shortly after the incident, Rafe wrote, ''I entered this business knowing something like this could happen.'' Like the thousands of men and women in uniform fighting the war on terrorism, Lieutenant Wysham simply accepts his reality, and he marches on.

Mr. Speaker, the author, James Michener, wrote a famous story of another group of naval aviators whose service in the Korean War bears close resemblance to that of the men and women serving in harm's way today. In his novel, the Bridges at Toko-Ri, Michener tells of an officer named Harry Brubaker, a lawyer who had fought as a carrier pilot in World War II, and then was recalled to fight again in the skies over Korea. Brubaker is not at all pleased with the turn of events, but tucks in his chin and accepts his duty, nonetheless.

Brubaker's task force commander is a salty old admiral named Tarrant, who develops a deep but well-concealed affection for the young pilot. Tarrant describes him as one of the men who ''hammer on in, even though the weight of the war has fallen unfairly on them. I always think of them as the voluntary men. The world is always dependent on the voluntary men.

In the end, Brubaker is lost pressing the attack on the bridges, leaving the old admiral reeling in the loss of one of his boys. On the final page of the book, he asks himself the question that haunts us all when we learn of the heroism of our men and women in uniform: ''Why is America lucky enough to have such men,'' he asks. ''Where did we get such men?''

Mr. Speaker, in this case, we got them from the small town of Madras, Oregon, and the bigger city of Virginia Beach, Virginia. Thank God we have them, voluntary men, like Rafe Wysham and Chris Blaschum. We should be forever grateful on that account.

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.)

HONORING WALK–FM OF LONG ISLAND, NEW YORK

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

Mr. GRUCCI. Mr. Speaker, today I rise to honor WALK Radio Station in my district on Long Island that is celebrating their 50th birthday this Saturday, April 19. WALK–FM invited the public to visit its new stations and studios on Colonial Drive in Patchogue on its official opening day, Saturday, April 19, 1952.

Quoting from the invitation, the station's staff was ''most anxious for you to see the glamorous, fully-equipped studios and offices in our ultra-modern building, which is not only the radio showplace of Long Island, but one of the most beautiful radio stations in the East.''

WALK received well wishes on the air that day from radio and television personalities of the era, including Perry Como, Dick Powell, Kay Starr, and Jack Sterling.

A clipping from the Bay Shore Sentinel and Journal dated April 24, 1952, described WALK this way: ''The ultra-modern station affords the best in facilities and promises to become a most important link in the communications field in Suffolk County.''

In more recent years, WALK 97.5 FM has had consistent ratings success. WALK has been the number one adult radio station on Long Island for over 16 years, reflecting a heritage of broadcast excellence. WALK uniquely balances the needs of the Long Island community in providing vital news, weather, and traffic information, and a variety of music that Long Islanders enjoy at home, at work, and while in their car.

WALK's news and public service commitment has been recognized and honored over the years with a slew of awards from the Long Island Coalition for Fair Broadcasting, the New York State Broadcasters Association, and the Press Club of Long Island. On the trade side, their programming has won national awards from Billboard Magazine and Radio & Records.

WALK 97.5 was chosen as the National Association of Broadcasters' Marconi Adult Contemporary Station of the year in 2001, giving the station national recognition for its community service and leadership.

In short, WALK embraces the Long Island community through its tireless support of the island's not-for-profit organizations and important causes, like the fight against breast cancer.

Mr. Speaker, I ask my colleagues in the House to join me in congratulating WALK–FM radio and its employees for 25 years of being a thoughtful neighbor, and for its leadership in the community for over 50 years.

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EQUAL PAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise in support of the Equal Pay Day. The Equal Pay Act became public law in 1963, making it illegal to pay women lower rates for the same job strictly on the basis of sex. Yet, almost four decades later, the wage gap among women and men persists.

It is appalling that in the year 2002, women across the United States continue to be discriminated against on the basis of gender. Women holding similar jobs with similar education, skills, work experience, job content, still earn less than men. The Census Bureau reports that women earn 27 cents less than men on the dollar.

Why would I bring this up, other than it being Equal Pay Day, Mr. Speaker? There has been a lot of commentary here on the floor of the House about welfare and welfare reform, and truly, women want not to draw welfare, but rather to get into the marketplace and be economically self-sufficient.

Yet, we find just in Indiana, in a glance at Indiana, that the African American women earn only 67 percent of what men earn, and the earnings among Latino women fall even lower, earning 58 percent of what men earn. Three-quarters of African American women and Latinos work in just three types of employment: sales, clerical, and service and factory jobs, and a majority of those women do not even make enough money to reach the poverty line for a family of four, which is $18,000 in the year 2002.

In Indiana, women, older women, women who are Social Security age, are living in poverty because their income, their lifetime income earnings, have decided the amount of their Social Security checks. So the consequence of that is that women are drawing a very minuscule amount of Social Security checks, which propels them into a remaining lifetime of poverty.

Thirty-nine years ago, President Kennedy signed the Equal Pay Act. He called it the first step in addressing the unconscionable practice of paying female employees less wages than male employees for the same job. At that time, women earned 58 cents for each dollar earned by a man. So Mr. Speaker, equal pay is not only a woman's issue, it is a family issue. It is beneficial for the entire family.

Women often provide a significant amount or all of their family's income, and in many cases, they are the sole wage-earners, struggling to provide their families with the best quality of life they possibly can. It is a shame that they and their families continue to be victims of this unjust discrimination.

I thought it was imperative that we call this to the attention of the House of Representatives and to the United States, as well, to suggest that we have, indeed, come a long way since Niagara Falls, but we have a long way to go.

STUART R. PADDOCK, JR.

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

Mr. KIRK. Mr. Speaker, Stuart Paddock, Jr., was a leader. He inspired reverence among his friends, his associates, and his employees. He was a leader who did not take credit, but instead, gave it away. He led with vision, enthusiasm, determination, and courage. His kind words, his optimism, trust in people, and thoughtfulness endeared him to all.

According to an editorial in today's Daily Herald, if we took a poll of the people who work at the Herald, we would find something extraordinary. We could not find a single person with a bad word to say about Stu, not one. The work force numbers 880. That is the kind of leader he was.

Stu Paddock died on Monday, April 15, at the age of 86. During three-and-one-half decades of ownership, he built the Daily Herald from a weekly community newspaper to the third largest daily in Illinois. His is a remarkable success story of a family-owned business in an era of corporate giants.

Paddock was the inspirational heart and soul of one of the small number of family-owned newspapers in America. When he assumed leadership of the company in 1968, the newspapers were publishing three times a week, with a circulation below 20,000. At his death, he left a growing suburban daily with a circulation of over 148,000, now the 7th largest in the Nation.

Born September 19, 1915, in Palatine, Paddock graduated in 1937 from Knox College in Galesburg, and joined the paper as an assistant editor. He was called into service shortly after Pearl Harbor as a second lieutenant, serving as a company commander in a tank destroyer battalion as part of Patton's Third Army in Europe. He was discharged in 1946 at the rank of captain.

In 1969, Paddock's willingness to take risks saved the newspaper. A critical slowdown occurred when Marshall Field and his Sun-Times started a daily newspaper called The Day in direct competition with the Herald. Over the next 4 years, the weekly Herald newspapers lost 40 percent of their circulation.

A plan to publish three times a week failed to turn around the paper's fortunes. ''We either had to go daily or die,'' Paddock later reflected. Shortly after taking over as president, he

turned the paper into a five-days-a-week publication in 1969. Day Publications soon surrendered and sold its newspaper operations to Paddock in 1970.

Paddock constantly pushed expansion, adding weekend editions and weekly papers in Lake County in the 1970s that then went daily in 1984, and in the years since, Paddock oversaw nearly 20 expansions into areas of Lake, DuPage, Kane, McHenry, and Will counties.

□ 1945

Paddock's thoughtfulness is legendary among staff. Bob Frisk, the Daily Herald's veteran assistant managing editor of sports, retells the story of the night he was to be inducted into the media wing of the Illinois Basketball Coaches Hall of Fame in Bloomington. Bob's wife was very ill and could not attend. Frisk was feeling lonely when Stu and Ann Paddock walked into the room. Paddock told Frisk, ''We didn't want you to be alone when you were inducted on this big night.''

Stu's legacy is rich with similar stories, like funding spirits ''not the cheap stuff'' for a holiday party to celebrate a job well done in Naperville and coming out to cheer on employees who were playing for the local softball team.

Stu Paddock enjoyed classical music, the Bears and opera. He supported a number of good causes like the Chicago Symphony Orchestra, Lyric Opera, Ravinia, Goodman Theatre and the Elgin Symphony Orchestra. Stu was the father of six, five daughters and a son. His wife, Ann, his four children and between them, 23 grandchildren and four great grandchildren.

Stuart R. Paddock, Junior, he served our country, he served our community, he served his employees and served his family with courage, honor, determination and thoughtfulness and will be sorely missed by all.

IN HONOR OF EQUAL PAY DAY

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

Mr. DINGELL. Mr. Speaker, I rise today in honor of Equal Pay Day. This is a national day of action to promote fair pay. It is disheartening that Equal Pay Day comes only once a year. Mr. Speaker, everyday should be equal pay day.

Even though we have had equal pay laws on the books for nearly 40 years, women still only earn .73 cents to the male dollar nationally. In my home state of Michigan, that figure is even worse, with women earning an average of .67 cents to the male dollar. Not surprisingly, women of color are in the worst position, earning only .64 cents to the male dollar. This, Mr. Speaker, is quite simply a disgrace.

Equal work deserves equal pay. But in today's economy, unfair pay hurts more than just women; it hurts families. When women are not paid fairly, it lowers the family income. That means there is less money for essentials like groceries, doctors' visits, and clothes for the children. This is not a women's issue, Mr. Speaker, it is a family issue. We protect America's working families by rectifying this wrong.

What can we do? I have two answers for you.

1. We can pass the Paycheck Fairness Act, which was introduced by my good friend from Connecticut, ROSA DELAURO. The Paycheck Fairness Act would strengthen existing equal pay and civil rights laws by providing effective remedies to women who are not being paid equal wages for equal work.

2. We can pass the ERA, reintroduced this year by my good friend and colleague, the gentlewoman from New York, CAROLYN MALONEY. We have waited too long to provide women with equal standing in the Constitution. The ERA would put some real teeth in our equal pay laws, and guarantee equal pay for equal work.

I would encourage all members who are not currently cosponsors of the ERA to join us. We have 200, but we need more. I would ask my colleagues to truly represent the 50 percent of their constituency that still goes unrecognized in the very document that guarantees our rights and freedoms. Why should women be left behind?

Mr. Speaker, I thank Representatives DELAURO and MALONEY for their much needed leadership on this very important issue.

There is no excuse for disparity in pay between men and women. Mr. Speaker, it is time for action. In honor of Equal Pay Day, I would ask my colleagues to join me as cosponsors of these two important bills. There is no better time than the present. Let's stop ignoring this serious family problem today.

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

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPRESSING SUPPORT FOR REPEAL OF MARRIAGE TAX PENALTY

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

Mr. SCHROCK. Mr. Speaker, I am happy to join my colleagues this evening in calling for the support of Congress to set in concrete the repeal of the marriage tax penalty.

I was honored last year to become president of the Republican freshman class of the 107th Congress. Early last year, our class members came together and made the repeal of the marriage tax penalty our class priority. Fresh from the campaign trial and living in and working in our districts, each of our class members came to Washington with the understanding that one of the major priorities of the American people was to bring an end to this anti-family, anti-marriage tax.

On our third day on the job, our class joined with the gentleman from Illinois (Mr. WELLER) to announce our commitment to the repeal of the marriage tax penalty. We championed this noble cause and were successful in obtaining the eventual repeal of the marriage tax penalty.

Unfortunately, due to Senate rules, the marriage tax penalty repeal legislation included a sunset provision that would automatically reinstate the marriage tax penalty in the year 2011. What does that say to the American people about this Congress?

Marriage is the bedrock of our society. It is an institution that is to be honored and respected, and it is a bond that should not be put asunder, especially by the tax policies of the Federal Government.

Yet until last year, our tax laws gave married couples a $1,400 surprise on their tax bill. They saw their taxes go up for no other reason than they said ''I do,'' and the effect of this tax mostly penalized young couples trying to get their feet on the ground and retired couples just trying to keep their feet on the ground.

In the second congressional district of Virginia, which I represent, there are over 56,000 married couples which were subject to the marriage tax penalty. However, if these couples decided to live together, rather than get married, they would not have to pay the tax. That is simply unfair.

The repeal of the marriage tax penalty provides a new level of fairness by preventing the Federal Government from penalizing couples for being married. Now these families are able to keep $1,400 a year of their hard earned income if they can save for a down payment on a house or a new car, obtain health insurance, pay off student loans, save for their children's education or to pay off debts.

The repeal of the marriage tax penalty passed last year is now helping families all across our Nation to better plan for their future. If they are able to eliminate debt, save for retirement or pay cash for large ticket items, their future discretionary income will grow, helping to also grow our economy.

Between now and 2011, it is certain that many of these couples' income will increase from raises or from taking new jobs. Also, they will be able to better handle their day-to-day expenses and any emergencies that may come along, but in 2011, that comfort level provided by tax relief is set to disappear for these families. On that day, the penalty for being married will surprise them once again.

I cannot stand by and allow that to happen to the 56,000 families that I represent. Unfortunately, there are those in this body and the other body that do not support making the repeal of the marriage tax penalty permanent. They will argue that we must work to ensure that Social Security is intact for future and present retirees. I could not agree more. Social Security is important for all Americans, and we should make sure that it stays protected for

all Americans. However, I believe we can save Social Security and provide meaningful tax reform at the same time.

If we restrain the growth of government and the growth of discretionary spending, we can achieve both, and the economic benefits from tax relief will help generate greater revenues as our economy continues to pull out of the now ended recession.

Therefore, the repeal of the marriage tax penalty should be made permanent this year. Let us show the American people that this Congress is determined to support legislation that helps strengthen families and thus our communities and economy.

When the tax permanency legislation comes to the House floor, I hope that we will send a strong message in support of American families by voting in favor of repealing this marriage tax penalty once and for all.

MAKING PERMANENT THE BUSH TAX CUT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. WELLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELLER. Mr. Speaker, this week we have an important vote in the House of Representatives, and my good friend from Virginia, the leader of the freshman class, our new Members, spoke so eloquently on this issue that is before us, and a group of us plan to kind of expound on this issue that is going to be before us this week.

As President Bush noted this past weekend, the tax cut that the President led, initiated and our Congress passed and was signed into law in June expires in less than 10 years, and tonight we felt it was important to talk about the impact of a temporary tax cut because this week, on Thursday morning, the House of Representatives will begin debate on legislation which will make permanent what has become known as the Bush tax cut.

Let us review a little bit of history here. Over the last 7 years that we have had a Republican majority in the Congress, we have been working to balance the budget and also to lower taxes for working families. Unfortunately the previous administration, the Clinton-Gore administration, vetoed time and time again our effort to lower taxes for working Americans.

Fortunately, the voters of our Nation this past year and a half ago in November of the year 2000 elected a President who feels the same way the majority of this House does, that is, the taxes are too high, families are struggling, and of course, we need to find ways to bring fairness to the Tax Code.

I was very proud of the President's leadership because he noted in January of last year, and January 2000 when he became President, that the economy was in a downturn. The President inherited a weakening economy and he says we have got this huge surplus, all this extra tax revenue that the Federal Government is collecting because taxes are too high and we are not spending it all, thanks to the fiscal responsibility of this House. So why do we not take a portion of that surplus, that extra tax revenue, and give it back to working families? Provide an across-the-board tax cut that helps every working family, bring about tax fairness by eliminating the marriage tax penalty, wiping out the death tax, increasing opportunities for retirement savings and saving for a college education?

The President was successful. President Bush's leadership, with the leadership of the gentleman from Illinois (Mr. HASTERT) and Committee on Ways and Means chairman, the gentleman from California (Mr. THOMAS), this House led the effort to lower taxes, and in June of this past year, the President signed into law what has become known as the Bush tax cut. Unfortunately, because of the arcane rules of the Congress, the tax cut was temporary, which meant it had to expire in the year 2011.

When we think about that, when it expires, it is going to mean a big tax increase on millions of working families across this country. That is really what this vote is about on Thursday is whether or not we continue to keep taxes lower for working families, whether or not we continue to have tax fairness or do we bring back an unfair Tax Code that punishes married couples and takes away the family farm and family businesses and makes it harder to save for retirement or a college education, essentially imposing a tax increase on working Americans. That is what this vote is going to be this week.

I would note that one of the arguments the President made when he talked about the need to cut taxes is that the President stated that we need to get the economy moving again, and if workers have a little extra spending money in their pockets, they are going to be able to meet the family needs, go to the grocery store, make some improvements to their home, fix the car, maybe have a family vacation the first time ever.

The President said that if his tax cut was signed into law, the economy would get better, and frankly, it was working. Economists tell us that by Labor Day of this past year, Labor Day 2001, the economy was on the rebound and the Bush tax cut was the primary reason that the economy was on the upswing. Of course, every one of us knows what occurred on September 11 and the terrible tragedy of that attack on our Nation and its economic impact with almost 1 million Americans having lost their jobs.

Well, the Bush tax cut is continuing to work and the economy is beginning, according to economists, to get on the rebound again, and tonight we want to talk about what was in the Bush tax cut.

I would note, as I stated earlier, that the Bush tax cut did a number of good things to help working families. Provided for marginal rate reductions, reducing the tax rate for every American who pays taxes, creating a whole new tax rate structure. In fact, we created a new lower tax rate for the lowest income Americans, lowering their taxes from 15 percent to 10 percent, helping low income taxpayers.

We also, of course, repealed the death tax, a tax which has historically taken a majority of the family business away from families who inherit the family business from the founder and that has caused so many businesses to go out of business, and some of my colleagues are going to talk about that.

We doubled the child tax credit from $500 to $1,000, helping families with children better afford their children's needs.

We increased retirement savings, increasing the amount one can contribute to their IRA from $2,000 to $5,000, what one can contribute to their 401(k) from $10,500 to $15,000, and for working moms and empty nesters, we allowed those over 50 to make up missed contributions to their IRA and 401(k), essentially what we call catch-up contributions.

We helped families save for education, increasing education savings accounts from $500 to $2,000 a year, and allowing families to use that for expenses for elementary and secondary education, as well as for college.

Those are good things. Also, because many families were stepping forward and volunteering to adopt children and give children a loving home, we increased the adoption tax credit to $10,000 for children with special needs, and of course, for those with nonspecial needs, we have it at $5,000, and we also increased the income level of families that can qualify from $75,000 to $150,000, and we also prevented the alternative minimum tax from interfering or taking away this tax relief for working families.

Of course, part of the debate of who benefits from tax relief is who gets it, and there is always some who say, oh, we cannot cut taxes because those who pay taxes will get it. We should not help those who pay taxes because apparently they are rich. Well, let me note who it is that benefited from the Bush tax cut.

Under the President's tax plan that was signed into law and this Congress supported on and that we are going to make permanent or vote to make permanent this week, over 100 million individuals and families pay lower taxes. Forty-three million married couples see their taxes reduced on average by more than $1,700 a year. Thirty-eight million families with children will receive an average tax cut of almost $1,500. Eleven million single moms with children will be able to keep on average $77 more to care for their children. Thirteen million seniors will see their taxes reduced on average by $920, and

3.9 million taxpayers, including 3 million taxpayers with children, will have their taxpayer liability for the Federal tax burden completely eliminated.

Think about that. Almost 4 million taxpayers under the Bush tax cut, those at the lower end of the economic area, pay no more taxes, thanks to the Bush tax cut.

Small business owners and entrepreneurs will receive a big chunk of this tax relief. Whenever my colleagues argue about who is going to get the rate reduction and what that means, they have to recognize that the vast majority of small businesses, almost 80 percent, pay in the top rate, and we lowered their rate to 35 percent.

□ 2000

Mr. Speaker, I have worked with many of my colleagues over the last several years to address something we call the marriage tax penalty. Often in debate I have asked that question, is it right, is it fair that under our Tax Code 28 million married working couples pay higher taxes just because they are married.

Prior to the Bush tax cut, Americans saved money on taxes if they stayed single. Our Tax Code encouraged couples not to marry. We made a decision, and it was certainly a priority of House Republicans, to remove the penalty on marriage. I often introduced a couple from Joliet, Illinois, Shad and Michelle Hallihan, who in combined income make about $65,000. Their marriage tax penalty was $1,400 that they paid in higher taxes just because they got married.

Under the Bush tax cut, their marriage tax penalty was eliminated. Now if the Bush tax cut is allowed to expire, Shad and Michelle Hallihan will once again pay higher taxes just because they are married. Their child, Ben, who is 2, they got married about the time we introduced the legislation, the child was about a year old by the time the Bush tax cut was signed into law. When the Bush tax cut expires, when Ben is 11 or 12, that is $1,400 less that Shad and Michelle Hallihan are going to have to be able to set into their education savings account.

Let me give an example of another couple from Joliet, Illinois, Jose and Magdalene Castillo. They are both laborers in Joliet, Illinois. They have two children, Eduardo and Carolina. They suffer the marriage tax penalty as well. They make about $85,000 a year. Jose makes about $57,000 in his building trade construction-related job, and Magdalene makes about $25,000. With their combined income and the way the marriage tax penalty works for the Castillos is by being married, they file jointly. When you are single, you file as two singles. But when you marry, you file jointly, which means you combine your income. That usually pushes one into a higher tax bracket. For the Castillos, for Jose and Magdalene, they paid $1,100 in higher taxes just because they were married.

Now, if our colleagues in this House of Representatives vote this week against making the Bush tax cut permanent, Jose and Magdalene Castillo are going to end up paying higher taxes once again when the Bush tax cut expires. I believe that is wrong, and I believe the majority of this House thinks it is wrong and unfair that if the Bush tax cut were to expire that couples like Jose and Magdalene Castillo and Shad and Michelle Hallihan would pay higher taxes just because they are married.

We have two leaders that are here in the House that have been leaders on issues so important when it comes to helping working Americans. I would like to yield to the gentleman from Indiana (Mr. KERNS), who has been one of the leaders and one of my partners in eliminating the marriage tax penalty.

Mr. KERNS. Mr. Speaker, I rise today in support of the legislation to make the elimination of the marriage tax permanent. One of my top priorities when I came to Congress was to eliminate the marriage tax penalty, a penalty that unfairly punishes hard-working men and women for entering into marriage, a fundamental institution of our Nation.

I have worked closely with the gentleman from Illinois (Mr. WELLER), who has been a leader of this Nation on this issue. I was a chief cosponsor of this bill to end the marriage tax penalty, and it has been moving forward steadily, but we do not have the job done yet. We succeeded in passing marriage tax relief; but after 10 years, the marriage tax penalty returns. Imagine that, our Federal Tax Code would once again punish married couples. That is why we are here today, to stand up for families, to call for the final end to this unfair penalty that singles out married couples. Simply put, the elimination of the marriage tax penalty helps families. This is legislation that will provide relief to nearly 43 million married couples. It will save the average married couple $2,720. If we do not make this elimination of the marriage tax penalty permanent, Congress will be raising taxes on families. We should allow families to keep more of their hard-earned dollars and to save and use as they choose. The government should not be in the business of discouraging marriage.

For that same reason, the permanent repeal of the death tax is also sound public policy. People work hard all of their lives it save and pass along something for their families, perhaps a farm or a small business to their children and grandchildren. It is wrong for the Federal Government to punish those families for their hard work and success. While we took a step in the right direction of ending the Federal estate tax, it, too, like the marriage tax, returns after 10 years. How can we expect the American people to plan for the future with the threat of the death tax returning after a few years looming overhead?

We must continue to protect and preserve the family farm and small businesses by making repeal of the death tax permanent. Mr. Speaker, we must make the elimination of the marriage tax and the elimination of the death tax permanent. If we do not, Congress will be increasing taxes on families. Let us work toward a more family-friendly Federal Government. Let us have a more family-friendly Congress. Let us end these burdensome taxes once and for all.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Indiana (Mr. KERNS), who as a freshman has been a real leader in his efforts to eliminate the marriage tax penalty and working with President Bush and the gentleman from Illinois (Mr. HASTERT) and ensuring that a key part of the Bush tax cut included what we consider to be the most unfair tax of all, and that is the tax on the institution of marriage, one of society's most basic institutions.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, what an appropriate time for us to really continue this debate that we began a year ago last spring when we, this body, voted in a bipartisan way to enact some significant tax relief.

Mr. Speaker, yesterday was in fact tax day; and always there are jokes that sort of go around April 15. My favorite happens to be an old Farmer's Almanac saying if Patrick Henry thought taxation without representation was bad, he ought to see it with representation.

As one of the members of the Committee on Ways and Means that insists on doing my own taxes, and I did not deny myself that enjoyment over the weekend, I was thinking what can we do to make the Tax Code simpler and fairer. As my seat mate on the Committee on Ways and Means, the gentleman from Illinois (Mr. WELLER) has done so admirably, and over these months I feel as if I know quite well Shad and Michelle Hallihan because the gentleman tells their story so frequently on the House floor.

As we set this debate up, Mr. Speaker, first of all, why is this vote necessary? Why is it that we are talking about permanence or the lack of permanence with what Congress did last summer? It is interesting to note, I think, that tax increases are always permanent. I think back, we had a debate recently about the Spanish-American war tax, a tax on luxury telephones back in 1898 to help pay for the war effort, and later the World War I effort. That tax still exists today.

I think of the inheritance tax that was enacted back in 1916; it still exists today. It is a permanent tax. Even the tax increases of 1993, I know the Democratic colleagues are proud to point out that tax increase passed without one single Republican vote; and a lot of those items called deficit reduction tax still exist today.

So it is ironic when we are talking about tax increases; they are always

permanent. And yet when it comes to tax decreases, that is letting Americans keep more of their hard-earned money, we have to go through yeomen effort to try to make those tax cuts permanent.

I have had constituents who asked me why was this sunset placed on the bill. Well, there were procedural rules. When this tax relief measure made it to the other body, there were opponents to the bill which threatened to filibuster the bill and institute a lot of arcane budget rules unless this sunset were added. There is no public policy rationale behind this sunset. It was simply an effort to avoid a procedural roadblock in the United States Senate. I do not believe that American taxpayers should be held hostage to arcane Senate budget rules. From that policy perspective, I think it is important that we vote in favor of permanence.

Mr. WELLER. Mr. Speaker, say that the Bush tax cut were to expire and the House and the Senate were to fail to pass legislation to make permanent the Bush tax cut, eliminating the marriage penalty, wiping out the death tax, across-the-board tax reductions, helping low-income families, creating a much lower tax bracket for low-income families, would you consider that a tax increase?

Mr. HULSHOF. Mr. Speaker, there is no question about it. There was some discussion already that certain Senators were talking earlier in the year about suspending this year's tax relief and capturing those monies for additional spending. There was some discussion about whether suspending those tax cuts would in fact be a tax increase or not. Putting that aside, clearly on January 1, 2011, if Congress fails to act, we will see a significant income tax hike of billions of dollars on America's families, just as some of those that the gentleman mentioned in his congressional district.

I know that the gentleman from Indiana (Mr. KERNS) earlier was talking about the death tax and marriage penalty relief, and I see my cosponsor of H.R. 2316, the gentleman from Wisconsin (Mr. RYAN), is here; and I look forward to hearing what he has to say.

In today's Wall Street Journal there was an editorial in favor of permanence, and it was focusing on making the death tax repeal permanent. I absolutely agree with that, but I think the entire tax relief measure that we enacted in this Congress last year, all of those provisions, should be made permanent. Here is why:

There are so many sole proprietors, small businesses in America, in fact, the majority of small businesses in America that actually pay the individual income tax rate. In other words, they did not pay the corporate income tax rate, but instead because they are sole proprietorships and partnerships, perhaps they are subchapter S corporations, they have the benefit of this individual income tax rate that they pay each April 15. As these income tax rates are reduced, and when they are fully phased in in 2006, small businesses are going to have additional resources for fostering economic growth and development. In other words, they capture that money that normally they would pay to the Federal Government, they get to reinvest it in their businesses which creates more jobs, provides additional spending power for those people who work for those small businesses. For then to say, to pull the rug out from underneath them on January 1, 2011, and say well, we know that you have enjoyed low tax rates of the last couple year, but on New Year's Day of 2011, these tax rates go back to the pre-2001 level, that is a significant income tax hike.

It is for policy reasons that I think this body should act, and certainly I would call on all of those from both sides of the aisle that supported this bill a year ago. I think there were 28 Democrats who joined us in this bipartisan vote. If it was good policy then, it remains good policy now.

Mr. WELLER. Mr. Speaker, reclaiming my time, I thank the gentleman from Missouri for his leadership and helping small businesses and agriculture. Seventy-nine percent of those who benefit from the rate reduction at the top bracket, as the gentleman pointed out, are self-employed entrepreneurs and small business people. They are not rich people. These are folks down on Main Street.

□ 2015

They are real people that work hard, struggle to employ their neighbors and, of course, benefit when we lower the tax rate because, frankly, making permanent the Bush tax cut is also good for the economy.

One thing I have heard time and time again from businesspeople and entrepreneurs and small businesspeople and farmers is that when they know there is a provision in the Tax Code that affects them and it is permanent, they are more inclined to make long-term investment decisions. When the consequences are short-term, they are hesitant. So if we really want to get this economy moving again, it is one more reason to make permanent the Bush tax cut.

We have been joined by the gentleman from Wisconsin (Mr. RYAN), a colleague of ours on the Committee on Ways and Means, someone who is one of the thinkers in the House when it comes to understanding policy and understanding also what it means for small business and for farmers and for working people in every community in America. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I thank the gentleman from Illinois for yielding. First before I contribute, I would like to thank the two of you gentlemen for your leadership on this issue. This is my first year on the Committee on Ways and Means. I have long known about the gentleman from Illinois' work on repealing the marriage penalty. He is the reason the marriage penalty is repealed in this legislation. He deserves the credit for that. And the gentleman from Missouri (Mr. HULSHOF) who is my lead partner on this bill is the leading advocate for agriculture and tax policy and helping farmers, in Congress, I would add. I want to thank him for allowing me to join him in proposing this legislation and being his coauthor on this legislation to make this tax cut permanent.

I have been watching the debate. It seems that you can wrap it up into four big issues. This tax bill, which we all worked very hard to pass, the President proposed, we worked on it in the Committee on Ways and Means, we passed it bipartisanly through the House, through the Senate and got it signed into law, this tax cut fixes four big inequities. It brings fairness to four major issues.

As the gentleman from Illinois has championed, it brought fairness to the issue of the marriage penalty. It reduced and repealed the marriage tax penalty. But it did many other things. On the retirement end, we have a pension system that before this tax bill was written at a time in our pension laws, in our economy, when people did not change jobs that much. What we did in this bill was update our pension laws so people could move their pensions with them as they change jobs. We fixed a lot of the problems that have been experienced with the Tax Code in the new economy. They have been fixed in this bill.

We increased the act for businesses to offer higher 401(k) matches to their employees. We increased the cap on 401(k)s. We increased the cap on IRAs from $2,000 to $5,000. That is another big problem, a big fairness issue that we restored in this bill. We also repealed the estate tax, a tax that has been the single greatest killer of the transfer of family farms and small businesses on to the next generation. And what we did in income tax rates, and as you gentlemen mentioned, almost 80 percent of the top rate bracket filers file as individuals, meaning the small businessmen and women of America are not corporations, they are not C corps, they do not file their taxes as large corporations, they file their taxes as subchapter S corps, as sole proprietorships. Therefore, they pay individual tax rates.

What happens right now under the tax law, we are taxing small businesses at a rate higher than we tax the largest corporations. So the small business men and women of America on Main Street USA, in the barber shops, and all the small manufacturers, they were being taxed before this tax bill at nearly 40 percent, while we were taxing the largest corporations of America, IBM, General Motors, Chrysler at 35 percent. This tax bill lowers that small business tax rate to the same tax rate as large corporations.

Mr. WELLER. Let me ask the gentleman this question. Are you telling me that prior to the Bush tax cut, that self-employed people, entrepreneurs, small businesspeople actually paid at a higher tax rate than IBM or any other major corporations?

Mr. RYAN of Wisconsin. That is exactly right. That is one of the injustices, one of the fairness issues we fixed in this tax bill. We finally lowered the small business tax rate to be equal with the corporate tax rate. Because before this tax cut, it was higher than that. Not only do we help Americans save for their retirement, not only do we repeal the estate tax in this bill, the single greatest killer of transfer of your business to the next generation, not only did we repeal the marriage penalty and not only did we lower the small business tax rate to that level of the large corporate tax rate, what we did was we helped people reinvest in their businesses, we helped people keep more of their own money.

What is going to happen if this legislation to make this tax cut permanent does not pass is we will be imposing on January 1, 2011, the single largest tax increase in American history in any given year. We are going to impose on the American taxpayer a $125 billion tax increase that year.

So, for example, if you are a small business owner or a family farmer and your estate is worth, they say, $3 million, there are a lot of small family farms in Wisconsin that are worth well more than $3 million. They have a lot of assets locked up in combines, in land, in barns and other kinds of things. If you are a small business owner and you own some kind of small distribution business, you have some vans and trucks and a factory, $3 million can add up very quickly. If you died in the year 2010, you do not pay an estate tax. That is the correct way to do it, because you already paid taxes on all the money you earned while you were living. But if that person with the $3 million estate dies on January 1, 2011, that person is going to have to pay $800,000 in estate tax. Just think of this. If you die in the year 2010 when the estate tax is repealed, no tax. If you die the next year, $800,000.

Mr. WELLER. I represent the south side of Chicago and the south suburbs, of course, an area that is going from farmland to subdivision in many cases. We have a lot of family farmers in the Frankfurt and Mokena area, in the Manhattan area in Will County, and they would like to stay in the farming business. But many of them have told me the story of when grandpa died, because the value of that land for development purposes, even though they wanted to keep it in the family farm, continue farming it, keep it in open space, because they like farming and it is a family business, because of the estate tax and the value of that land if they sold it to somebody who would develop it and build houses or put a factory there, turn it into an industrial park, they were forced to sell off a piece of grandpa's farm in order to pay the estate tax.

So if you care about open space, about urban conservation, farmland and urban sprawl and frankly the environment, you should work for the elimination of the death tax. I know that was one of the arguments I heard many times from the farmers in my suburban area, if you care about the environment, about open space and the preservation of farmland, you want to eliminate the death tax.

Mr. HULSHOF. I would like to amplify the point by my colleague from Wisconsin and coauthor of this bill to sunset the sunset. It is interesting that a New York Times columnist, as he was commenting on the work that we had done, and finally we were moving toward repeal of the death tax, but as the gentleman noted, for a single year, 2010, and this New York Times columnist dubbed what we had done, the ''throw momma from the train act,'' because the only way to take full advantage of the death tax repeal was to throw momma from the train in the year 2010 because on January 1 of the next year, then here comes the death tax springing out of the grave, coming back to life.

Mr. RYAN of Wisconsin. I appreciate that comment. That is what is so crazy about this arcane rule in the other body that was forced into this legislation that sunset this tax cut in the year 2011. If this legislation that we are now proposing does not pass, on the year 2011, the estate tax goes from zero to 55 percent. The education IRAs go from a $2,000 limit back down to $500. The IRAs, individual retirement accounts, go from a $5,000 per year limit back down to $2,000. 401(k)s go back from $15,000 per year down to $10,500. The marriage tax penalty comes back to haunt us. All of those things that we will have been accustomed to over the decade, all of those tax inequities, marriage tax penalty, estate tax, taxing small businesses at a higher rate than corporations, all will come back in that one year to sock it to the American economy. That is one thing that I think we need to bear in mind.

What is this going to do to our economy? I hear it from so many small business members and entrepreneurs and farmers in my district, that they say, we cannot plan appropriately for the future. There is so much hesitancy built into the marketplace all across America because they do not know as small business men and women whether they can bank on the fact that these tax laws are going to be made permanent. So they withhold that investment. They do not take that extra risk. The bank will not give them credit because they do not know what is going to happen in the future with respect to tax law. So we see a hesitancy built into the marketplace. That means less risk, less job creation, less economic growth.

Mr. HULSHOF. As we have already begun to debate this and as representatives of the media have begun to inquire about the bill being on the floor this week, and one question that I think we have to continue to answer this week as we move forward the bill's consideration on Thursday is why are we taking up the bill now? If we are talking about something, the sunset actually not taking effect until January 1 of 2011, why consider the bill now?

I think the gentleman has, in part, answered the question, because if you are a small businessperson, certainty in the Tax Code is appropriate as you make long-term decisions about your own business. Moreover, especially the death tax. You cannot legitimately plan or have an estate plan based upon the uncertainty of the death tax being gone today and back tomorrow. And so that certainty is necessary. I would say to those green eyeshade wearers in this body, I do not mean to denigrate because there are fiscal considerations to this as well, but I was informed by one of the media representatives today that the Senate majority leader said that a vote on permanence would be fiscally irresponsible. And so I want to answer with certain budget numbers, that this is fiscally responsible. If we were to enact permanence to the tax cut of a year ago, the revenue impact would be $374 billion over the next 10 years. The amount, the most recent projection by the Congressional Budget Office, that is, our bookkeepers for the House, propose that over that same period of time, we will be taking in a surplus of $2.332 trillion. And so this really, as far as the fiscalness of what we are taking up, is appropriate.

I think, again, the worst thing we could do is allow these tax items, the many tax relief measures that we have been talking about, to somehow allow them to be what we know in parlance to be called extenders, that is, just as they are getting ready to expire, maybe giving another 2 or 3-year extension of that tax cut. Again, I think that just breeds a lot of uncertainty.

And so from a policy perspective, I think it is so vitally important that we enact this permanence.

Getting away from the numbers, if the gentleman would permit me just another minute or so, I do not have a photograph, but a family that has actually been portrayed, I think, in USA Today and some other national publications is the Eiffert family. Howard Eiffert, the constituent, is from Columbia, Missouri. Howard Eiffert began a lumber business back about 37 years ago. He has two sons now, Brad and Greg. Brad and Greg Eiffert are running the lumber business. It is a fairly small business. It employs about 32 people. Yet they are so concerned about the estate tax or the death tax that they have reported that annually they contribute between $30,000 and $35,000 a year to purchase an insurance policy on the life of Howard Eiffert, the founder of this company, in the event that he were to meet his demise in that year and that insurance policy then

would pay the Federal Government this estate tax bill.

Brad and Greg, who now run this company, have expressed to me so many times, and very passionately, think of what that business could do with another 30 to $35,000 a year. It could be a well-paying job for another employee every year. It could be maybe another piece of equipment. It could be adding on to their warehouse where they keep the lumber and their inventory. It could be a lot of things. But unless we make the death tax permanent, unless we take this entire tax cut of a year ago and make that tax cut permanent, there is going to be this continued uncertainty, which is a drain on our small businesses across the country. That is why I hope for a good vote this week.

□ 2030

Mr. RYAN of Wisconsin. I want to point out also the score the gentleman mentioned, the revenue cost that is assumed by the Congressional Budget Office. What is interesting about that score is not so much that it is $374 billion out of a surplus of $2.3 trillion. It is that that is the most dour and pessimistic, conservative score anybody could come up with, because that score assumes that people will not change their behavior when their taxes are cut.

That score denies the assumption that if we lock in permanency we are going to unleash a lot of investment out there. When we lock in certainty to the small American businessman and businesswoman and entrepreneur, that, yes, this tax law is permanent and now you can move on with certainty to expand your job and invest, that we are going to get positive economic growth out of that, I believe that the economic positive benefits we are going to get out of this bill will more than make up for a lot of the revenue costs we are assuming.

They assume no one makes a change if their taxes are changed. They assume no positive economic growth is derived from a lowering of marginal income tax rates or repeal of the estate tax. They just assume it is a loss of revenue to the government.

So even though we now can point out that the loss of revenue according to our budget keepers is minuscule in comparison to the size of the surplus over the decade, they do not point out all of those positive economic benefits, the jobs that will be created, the investment that will be unleashed, by making certainty in this tax bill.

Mr. WELLER. Reclaiming my time, again I want to commend the gentleman from Missouri (Mr. HULSHOF) and the gentleman from Wisconsin (Mr. RYAN) for their leadership on making permanent what we call the Bush tax cut and what the real impact is on families.

When we think about it, voting against permanency is a tax increase. It is a tax increase on millions of Americans. The Bush tax cut actually provides help for 100 million Americans who benefited from the Bush tax cuts: across-the-board rate reductions, which helped everyone who pays taxes; elimination of the marriage tax penalty; elimination of the death tax; doubling the child tax credit; increased opportunity for retirement savings and saving for education.

If you vote against making it permanent, you are really voting to put the marriage tax penalty back on Jose and Magdalene Castillo, or Shad and Michelle Hallihan and 28 million other married working couples across America who pay higher taxes, or the hundreds of thousands of small businesses and family farms that are in jeopardy of moving on to the next generation because of the death tax; and if we fail to make permanent the elimination of the death tax, we put it back in place, jeopardizing the future of the family farm and the family business.

If you care about retirement savings, well, if you vote against making permanent the Bush tax cut, you better save every dime that you are capable of doing right now, because in 2011 you will go back to $500, versus the $2,000 for education savings accounts, or $2,000 versus $5,000 for your IRA. Those are tax increases.

Some are going to argue that we should not make it permanent because they want to spend the money. They think it is better that we collect that money and reimpose those taxes and collect that money and spend it here in Washington, because Washington can better spend the folks back home's hard-earned dollars better than they can.

I was so proud of the leadership of President Bush, and I was so proud of the leadership of Speaker HASTERT and the Republican majority in this House and moving through the Bush tax cut, because, similar to the Kennedy and Reagan tax cuts, this tax cut is meaningful. One hundred million Americans benefit.

Again, let me share those statistics of who benefits from the Bush tax cut and our efforts to make it permanent. Again, 100 million individuals and families pay lower taxes because of the Bush tax cut. If we fail to make it permanent, their taxes go up.

Forty-three million married couples see their taxes reduced on average by more than $1,700 a year. If you vote against making the Bush tax cut term permanent, you are reimposing a marriage tax penalties on Jose and Magdalene Castillo, who right now save about $1,125 a year because of marriage tax penalty relief.

Thirty-eight million families a year with children, Jose and Magdalene are an example here with Eduardo and Carolina, they benefit from the child tax credit as well. If you fail to make the Bush tax cut permanent, you take that away from them and raise their taxes on their kids. That is wrong.

I have a note that 13 million senior citizens have seen their taxes reduced under the Bush tax cut on average by $920, and 3.9 million taxpayers, including 3 million taxpayers with children, had their tax liability to the Federal Government completely, completely wiped out.

Mr. RYAN of Wisconsin. If the gentleman will yield on that point, what was that number again?

Mr. WELLER. Three million families with children no longer pay Federal income taxes because of the Bush tax cut.

Mr. RYAN of Wisconsin. Under the Bush tax cut, over 3 million families are being taken off the Federal income tax roles and would be put back on, they would have new taxes reimposed back on them, if this tax bill is not made permanent?

Mr. WELLER. Reclaiming my time, the gentleman from Wisconsin is absolutely right. Three million families with children would be placed back on the tax rolls, and 3.9 million taxpayers would be placed back on the tax rolls.

Mr. RYAN of Wisconsin. Three million families hit with a new tax in the year 2011.

Mr. WELLER. Yes. The gentleman from Wisconsin is absolutely correct. If you think about it, who are those families? Who are those individuals? They are low-income Americans. The biggest beneficiaries of the Bush tax cut, what we passed this past year, were low-income families, because low-income families saw the biggest portion of their taxes wiped out. If you think about it, 3 million Americans with children who previously had paid taxes no longer pay Federal taxes. That is total simplification of their taxes. They no longer have to pay taxes.

What happens to the money that would have come to Washington? They can spend it back home in Janesville, Wisconsin, and Morris, Illinois, and Columbia, Missouri, fine communities, where there are hard-working people who can better spend their hard-earned dollars better than we can for them and take care of their families' needs, and maybe buy some new clothes for the kids to go to school, or make an addition on to the family house, build an extra bedroom for the children. They have all been bunking together, and they are getting older and they want to put an addition on the house. So they can afford to do it with the Bush tax cut. But if you vote against permanency, you are reimposing that and hurting those 3.9 million families who no longer pay taxes because of the Bush tax cut.

I would like to ask the gentleman from Missouri, and be happy to yield, you have also been one of the leaders on retirement savings. Of course, the Bush tax cut built upon a lot of the work done by our colleague, the gentleman from Ohio (Mr. PORTMAN), and many others who have worked so hard to increase the opportunity for small businesses to offer additional retirement savings opportunities for their workers, and also for individuals to be able to set aside money in their IRAs.

I would be happy to yield to the gentleman to explain that portion of the Bush tax cut.

Mr. HULSHOF. I appreciate the gentleman yielding.

What is interesting about our Tax Code is it really does punish those who wish to save and invest. There are so many other nations that have a higher savings rate than the United States of America because we have built into our code, in fact, I am so familiar again with my 1040, having just spent so much time with it, line 8 of your 1040 says what was your interest income, put that here, because we are going to tax it. A lot of nations do not do that.

So we have tried in various ways to help American families, especially as they look way down the road at retirement. We have a vexing problem ahead of us as far as the baby boomers retiring and the future solvency of Social Security. That is an issue for another day.

But what we have done over the course of Congress, since 1997, as the gentleman recalls the significant tax relief that we passed back in 1997, that was actually signed into law by then President Clinton, we created some additional savings vehicles and tried to expand the opportunities for families to put money aside in 401(k) plans, or, as the gentleman knows, really a pet issue of mine, to help parents save for their childrens' education. Back in 1997, the idea was created of an education savings accounts. Now we have the ability, because of last summer's tax cut, the Bush tax cut, as the gentleman has referred to it, we have now given more flexibility to families to put money, or even neighbors or churches or businesses, to put money into a family's education account in the name of their child.

It used to be pretty strict as to what that education account could be used for. Now we have some flexibility. Not only can you contribute more money into it, up to $2,000 a year, but it is not just for those students, those children who go to public college. It could be used for any educational expense for any child. It could be K through 12. It could be a tutor at school if you are having trouble with 4th grade math. It could be a computer program, it could be a foreign language skill or some help in that regard. It can be anything to help educate our kids.

So this was a tremendous change, a positive change. We called it the Coverdell account in honor of the late Senator from Georgia who had first created this idea back in 1997 of putting aside money and letting the interest that is built up be tax free.

I hesitate to think, I shudder to think, that if we do not make this tax cut permanent, that that flexibility is gone, the ability to contribute money into that education account, up to $2,000 a year, is gone.

So the number of positive tax changes that we have helped create, in a bipartisan way, friends across the aisle have helped vote for it, worked for some of these items, those items would be no longer in the Tax Code. That positive tax relief would be obliterated if this House and Congress do not act to make the tax cut permanent.

Mr. WELLER. Reclaiming my time, again, I salute the gentleman from Missouri for his leadership in helping expand education savings accounts. I think of thousands of families in the district that I represent, the South Side of Chicago and the south suburbs, who now have the opportunity, thanks to your leadership, to be able to set aside money for elementary and secondary education, schools of their choice, or else for other expenses affecting their child's education.

In the past it was only for college and you could only set aside $500; but under the gentleman's leadership, you can set aside up to $2,000. Think about that. When a child turns 18, if you could only set aside $500, that is $9,000. Well, we all know what college costs today, and that would not go very far at a year's tuition at most universities across this country.

But thanks to the gentleman's leadership, now they would be able to set aside $2,000 a year and potentially have up to $36,000 that they could save and set aside for college, if they do not spend any of that for elementary or secondary education.

So I commend the gentleman for his leadership. That means a lot to the people of the south suburbs, towns in Joliet and elsewhere.

We have been joined by my other seatmate on the Committee on Ways and Means, a classmate of mine. I remember when the gentleman from Arizona (Mr. HAYWORTH) and I were elected to Congress. Of course, we were working on the Contract with America, and a key part of the Contract with America was lowering taxes for families. Of course, part of Contract with America was eliminating the marriage tax penalty, creating a new adoption tax credit, creating a new child tax credit.

Thanks to the leadership of many, and particularly the gentleman from Arizona, we created that new adoption tax credit. Of course, we expand it in the Bush tax cut and make it bigger. And we created the child tax credit as part of the Contract with America, and we have doubled that under the Bush tax cut. If we fail to make it permanent, we lose it. It is taken away.

I would be happy to yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Illinois, Mr. Speaker; and I thank my other colleagues the Committee on Ways and Means, the gentleman from Missouri and the gentleman from Wisconsin, for joining us this evening.

In listening to my friend from Missouri speak about the different opportunities, I was struck by really two themes running through his discourse. One is the notion of flexibility and freedom, and the other a basic philosophy that we really need to change, and we have played a great role in changing it, and that is the notion that people should not be punished for succeeding; that they should have the possibilities economically to deal with whatever challenges confront them in life.

My friend from Missouri talked about educational tax credits, and certainly our heart goes out not only to those who are planning for college, but children with special needs, the opportunity to help parents of a Down's Syndrome child, provide educational opportunities through the Tax Code to enhance their options and flexibility, not to wait upon the largesse of government, but to utilize their own money for their own legitimate interests and their own timetable.

That is really what it comes down to, to transfer money, power and influence out of the hands of a bureaucracy, an impersonal bureaucracy in Washington, D.C. and understand that the money utilized does not belong to the Federal Government.

I look and I see my friend from Arizona serving tonight as Speaker pro tem. Last night we were at the State Capital in Phoenix discussing the realization that the money people gave voluntarily April 15 is their money.

□ 2045

They give to the Federal Government ''voluntarily.'' When we allow people to have more of their own money to save, spend, and invest as they see fit, things work better for them, and government actually works better.

The other thing that my colleagues have talked about tonight is the bipartisan nature of this historically. Think back to recent history. Four decades ago it was Jack Kennedy who said, let us reduce the marginal tax rates; in his words, ''a rising tide lifts all boats.'' Two decades ago it was President Ronald Reagan who suggested the same thing, and then just last year, working with our current President, George W. Bush, we were able to again enact marginal rate reductions.

Now, here is something, and this is one of the things I lament in the way Washington works. Given the arcana of the budget and the way we predict things here, it is very Washington-centric. We take a look at what is called a static model. We fail to take into account growth in revenues to the Federal Government. It is a historical fact that under Jack Kennedy and under Ronald Reagan, when we reduced the tax rates, revenues actually increased to the Federal Government.

The gentleman from Arizona in the Chair tonight made the point last night at the State capital. And, we recall this as members of the Committee on Ways and Means in 1997 when we, through cheerful persistence, persuaded a reluctant President to join us in a reduction in the top rate of capital

gains taxation, especially for primary residences that cost less than $600,000, and what that meant to housing starts and new home sales and just a change in the real estate market.

But it was very interesting; the gentleman from Arizona, the Speaker pro tempore tonight, made the point that the forecasters, the estimators said that that capital gains rate reduction was going to cost the Federal Government. Yet, the reality is in terms of revenue accrued, it has been a triple-digit winner. Revenue has been produced. Why? Because it is a simple notion, regardless of party affiliation. The simple fact that the budgeteers do not want to recognize is this: reduction in tax rates leads to economic activity, leads to job creation, especially when we reduce the capital gains rate, leads to capital formation and the use of capital, putting it to work. When we do that in an economy, a people prosper. Indeed, one magazine in town asked our friends on the left if they were really concerned about revenues to the government, perhaps they should join us in asking for tax reductions because overall revenues increase, based on economic activity.

So it is simple self-interest, not selfishness, but a chance just as President Kennedy said in the 1960s, that a rising tide lifts all the boats, and as President Reagan said in the 1980s, that people can save, spend, and invest their money as they see fit, rather than keeping Washington in charge, or as President Bush said in Iowa yesterday: expand the recovery, take the lesson that we learned in the economic downturn, and even in the wake of the dark days, in the aftermath of 9–11 and the uncertainty we confronted then, and move to make the marginal tax relief and the other provisions that my colleagues have discussed tonight, Mr. Speaker, move to make that permanent so that we can continue to grow this economy and people will have the freedom and the flexibility to choose what is right for them, and they will not wait upon government programs for improvement, with educational opportunities, especially for those children with special needs, with the purchase of a home, with the starting of a business, with the raising of a family; indeed, every facet of American life, give people the freedom to recognize the money belongs to them.

Mr. Speaker, we made substantive changes in the Tax Code and it is a start, but we need to follow the call of our Commander in Chief who asks now that we finish the job, that we make these rate reductions permanent, so that the economic renaissance and the rebuilding and the restoration of our economic conditions toward greatness can continue. I thank the gentleman.

Mr. WELLER. Mr. Speaker, I would be happy to yield some additional time to the gentleman from Arizona, and I would like to ask the gentleman from Arizona a question. We have been noting in our conversation here about the 100 million Americans who benefit from what we call the Bush tax cut and that, of course, is the fact that there are 3 million Americans who, under the Bush tax cut, no longer pay Federal taxes, low-income families. Of course, if we fail to make it permanent, those low-income families are taxed once again, and that 79 percent of those who benefit from the top rate reduction are small business entrepreneurs. I am happy to yield the remaining time to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, one fact which we should remember and which should give every Member of this House pause, if we fail to make these tax cuts permanent, then a decade hence, we will see the largest tax increase in American history eclipsing what we saw in 1993 under former President Clinton.

Mr. WELLER. Mr. Speaker, in closing, again, we have a very important vote on Thursday. Thursday morning this House of Representatives is going to cast a vote on whether or not to make what we call the Bush tax cut permanent. A vote against permanency is a vote for the biggest tax increase in the history of our Nation, or do we continue to help those 100 million Americans who benefit from the Bush tax cut who see their rates reduced, 3 million Americans who no longer pay taxes, couples such as Jose and Magdalene Castillo who will no longer pay the marriage tax penalty, but if the tax cut expires, they will once again, because people like the Castillos from Joliette, Illinois will once again pay the marriage tax penalty. Let us make it permanent. Let us do the right thing. Let us prevent the world's largest tax increase.

RAISING THE FEDERAL DEBT LIMIT

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. HILL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HILL. Mr. Speaker, this evening the Blue Dog Coalition will once again be discussing the administration's request that Congress raise the Federal debt limit, and that is what we want to talk about this evening. The Blue Dog Coalition, for those who are listening, is a group of about 30 Democrats who believe it is important for the Federal Government to be fiscally responsible; in other words, not to spend more money than it takes in. I think the American people, with their families, try to practice their own home budgets in the same way, and the Blue Dog Democrats have adopted this principle. Balancing our budgets helps us keep interest rates lower so that businesses and families can borrow money at lower interest rates. It is the only right and common sense thing to do. The Blue Dogs tonight want to talk about some problems that are going on with our present Federal budget that I think the American people need to hear.

This past August, Secretary of the Treasury O'Neill wrote the first of three letters to Congress requesting an increase in the debt limit. In these letters, he asked for a $750 billion increase. None of these letters, however, mentioned how long $750 billion would keep the Federal Government in the clear. More important, none of the letters recognized the irresponsibility inherent in asking Congress to hand the administration a three-quarters of a trillion dollar blank check without also requiring it to explain how we are going to get back to balanced budgets and a Social Security surplus that is off limits.

Many of my Blue Dog colleagues have pointed out on past Tuesdays that the Federal debt limit is a lot like the credit limit on any credit card used by any American. The difference in this example is that the administration has hit its credit limit at $5.95 trillion dollars, but not indicated a willingness to examine its own fiscal policies. Few things in life are certain, but I feel confident in saying that the average family in southern Indiana, if faced with a maxed out credit card, would step back for a moment and figure out how he is going to pay it off.

In early April, Secretary O'Neill sent another letter to Congress. This time he was writing to inform Senate and House leaders that he was tapping Federal Government retiree accounts, let me repeat that again, that he was tapping Federal Government retiree accounts in order to give the Federal Government the breathing room it needs to continue to meet its spending obligations.

Now, Mr. Speaker, in the private world, if a business tried to raid its pension fund and was found guilty of doing that, they would go to jail, but here we are doing a similar thing with government retiree accounts in order to give the government the breathing room it needs to continue to meet its spending obligations.

Six years ago, 225 members of the majority party voted to reprimand and prohibit then-Secretary of the Treasury, Robert Rubin, from taking these same actions. Now, one could argue that the old saying, what is good for the goose is good for the gander is in order here. Even if one-quarter of the 147 who remain in the House had been moved to action by Secretary O'Neill's recent maneuver, there is little doubt in my mind that together we would have already sat down to discuss some kind of compromise, a plan to, one, raise the debt limit enough to get the government through this fiscal year; and two, to get our budget back in balance without relying on Social Security surpluses.

Historically, partisan squabbling has characterized the debate over whether to increase the Federal debt limit. There are many Blue Dogs, however,

who would like to put an end to political gamesmanship and get down to business. We do not believe in political brinkmanship, especially when the ability of the United States Government to continue to meet its lawful financial obligations is on the line.

No one among us is suggesting that the Federal Government be allowed to default on its debt. Secretary O'Neill's recent tapping of the Federal employee retirement funds, however, does not change the fact that we are bumping up against the debt ceiling. In fact, action is still needed and the Secretary now has one less accounting trick up his sleeve. As of this evening, the administration has put only one option on the table: raise the debt limit by three-quarters of a trillion dollars. That is it; that is the only option.

In early 2001, it was projected that the debt limit would not need raising until 2008. Let me repeat that. In early 2001, last year, it was projected that the debt limit would not need raising until 2008. Even though the administration has requested an increase in the debt limit far sooner than we expected, there has been no talk about its evaluating its own budget policies, no talk about fashioning a plan to get back to a balanced budget without using the Social Security surpluses, and no talk that maybe, just maybe, we have a problem here that needs to be dealt with.

The basic Blue Dog position has not changed. We still say that along with any action on the debt limit must come a recognition that we have a problem and a plan to correct that problem.

The current budget situation is like the elephant living in the living room. He is there and he is larger than life, but very few, if any, of our colleagues on the other side of this aisle, they will not acknowledge him. Several of my Blue Dog colleagues and I have been, over the past couple of months, trying to alert everyone who will listen, to the elephant's presence. Rest assured that we will keep coming down here to the floor and pointing him out until everyone acknowledges that he exists and he is in the living room.

This elephant, unfortunately, comes with his own set of numbers. In one year, the projected 10-year surplus decreased $4 trillion. The Federal Government will run a deficit, both this year and next year. Because of these deficits, the Federal Government will have to borrow money to pay its bills and, to pay these bills, the government will borrow almost $2 trillion more this decade than was expected when the CBO published its numbers in January of 2000.

□ 2100

All told, by the time the interest payments are added in, the national debt will be almost $3 trillion larger than earlier projected when the 10-year budget closes. And, to top it all off, Social Security surplus dollars will be used to help balance the budget through the end of the decade. This is our problem: The elephant is a fiscal house not in order.

Last year, the Blue Dogs presented a plan that was prudent, fiscally responsible, and dealt with the future of both Social Security and Medicare. Our plan would have cut taxes and paid down the debt. Unfortunately, we were not successful in passing our plan.

Now we are being asked to greenlight an additional three-quarters of a trillion dollars in debt to help implement the plan that carried the day. That is too much to ask when we have not at all yet acknowledged the elephant in our midst.

The conventional wisdom here in Washington is that the long-term increase in the debt limit will be attached to the supplemental appropriations request. This $27 billion supplemental spending request to fund the immediate needs in the war on terrorism is very obviously important. The war is important, and we need to fund it. From the beginning of this war campaign, we have been supportive of doing whatever it takes to make sure our fighting men and women can do their jobs. But pairing an increase in the debt limit to this important bill is not necessary. In fact, it could complicate consideration of the supplemental request.

So as members of the Blue Dog Coalition, we are ready to sit down and work with the administration to come up with a plan to get our budget back in balance without using Social Security surpluses, and provide for a short-term increase in the debt limit. It is time for all of us, Democrats and Republicans, to roll up our sleeves and get the work done.

Mr. Speaker, it is my pleasure to yield to the gentleman from the great State of Utah (Mr. MATHESON), another member of the Blue Dog Coalition, a new member who has done an outstanding job on the Committee on the Budget.

Mr. MATHESON. Mr. Speaker, I thank my colleague, the gentleman from Indiana, for yielding to me, and also I appreciate the very good description he has given of the circumstances we are finding ourselves in.

This is not an easy circumstance. It is a challenge we face. The answers to this challenge are not simple.

If they were simple, we probably would have already taken care of it, but we have not. Instead, we find ourselves in a circumstance where our country has a war on terrorism, our country faces increased requirements in terms of providing for homeland security, and those are issues that we as Blue Dog members support. We fully support that effort.

We are also in a recession. We are hopefully coming out of that recession right now.

But those factors, the increased resources going to the war on terrorism and to homeland security and our country's recession, have clearly put us into a circumstance where right now we are running a deficit this year.

I do not like deficits and I do not like debt. I think most members of the Blue Dog Coalition, in fact, I think all members of the Blue Dog Coalition, would agree with me on that. But we recognize that there are times in the short term where it is appropriate, in extraordinary circumstances. Being at war, in a recession, it is appropriate to see a deficit.

But just like in the business world, there are times when we have a bad year and maybe we put more money out than we pay in revenue; but in the business world, if we keep doing that year after year, we get in trouble.

The problem here is we do not have a plan yet for how we are going to get out of the problem. For the administration to request an increase in the debt limit of $750 billion, I have to tell the Members, we throw a lot of numbers around in this town, but that is a lot of money. To suggest we raise the limit by that much without identifying any plan for how we are going to end this pattern of increased deficit spending, that is just not being responsible, and that is not really what my constituents elected me to do.

I am not here to force this country to face some type of problem that they are not able to pay off their obligations. I would be more than happy to support a short-term limited increase in our debt limit to accommodate the current circumstances we are in, where the war on terrorism and the recession have clearly put us into a deficit situation. I will accept that for the short term. The Blue Dog Coalition is prepared to support a clean, limited increase in the debt ceiling to accommodate that purpose in the short term.

But what we have to have happen along with that is a commitment to sit down and really take on this long-term problem. There are no easy solutions, as I said at the outset. It is going to require a lot of work, a lot of work by people on both sides of the aisle.

That is why I have to suggest that I am really proud to be part of the Blue Dog Coalition, because I think the Blue Dogs really have a reputation for sitting down, rolling up their sleeves, and putting their plan out on the table. We do not try to use a lot of rhetoric, we try to talk about real numbers, and we welcome people to sit down with us and tell us where we are wrong, because we are open to a dialogue and we are open to suggestion. I wish more people in the House would take us up on that offer, because this problem we face right now is a serious one, and it is one that is of great concern.

I look at this issue, quite frankly, as I look at a lot of issues, through the eyes of my 3-year-old son. I try to think about what life is going to be like for him. I think about the extra burden we are placing on his generation as we rack up more and more debt, and a bigger slice.

Do Members know those pie charts we always see, where that slice of the pie that represents interest payments is just going to keep expanding? That is not a future I want to leave for my son. I do not think it is a future anybody in Congress would want to leave for the next generation, and that ought to be the focus that we have right now as we make those decisions.

When we talk about this debt limit issue, I often like to refer to an experience I had before I came to Congress, in the private sector. I worked developing independent power plants, co-generation facilities. I developed a couple of facilities, and each cost $100 million. I had to go out and convince a bank to lend me money to build those power plants. That bank required me to have a story that I could tell them, a story about how, over the long run, they were going to get their money back.

That makes sense. We can all relate to that. Whether we have been in the business world and had to borrow a business loan, or whether we have taken out a home mortgage or a car loan, we have to pass a test. We have to be able to have a story about how I have the capability to pay that back.

We are being asked to raise this debt limit $750 billion, and we do not have that story. We are here as Members of Congress. We are the banker here. We have to represent the people's interest in making sure there is a story about how this is going to be paid back. Until we have that, it is just not responsible. It is not responsible to raise this by $750 billion.

So I am so pleased that the Blue Dog Coalition has made this an issue. We keep coming here to the floor to raise this issue, because we are looking for people to work with. We are looking for an opportunity to sit down and roll up our sleeves.

We recognize the magnitude of this problem and the complexity of this problem. There is no easy way out. We cannot do it alone, so we call on everybody on both sides of the aisle: Please, let us sit down, let us develop a long-term plan. Let us not be irresponsible and just give a blank check to Congress and to the administration to rack up another $750 billion of debt with no way out of that pattern.

Mr. HILL. Mr. Speaker, I thank the gentleman from Utah for an outstanding presentation.

One of the things that I heard the gentleman talking about was that we are not opposed to raising the debt ceiling. There is a war going on, and there are certain responsibilities that we have to think about. That is one of them.

But one of the reasons why I like the Blue Dogs so much is they are a group of Democrats that are responsible. It is responsible to raise the debt ceiling to fight the war, but it is also our responsibility to have some kind of a plan. Right now, there is no plan.

Mr. Speaker, I have come to know the gentleman from Illinois (Mr. PHELPS) very well for the last going on 4 years now, and he is a man with a distinguished record in the Congress of the United States, and one of the outstanding Blue Dogs who feels very strongly about this issue. I yield to the gentleman from Illinois (Mr. PHELPS), a person that I came into Congress with back in 1998, and a person who serves on the Committee on Agriculture and the Committee on the Budget.

Mr. PHELPS. Mr. Speaker, I thank the gentleman for yielding to me. I thank my friend, the gentleman from Indiana, for his leadership and his persistence on this issue.

I would also like to thank my colleagues on the Blue Dog Coalition for giving me the opportunity once again to speak on this important issue.

We, as the fiscal policy leaders of this great Nation, have a responsibility to look out for future generations. How can we say that we are doing our best to look out for our children when we are not keeping our commitment to save the Social Security and Medicare trust fund surpluses?

We need to be fiscally responsible. My Blue Dog colleagues and I realize that. That is why we are spending these hours and these weeks trying to drive this point home.

It should not be hard for others to understand that, as well. Fiscal responsibility does not mean raising the debt limit when we are already in debt by $5.9 trillion. Fiscal responsibility does not mean tapping into the Social Security trust fund to support other government programs every year for the next 10 years, for a total of $1.5 trillion. Fiscal responsibility means working together as a team on both sides of the aisle to get the budget back in check without tampering with our Social Security surplus.

I completely understand that our Nation is in a different place than we were 7 months ago, and we need to be effective and properly fight this war on terrorism. I believe we are. We stand behind this President and his Cabinet to do this.

However, we should be able to come up with a solution that battles the war against terrorism without taking away from crucial resources here at home, resources that our citizens depend on and resources that our children are counting on us to protect. Social Security funds belong to the people that paid them out of their own hard-earned dollars, just like they have all the other taxes they have paid.

I have heard much around here about giving back money to the taxpayers. These are their dollars they have entrusted us, their government leaders, to save for the purpose for which they were intended. But there are those around here who want the taxpayers to believe that there is enough money to return taxes from the same source twice, and then try to convince them that Social Security can remain solvent and do all this other good stuff we claim we are going to do. That just is not so.

I want to pay down the public debt, balance the budget, give tax cuts that are affordable and reasonable, as I have voted, such as repealing the estate tax and the marriage tax penalty, those that are affordable, and that we can make Social Security then solvent.

But all of this cannot be done if we travel down this path and this policy direction. We must be honest with the American people, the citizens of this Nation, and level with them from the standpoint of what is realistic.

There is a big price to pay for strong leadership, and to be responsible. It is not easy, coming before the American people and telling them that those on both sides of the aisle emphasized the point just this time last year that the Social Security money and the Medicare trust fund were in a lockbox, locked away where we would not touch it. But now we are saying that we have enough money to do all this by projecting 10 years in the future the rosiest forecasts that reflect the best the economy ever has been in our history, without acknowledging what has happened to us after September 11, and without acknowledging the loss through the recession and the tax cuts that we did a year or so ago.

Now we are talking that we can do all of this, keep it solvent, and still look the public in the face and say we are being honest about the budget. This is not so. It is my responsibility to tell the truth, because I did not take it lightly when I took that oath of office and said that I would deal with the facts as I see them and the truth as I know it.

That is why I feel so strongly about this issue tonight, and want to communicate it in the best terms possible. It is a complex situation, but we must face it. This is your money, too. We said we should save it for the purpose for which you gave it, not say it is a tax return that we can ignore, building up the debt at the same time, and never communicate truthfully.

Mr. HILL. Mr. Speaker, I thank the gentleman from Illinois for his remarks. He is exactly right, that this is people who paid their payroll taxes. It is their money, and we should be making sure that we preserve it for them in their retirement years, and not be using it for other things.

□ 2115

I would like to call on one of the deans of the Blue Dog Coalition, a man I have really come to respect very much. He is a leader on this issue, leader on the Committee on Ways and Means, a leader for the Congress of the United States. So I would like to yield some time to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I come tonight to talk about debt. That seems to be the topic of the day, and I have got to tell my colleagues, I watched the previous hour and I was thinking

all of the time I was watching that these are the same folks that last year touted the tax plan as presented and now tonight say, oh, no, it is terrible because it was not permanent. We were criticized last year, but let me talk about what is happening in this country.

My colleagues are seeing a group, a minority within a minority really, the Blue Dog Democrats, my colleagues are seeing a group emerge from all of the rhetoric here in this town, partisan rhetoric. They are seeing a group emerge that has some credibility on the debt. What was missing and what is missing and what will be missing on Thursday morning when we talk about making the tax cut bill that the House passed last year and the Senate passed last year permanent, what they do not say is that we have right now in, and the citizens of this country right now last year paid $360 billion in interest on a revenue total of $1.991 trillion. This comes out of a CBO publication of March of this year.

That is an 18 percent mortgage on this country. There is no business in the world, in America or anywhere else that I know of, that can withstand an 18 percent mortgage on their inventory, on what they are doing in terms of their business. If we take away the interest on the debt that was paid as far as Social Security goes, we have a net total of $206 billion, which on non-Social Security revenue, amounts to 16 percent. Said another way, this country right today has a 16 percent mortgage on it that we all have to pay.

Now, if we want to ensure and people want us to ensure that not only those that are my age but my children and my grandchildren will be overtaxed all of their lives and all of the foreseeable future, then keep us on the road of the Republican policies that have been enunciated here and will be enunciated here Thursday, and that basically is we are going to spend more because we are in a war, which we should. We are going to do a tax break for those of us in my generation passing on to those who are in uniform tonight in Afghanistan, fighting the war and their children. We are going to borrow money so that we can have a tax break to spend more money, knowing we have an 18 percent or 16 percent, whichever figure we want to use, mortgage on this country.

If people want to make sure that we are going to be overtaxed as an American public for the rest of our lives, then continue down the Republican policies. Because what it means is it means cut taxes now, spend more and borrow, and borrowing means interest and that interest has got to be paid before we do anything, before we have a missile system, before we have a submarine, before we have an aircraft carrier, before we have an interstate highway. Before we have anything, we have got to pay the interest.

If my colleagues want to make sure that we are going to overtax ourselves and those who follow us for the rest of their lives and ours, then just follow down this road and borrow more money and borrow more money, and we will make sure, we will make very sure that we are overtaxed and they are overtaxed as follows.

This is something that they do not say. Nikita Khrushchev once said that an American politician is a fellow that likes to promise to build a dam or a bridge where there is no river. This is not easy stuff, to stand here and say to the American public we cannot do what some of these people around here want to tell them that we can do.

We cannot spend the money that is necessary to win and fight, fight and win the war on terrorism. We cannot cut taxes for everybody in this land right now and spend that money without borrowing money to do it, and when we do, we are making a mistake that I think generations will pay for because that interest keeps going, whether someone is on vacation, whether someone is sleeping, whatever they are doing they have got to pay the interest.

People know that and so I am proud that the Blue Dogs took this hour to talk about fiscal responsibility. There has not been in my mind a sitting down and talking about prioritizing what we have to do. We have got to win the war on terrorism. Whatever it takes, we have got to do it. We are willing to do that, but by gosh, to cut taxes on somebody making $50 million a year at the same time my colleagues are trying to ask everybody else to sacrifice is simply not right. It is not right generationally.

We do not want to leave this country to our children with rivers and streams that fish cannot live in and kids cannot swim in. We do not want that. We did not inherit that and we sure do not want to leave it. We do not want to leave a country where kids have to wear a hospital mask to ride their bicycle because the air is so polluted that they cannot breathe unless they have a mask on. We did not inherit that, and we do not want to leave that. We did not inherit a country that was broke, and I do not want to leave my kids a country that is broke.

If we continue down the path we are going, where we are spending more, cutting revenue, and borrowing more so we pay more interest, that is exactly the formula that we have been asked to pass, and I just think it is wrong. I think it is wrong generationally, not only to people, our contemporaries, but it is wrong to our children, and I hope that we can, the Blue Dogs and others who are here with us tonight, can impress on the American people that it is not easy to be against tax cuts.

It is not easy to be against more spending, but there has to be priorities given to what we need, and we are willing to cut and cut spending any way we can to make sure that we are doing the things only that are necessary, but we have got to have the revenue to pay for what we want. If we are not willing to do that, then I think we are generationally immoral with regard to what we are giving to our children.

I appreciate the gentleman taking this time. I do not know if anybody is listening to what we are saying or not, but when we have got an 18 or 16 percent mortgage on this country and we do not make any attempt to get back in the black, I think what we are doing is passing the buck, and I think that is wrong.

Mr. HILL. Mr. Speaker, reclaiming my time, would the gentleman agree that it was just a couple of years ago when we began to reverse this trend of debt, the United States Government incurring debt, we were actually running a surplus, and would he agree within a very short period of time, say within the last 12 months, we have completely reversed that policy of surplus budgets into deficit spending once again?

Mr. TANNER. Mr. Speaker, I would agree, but whether I agree or not, I think the facts speak for themselves. Last year at that time we were told there was money as far as the eye could see. We had a $5 trillion surplus. That did not come true.

The budget that the President submitted shows red ink for the next 10 years. Once this interest figure gets up 20, 25 percent, I have never seen a country that was proud, free and broke. There is not one on the face of the earth, and we are going broke under these policies, and people are going to begin to realize that I think that, unlike maybe public perception now, at least when it comes to the Blue Dog Coalition, there are some Democrats around here that are more fiscally and financially responsible than all the Republicans who want to tell my colleagues, as they have, we are going to cut taxes, increase spending, but they do not say more borrowing, and more borrowing means more interest, and more interest means more taxes from now on, forever.

Mr. HILL. Mr. Speaker, I thank the gentleman for his leadership on this issue. The gentleman from Tennessee can say it just about as good as anybody in the Congress can say it, and he is exactly right, and his leadership on this issue is very much appreciated.

I would like to call on a freshman Member of Congress who has asserted himself as a rising star in the Congress of the United States, the gentleman from California, (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Indiana for yielding and for his leadership and the bipartisan ethic he has brought to this House, which has certainly been a model for this freshman.

Once again, I join my Blue Dog colleagues on the House floor tonight to bring attention to an issue that has long-term implications for our Nation's future. The administration has come to Congress asking us to raise the debt limit by $750 billion. This request

comes to us a full 7 years earlier than was predicted when the budget was submitted just last year.

The request to raise the debt limit presents us with an ideal opportunity to re-examine our long-term budget priorities and particularly our commitment to protecting the Social Security surplus.

Perhaps second only to the hanging chad, the enduring political buzz word of the 2000 election, was ''lock box.'' It seems almost quaint now to think back about lock box, but this Congress and the President promised the American people that the Social Security trust fund surplus would be placed in an iron clad box and used solely to fund the retirement of the baby boom generation. Do my colleagues remember that? Democrats and Republicans all agreed on this. The inviolable lock box.

Here we are now with a budget that promises to break that lock box wide open regardless of the long-term fiscal consequences.

Social Security faces a serious financial crisis, and this budget would do away with the lock box entirely and allow the surplus to be raided to pay for tax cuts and additional Federal spending. The primary source of the Social Security revenue is the payroll tax paid by millions of American workers and their employers.

According to the 2001 Social Security trustee's report, Social Security outlays will exceed payroll tax revenues in less than 14 years. By 2025 Social Security will face an annual cash shortfall of $400 billion. An annual cash shortfall of $400 billion. By 2038, the last year the trust funds are technically solvent, the annual shortfall will be over a trillion dollars.

Despite these ominous numbers, the administration's budget, according to the Office of Management and Budget, will consume the entire trust fund surplus in just a few years. This debate is not about whether Social Security needs reform. It does. This debate is not about whether preserving the trust fund surplus will save Social Security in the long term. It will not.

This debate is about common sense and fiscal responsibility. It is common sense that we should not in any way consider tampering with the trust fund before Congress agrees to and passes Social Security reform legislation. Spending the surplus will leave our children holding the bag. They will have to pay for the unfunded obligations that build up in the Social Security trust fund if we spend the surplus, and to pay for these obligations, the Treasury will step in, pay the entitlement, and to come up with that cash, Congress will have to cut spending, raise taxes, or borrow even more as if the trust funds had never existed, and our children will pay the consequences. They will have to deal with our lack of fiscal responsibility.

This Congress cannot afford to take such a risk in light of the fiscal challenges that we face in the next 10 years. Social Security is the most successful government assistance program ever. Millions of senior citizens rely on it to survive. Millions of working Americans are currently paying Social Security taxes, expecting their money to be used for its intended purpose, and we understand that we are now faced with the challenges of fighting a war and bringing our country out of this economic slowdown.

We have accepted this reality and we are willing to work together to develop fiscal policies that reflect our wartime needs, protect the Social Security trust fund and set our country back on the path toward fiscal responsibility.

□ 2130

Mr. Speaker, while we examine the need to increase the national debt, we must tread carefully and remain constantly aware of the burden we are placing on future generations because this debate is about more than our current economic situation. It is about what we will pass on to our children and to their children. We must continue to work in a bipartisan way to return to a balanced budget and fiscal discipline without using the Social Security surplus. This is a promise we make, and a promise we must keep.

Mr. HILL. Mr. Speaker, I thank the gentleman from California (Mr. SCHIFF) for his outstanding remarks and his leadership.

The gentleman was talking about Social Security and how important it is and how we need to preserve it for our senior citizens and to protect it. I was in Columbus, Indiana, in a retirement home about a month ago; and I was talking to some retirees in that home. One of the senior citizens spoke up to me and asked a question, Where does Social Security come from? My reply to her, It comes from payroll taxes. And she said, Who pays the payroll taxes? And I said, People who work and employers.

She said, What gives the right for people in Congress to steal our money then if we pay the taxes? She is exactly right. If we are spending Social Security surpluses for things other than Social Security, we are in effect stealing that money. Strong words on her part that makes some sense.

At that same meeting was a good friend of mine who is going to be the next Speaker, the gentleman from Maryland (Mr. HOYER), who is the ranking member of the Committee on House Administration, and the other night his basketball team from Maryland beat my basketball team from Indiana University. And if there was going to be any team that beat the Hoosiers, I would just as soon it be the team of the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding and for being such a great sport and a representative of such a great team with such a great coach with Mike Davis, their coach handling himself so well. We are proud of the job he did.

Mr. Speaker, 1 year ago President Bush and congressional Republicans promised us that we could have it all. They said we could afford the largest tax cut in a generation and still be able to invest in domestic priorities, strengthen Social Security and Medicare, and pay off our publicly held debt. When we Democrats questioned whether we could afford the President's $1.7 trillion tax cut, and that is absent the additional interest we have to pay, which the gentleman from Tennessee (Mr. TANNER) talked about, and still pay down the debt, our Republican colleagues responded there was a danger in paying off the publicly held debt too quickly.

Well, worry no more because we are not in any hurry to pay off any debt. In fact, we are in a hurry to incur a lot more debt. The OMB now projects that our national debt, which includes publicly held and intergovernmental debt, will approach $7.8 trillion by the end of 2007. That is $275 billion more debt than was projected at the beginning of last year. Just this month after congressional Republicans again rebuffed the request of the Secretary of Treasury, Mr. O'Neill, to increase the statutory debt limit of $5.59 trillion by $750 million, the administration was forced to borrow Federal employee retirement funds to ensure that the government meets its obligations. In other words, Federal employees' pension dollars are now funding government. The gentleman from Indiana (Mr. HILL) spoke of that earlier in his remarks.

Do Members remember the last time that happened? It was back in 1995, and the GOP was blocking an increase in the debt ceiling in an attempt to get President Clinton to sign their budget. Treasury Secretary Rubin used the same short-term device that Secretary O'Neill is using to avoid a default. How did congressional Republicans respond? They reprimanded him. They threatened to impeach the Secretary of Treasury, and former Speaker Gingrich derided the tactic as ''looting.'' The gentleman referred to stealing Social Security funds. Mr. Gingrich, the Speaker of the House, said that what Bob Rubin was doing so we would not default in the payment of the monies that the richest Nation on the face of the earth owed, that he was prepared to say that he was looting the Treasury.

I have not heard one Republican come to this floor and say that Secretary Paul O'Neill is looting the Treasury. Now, I represent 58,000 Federal employees. I do not think we ought to be doing this policy; but frankly, we have an obligation to pay it back, and I think we are going to do that. But the fact of the matter is if Secretary O'Neill did not do it, this government would default on its debt. If that happened, the finances of the world would be put at risk.

Republicans, when Secretary O'Neill did it, neither criticized the administration for doing precisely the same thing that Secretary Rubin had done,

and which sent them in orbit 7 years ago, nor accede to an increase in the debt ceiling. In other words, they do not want to make sure that we do not default, and they do not want to raise the debt. That is the definition of irresponsibility. That is the definition of pretending you are doing something when you are doing just the opposite.

My good friend, the gentleman from Tennessee (Mr. TANNER) said it exactly right. If we defaulted, interest rates would skyrocket. Average people, no matter how deeply their taxes were cut, could not afford their mortgage payment, particularly if they were an ARM, an adjustable mortgage. They could not afford to buy consumer goods with interest because interest rates would skyrocket. That would be an irresponsible policy, but it is the policy that we are pursuing today.

In what can only be described as a perverse twist, House Republicans intend to bring legislation to the floor in 2 days that will make last year's tax cut permanent and drive us even deeper into the fiscal ditch.

Mr. Speaker, I am not a Blue Dog; but I support much of what the Blue Dogs support, particularly as it relates to fiscal policy. Why? Because it is fundamental that if we do not manage our finances responsibly, we will not manage anything else responsibly. In just 15 months, our Nation has experienced the worst fiscal reversal in the history of the world; $5 trillion in projected surpluses have evaporated. Think of that. President Bush stood at this podium 12 months ago in February of 2001 and predicted, he said he was assured we were going to have a $5.6 trillion surplus over the next 10 years. We said you better be careful. That is a long projection to make. You ought not to mortgage the farm based on what you think your income is going to be 6, 7, 8 years from now.

A month ago President Bush came to that same podium, presented a budget, and lo and behold the surplus he now projects over that same 10 years is $1.6 trillion. That is $4 trillion less. What he does not factor into that is because we have less surplus and are going into debt, we are going to have an additional $1 trillion in interest. We heard the gentleman from Tennessee (Mr. TANNER) talking about that, which means we have lost $5 trillion in 12 months.

I wish Ross Perot would start having infomercials on that issue. It is critical. We cannot operate this great Nation with our responsibilities to our own citizens, and in the international community, operating as fiscally irresponsibly as that. Five trillion dollars. Our debt is climbing again, and according to the Congressional Budget Office, our on-budget accounts will be in deficit every year for the next 10 years, producing a total on-budget deficit of nearly $2 trillion.

Now, the gentleman from Indiana (Mr. HILL) talked about our policies in the 1990s. They are instructive because in 1992 we had a $292 billion annual operating deficit. We could not, nor should we have sustained that. So we came in in 1993, and we adopted a program. It cut spending deeply and it raised taxes. Some people would say that is an awful thing to do. What does raising taxes mean? I do not mean raising them in terms of increasing them. It means this generation is committed to paying for what it buys.

My position is if we do not want to pay for it, we ought not to buy it. I do not mean that we ought not to buy an aircraft carrier that we can amortize over 40 years. It is like buying a house, you mortgage it and pay it over time. We ought not to be paying for salaries that are used this year with borrowed money. That is how New York went bankrupt and we had to bail them out. We need to be responsible.

There is an extraordinary American sitting on the floor with us. He is the gentleman from Nebraska (Mr. OSBORNE), one of the greatest football coaches in the history of this country. He taught his young people fundamentals. He did not teach them to make some hail Mary pass, he hoped that would happen from time to time. What he taught them was how to block, how to tackle, how to run, how to watch what the other fellow was doing, how to learn your plays. He taught the fundamentals. He was convinced if those young people knew the fundamentals, they would win games. Because, as Gary Williams knows, as Coach Smith knows, if you teach young people the fundamentals, they will win games because they will do it right. And sometimes, yes, they will do something spectacular.

But a nation, a nation needs to pay attention to its fundamentals as well. Do any of my colleagues in this Chamber remember what the majority leader said last July? I talked about the President 12 months ago. Last July the gentleman from Texas (Mr. ARMEY), majority leader of this House: ''We must understand that it is inviolate to intrude against either Social Security or Medicare; and if that means foregoing, or as it were paying for tax cuts, then we will do that,'' said the gentleman from Texas (Mr. ARMEY).

We are now some 9 months later. On Thursday, we are not going to do that. In our budget that we passed, not with my vote, just a few weeks ago, we did not do that. We preached fundamentals, but we are not playing fundamentals. And the losers will not be, frankly, any of us who sit on this floor. It will be our children and grandchildren, and it will be the fiscal integrity of this great Nation.

That promise turned out to be as empty as the GOP's lockbox stunt last year. The rally is that the Republican tax cut is the single largest factor in erasing our surpluses. Do we need to pay for the war on terrorism? Absolutely. Is it going to cost us more money than we expected? Yes. Should we follow that policy? Of course we should. We are in lock step with our President in confronting those who would undermine our security and safety in this land, and, very frankly, in other lands as well.

However, the Social Security and Medicare surpluses which were critical, as the gentleman from Texas (Mr. ARMEY) said, and would not be touched, are in fact going to be used 100 percent.

I have some other things to say about this policy, but I want to close with this. David Stockman in 1981 became director of the Office of Management and Budget.

□ 2145

He came in with a roar, like March, I suppose, and he was going to see that this budget was balanced. In fact, Ronald Reagan, when he signed the Reagan program in 1981 said the budget is going to be balanced by October of 1983. Or perhaps it was 1984.

In any event, it did not happen. Mr. Stockman, of course, was the director of OMB the same year I was elected to Congress. His mandate, sell President Reagan's supply side economic program. President Reagan assured us, as I said, that by fiscal 1984 we were going to balance the budget. We did not. Instead of producing increased revenue, the Reagan tax program threw us into fiscal freefall. The budget deficit, just under $79 billion in 1981, exploded until, as I said before, peaking at $290 billion in 1992. As David Stockman himself later admitted, and I quote, David Stockman, OMB director, ''I knew that we were on the precipice of triple digit deficits, a national debt in the trillions and destructive and profound dislocations throughout the American economy.''

David Stockman, in his book, looked back on his service with lament because he knew where we were going. My friends, it is clear where we are going if we continue to pursue these policies. What the Blue Dogs are saying is that we need to work together, not Republicans and Democrats, but 435 of us, elected by our people, to responsibly manage their country, their dollars, their hard-earned wages. We need to commit ourselves to doing that. I commend the Blue Dogs for their leadership on this most critical fundamental responsibility of this Congress.

Mr. HILL. I thank the gentleman from Maryland for that strong presentation. The gentleman has been in the Congress for quite some time and has an historical appreciation for the events as they have unfolded on this particular issue. His presentation was an exposure of the truth. That is what we need more of in this institution. I just cannot say enough about that strong presentation. I am glad that though he is not a Blue Dog Democrat, he has the same feelings that we do about this issue and I appreciate his comments.

Another Member who is not a Blue Dog Democrat is the gentleman from Wisconsin (Mr. KIND). He has asked to

have a few minutes to share with us about this very important issue. I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman from Indiana (Mr. HILL) for not only grabbing this hour for an important conversation and debate that we are going to be having later this week but for the leadership that he has particularly shown on fiscal responsibility, maintaining fiscal discipline. He has been very active in both the Blue Dog and also the coalition of which I am a member, the New Democratic Coalition. We have a lot of overlap in the membership between our two groups, and it is because we are basically fiscal soulmates.

When it comes to the issues affecting the public purse, the Federal budget, both of our groups, the New Dems and the Blue Dogs, believe very strongly in maintaining fiscal discipline, keeping our eye on taxpayer dollars, trying to promote policies that will best position this Nation to deal with the challenges of the future, which to me seems the looming budget debt and the implosion that is about to occur starting next decade. Of course I am referring to the 77 million Americans who are all marching virtually simultaneously to their retirement, the so-called baby boom generation, who will start entering into the Social Security and Medicare trust funds.

Yet this week we are going to have a very important policy debate in regards to whether or not this Nation will have the resources to deal with the greatest fiscal challenge we face, that is, this aging population and the burden it will place on the Social Security program, the burden it will place with rising health care costs and how do we maintain some common sense and fiscal discipline to deal with that.

I am very concerned. It is almost like deja vu all over again, pursuing the policies of the 1980s where we had large tax cuts being proposed and enacted which left us in annual structural deficits year after year, adding to the $5.7 trillion national debt that we now have rather than maintaining the fiscal discipline which was needed. For me, and I believe for a lot of people in this Congress, one of the keys to future economic growth and prosperity, and it is something we hear constantly from Chairman Greenspan when he is testifying, is keep your eyes on the effect fiscal policy has on long-term interest rates. They have consistently testified, and the history of fiscal policy shows, that when you start racking up deficits again, adding to the national debt rather than subtracting from it, having the public sector squeezing the private sector for the limited resources in order to finance ongoing government operations, it has an adverse effect on the bond market and it leads to long-term interest rates going up rather than coming down, which is a hidden tax then on all Americans, whether they are wealthy or middle-income or low-income Americans, because of the additional expense it will take for them to borrow money, whether it is for home payments or car or credit card payments or to invest capital in businesses. It is the long-term interest rates we need to keep an eye on.

The best thing we can do as an institution here is to maintain sound fiscal policy, reduce the national debt which will help reduce those long-term interest rates and really set us on the course for long-term economic prosperity. This is a serious issue. One of the concerns I have is that the majority party in the House and the party at the White House right now are pursuing policies that are not enabling our country to best position ourselves for the challenges of the future. That is what has to change.

I think people back home are beginning to realize that the tax cut that was enacted last year is being financed now through the collection of payroll taxes, FICA taxes, additional moneys that are supposed to be going in and guarded in the Social Security and Medicare trust funds, but which are now being raided in order to finance these tax cuts. If anyone last year would have been told that this would be the reality, that we would be passing tax cuts for some Americans and paying for it through the collection of payroll taxes that are supposed to be going into these trust funds, they would have thought it was crazy economic policy to pursue. But given the economic slowdown, the change of events of last September, that is, in fact, the situation.

I think it is time for groups like the Blue Dog Coalition and the New Democratic Coalition to stand up and start making an issue of this. I commend the gentleman from Indiana (Mr. HILL) for his leadership and for the time he was able to get this evening to talk about this very important issue.

Mr. HILL. I thank the gentleman from Wisconsin for joining us here this evening.

ENDANGERED SPECIES ACT

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I represent a very large rural area in Nebraska. Ninety-seven percent of this district is privately owned. Currently landowners are very concerned about property rights and they are especially concerned about the Endangered Species Act, because this Act can be tremendously invasive.

Currently, I believe there is a crisis of confidence regarding the administration of the Endangered Species Act. I am going to mention just a few things here that have happened that have led to this crisis of confidence. First of all, the Klamath Basin situation that happened a year ago, the water, the irrigation water for 1,400 farmers was cut off abruptly.

Of course, what this did was to cause a great deal of financial hardship. There were two types of suckers in Klamath Lake, and coho salmon in the river below that were supposedly to be protected. As a result, the farmers lost their crops, some lost their farms, land values declined from $2,500 an acre to $35 per acre in that particular area. Oregon State University estimates that the loss of water cost the economy $134 million in that particular area. And so this was a tremendously costly and a very invasive situation that occurred.

Of course, to make matters worse, recently the National Academy of Science, in an independent peer review, ruled that there was insufficient data to justify the decision to shut off the irrigation water in the Klamath Basin. In other words, they have more or less said that this was something that should not have happened. Factors other than the lower levels in Klamath Lake were endangering the sucker fish and actually the larger releases of water, the irrigation water that normally went down the irrigation canals, was released down the Klamath River supposedly to help the coho salmon and actually because this water was warmer, the National Academy of Science indicated that these larger releases actually harmed the coho salmon. So it was the reverse of what they had tried to accomplish.

Secondly, more recently, in a congressional hearing, we heard from people from Fish and Wildlife and the Forest Service and these officials were asked to testify, because seven employees of these agencies and a Washington State agency also falsely planted Canadian lynx hair in the forests of Washington and Oregon. You might ask, why in the world would somebody do this? Why would you go out and bother to take hair from a captive lynx and plant it in widespread areas? Apparently this would result in a wider declaration of critical habitat for the Canadian lynx and they must have felt in some way that this would have helped preserve the Canadian lynx.

Obviously, it was a falsehood and, according to testimony, others within government agencies were aware of the planted lynx hair and did not report it. The interesting thing was that after all of this happened, the guilty parties were subjected to counseling as a punishment, and most of them received their year-end bonuses and raises. And so you would think, well, what kind of a message are we sending if somebody falsifies data and yet practically no consequences occur as a result of that falsification?

Recently, the National Park Service also indicated some false and inflated numbers of visitors to national forests from an actual count of 209 million visitors to our national forests, and they reported 920 million visitors which was roughly a 400 percent increase, an inflation, that was false.

Again you might ask, why in the world would a responsible Federal agency do this? They certainly can count better than this. Certainly this could not be a mathematical error to miss by 700 million visitors. Again I think, many assume that this had something to do with the fact that they wanted to point out overcrowding, and that maybe some more roads or some more areas of the parks needed to be restricted to visitors because of overcrowding.

And so many of these different situations have led to somewhat of a crisis of confidence in terms of how our public officials are dealing with the Endangered Species Act and our wildlife in general. It would seem that sometimes there is not a real level playing field involved in this situation.

Recently here in Washington, D.C., the Environmental Protection Agency gave the Corps of Engineers permission to dump thousands of tons of sludge into the Potomac River. Of course this was in direct violation, you would think, of the Endangered Species Act because the sturgeon, the short-nosed sturgeon, occupies the Potomac River and it is endangered. And so you would say, why would they do this? How in the world could you get by with this when out in the West you cannot do these other things? And, of course, it also caused beavers and ducks and others to be mucked up to the point where they had a hard time surviving. It would appear that maybe one of the answers is that these tons of sludge, if they are not pumped into the Potomac River, would have to be put in dump trucks and would be trucked through the city of Washington, D.C., which is not real politically popular in this area.

So sometimes people in rural areas have the feeling that maybe there is a double standard and maybe people in some urban areas because of the size of the population and the economic impact do not pay quite the same price. And so that has been a concern.

And then the issue that I want to spend most of my time tonight on has to do with the Central Platte River in the State of Nebraska. In 1978, 56 miles of the Central Platte were declared critical habitat for the whooping crane. At that time in 1978 there were not very many cranes, whooping cranes, probably less than 50. And so they were listed as an endangered species and certainly rightly so. At the present time they are doing better. There are roughly 175 whooping cranes that fly generally through the State of Nebraska. And so as a result of that designation, we find that some things occurred.

□ 2200

As a result, in order to protect habitat, critical habitat, for the whooping crane, the Platte River Cooperative Agreement began to take shape. What they proposed in this agreement was in-stream flows. So what was required was 2,400 cubic feet per second of water down the Platte River in that area of critical habitat in the spring.

The interesting thing here is that water generally is lost to irrigation, because you do not irrigate that early in the spring, and some of it is lost to power generation as well, and it was strictly put there to enhance the habitat for the whooping crane.

It was interesting, because the original recommendation by many biologists was not 2,400 cubic feet per second, but rather they said 1,300 cubic feet per second would be the ideal flow. By tweaking it one way or another, Fish and Wildlife almost doubled the flow and the amount of water that goes down the river. They wanted 1,200 cubic feet per second during the summer, and then they want pulse flows of 12,000 to 16,000 cubic feet per second for 5 days in May and June of wet years.

This is a huge amount of water in the Platte River, and it results in some flooding; and it results in some real difficult situations. Some people assume that actually the main issue here is that it deepens the channels in the river when you have these large pulse flows, and then the issue is what do you do to compensate for the loss of sediment in the river when you do this?

Now, the problem with those pulse flows is as follows: the 12,000 to 16,000 cubic feet per second as we mentioned will deepen the channel in the river and will remove sediment. So Nebraska is being, as part of their contribution to the cooperative agreement, is being asked to contribute 100,000 acre feet of water, stored in Lake McConahay; and this water is being used to flow down the Platte River when people feel the cranes might need it. Wyoming contributes 34,000 acre feet of water and Colorado 10,000 acre feet of water, so the total contribution is 140,000 acre feet of water. So that is an interesting premise, and it is fairly expensive.

Of course, the other issue is there are some other requirements, and that is that there are no new depletions in the Platte River. So we not only have these flows, but within 3 to 4 miles of either side of the Platte River, you cannot set down a new well within 3 to 4 miles of the river after 1997. So a community that is expanding, a farmer, whatever, is no longer able to do this.

Then the sediment that is lost in the river from the large pulse flows has to be replaced. At one time what they were doing was talking about the fact that they would haul in 100 dump truckloads of sediment per day, and this would go on for years and years and years. You can imagine the cost of doing this. That is supposed to replace the sediment that these large pulse flows used to take sediment out of the river.

Now they have revised that, and they are talking about taking bulldozers and pushing islands into the river and causing more sediment. So as you can see, this is a very invasive procession; it is a very expensive process; and it has been very difficult to administer.

That is phase one. After 10 years, phase two kicks in. Phase two, listen to this, requires 417,000 acre feet of water. That is about triple what we are talking about here, 140,000 acre feet. So when you get up to 417,000 acre feet of water, you are talking about practically all of the irrigation water used in the Platte River system. So what farmers and ranchers are rightly concerned about is that at some point the Endangered Species Act could be used in a way that would cut off all irrigation up and down the Platte River, which is several hundred miles long, and would probably make the Klamath Basin situation pale by comparison.

So far the estimated total cost of the project, that is just to the cooperative agreement, it is not the water loss or anything else, just to plan it is $160 million. That is just to create it, as we said. That is a small cost compared to the cost of the irrigation water, the power lost and the land and sediment dumping and so on.

So I think most people would say the cooperative agreement has been time-consuming, has been expensive and has been burdensome to landowners. And, the most important thing, the thing I would really like to drive home tonight, is the idea that the whole thing, I believe, is based on a false premise; and the false premise is that that 56-mile stretch of the Platte River is critical for the existence of the whooping crane.

So let us take a look at the map of Nebraska. The area here in red, from Lexington to Grand Island, is the critical habitat for the whooping crane, really not quite that far. So the idea of critical habitat is this is habitat that it is removed or in some way damaged or changed; it really does great damage to the endangered species. So you would assume that this would be an area that would really be critical to the migration of the whooping crane as they go north and south.

So let us take a look at this issue and some of the data. The Watershed Program director, who worked for the Whooping Crane Trust, this was an environmental group, not a farm group, this was an environmental group, and he worked for that group for 17 years and wrote a document filed on March 22, 2000, that was sent to Fish and Wildlife, and the letter states as follows: ''From 1970 through 1998, that is a total of 29 years, 11 years there were no whooping cranes.''

That is almost 40 percent of the time there were no whooping cranes that were sighted at any point in this stretch of river, which is supposedly critical habitat. You would think if that was critical habitat, that certainly you would not go 40 percent of the years without any observation of a whooping crane in that area.

Then he goes on to say this: ''On average, less than 1 percent of the population of whooping cranes was ever confirmed in the Platte Valley during that same time frame.''

So, again, if it is critical habitat, you would think that you would see 50 percent, 60 percent, 80 percent, whatever.

But you have had 1 percent or less cranes who have ever been seen in that region of the river over 29 years.

Probably the most convincing evidence that I have run across is that from 1981 to 1984, a period of 2½ to 3 years, there was a radio-tracking study of whooping cranes where they had an electronic collar put on them so you knew absolutely where they were all the time. This went on for three southern migrations and two northern migrations. Eighteen cranes at that time represented somewhere between 15 and 20 percent of the total whooping crane population.

Here was what they found in that research: they found that none of those 18 whooping cranes over 2½ years, three southern and two northern migrations, none of them used the Platte River at any time during that migration.

Now, surely if this is critical habitat for the whooping crane, you would think that at least seven or eight or nine of those cranes would have regularly used the river, but yet not one of them did over that period of time of 2½ years. It is not a case here where they can slip out of the area under the radar screen, because they are checked electronically and they know where they are. They were not in that area of the river.

So the author goes on to say: ''I wonder if the Platte River would even be considered if the Fish and Wildlife Service was charged with designating critical habitat today. Whooping crane experts that I have visited would be hard-pressed to consider the Platte River, given our current state of knowledge.''

Then he says: ''Certainly none would be willing to state on a witness stand that the continued existence of the species would be in jeopardy if the Platte River were to disappear.''

So what he is saying is if this area of the Platte River for some reason went away, he does not know of any experts that would say that would harm the whooping crane. Yet that is the critical habitat, and that is the area that has caused all of the in-stream flows, the 140,000 acre feet of water and the sediment being dumped into the Platte River to compensate for pulse flows, and all of the things that are going on up and down this river, which really have impacted farmers and ranchers.

Also within three miles of either side of this river, you cannot drill a new well. Anytime you do, you have to close down another one. So all of the water here is restricted, primarily for this particular stretch of the Platte which is supposed to preserve the whooping crane. So again, I would have to say that this is a false premise.

The thing we might also mention is that whooping cranes, normally when they do stop in February, and they do stop, and you will see a scattergram of where they stop, and there are some here, and there are some here and up here, so they are all through the State, but normally they only stay overnight.

If this was critical habitat, they would probably stay here for several days, a week, maybe a month, and regroup, do some mating, whatever; but they do not. I think they simply fly along, and when they are tired and see some water, they drop in for the evening. It may be here, it may be here, it could be almost anywhere place. It might be on a lake, Sand Hill Lake or whatever.

But the important thing to remember is this central part of the Platte is really critical habitat for one group of cranes, and that is the Sand Hill cranes. There are roughly 400,000 to 500,000 Sand Hill cranes that come into that area, and they spend 2 to 4 weeks every year. They come from Arizona, and they come from Texas and Oklahoma and Arkansas and Louisiana; and they funnel into this area, and they are heavily concentrated in this area; and then they go up to their nesting grounds up in Canada and North Dakota and so on.

So what has happened I think is early on Fish and Wildlife and others made a mistake, and I think it was an honest mistake. I think they assumed that the whooping crane does the same thing as the Sand Hill crane, and that the whooping crane really needed this area to spend time to stage, to mate, to gain strength for the rest of their trip. But that is not the case. We very well have proven this at the present time.

There is one whooping crane that got mixed up, and this whooping crane apparently was imprinted and identified with Sand Hill cranes. They have even named it. ''Oklahoma'' is the name of it. This particular crane comes with the Sand Hill cranes, and he sticks around for 3 or 4 weeks like the other Sand Hill cranes, because he thinks he is a Sand Hill crane, apparently. I would wonder how many of the sightings in this area have been Oklahoma, that one crane. He may have been sighted many times over. So, anyway, there is a difference between these two different species; and I think it is important that we understand that this is the case.

Actually, Fish and Wildlife is doing everything they can to make the habitat fit the whooping crane. Twice a day they fly the river here looking for whooping cranes; and, of course, if you look hard enough, you may find something. But, still, you are only having 1 percent, maybe 2 percent of the total population, even with surveillance flights going back and forth on the river. Only 1 to 2 percent of the whooping cranes are spotted in that area as they come north or as they go south.

So, again, we would say that probably most definitely there has been an improper designation of this area for the whooping crane, and nobody cares too much if it is an improper designation. The main issue is simply the fact that it is causing an awful lot of disruption up and down the Platte River Valley.

Now, further, and I think this is important too, Fish and Wildlife is expected shortly to declare 450 miles of the Platte River and the Loop River right here and the Niabrara River as critical habitat for the piping plover and the least tern. Ninety-seven percent of these rivers flow through private land. Also these same two species, the piping plover and the least tern, will have critical habitat declared in South Dakota, North Dakota, Montana and Minnesota; and in those States almost 100 percent of the area is public land. In Nebraska it is almost all private. The same issues that apply to the whooping crane apply to this particular designation of these species.

So it is interesting. But let us stick with the middle section of the Platte River, because this is the area we know the most about, and this is the area where we have the most data. Again, refer to the document from the watershed director who wrote the letter. He said ''that the Central Platte does not offer any naturally occurring nesting habitat for these species, i.e., the piping plover and least tern, is amply demonstrated by the fact that no tern or plover chicks were known to fledge on any natural river sandbar during the entire decade of the 1990s.''

So this stretch of river we have been talking about was studied over a 10-year period, and at that time they found no fledglings of chicks on the river, other than in sand pits which are off the river and then some man-made sandbars that were strictly designed for this fledgling capacity.

□ 2215

So the problem is that these birds nest near the water level. So any time there is a fluctuation, any time a river raises, it flushes out the nests. So they do pretty well on lakes, they do pretty well on sand pits, but they do not do very well on rivers, particularly rivers that fluctuate.

So the letter from this particular individual who wrote to the Fish and Wildlife Service, the researcher said this. He said, ''A 50-to-60 day window of flows less than about 1,500 cubic feet per second during late May through mid July is necessary to allow for nesting and subsequent fledging. This did not happen in the 1990s. Nests and/or young were flooded out.''

So what he is saying is this: that on that stretch of Platte River, any time you get elevated flows above 1,500 cubic feet per second, because the nests are built right at water level, you are going to flush them out. So what they are trying to do is that they are trying to regulate flows in the river from this lake right here, Lake McConaughy. The problem is that the lake is 100 miles from the start of the critical habitat, right there, and it is about 170 miles to the end of the critical habitat, which is right there.

Now, the problem is that it takes, to go 100 miles, that water needs 5 days to get to the start of the habitat, it needs 7 days to get to the bottom end of the habitat, so you are releasing water out

of Lake McConaughy to control the flow to try to get 1,500 cubic feet per second or whatever. The problem is that in the next 5 days, we better not have a rain. Because if we have a rain down here or if we have a significant inflow from the South Platte River, then, all of a sudden, that water comes up and that is what happened for 10 straight years. All of those rivers were flushed out. So here we have critical habitat, again, that is going to be very disruptive to ranchers and farmers that apparently is not working.

For some reason, the sand pits and the lakes and the other areas where the piping plover and the least tern have been hatching and have been fledging have not been declared as critical habitat; only the rivers. So this is a little bit of a puzzle, at least to me; I do not quite understand exactly how this is working.

So it would seem that attempting to create a river environment which, for most nesting by the piping plover and the least tern, may actually harm the species. This is the logic.

Again, the letter from this particular researcher goes on. He says, ''This begs the question as to whether it is in the best interests of the species' long term well-being to attract them to an area where they are likely to be flooded or eaten by predators.'' So what you do is you adjust the river and in the spring, because you are trying to hold down the flows, you get them to nest and then over that next 50 or 60 days, you are holding your breath and, most of the time, they are going to get flooded out. So you attract them into an area that probably is going to result in their destruction. They would be much better off if they went to a sand pit or some place where they are not going to be flooded out. So in some ways, all of the machinations and the different gyrations that we are going through here to save the piping plover and the least tern may actually contribute to their demise.

So it is interesting to note that much of the regulation of critical habitat is designed to restore habitat to its original state. That is sort of the gold standard I think for many environmental groups, and particularly for Fish and Wildlife. So we read in the Journals of Lewis and Clark 1800, as they went up the Missouri River, we read about prairie dogs and we read about buffalo. So these folks are pointing to these journals and they are saying, well, this is where the prairie dogs once lived and this was before people disturbed it. Therefore, we must restore this situation, this habitat, and we must make sure these species are again existent in those areas.

So there was a study done by EA Engineering in the late 1980s, and they indicated this. They said the Central Platte did not play a significant role in the maintenance of the least tern or the piping plover prior to the construction of Kingsley Dam in 1941. Here is the dam, and what they are saying is before that dam was in existence back in the 1800s, nobody saw the piping plover or least tern in any numbers at all along the Platte River.

They said there were 3 reasons for this: Number one that ran the river ran unimpeded; the snow pack melted and the highest water would occur in June, which was about in the peak nesting time for the piping plover and least tern. Every year they got wiped out because that water went up and they could no longer survive and then, the Platte River is rather unique in that in August, it would dry up. Most years there would not be any water in the river, which meant essentially that there was no feed, there was no habitat for the young birds if they did manage to survive. So the river was not really what some people thought it was. Then lastly, there was no historical data of tern or plover sightings on the Central Platte at all during the early 1900s, the late 1800s.

So we would say, well, certainly, if settlers, trappers, people who went along the river, if they were there they would have seen them and they would have reported them, but they did not do so. So the assumption is that this is not critical habitat that is indigenous to the species. This is not something that has occurred over a long period of time, and if it has worked at all, it has been because of that dam. But even then, it has not been effective.

So what we are saying here is that the critical habitat designations for the whooping crane and the piping plover would not seem to be accurate, at least the way I interpret the data. So I have requested the Secretary of the Interior provide an independent peer review through the National Academy of Science or some equivalent agency. I know that Secretary Norton is dedicated to making decisions based on accurate data. I have talked to her, and I know this is true. So we are assuming, we are hoping that we can avert another situation similar to the Klamath Basin by having an independent peer review. I think everyone is willing to live with it if the data indicates it. But most people that I know who study the river are really uncomfortable with making this critical habitat and all of the changes that occur in Nebraska, in Wyoming and in Colorado, for what appears to be nonexistent habitat. So we are hoping that we can get a study done.

Mr. Speaker, I think it is important that those listening do not assume that I oppose endangered species. I am very much in tune with wildlife and I certainly do not want to see the whooping crane suffer, the piping plover, the least tern, the prairie dog, or whatever, but I think it is important to remember that sometimes the Endangered Species Act may actually harm the species. Of course I already mentioned that the coho salmon was harmed by the larger flows out of Klamath Lake because the water warmed up and when the water went down the river, the coho were damaged. So that is one example of the Endangered Species Act actually harming a species.

We have also talked about the flows on the Central Platte luring the piping plover to nest and then having them wiped out by rain events. Then let us consider one other case, and that is the issue of prairie dogs, because the prairie dogs are now considered threatened. They are not listed. But I think the one thing that people need to understand is that ranchers and farmers right now can, in places, tolerate some prairie dogs, because they know they can control them. Now, a prairie dog can take over and eliminate a whole pasture, a whole ranch, a whole farm if they are left unchecked. But you can handle a prairie dog colony here, a prairie dog colony there, and you understand if they start spreading, you can do something to control the spread. But once the prairie dog is listed as endangered or threatened, then you cannot do anything to that prairie dog.

So ranchers and farmers are concerned. So right now, some ranchers and farmers are saying, I cannot afford to have any prairie dogs on my property in case it is listed as an endangered species. So I think right now in some ways, the Endangered Species Act and the ability to list the prairie dog potentially may be working against the prairie dog more than any other issue at the present time.

So we have had several examples, and there are others where the Endangered Species Act does not serve landowners and wildlife well. We talked about the Klamath Basin issue, the 2001 Canadian lynx, falsification of visitor data to national forests, the ignoring of the dumping of sludge into the Potomac and also the critical habitat designation on the Platte River. Let us be fair. I think it is only fair to say this too. I have been a little bit hard on fish and wildlife and the Forest Service. Certainly the great majority of Federal employees who work with endangered species are ethical, they are hard-working. I have met them, I know them and I have worked with them. It is like any profession: 5 or the 10 percent tend to paint with a very broad brush.

However, I would have to say this, in all candor. I do believe that an end-justifies-the-means mentality has become more and more pervasive. In other words, there is the thought process that we need to save the species; therefore, we are going to make sure that we do whatever we have to do to have plenty of critical habitat, and we are going to protect the species and we are not going to be too worried about the financial consequences to ranchers and other people. So the absolute authority granted by the Endangered Species Act has given license, I believe, to rather serious abuses and we have chronicled some of those this evening. The person closest to the species is the landowner and the person who often cares as much about the species as anybody is the landowner.

So I have seen some cases where Fish and Wildlife people have worked in partnership and in a symbiotic relationship with the landowners. This has made a huge difference, because when you get the landowners on board, when they are with you and they understand what you are trying to do and they understand you are not out to get them, some great things can happen for the wildlife. So I have seen it that way.

I have seen it on the other hand too. I have seen arbitrary behavior where the Endangered Species Act has been used as a club: my way or the highway. You guys do not have any rights, we are going to shove it down your throat. When that happens, you find that the landowner is forced to choose between a species and his livelihood, and the landowner usually is going to choose his livelihood. The Endangered Species Act, often unnecessarily, forces the landowner to make this choice, and when this happens, everyone loses.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. TANCREDO. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer the following motion to instruct House conferees tomorrow on H.R. 2646.

The form of the motion is as follows: I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646, an Act to provide for the continuation of agricultural programs through fiscal year 2011, be instructed to disagree to the provisions contained in Section 452 of the Senate amendment, relating to partial restoration of benefits to legal immigrants.

WELFARE REFORM AND OTHER ISSUES IMPORTANT TO AMERICANS

The SPEAKER pro tempore (Mr. BOOZMAN). 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, before I give my comments tonight, I want to take note of one individual in particular here in the room with us tonight and those that are also here every single night, every single day on the floor, and they are the pages that have worked so hard to make the operation of this House successful as it is. In particular, one Katie Roehrick, who I spoke to just a little earlier, I want to especially point out and thank her for her work and staying late in the evenings as she does and to her mom, Brenda, for producing such a lovely daughter.

Mr. Speaker, there are a number of issues with which I wish to deal tonight. Before I begin the major body of my presentation, I want to refer to the comments that were made by members of the minority party here earlier this evening, and for at least an hour, perhaps longer, they went on about the concerns they have with the fact that we have, that this body has passed and this Congress has passed, a package of bills that we refer to as a stimulus package and essentially, they are measures designed to reduce taxes on the people of the United States of America.

□ 2230

I think, and they were concerned about this, and they certainly do not want, as they said, they do not want these measures to become permanent. They want all of the temporary tax cuts to remain only temporary. In fact, they are concerned about the fact that we passed them at all. They would just as soon that we never had passed tax cuts.

I would like the people listening, and also, most importantly, Mr. Speaker, I want to address this comment to the House, and reflect upon exactly what it was that we had to do in order to get Democratic support for our package, the package that we refer to as a stimulus package. I think it is very elucidative. It tells us a great deal about the difference between the two parties, and about the way in which we do our business here in this House. It tells us a great deal about how we view government and its relationship to the people.

Now, it is undeniably true that as a result of a number of things, traditional economic downturns, the war we are facing, a variety of other issues have impacted negatively on the economy of this Nation. That is undeniably true. No one argues with that.

As a result, revenues have dropped, jobs have disappeared, and Federal, State and local governments are having a more difficult time meeting their commitments because revenues have decreased. That is undeniably true. That is the only thing upon which we agree.

Everybody here can agree there is a problem. The President has articulated the problem, and has postulated a response and a solution. This is what separates the two parties, this philosophy of government embodied in this whole idea of a stimulus package, ''stimulus,'' meaning to get the country moving again.

What can we do, what is there that the Members of this body can do, to reinvigorate the American economy?

Now, when we presented this in the form of a motion here on the floor, in the form of regulations and/or laws, here is what we came up with.

On the Republican side, we said that the best thing that we can do as a body is to in fact reduce the tax burden on the people of the country and on the businesses that employ the people of this country, because we believe in order to get the economy in fact stimulated, as the title of the package implies, we need to increase the number of jobs that are available to the people of the country. We have to make sure that the government does what it can do to make it easier for corporations, for small businesses, to employ other people, to sell their products and services, and thereby prosper. We believe that is the way to get the economy moving again.

What did our friends on the other side offer to this stimulus package? What did we in fact have to include in order to get it passed? The one proposal, the one and only proposal that came from the minority party to stimulate our economy, was to increase the length of time people could be on unemployment compensation.

Now, we can argue for the need for the Federal Government to increase the length of time people can be eligible for unemployment, but that is a separate debate. It should be a separate debate, totally and completely different from the debate over what it is we can do to get the economy moving again. Yet, this is the only thing they put forward, an increase in the amount of time people could be eligible for unemployment.

Now, I suggest, Mr. Speaker, that that is a perfect example. I cannot think of a better way to explain to the American people the difference that exists between two parties, two philosophies, two ideas of government.

One, because we want tax breaks, we are characterized as heartbreakers, cruel, or only wanting to help the ''rich.'' But as has been said often on this floor, and certainly something with which I agree, Mr. Speaker, I have never personally been given a job by a poor person. Jobs only come from people who can afford to give jobs, companies that can afford to employ people. And their ability to do so, their ability to employ people, is directly related to the costs they incur to be in business.

One of those costs, in fact, I think a very expensive cost, is the cost of the government. I think it is too high. I think we interfere far too much with the marketplace and with people's ability to actually do business.

There are legitimate roles for the government, undeniably, legitimate roles in this area. But when we are talking about trying to get this economy moving again, and then to hear our friends on the other side of the aisle come up here tonight and talk for over an hour about their fear that a tax break, that a tax cut would in some way or other jeopardize the success of our stimulus package, that is absolutely incredible.

Actually, it is not incredible, it is to be expected, but it is also to be rejected. It is a failed philosophy. We cannot tax ourselves out of a recession. What we can do is, of course, unleash the power, the spirit, and the enterprise of the American people, and that is what we have done. That is what this President has requested. That is how this Congress has responded.

We should not only disavow any attempt on the part of the minority

party to retain the degree to which all of these things were temporary, but we should in fact move quickly to make all of these tax reductions permanent, and we should do so with haste and with great pride, because it is in fact what will get this country moving again.

Now, it is interesting to note that although we heard a number of protestations from the other party tonight about the cost of government, about the expenditures of the Federal Government, something I am sure they are not used to actually doing, when we consider that for 40 years this body was controlled by the Democratic Party and for 40 years we were in deficit spending, and the idea of a balanced budget was almost laughable. In fact, I know that many people did consider it a joke: How could we ever do that? Impossible. It is only right and just and God willed somehow that we would always be in deficit spending, as long as they were in charge.

So the idea of actually coming to the floor and talking about fiscal prudence, fiscal responsibility, I am happy to hear it. I hope somehow or other those words begin to actually take root within the Members of the other side. I hope they actually begin to listen to what they say about being able to actually prioritize the needs of this Nation in a way that allows us as a nation to live within our means, as we all must do, or face the consequences.

I say that that is ironic in a way because, on another note, we will be and have been for some time and we will continue to debate the issue of immigration into the United States of America. We will talk about the need for immigration, and we will talk about its impact, and the fact that diversity plays such a wonderful role in the American landscape.

We will soon be debating whether or not we should in fact be increasing the amount of money, and in particular, the amount of food stamps, that will be made available to people who are here who are not citizens of the country: an expansion of the food stamp welfare program. That may be up on this floor as early as tomorrow. It is the motion that I made earlier upon the beginning of my comments here that I intend to instruct the conferees, at least I intend to bring a motion before this body that would instruct the House conferees that are presently in conference with the Senate over the farm bill to not agree to any expansion of welfare benefits for people who are not citizens of the United States.

Now, we passed just a few years ago, 6 short years ago, we passed a bill in this body that is widely, widely accepted as being a monumental improvement in the area of welfare. The Welfare Reform Act that we passed in this body did a number of amazing things. It was a sea change, if you will. It was one of the few times that a government reverses its policy and begins to go in a different direction. That hardly ever happens around here, as we know, but it happened in 1996, and to the benefit of literally millions and millions of Americans, millions of Americans who were no longer besieged, in a way, by the plight of welfare.

I say it in that way, I couch it in those terms, because that is exactly what welfare is in reality, it is a plight. It is something that we understood in 1996 to affect intrinsically, I say, intrinsically, the character of the Nation, and to negatively affect the people it was designed to benefit.

Welfare was always, since the beginning of the country, designed or thought of as being a very thing. For the most part, of course, we know at the beginning of the Nation it was never thought of as being a government responsibility at all; it was the responsibility of churches and of local communities. But we have expanded that concept dramatically, as we all know. We did so, I think, for the most part for very altruistic reasons. We did so because we believed that the people who were more well off needed to help and benefit those who were in need. That is something that I think we can all agree to.

But the whole idea of welfare was that it was a temporary thing, meant to get them over a particular bump in the road, a problem they were having in their lives that, with a little bit of help from the government, they could overcome and move on to self-sufficiency.

But we all know, Mr. Speaker, what happened over the course of time: it was no longer thought of, for the most part, as just a temporary thing; it was thought of as a lifestyle. It became a lifestyle for far too many, literally millions of Americans, far too many Americans. And it did not benefit them, in the long run.

In a way, there is a great metaphor. We could think about penguins who were at one time able to fly. I always think about this, and realize that over eons of time, these particular birds did not use that ability and they eventually lost it.

What we did to a lot of people was to take away their ability to fly; in this case, I mean to actually make their own way in life. We took away their self-esteem.

There have been many books, many research papers, written on the effects, the negative effects, of welfare on our society. We came to that conclusion as a majority of this body, and with the President. After he vetoed it two times, the past president, President Clinton, he eventually came to the conclusion that it was the right thing to do, and it was. That was to stop doing what we were doing and begin to move in a direction that would once again reflect that original attitude about welfare; that is, that it was a temporary intercession on the part of the Federal Government or the State or local government, and that the worst thing we could do was to make it a continuing process.

So we started a new era, and almost without exception, every State began to see a reduction in the number of people on the welfare rolls. Now we are something like 50 percent below where we were. Some States, I am told, are 80 percent or 90 percent below where they were in 1996.

Now, a lot of people say, well, naturally, it is because, of course, we had a time of economic prosperity. But I would refer to the many, many studies that have been done on this issue that have shown that heretofore, prior to 1996, it did not matter how many economic boom and bust cycles we went through in the country, it did not matter that the graph showed this fluctuating line in times of great prosperity, in times of economic downturns. It did not matter that, over the course of time, the number of people on welfare went up, and the economic boom cycle had nothing to do with bringing it down. It never came down. It went up in good times, it went up in bad times, prior to 1996.

□ 2245

It was not the economic good times of the nineties. After all, we only passed this in 1996. It began to take effect maybe 1997–1998, and we had already been in a period of at least 10 or more years of economic upturn. Why had we not seen an increase in the number of people employed during that period and getting off of welfare during the time prior to 1996, say, from about 1985 to 1996?

We did not see it because, of course, the welfare system only encouraged people to stay on welfare. We encouraged generation after generation after generation of people to be on welfare. It is all they knew. It is all they trusted. It is all that they could actually hope for or think about.

We actually forced a change in the character, the national character of a nation, an amazing thing.

So what are we now proposing in the farm bill? We are proposing to add people to the welfare rolls, 200,000, perhaps more, depending upon which version of this thing is passed by this body, if it is passed. I suggest if history is any guide to this, it will be far more than 200,000; but what we are saying is that all of the things we did right in 1996 we are going to undo, little by little here; and we are going to start with people who are immigrants to the country, legal, that is true, but nonetheless ineligible for welfare at the present time, ineligible for food stamps at the present time.

Mr. Speaker, there is a peculiar thing that we do, one of the many I guess that we do with regard to this issue of immigration, and that is, that when someone comes here as an immigrant they have to actually find a sponsor who is willing to say and swear to the fact that when this person comes in as the person they sponsor, that they, in fact, will be held financially responsible so that that person coming in will

never be a drain on the resources of the Nation. We say that all the time. I mean, that is every single person comes in, they actually sign it.

Amazingly, Mr. Speaker, we do not enforce it. In fact, there is not a mechanism to enforce it. We would not know what court to go to. There is no regulation that allows us to actually have a pathway to do this. So it is never enforced. Not one person, not one person here today as an immigrant, and some are eligible under our laws because of economic status, but none should be eligible because of the fact that we have someone who said they would be responsible, financially responsible. Yet not one person has ever been held responsible for an immigrant family coming here that then goes on welfare, not one. It is a big joke, as much of the immigration issue is a nasty, ugly and really not-so-funny joke. No one has ever been held responsible, no one; but that is the law. They are supposed to.

I ask my colleagues, Mr. Speaker, should it be the business of this body to actually reverse some of the activity, some of the benefits of the 1996 Welfare Reform Act and now begin an expansion of the number of people who are on welfare, in this particular case, on food stamps, who are made eligible for food stamps? I believe it is wrongheaded.

I know that there are political motivations for this. I understand that in this body is what really makes things work. That is the mother's milk of this organization, that is, what are the politics of the issue, and in this case, it is pretty clear. There is a rapidly-expanding immigration population in the United States; and the hope that we can garner their support, the political support of these people who will soon become citizens and eligible to vote and even those who vote, even though they are not citizens, and they do en masse, believe me, fraudulently vote, but we are all concerned about the impact of this massive immigration on our own political futures. This goes from the White House down through the House and Senate.

Mr. Speaker, it is fascinating, because in the Zogby poll I saw not too long ago there was one portion of it where they actually went to Hispanic Americans, and in this case Hispanic immigrants to the country who are not yet citizens, and said there is a proposal to, among other things, provide amnesty for people coming into this country, and would you be more or less inclined to vote for someone who supported amnesty for someone here illegally? Amazingly, a majority of the people, Hispanic Americans, said no, I would not be in favor of that. I would actually vote against someone who proposed that.

I believe with all my heart, Mr. Speaker, that we can appeal to every American, whether they be Hispanic or black or Italian, as I am, or Hungarian or Polish or whatever, we can appeal to them all to vote for our party based on our principles.

I am a Republican. The principles of my party rest on less government, less welfare, more individual freedom, a greater degree of trust and understanding of the importance of individual responsibility. That is what I believe we can appeal to people on.

People on the other side have their own principles and ideas, all just as deeply felt, all principled. I do not suggest for a moment that the folks on the other side of the aisle do not feel these things as strongly as I feel our principles.

Let us go forward based on who we are and what we are and ask for the support of the people who are here in the country; and I think, as Republicans, I think we will win. Certainly we will win our share. We will not win every single person, but I believe we can win our share by saying to them that we trust you, we want you to be part of this American mosaic, and we want to give you the freedom to both succeed and the freedom to fail.

That is the essence of freedom. Every country on the Earth that has tried the other experiment we call socialism, that experiment that tells people you really cannot fail, you really cannot, do not worry, we will always make sure you have a job even if your job produces nothing of value, the government will subsidize it, we will always make sure you have a home, a little apartment maybe someplace, because this is a guarantee against your ever failing.

Well, when you say to people you cannot fail, you also say to them, well, you cannot succeed; and the greatness of America is the fact that here we do say to everyone or at least it is the promise of America that you have this great opportunity. The great opportunity is to succeed even beyond your wildest imagination, and yes, you may fail, but that is an important part in the process, and to fail does not mean it is all over. It means you start again on a new path.

That is what I consider to be the American way. That is what I consider to be the promise we should hold out to everyone coming into the United States and to people who have been here for all of their lives, that we give them both the freedom to succeed and the freedom to fail.

There is an immediate allure I know to going up to people and saying we will protect you from failure, we will make sure you cannot; and we will hide any of the negative from you, but to fail as a system cannot work like this, and they have failed all over the world. It is only our system that now shines a light as a beacon really to the poor and impoverished of the world as to how we can improve the lives of everyone.

The poorest American for the most part lives even a better life than most of the people in the Third World. The poorest American has a better life today than most people in the world. I say in the world because, in fact, the Third World populations dwarf those of the rest of the world and so, in reality, the poorest American still lives better than most people in the world.

That is an amazing thing. It is an incredible thing, and of course if you are here and the only thing against which you judge it is what your neighbor has you feel impoverished, and I do not mean for a moment that we should not do everything we can to make sure that everyone in the United States does not move as quickly as they possibly can toward economic self-sufficiency, but welfare is not the way to do it.

It is more often than not a political ploy. It is a political carrot we dangle in front of people for their votes, but it is in a way as destructive to them as a drug that we put in front of them. Welfare is a drug that once injected becomes addictive. We recognize that. This is what I am saying now. What is amazing to me is that we came to this conclusion as a body, as a country just 6 years ago. Yet here we are talking about expanding the number of people eligible for, in this case, food stamp benefits; and again I say it is simply for political reasons.

The issue of immigration is one with which we must deal; and it will be interesting to see tomorrow, Mr. Speaker, if we do bring this motion to the floor to instruct conferees. It will be interesting to see how all the people who stood on the floor tonight to talk about fiscal discipline, the importance of not spending more than we take in, it will be interesting to see how they vote on this $2 billion proposal, an expansion of welfare.

My guess is that most of them will vote to expand it. Regardless of the fiscal implication of this country, it really does not matter. I would bet, Mr. Speaker, that most of the people on this floor would vote for it even if it expanded welfare by $20 billion, by $50 billion, because the issue is not fiscal responsibility at that point. It is politics. It is votes. How many votes can we buy with welfare; and as I have told people on my side of the aisle so often, Mr. Speaker, we will never be able to outbid the folks on the other side of the aisle for votes when it comes to handicap welfare because everything we offer they will up the ante.

After all, it is not their money. It is just the people's money. Why not buy votes with the people's money? It is not yours, and that is in fact what we are doing here when we expand welfare. It is, in fact, what we are doing when we expand the number of people that can come into the United States. It is exactly what we do when we try to stop organizations of our government from actually enforcing the immigration laws, because we want for the most part, many people here want more people coming into the country. Why? Because they want diversity? Because they have some sort of altruistic feeling? No. No, sir. I do not believe that that is the case.

I think for the most part, this is my feeling, Mr. Speaker, I believe that what we are talking about here is the most crass politics. I see it as verbose. I see the people coming in as potential voters that I know want to retain power and even if you have to buy them off to do so, through government programs and services, some people will do that.

There is a great danger to this country from massive immigration, both legal and illegal. It is on many fronts. One is, in fact, the economic implications of massive immigration. For many, many years, immigration was thought of as one of the things that drove the economic engine of this country, and we still talk about it in that way. We still talk about the need for labor, especially low-cost labor. People on my side of the aisle especially talk about the need for low-cost labor and the importance of, in fact, keeping the engine running with those folks, and therefore, the need for massive immigration.

For a long time, Mr. Speaker, I think that that was a legitimate argument. When the country was going through the industrial revolution, it was in desperate need of low-cost labor. That was necessary for the accumulation of capital and for the eventual development of our system.

□ 2300

And there were horrendous examples of the excesses of the time, sweat shops and the like. Nonetheless, a case could be made for the need for massive numbers of low-cost, low-skilled workers. I suggest, Mr. Speaker, like everything, the economics of this changed dramatically and that the impact today of massive numbers of low-skilled, low-wage workers is actually negative on the country.

I know that there are people who will disagree with me, recognizing as I hear all of the time from certain industries that they could not run their business, a lot of ski areas in Colorado, talk about the fact that they cannot find enough people, they have to rely on immigrants; and they know that most of them are illegal.

Here is an interesting concept put forth by a Vanderbilt professor, and I will characterize it in this way. Massive immigration of low-skilled workers privatizes profits and socializes costs. That means that there are undeniably a number of people who do profit as a result of having a lot of low-skilled people working for them. They do in fact have greater profits in that regard because you can pay lower wages. But on the other side, there are costs to society. There are costs for schools, costs for streets, hospitals, costs for social services, including welfare. What we have found is that the cost of immigration, especially for low-skilled, low-wage people are higher than the profits they return, higher than the benefits that they provide in terms of taxes, higher than what they actually turn in in terms of their own tax revenues.

Low-wage, low-skilled workers naturally pay less in taxes, naturally. Many of them, of course, are paid in cash because they are illegal. They are here illegally. So there is an advantage to the employer who can skirt the law by paying the employee in cash, thereby avoiding all kinds of employment taxes, and to the employee who takes it in cash who therefore does not have to pay taxes on it, does not have to account for it or fill out any forms. So a huge amount of money, a huge part of this economy, is a cash economy from which the government receives absolutely no revenues.

For those people who then in fact do pay taxes, they are people who pay a low level because naturally they are low-skilled, low-wage earners. Most pay none. Even if they are filing, they do not really pay taxes with the exception of sales and use taxes, but they pay no income taxes for the most part. But the costs of society are significant.

The cost of adding each new person to a community is about $1,500 and that is the first year, taking into account all of the things that have to be put in place for that additional person, streets, houses, all of the infrastructure. It is not economically viable; it is no longer something that pushes the engine of the economy. It is a drain on the economy. It is a governor, if you will, on the engine, on the speed of the engine.

It does in fact benefit certain people, undeniably true. The hotel owners in the resort areas in my State are benefited by having low-skilled, low-wage people come into the United States seeking jobs that perhaps no one else would take. That is what we always hear. But what we do not hear is the rest of that line, jobs no one else would take for the price I am paying this person. Well, it is true that perhaps they will have a harder time getting other folks to take those jobs, but it is not true this is an overall economic benefit to the Nation.

The numbers are staggering. In a recent article, and I should preference this by saying at the height of the immigration wave into the United States in the early part of the 20th century, we saw about 200,000 people a year coming in. That was only for 2 or 3 years, and after that it went down. That was tops. That was at the heyday of immigration into the country. Today, about a million come in legally. We do not know how many come in illegally.

Mr. Speaker, here is an interesting article that appeared recently in World Net Daily. It says in Cochise County, Arizona, the U.S.-Mexican border is the most heavily used corridor for illegal alien traffic on America's southern border, and the numbers of unauthorized immigrants smuggled across the porous border dumbfounds the imagination. As of October 19, 2001, the U.S. Border Patrol had apprehended 158,782 illegals. That was in 2001. By the Border Patrol's own admission, it catches one in five and admits that around 800,000 have slipped across the border up to that point in time. Local ranchers who have been watching the border for several generations strongly disagree and estimate that the agency nets one in 10. Estimates are that in 2001, over 1.5 million unlawful immigrants crossed into America in what the Border Patrol people called the Tucson sector. The numbers are staggering. It is growing dramatically.

Mr. Speaker, please understand, we are not just talking about people from Mexico or South America; we are talking about people from all over the world coming through Mexico.

This article goes on to identify the many people coming through that border illegally from the Middle East. A Border Patrol spokesman stated that the other than Mexican detentions has grown by 42 percent. Most of the non-Mexican immigrants are from El Salvador, but they have picked up people from all over the world. Arabs have been reported crossing the Arizona border for an unknown period, and border rancher George Morgan encountered thousands of illegals crossing his ranch on a well-used trail. He talks about an incident where he saw literally hundreds on his property one day. They were all Iranians, 100 Iranians, coming across the border. This article goes on to detail that particular phenomenon. That is to say that just because we have a porous border in the south and we talk about the danger that that poses to America from an economic standpoint, please understand that there is another danger that it poses to America, and that is a very vital part of this discussion, and that is the danger to our national security that is as a result of our porous borders, that is as a result of the fact that we do not care.

Mr. Speaker, we do not care who comes across. We are afraid of actually putting into any sort of order our border control efforts. We are afraid of it. Why are we afraid? How can this be, Mr. Speaker? That after 3,000 Americans were killed by aliens, people who came here from other countries for the purpose of doing harm, some of them here illegally as a result of overstaying their visas, how can we say that we turn a blind eye and that we do not care about the fact that these borders are porous? How can we continue to encourage people to come across those borders illegally? How is it that we can be so cavalier about what I consider to be one of the most important aspects of our national sovereignty, the establishment of, the protection of, the defense of our borders.

□ 2310

Is it really passe? Is it really outdated for me to stand on the floor of this body and this House and plead for the protection of our borders, the defense of our borders? Is that really that odd? How is it that we can look at this

whole phenomenon and not reel by the impact made when we understand the fact that every day, literally thousands of people are crossing our borders without our knowledge, certainly without our permission. For the most part, I am sure that their intentions are benign. But whether their intentions are simply to take a low-cost job that no one else will take or their intentions are to do something more evil, the fact is that the impact is negative on the country, negative from an economic standpoint and negative from a national security standpoint.

This body has failed to produce a single piece of legislation, both the House and the Senate together, failed to produce a single piece of legislation which will significantly increase the security of the people of the United States as regards the borders. We have done a great deal to improve our ability to respond to the threats of terrorists in Afghanistan, in Iraq maybe soon, in the Philippines, in the Republic of Georgia, the many other nations where we have identified tentacles of the terrorist threat Al Qaeda. We have done a marvelous job. It is to the credit of this President, this body, the Congress of the United States and more importantly to the people, the men and women who serve in the Armed Forces, that we have been able to accomplish what we have been able to accomplish since 9/11. But it is not enough, Mr. Speaker.

We have one primary responsibility here in this body, one thing that is more important than making sure that we fund health and human services activities, education activities, transportation and all of the other budget bills that we deal with. Something more important than that is the protection of the life and property of the people of this country. We shirk that responsibility if we do not pay attention to our borders, if we do not get some sort of hold on our own immigration policy and become a real nation. Because a real nation has borders. It defends them. It determines who comes across them to the best of its ability. It expels people who come across illegally. We laugh at that. We wink at it. It is a joke.

Let me tell you, Mr. Speaker, we will not be laughing the next time we have an incident. God forbid that another event occur in this Nation that we can attribute to the evil intent of people who come here from other nations and who sneak across or come across legally and stay beyond what they should or who lie to us for telling us why they are coming in. All those people coming in illegally, we have a responsibility to do everything we can to protect the American citizens by defending our borders. Do not shirk this responsibility, I beg my colleagues. It is our primary responsibility. God and the American people will judge us for our actions.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. THORNBERRY (at the request of Mr. ARMEY) for today and April 17 on account of a death in the family.

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. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. GRUCCI, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCHROCK, for 5 minutes, today.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 17, 2002, 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:

6188. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R–1118] received April 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6189. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Household Furniture Industry—received March 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6190. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guide Concerning Fuel Economy Advertising For New Automobiles—received March 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6191. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guide For The Rebuilt, Reconditioned, And Other Used Automobile Parts Industry—received March 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6192. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule)—received March 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6193. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 02–05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6194. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 08–02 which informs of the intention to sign the Future Air Capabilities Projects (FAC) Memorandum of Understanding (MOU) between the United States, France, Germany, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6195. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 07–02 which informs of the intention to sign an Amendment to the Memorandum of Understanding (MOU) between the United States, the United Kingdom, Canada, and The Netherlands concerning the Cooperative Framework for the System Development and Demonstration (SDD) Phase of the Joint Strike Fighter (JSF) Program and the Netherlands Supplement between the United States and The Netherlands, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 12–02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

6197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 027–02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

6198. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 168–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6199. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 032–02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6200. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the

Office of Inspector General for the period April 1, 2001, through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6201. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule—Right-of-Way and Real Estate; Program Administration [FHWA Docket No. FHWA–2001–8624] (RIN: 2125–AE82) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6202. A letter from the FMCSA Regulations Officer, Department of Transportation, transmitting the Department's final rule—Certification of Safety Auditors, Safety Investigators, and Safety Inspectors [Docket No. FMCSA–2001–11060] (RIN: 2126–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6203. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 2001–NM–07–AD; Amendment 39–12632; AD 2002–02–04] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6204. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and A300 B4; A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600); and Model A310 Series Airplanes [Docket No. 2001–NM–253–AD; Amendment 39–12633; AD 2002–02–05] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6205. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200, –200C, –300, and –500 Series Airplanes [Docket No. 2000–NM–332–AD; Amendment 39–12636; AD 2002–02–08] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6206. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Limited BN–2, BN–2A, BN–2B, and BN–2T Series Airplanes [Docket No. 2001–CE–38–AD; Amendment 39–12638; AD 2002–02–10] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6207. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000–NM–413–AD; Amendment 39–12652; AD 2002–03–11] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6208. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes and Model Avro 146–RJ Series Airplanes [Docket No. 2000–NM–266–AD; Amendment 39–12651; AD 2002–03–10] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6209. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2001–CE–10–AD; Amendment 39–12644; AD 2002–03–03] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6210. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International, S. A. CFM56–5 Series Turbofan Engines [Docket No. 2001–NE–20–AD; Amendment 39–12461; AD 2002–02–13] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6211. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International, Inc., (formerly AlliedSignal, Inc., and Textron Lycoming) T5311A, T5311B, T5313B, T5317A, T5317B, T53–L–11, T53–L–11A, T53–L–11B, T53–L–11C, T53–L–11D, T53–L–11AS/SA, T53–L–13B, T53–L–13BS/SA, T53–L–13BS/SB, and T53–L–703 Turboshaft Engines [Docket No. 2000–NE–34–AD; Amendment 39–12642; AD 2002–03–01] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6212. A letter from the Program Analyst, FAA, Department Of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Series Airplanes [Docket No. 2001–NM–224–AD; Amendment 39–12648; AD 2002–03–07] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6213. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule—Board of Veterans' Appeals Rules of Practice: Claim for Death Benefits by Survivor (RIN: 2900–AL11) received April 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

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. HANSEN: Committee on Resources. H.R. 3955. A bill to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and for other purposes; with an amendment (Rept. 107–409). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3421. A bill to provide adequate school facilities within Yosemite National Park, and for other purposes; with an amendment (Rept. 107–410 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 388. Resolution providing for consideration of the bill (H.R. 476) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions (Rept. 107–411). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Education and the Workforce discharged from further consideration. H.R. 3421 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3421. Referral to the Committee on Education and the Workforce extended for a period ending not later than April 16, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself and Ms. VELÁZQUEZ):

H.R. 4231. A bill to improve small business advocacy, and for other purposes; to the Committee on Small Business.

By Mr. FERGUSON:

H.R. 4232. A bill to extend the temporary suspension of duty on bromine-containing compounds; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 4233. A bill to extend the temporary suspension of duty on filter blue green photo dye; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 4234. A bill to extend the temporary suspension of duty on a fluoride compound; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. GEORGE MILLER of California, Mr. MURTHA, and Mr. STRICKLAND):

H.R. 4235. A bill to amend the Black Lung Benefits Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ACEVEDO-VILÁ (for himself, Mr. UNDERWOOD, and Mrs. CHRISTENSEN):

H.R. 4236. A bill to provide access to welfare tools to help Americans get back to work; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 4237. A bill to provide for the liquidation or reliquidation of certain entries of protective cases; to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4238. A bill to extend the temporary suspension of duty on 5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl-1)-(4-pyridin lmethyl)-1H-imidazole-2-methanol carbamate; to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4239. A bill to extend the temporary suspension of duty on [4R-[3(2S,3S),4R]]-3-[2-Hy-droxy-3-[(3-hydroxy-2-methyl-b enzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-](2-methyl penyl)-methyl]-4-thiazolidine-carboxamide; to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4240. A bill to extend the temporary suspension of duty on (2E,4S)-4-(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-((5-methyl-3-isoxazolyl)-carbonyl y)amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidiny l)-2-pentenoic acid, ethyl ester; to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4241. A bill to suspend temporarily the duty on 1H-imidazole,4-(1-methylethyl)-2-

[(phenylmethoxy)methyl]-(9C 1); to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4242. A bill to suspend temporarily the duty on Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl—ethenyl]-1H-indazol-6- yl)thio]-; to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4243. A bill to suspend temporarily the duty on 1(2H)-Quinolinecarboxylic acid, 4-[[[3,5-bis(trifluoromethyl)phenyl] methyl](methoxycarbonyl)amino]-2-ethyl- 3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2R,4S)-(9CI); to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4244. A bill to suspend temporarily the duty on Disulfide,bis(3,5-dichlorophenyl)(9C1); to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4245. A bill to suspend temporarily the duty on Pyridine,4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H- midazol-1-yl] methyl]- ethanedioate (1:2); to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4246. A bill to suspend temporarily the duty on 1H-Pyrazole-5-carboxamide,N-[2-fluoro-5-[[3-[(1E)-2-(2-pyrid inyl)ethenyl]-1H-indazol-6-yl]amino]phenyl]1,3-dimethyl-; to the Committee on Ways and Means.

By Mr. BECERRA:

H.R. 4247. A bill to suspend temporarily the duty on 1H-imidazole-2-methanol,5-[(3,5-dichlorophenyl)thio]-4-(1-me hlethyl)-1-(4-pyridinylmethyl)-(9C1); to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4248. A bill to suspend temporarily the duty on Paclobutrazole Technical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4249. A bill to suspend temporarily the duty on Paclobutrazole 2SC; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4250. A bill to suspend temporarily the duty on Methidathion Technical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4251. A bill to suspend temporarily the duty on Vanguard 75 WDG; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4252. A bill to suspend temporarily the duty on WAKIL XL; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4253. A bill to suspend temporarily the duty on Oxasulfuron Technical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4254. A bill to suspend temporarily the duty on Mucochloric Acid; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4255. A bill to suspend temporarily the duty on Azoxystrobin Technical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4256. A bill to suspend temporarily the duty on Flumetralin Technical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4257. A bill to suspend temporarily the duty on Cyprodinil Technical; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4258. A bill to suspend temporarily the duty on Mixtures of Lambda-Cyhalothrin; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4259. A bill to suspend temporarily the duty on Primisulfuron; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4260. A bill to suspend temporarily the duty on 1,2 Cyclohexanedione; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4261. A bill to suspend temporarily the duty on Difenoconazole; to the Committee on Ways and Means.

By Mr. COX:

H.R. 4262. A bill to suspend temporarily the duty on certain refracting and reflecting telescopes; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4263. A bill to extend the temporary suspension of duty on Baytron M; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4264. A bill to extend the temporary suspension of duty on Baytron P; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4265. A bill to extend the temporary suspension of duty on certain ion-exchange resins; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4266. A bill to extend the temporary suspension of duty on Thionyl Chloride; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4267. A bill to extend the temporary suspension of duty on DEMT; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4268. A bill to extend the temporary suspension of duty on PHBA (p-hydroxybenzoic acid); to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4269. A bill to extend the temporary suspension of duty on Iminodisuccinate; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4270. A bill to extend the temporary suspension of duty on Mesamoll; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4271. A bill to extend the temporary suspension of duty on Baytron C-R; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4272. A bill to extend the temporary suspension of duty on ortho-phenylphenol (OPP); to the Committee on Ways and Means.

By Mr. COYNE (for himself and Mr. HOLDEN):

H.R. 4273. A bill to extend the temporary suspension of duty on 11-Aminoundecanoic acid; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4274. A bill to extend the suspension of duty on Vulkalent E/C; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4275. A bill to suspend temporarily the duty on Phenylisocyanate; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4276. A bill to suspend temporarily the duty on Bayowet FT-248; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4277. A bill to suspend temporarily the duty on APEC 1745; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4278. A bill to suspend temporarily the duty on P-Phenylphenol; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 4279. A bill to suspend temporarily the duty on certain rubber riding boots; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4280. A bill to suspend temporarily the duty on aluminum etched foil; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4281. A bill to suspend temporarily the duty on Chemical RH water-based (iron toluene sulfanate); to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4282. A bill to suspend temporarily the duty on Chemical NR Ethanol-based (iron toluene sulfanate); to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4283. A bill to suspend temporarily the duty on tantalum top/bottom inner shield, tantalum pan, tantalum crucibles, tantalum rod, and tantalum wire; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4284. A bill to suspend temporarily the duty on tantalum capacitor ink; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4285. A bill to suspend temporarily the duty on certain cultured crystals; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4286. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4287. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4288. A bill to suspend temporarily the duty on nickel powder; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4289. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4290. A bill to provide for the liquidation or reliquidation of certain entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4291. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4292. A bill to provide for the liquidation or reliquidation of certain entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4293. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4294. A bill to provide for the liquidation or reliquidation of certain entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 4295. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4296. A bill to suspend temporarily the duty on barium titanate; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4297. A bill to suspend temporarily the duty on thermal release plastic film; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4298. A bill to suspend temporarily the duty on certain formulated silver paints and pastes to coat tantalum anodes colloidal precious metals; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):

H.R. 4299. A bill to suspend temporarily the duty on polymer masking material for aluminum capacitors (UPICOAT); to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 4300. A bill to suspend temporarily the duty on standard grade ferroniobium; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 4301. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 4302. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 4303. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 4304. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 4305. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 4306. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 4307. A bill to extend temporary suspension of duty with respect to Ethofumesate; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 4308. A bill to extend the temporary suspension of duty with respect to Desmedipham; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 4309. A bill to extend the temporary suspension of duty with respect to Phenmedipham; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 4310. A bill to extend the temporary suspension of duty with respect to Diclofop methyl; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 4311. A bill to suspend temporarily the duty on endosulfan; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 4312. A bill to provide emergency agricultural assistance to producers of the 2002 crop of certain agricultural commodities; to the Committee on Agriculture.

By Mr. HOLDEN:

H.R. 4313. A bill to suspend temporarily the duty on 3-[(4 Amino-3-Methoxyphenyl) Azo]-benzene sulfonic acid; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4314. A bill to suspend temporarily the duty on 2-Methyl-5-nitrobenzenesulfonic acid; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4315. A bill to suspend temporarily the duty on 2 Amino 6 Nitro Phenol 4 sulfonic acid; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4316. A bill to suspend temporarily the duty on 2 Amino 5 sulfobenzoic acid; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4317. A bill to suspend temporarily the duty on 2,5 bis [(1,3 Dioxobutyl) Amino] benzene sulfonic acid; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4318. A bill to suspend temporarily the duty on p-Aminoazobenzene 4 sulfonic acid, monosodium salt; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4319. A bill to suspend temporarily the duty on p-Aminoazobenzene 4 sulfonic acid; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 4320. A bill to suspend temporarily the duty on 3-[(4 Amino-3-Methoxyphenyl) Azo]-benzene sulfonic acid, monosodium salt; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4321. A bill to extend the temporary suspension of duty on R115777; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4322. A bill to suspend temporarily the duty on ET–743; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4323. A bill to extend the temporary suspension of duty on Imazalil; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4324. A bill to extend the temporary suspension of duty on Norbloc 7966; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4325. A bill to extend the temporary suspension of duty on Fungaflor 500 EC; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4326. A bill to suspend until December 31, 2006, the duty on Benzenepropanal, 4-(1,1-Dimethylethyl)-Alpha-Methyl-; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4327. A bill to suspend temporarily the duty on 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2- sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin 2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox'-, sodium salt; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4328. A bill to suspend temporarily the duty on 1,5-Naphthalenedisulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]eth yl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]phenyl]azo]-, disodium salt; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4329. A bill to suspend temporarily the duty on 7,7'-[1.3-propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-d iyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4330. A bill to suspend temporarily the duty on Cuprate(3-), [2-[[[[3-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin- 2-yl]amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2]phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O], trisodium; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4331. A bill to suspend temporarily the duty on 1,5-Naphthalenedisulfonic acid, 2-[[8-[[4-[[3-[[[2-(ethenylsulfonyl)ethyl]amino]carbonyl]phe ny]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6-d isulfo-2-naphthalenyl]azo]-, tetrasodium salt; to the Committee on Ways and Means.

By Mr. KING:

H.R. 4332. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''; to the Committee on Government Reform.

By Mr. LAHOOD:

H.R. 4333. A bill to suspend temporarily the duty on certain certain wheel rims; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4334. A bill to suspend temporarily the duty on certain visual signaling equipment; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4335. A bill to suspend temporarily the duty on certain machinery parts; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4336. A bill to suspend temporarily the duty on certain parts of gearing, gear boxes, and other speed changers; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4337. A bill to suspend temporarily the duty on parts of fuel-injection pumps for compression-ignition engines; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4338. A bill to suspend temporarily the duty on certain lubricating pumps; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4339. A bill to suspend temporarily the duty on fuel-injection pumps for compression ignition engines; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4340. A bill to suspend temporarily the duty on certain engine parts; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4341. A bill to suspend temporarily the duty on certain engine parts; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4342. A bill to suspend temporarily the duty on certain compression-ignition internal combustion piston engines; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4343. A bill to suspend temporarily the duty on marine propulsion engines; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4344. A bill to suspend temporarily the duty on certain tubes, pipes, and hoses; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4345. A bill to suspend temporarily the duty on certain tubes, pipes, and hoses; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4346. A bill to suspend temporarily the duty on PTFMBA; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4347. A bill to suspend temporarily the duty on difluoroaniline; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4348. A bill to extend the temporary suspension of duty on Solvent Blue 124; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4349. A bill to extend the temporary suspension of duty on 4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4350. A bill to extend the temporary suspension of duty on Solvent Blue 104; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4351. A bill to extend the temporary suspension of duty on Pigment Yellow 154; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4352. A bill to extend the temporary suspension of duty on Pigment Yellow 175; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4353. A bill to extend the temporary suspension of duty on Pigment Red 208; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4354. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Ways and Means.

By Mr. LANGEVIN:
H.R. 4355. A bill to extend the temporary suspension of duty on Pigment Red 185; to the Committee on Ways and Means.

By Mr. LANGEVIN:
H.R. 4356. A bill to suspend temporarily the duty on benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl)amino]carbonyl]-, methyl ester; to the Committee on Ways and Means.

By Mr. LANGEVIN:
H.R. 4357. A bill to suspend temporarily the duty on Pigment Red 176; to the Committee on Ways and Means.

By Mr. LANGEVIN:
H.R. 4358. A bill to suspend temporarily the duty on p-amino benzamide; to the Committee on Ways and Means.

By Mr. LANGEVIN:
H.R. 4359. A bill to suspend temporarily the duty on Pigment Yellow 214; to the Committee on Ways and Means.

By Mr. LANGEVIN:
H.R. 4360. A bill to suspend temporarily the duty on Pigment Yellow 180; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4361. A bill to reduce temporarily the duty on Imidacloprid pesticides; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4362. A bill to reduce temporarily the duty on FOE Hydroxy; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4363. A bill to reduce temporarily the duty on Alkylketone; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4364. A bill to reduce temporarily the duty on Beta-cyfluthrin; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4365. A bill to suspend temporarily the duty on Imidacloprid Technical; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4366. A bill to suspend temporarily the duty on Bayleton Technical; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4367. A bill to suspend temporarily the duty on Propoxur Technical; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4368. A bill to suspend temporarily the duty on MKH 6561 Isocyanate; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4369. A bill to suspend temporarily the duty on Propoxy Methyl Triazolone; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4370. A bill to suspend temporarily the duty on Nemacur VL; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4371. A bill to suspend temporarily the duty on Methoxy Methyl Triazolone; to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. GRAVES):
H.R. 4372. A bill to reduce temporarily the duty on MKH 6562 Isocyanate; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. WYNN, Mrs. CHRISTENSEN, Ms. KAPTUR, Mr. FROST, Mr. GEORGE MILLER of California, Mr. BONIOR, Mr. STARK, Mr. KUCINICH, Ms. LEE, Mr. UDALL of New Mexico, Mr. JACKSON of Illinois, Mr. ACEVEDO-VILÁ, and Mrs. MINK of Hawaii):
H.R. 4373. A bill to amend the Federal Unemployment Tax Act and the Social Security Act to modernize the unemployment insurance system, and for other purposes; to the Committee on Ways and Means.

By Mr. MEEKS of New York (for himself and Mr. FOLEY):
H.R. 4374. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of frequent flyer mileage awards; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4375. A bill to suspend temporarily the duty on Levafix Golden Yellow E-G; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4376. A bill to suspend temporarily the duty on Levafix Blue CA/Remazol Blue CA; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4377. A bill to suspend temporarily the duty on Remazol Yellow RR Gran; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4378. A bill to suspend temporarily the duty on Indanthren Blue CLF; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4379. A bill to extend the temporary suspension of duty on Sodium petroleum sulfonate; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4380. A bill to suspend temporarily the duty on Chloroacetic acid; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4381. A bill to suspend temporarily the duty on Indanthren Yellow F3GC; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4382. A bill to suspend temporarily the duty on Acetyl Chloride; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4383. A bill to suspend temporarily the duty on 4-Methoxy-phenacychloride; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4384. A bill to suspend temporarily the duty on 3-Methoxy-thiophenol; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4385. A bill to suspend temporarily the duty on Levafix Brilliant Red E-6BA; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4386. A bill to extend the temporary suspension of duty on Isobornyl Acetate; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4387. A bill to suspend temporarily the duty on 2,4-xylidine; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4388. A bill to extend the temporary suspension of duty on certain TAED chemicals; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4389. A bill to suspend temporarily the duty on Remazol Br. Blue BB 133%; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4390. A bill to suspend temporarily the duty on Fast Navy Salt RA; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4391. A bill to suspend temporarily the duty on Levafix Royal Blue E-FR; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4392. A bill to suspend temporarily the duty on p-Chloro aniline; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 4393. A bill to suspend temporarily the duty on esters and sodium esters of Parahydroxybenzoic Acid; to the Committee on Ways and Means.

By Mr. NADLER:
H.R. 4394. A bill to amend the Internal Revenue Code of 1986 to provide for regional cost of living adjustments; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. AKIN):
H.R. 4395. A bill to suspend temporarily the duty on a certain chemical used in industrial coatings formulation; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. AKIN):
H.R. 4396. A bill to suspend temporarily the duty on a certain chemical used in industrial coatings formulation; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. AKIN):
H.R. 4397. A bill to suspend temporarily the duty on a certain chemical used in industrial coatings formulation; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. AKIN):
H.R. 4398. A bill to suspend temporarily the duty on a certain chemical used in industrial coatings formulation; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. AKIN):
H.R. 4399. A bill to suspend temporarily the duty on a certain chemical used in industrial coatings formulation; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. AKIN):
H.R. 4400. A bill to suspend temporarily the duty on a certain chemical used in industrial coatings formulation; to the Committee on Ways and Means.

By Mr. NETHERCUTT:
H.R. 4401. A bill to suspend temporarily the duty on RWJ 241947; to the Committee on Ways and Means.

By Mr. NETHERCUTT:
H.R. 4402. A bill to suspend temporarily the duty on RWJ 394718; to the Committee on Ways and Means.

By Mr. NETHERCUTT:
H.R. 4403. A bill to suspend temporarily the duty on RWJ 394720; to the Committee on Ways and Means.

By Mr. NUSSLE:
H.R. 4404. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain log forwarders used as motor vehicles for the transport of goods; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4405. A bill to extend the temporary suspension of duty on diethyl phosphorochidothioate; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4406. A bill to suspend temporarily the duty on 3,4-DCBN; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4407. A bill to extend the temporary suspension of duty on 2,6-dichloroaniline; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4408. A bill to suspend temporarily the duty on Cyhalofop; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4409. A bill to extend the temporary suspension of duty on benfluralin; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4410. A bill to extend the temporary suspension of duty on 1,3-diethyl-2-imidazolidinone; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4411. A bill to suspend temporarily the duty on ethalfluralin; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4412. A bill to extend the temporary suspension of duty on diphenyl sulfide; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4413. A bill to suspend temporarily the duty on Asulam; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4414. A bill to suspend temporarily the duty on 2-methyl-4-chlorophenoxyacetic acid; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4415. A bill to suspend temporarily the duty on Florasulam; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4416. A bill to extend the temporary suspension of duty on DMDS; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4417. A bill to suspend temporarily the duty on Propanil; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4418. A bill to extend the temporary suspension of duty on Methoxyfenozide; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4419. A bill to extend the temporary suspension of duty on halofenozide; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4420. A bill to suspend temporarily the duty on Myclobutanil; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4421. A bill to extend the temporary suspension of duty on Starane F; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4422. A bill to suspend temporarily the duty on Ortho-phthalaldehyde; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4423. A bill to extend the temporary suspension of duty on Triazamate; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4424. A bill to suspend temporarily the duty on trans 1,3-dichloropentene; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4425. A bill to suspend temporarily the duty on methacrylamide; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4426. A bill to suspend temporarily the duty on Cation Exchange Resin; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4427. A bill to extend the temporary suspension of duty on Propiconazole; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4428. A bill to extend the temporary suspension of duty on B-Bromo-B-nitrostyrene; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4429. A bill to suspend temporarily the duty on Oryzalin; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4430. A bill to extend the temporary suspension of duty on quinoline; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4431. A bill to extend the temporary suspension of duty on 2-Phenylphenol; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4432. A bill to extend the temporary suspension of duty on tebufenozide; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4433. A bill to extend the temporary suspension of duty on 3-amino-5-mercapto-1,2,4-triazole; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4434. A bill to suspend temporarily the duty on Gallery; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4435. A bill to extend the temporary suspension of duty on 4,4-dimethoxy-2-butanone; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4436. A bill to extend the temporary suspension of duty on Fenbuconazole; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4437. A bill to extend the temporary suspension of duty on Diiodomethyl-p-tolylsulfone; to the Committee on Ways and Means.

By Mr. PENCE:
H.R. 4438. A bill to suspend temporarily the duty on trifluralin; to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania:
H.R. 4439. A bill to suspend temporarily the duty on certain polyamides; to the Committee on Ways and Means.

By Mr. PETRI:
H.R. 4440. A bill to suspend temporarily the duty on fixed-ratio gear changers for truck-mounted concrete mixers; to the Committee on Ways and Means.

By Mr. POMBO:
H.R. 4441. A bill to reduce the duty on certain straw hats; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio (for herself and Mr. TIBERI):
H.R. 4442. A bill to suspend temporarily the duty on certain necks used in cathode ray tubes; to the Committee on Ways and Means.

By Mr. RANGEL:
H.R. 4443. A bill to suspend temporarily the duty on polytetramethylene ether glycol; to the Committee on Ways and Means.

By Mr. RANGEL:
H.R. 4444. A bill to suspend temporarily the duty on magnesium aluminum hydroxide carbonate hydrate; to the Committee on Ways and Means.

By Mr. RANGEL:
H.R. 4445. A bill to suspend temporarily the duty on leaf alcohol; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. WILSON of South Carolina, Mr. ISSA, Mr. SULLIVAN, Mr. BOOZMAN, Ms. HART, Mrs. CAPITO, Mr. GRUCCI, Mr. SCHROCK, Mr. AKIN, Mr. SIMMONS, Mr. CHAMBLISS, Mr. BACHUS, Mrs. KELLY, Mr. BEREUTER, Mr. CANTOR, Mrs. BIGGERT, Mrs. ROUKEMA, Mr. FLETCHER, Mr. FOLEY, Mr. HORN, Mr. RILEY, Mr. KENNEDY of Minnesota, Mr. FERGUSON, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. LATOURETTE, Mr. OXLEY, Mr. KELLER, Mr. MCHUGH, Mr. TIBERI, Mr. NEY, Mr. COOKSEY, Mr. EHRLICH, Mr. GREEN of Wisconsin, Mr. ISRAEL, Mr. CLAY, Mr. ROSS, Ms. KILPATRICK, Mr. CUMMINGS, and Mr. RUSH):
H.R. 4446. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Financial Services.

By Mrs. ROUKEMA (for herself, Mr. ROTHMAN, and Mr. DOOLEY of California):
H.R. 4447. A bill to suspend temporarily the duty on certain prepared or preserved artichokes, not frozen; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself, Mr. ROTHMAN, and Mr. DOOLEY of California):
H.R. 4448. A bill to suspend temporarily the duty on certain prepared or preserved artichokes; to the Committee on Ways and Means.

By Mr. SIMMONS:
H.R. 4449. A bill to suspend temporarily the duty on combed cashmere and camel hair yarn; to the Committee on Ways and Means.

By Mr. SIMMONS:
H.R. 4450. A bill to suspend temporarily the duty on carded cashmere yarn of 6 run or finer; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself and Mr. NEY):
H.R. 4451. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate subheadings for low-energy magnets and articles containing magnets and to create additional U.S. notes explaining the tariff classification of low-energy magnets and articles containing magnets; to the Committee on Ways and Means.

By Mr. WATKINS (for himself and Mr. POMEROY):
H.R. 4452. A bill to amend title XVIII to provide for a 5-year extension of the authorization for appropriations for certain Medicare rural grants; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:
H.R. 4453. A bill to suspend temporarily the duty on Sulfur Black 1; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:
H.R. 4454. A bill to suspend temporarily the duty on Reduced Vat Blue 43; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:
H.R. 4455. A bill to suspend temporarily the duty on Fluorobenzene; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:
H.R. 4456. A bill to extend the suspension of duty on Propiophenone; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:
H.R. 4457. A bill to extend the suspension of duty on Meta-chlorobenzaldehyde; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:
H.R. 4458. A bill to extend the suspension of duty on 4-bromo-2-fluoroacetanilide; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:
H.R. 4459. A bill to extend the suspension of duty on 2,6, Dichlorotoluene; to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mrs. MYRICK):
H.R. 4460. A bill to suspend temporarily the duty on tantalum powder; to the Committee on Ways and Means.

By Mr. RILEY (for himself, Mr. ADERHOLT, Mr. BACHUS, Mr. CALLAHAN, Mr. CRAMER, Mr. EVERETT, and Mr. HILLIARD):
H. Con. Res. 377. Concurrent resolution expressing the sense of Congress regarding the establishment by the Hyundai Motor Company of its first automotive manufacturing facility in the United States; to the Committee on Energy and Commerce.

By Mr. NEY (for himself and Mr. HOYER):

H. Con. Res. 378. Concurrent resolution commending the District of Columbia National Guard, the National Guard Bureau, and the entire Department of Defense for the assistance provided to the United States Capitol Police and the entire Congressional community in response to the terrorist and anthrax attacks of September and October 2001; to the Committee on House Administration.

By Mr. ROGERS of Michigan:

H. Con. Res. 379. Concurrent resolution recognizing the efforts and activities of the National SAFE KIDS Campaign to prevent all unintentional injuries among children, including bicycle-related traumatic brain injuries; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H. Res. 387. A resolution providing for the expulsion of Representative James A. Traficant, Jr., from the House of Representatives; to the Committee on Standards of Official Conduct.

By Ms. SANCHEZ:

H. Res. 389. A resolution providing for the expulsion of Representative James A. Traficant, Jr., from the House of Representatives; to the Committee on Standards of Official Conduct.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. DEMINT:

H.R. 4461. A bill to provide for the liquidation or reliquidation of entries ofcertain manufacturing equipment;to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 4462. A bill to provide for the reliquidation of certain entries;to the Committee on Ways and Means.

By Ms. MCCARTHY of Missouri:

H.R. 4463. A bill to provide for the liquidation or reliquidation of certain entries;to the Committee on Ways and Means.

By Mr. ROGERS of Michigan:

H.R. 4464. A bill to provide for reliquidation pursuant to section 1003 of theMiscellaneous Trade and Technical Corrections Act of 1999;to the Committee on Ways and Means.

By Ms. SANCHEZ:

H.R. 4465. A bill to provide for the reliquidation of entries of certain machines usedto replicate optical discs;to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. LOBIONDO, Mr. PETERSON of Minnesota, Mr. LUCAS of Kentucky, Mr. SIMPSON, Mr. LEACH, Mr. TOM DAVIS of Virginia, Mr. FORBES, and Mr. MANZULLO.

H.R. 168: Mr. SIMPSON.

H.R. 448: Mr. FILNER.

H.R. 647: Mr. SCHROCK.

H.R. 648: Mrs. JO ANN DAVIS of Virginia.

H.R. 721: Ms. WATSON, Mr. SCHIFF, and Mr. HOSTETTLER.

H.R. 792: Ms. HOOLEY of Oregon.

H.R. 848: Mr. ISRAEL, Mr. SULLIVAN, Mr. PASCRELL, Mr. MALONEY of Connecticut, Mr. STRICKLAND, and Mr. SHIMKUS.

H.R. 854: Mr. TERRY, Mr. OLVER, Mrs. DAVIS of California, and Mr. HUNTER.

H.R. 951: Mr. TAUZIN, Mr. PAUL, Mrs. MCCARTHY of New York, Ms. ROS-LEHTINEN, and MR. CRENSHAW.

H.R. 1041: Ms. HART.

H.R. 1073: Mr. HILLEARY.

H.R. 1081: Mr. PETRI.

H.R. 1109: Mr. STEARNS, Mr. PICKERING, Mr. SHADEGG, Mr. JENKINS, Mr. LATHAM, Mr. LUCAS of Oklahoma, and Mr. BARTLETT of Maryland.

H.R. 1198: Mr. LATOURETTE, Mr. NEY, and Mr. HOLDEN.

H.R. 1239: Mrs. DAVIS of California.

H.R. 1262: Mr. LEVIN, Mr. BONIOR, and Mr. LANTOS.

H.R. 1265: Mr. PRICE of North Carolina.

H.R. 1305: Mr. GILMAN, Mr. ISTOOK, and Mr. WEINER.

H.R. 1353: Mr. MASCARA.

H.R. 1421: Mr. LOBIONDO.

H.R. 1436: Mr. BERRY and Mr. PHELPS.

H.R. 1475: Mr. WEINER and Ms. KAPTUR.

H.R. 1524: Mr. SOUDER.

H.R. 1556: Mr. SULLIVAN, Mr. CANTOR, Mr. COMBEST, Mr. PASTOR, Ms. MCKINNEY, Mr. LUCAS of Kentucky, Mr. GANSKE, and Mr. TERRY.

H.R. 1581: Mr. DICKS.

H.R. 1598: Mr. HOLT, Mr. LEACH, and Mr. BAIRD.

H.R. 1602: Mr. JEFF MILLER of Florida.

H.R. 1609: Mr. TERRY.

H.R. 1671: Mr. TOWNS, Ms. MCCOLLUM, and Mr. FRANK.

H.R. 1759: Mrs. CHRISTENSEN.

H.R. 1795: Mr. MALONEY of Connecticut, Mr. ROSS, and Mr. CRAMER.

H.R. 1808: Mr. HEFLEY.

H.R. 1873: Mr. KENNEDY of Rhode Island.

H.R. 1919: Mr. LATHAM.

H.R. 1943: Mr. BOUCHER, Mr. GORDON, Mr. GIBBONS, and Ms. MCCOLLUM.

H.R. 1956: Mr. NETHERCUTT and Mr. LEWIS of Kentucky.

H.R. 1979: Mr. BARR of Georgia and Ms. DUNN.

H.R. 1983: Mr. GARY G. MILLER of California and Mr. ABERCROMBIE.

H.R. 2002: Mr. BURTON of Indiana, Mr. WELLER, Mr. TERRY, and Mr. VISCLOSKY.

H.R. 2073: Mr. ABERCROMBIE.

H.R. 2125: Mr. HEFLEY, Mr. LYNCH, and Mr. FORD.

H.R. 2148: Mrs. MINK of Hawaii.

H.R. 2163: Mr. LARSEN of Washington and Mr. SULLIVAN.

H.R. 2219: Mr. WELLER, Mr. GREENWOOD, Mr. KLECZKA, and Mr. COOKSEY.

H.R. 2220: Mr. FOLEY.

H.R. 2290: Mrs. JOHNSON of Connecticut.

H.R. 2316: Mr. HOSTETTLER, Mr. MANZULLO, Mr. SHUSTER, Mr. SIMPSON, and Mr. BACHUS.

H.R. 2347: Mr. SHUSTER.

H.R. 2349: Mr. MOORE and Mr. LARSON of Connecticut.

H.R. 2374: Mr. ROGERS of Michigan.

H.R. 2419: Mr. MCGOVERN.

H.R. 2462: Mr. LIPINSKI and Mr. ISRAEL.

H.R. 2466: Mr. PAUL, Mr. HILLEARY, Mr. DOYLE, Mr. BONILLA, Mr. LEWIS of Kentucky, and Mr. TURNER.

H.R. 2487: Mr. BROWN of Ohio and Mr. CLAY.

H.R. 2569: Mr. CHAMBLISS.

H.R. 2605: Mr. ALLEN.

H.R. 2623: Mr. ROTHMAN.

H.R. 2638: Mr. DOOLITTLE and Mr. KING.

H.R. 2695: Mr. TANCREDO.

H.R. 2714: Mr. ADERHOLT, Mr. FLAKE, Mr. CHAMBLISS, Mr. CALVERT, and Mr. HOSTETTLER.

H.R. 2735: Mr. PLATTS, Mr. PETRI, Mr. TANCREDO, and Mr. LATOURETTE.

H.R. 2817: Mr. FOLEY and Mr. KING.

H.R. 2820: Mr. SHOWS, Mr. MASCARA Ms. DELAURO, and Mr. HALL of Ohio.

H.R. 2867: Mr. MANZULLO and Mr. CARSON of Oklahoma.

H.R. 2874: Mr. BLAGOJEVICH, Mrs. JO ANN DAVIS of Virginia, and Ms. KAPTUR.

H.R. 2878: Mr. STRICKLAND.

H.R. 2941: Mr. MALONEY of Connecticut, Mr. SOUDER, and Mrs. MINK of Hawaii.

H.R. 2957: Mr. PENCE and Mr. OWENS.

H.R. 3058: Mr. BECERRA and Ms. WATSON.

H.R. 3113: Mr. COYNE.

H.R. 3231: Mr. UDALL of Colorado and Mr. COOKSEY.

H.R. 3234: Mr. ALLEN.

H.R. 3278: Mr. RAHALL.

H.R. 3321: Mr. SWEENEY and Mrs. MCCARTHY of New York.

H.R. 3333: Mr. KERNS.

H.R. 3388: Mr. DAVIS of Illinois and Mrs. KELLY.

H.R. 3397: Mr. HOYER.

H.R. 3435: Mr. MASCARA.

H.R. 3450: Mr. MORAN of Virginia, Mr. BECERRA, Mr. BASS, Mr. WEINER, Mr. BAIRD, Mrs. TAUSCHER, and Mr. VITTER.

H.R. 3476: Mr. CALVERT.

H.R. 3478: Mr. MASCARA.

H.R. 3553: Mr. SNYDER.

H.R. 3569: Mr. MASCARA.

H.R. 3573: Mr. PAUL.

H.R. 3605: Mr. BARR of Georgia.

H.R. 3611: Mr. GOODLATTE.

H.R. 3615: Mr. DAVIS of Illinois.

H.R. 3618: Mr. RILEY.

H.R. 3626: Mr. HORN and Mr. PETERSON of Minnesota.

H.R. 3679: Mr. HASTINGS of Florida and Mr. PAYNE.

H.R. 3684: Mr. SCHROCK and Mr. OTTER.

H.R. 3686: Mr. CALVERT and Mr. PHELPS.

H.R. 3698: Ms. HART.

H.R. 3717: Mr. TANCREDO and Mr. HOEKSTRA.

H.R. 3747: Mr. UDALL of Colorado and Ms. SOLIS.

H.R. 3794: Mr. WU, Mr. FRELINGHUYSEN, Mr. CUMMINGS, Mr. GEKAS, Mrs. MORELLA, Mr. LANGEVIN, Ms. SANCHEZ, and Mr. MARKEY.

H.R. 3831: Mr. CLEMENT, Mr. HEFLEY, and Mr. PETERSON of Minnesota.

H.R. 3834: Mr. RANGEL.

H.R. 3842: Mr. CALVERT.

H.R. 3847: Mr. ANDREWS and Mr. PAYNE.

H.R. 3887: Ms. WOOLSEY, Mrs. MEEK of Florida, Mr. HOLT, Mr. LARSEN of Washington, Mr. PASTOR, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, Mr. GILMAN, Mr. GONZALEZ, Ms. KILPATRICK, Mr. JACKSON of Illinois, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. NADLER, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. MATSUI, Ms. HARMAN, Ms. LOFGREN, Mr. BRADY of Pennsylvania, and Mr. ALLEN.

H.R. 3952: Ms. LEE and Mr. FILNER.

H.R. 3972: Mr. PAUL.

H.R. 3974: Ms. HART.

H.R. 3976: Mr. KLECZKA.

H.R. 4000: Mr. WALSH, Mr. GREEN of Wisconsin, Ms. HART, Mr. FROST, Mr. PAYNE, Mr. OWENS, Mr. PALLONE, Mr. KENNEDY of Rhode Island, and Mr. HILLIARD.

H.R. 4014: Mr. WELDON of Florida, Mr. HOEFFEL, Mr. LANTOS, Ms. DELAURO, Mr. STUPAK, Mrs. MINK of Hawaii, and Mrs. KELLY.

H.R. 4018: Mr. RODRIGUEZ and Mr. LATOURETTE.

H.R. 4019: Ms. HART.

H.R. 4037: Ms. SOLIS.

H.R. 4038: Ms. LEE.

H.R. 4043: Mr. CULBERSON and Ms. HART.

H.R. 4066: Mr. MCNULTY, Mr. PASTOR, Mr. SULLIVAN, Mr. MATHESON, Mr. RANGEL, Mr. LEVIN, Mr. WEXLER, Mrs. LOWEY, Mrs. JONES of Ohio, Mr. SANDERS, Mr. CAPUANO, Mr. LATOURETTE, Mr. KING, Mr. PRICE of North Carolina, Mr. HOLT, Mr. GUTIERREZ, Mr. MEEHAN, Mr. DICKS, Mrs. MALONEY of New York, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. FRANK, Mr. MATSUI, and Mr. FOLEY.

H.R. 4071: Mr. HOEKSTRA.

H.R. 4086: Mr. INSLEE, Mr. MOORE, Mr. LYNCH, and Mr. HORN.

H.R. 4090: Mr. BARR of Georgia, Mr. HAYWORTH, Mr. WILSON of South Carolina, and Mr. SHAYS.

H.R. 4104: Mr. LUCAS of Kentucky.

H.R. 4119: Mr. ROHRABACHER, Mr. CROWLEY, and Mr. FORBES.

H.R. 4152: Mr. PICKERING, Mr. YOUNG of Florida, Mr. WICKER, Mr. FORBES, and Mr. TIBERI.

H.R. 4156: Mr. WELLER, Mr. PICKERING, Mr. SOUDER, Mr. HAYES, Ms. HART, Mr. WATKINS, Mr. SHIMKUS, Mr. BACHUS, Mr. TANNER, Mr. STUMP, Mr. PETERSON of Minnesota, Mr. KIND, and Mr. DAVIS of Illinois.

H.R. 4158: Mr. RANGEL.

H.R. 4169: Mr. CANNON.

H.R. 4193: Ms. MCCOLLUM.

H.R. 4197: Mr. MCGOVERN.

H.R. 4198: Mr. MCGOVERN.

H. Con. Res. 114: Mr. LYNCH, Mr. SNYDER, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. OWENS, Mr. FATTAH, Ms. LEE, Mr. ENGEL, Mr. TOWNS, Ms. KAPTUR, Ms. WATSON, Mr. HASTINGS of Florida, Mr. FRANK, Mr. CLAY, Ms. BROWN of Florida, and Ms. CARSON of Indiana.

H. Con. Res. 162: Mr. CANTOR.

H. Con. Res. 222: Mr. GORDON and Mr. FORBES.

H. Con. Res. 291: Mr. FOLEY and Ms. MCKINNEY.

H. Con. Res. 315: Mr. STENHOLM and Mr. CALVERT.

H. Con. Res. 340: Mr. OWENS and Mr. FROST.

H. Con. Res. 359: Mr. FROST, Mr. KILDEE, and Mr. FRANK.

H. Con. Res. 371: Mr. BOOZMAN, Mr. EHRLICH, Mr. LEWIS of California, Mr. CASTLE, Mr. FILNER Mrs. DAVIS of California, Ms. BROWN of Florida, Ms. HARMAN, Mr. BAIRD Mr. COYNE, Mr. JONES of North Carolina, Mr. OSE Mr. HALL of Ohio, Mr. FORBES, Mr. PENCE, Mr. CRAMER Mr. MORAN of Virginia, Mr. RADANOVICH, Mr. BRADY of Pennsylvania, and Mr. WYNN.

H. Res. 225: Mr. FOLEY.

H. Res. 295: Mr. PENCE.

H. Res. 361: Mr. MCHUGH, Ms. BALDWIN, and Mr. FATTAH.

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

Vol. 148 WASHINGTON, TUESDAY, APRIL 16, 2002 *No. 42*

Senate

The Senate met at 11 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Our dear God, who persistently seeks to make America both great and good, we praise You for the privilege of living in this land You have blessed so bountifully. With awe and wonder we realize anew that You have called our Nation to be a providential demonstration of the freedom and opportunity, righteousness and justice You desire for all nations. Help us to be faithful to our destiny. May our response to Your love be spelled out in dedication to serve. Enable us to grasp the greatness of the blessing of being Americans.

We thank You for the strategic role of this Senate in Your unfolding plans for our beloved land. In this quiet moment, we affirm who we are and why You have called us to be servant leaders in such a time as this. Our ultimate goal is to please You and to serve You.

Inspire the men and women who represent our Nation in the high calling of being Senators. Give them divine wisdom, penetrating analysis, and solutions to problems, but most of all, indomitable courage and inspiring boldness to declare Your best for our Nation. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 16, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, in a moment, the Chair will put the Senate into a period of morning business until 12:30 today. The Senate will recess from 12:30 to 2:15 for the weekly party conferences.

At 2:15, we are going to resume consideration of the energy reform bill. It was determined yesterday, in speaking to the two Senators from Alaska here in the Chamber, that they would be ready this afternoon to offer the long-anticipated ANWR amendment. So we expect to get that this afternoon and be back on the energy bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. LOTT. Mr. President, I understand that perhaps progress has been made on getting a final agreement on the border security bill, that it may be ready today, and that it might just be a matter of getting a vote on final passage. Is that correct information?

Mr. REID. Yes. In the information that I received last night in speaking to Senators KENNEDY and BYRD, Senator BYRD had three amendments. It appears they can work those out. There may be a requirement for a vote on one of them. Speaking to Senator BROWNBACK yesterday, it appeared that there were no Republican amendments. So I think the matter should be resolved today and maybe this evening or tomorrow we can finish the bill very quickly.

Mr. LOTT. That would be good. I hope we can seal that deal and get it done.

Mr. REID. Yes.

PRAYERS FOR CHAPLAIN OGILVIE'S WIFE, MARY JANE

Mr. LOTT. Mr. President, while the Chaplain is still here, I want to make sure that all of our colleagues are aware that his wonderful helpmate, Mary Jane, has been having some difficulty and is spending some time at Washington Hospital Center. We all know the saying that behind every successful man is a strong and supportive woman.

Mary Jane has been a wonderful part of the Senate family for the past 7 years that Lloyd John Ogilvie has been our Chaplain. He comes to minister and to the aid of all of us in our Senate family. I wanted my colleagues and our staffs to know that he, too, sometimes needs our help, our support, and our prayers.

So I say to the Chaplain, we certainly are thinking about you and we are going to be saying a prayer for Mary Jane and her speedy recovery and her ability to come back to help the Chaplain in his very important work.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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BUDGET RESOLUTION

Mr. LOTT. Mr. President, I am deeply concerned about reports that I have been hearing that indicate that perhaps the Senate may not even consider a budget resolution this year. It is not clear whether we will or we won't, but in the discussions I have had with Senator DASCHLE, his only response has been: Well, that decision has not been made yet.

I must say that is very troubling, and I hope the decision is not made to just defer action completely on the budget resolution this year.

If we don't have a budget resolution, I predict that it will lead to legislative chaos for the remainder of the year. When you look at the budget resolution, you see page after page of numbers. I realize it is not very exciting, it is difficult to read, and the debate on the budget resolution, while it is under expedited procedures, leads to highly arcane descriptions of such things as reserve funds, reconciliation procedures, and references to points of order. But, clearly, it is a process that you can go through and you can usually do it in about a week. Yes, it leads to a number of votes, quite often even the very unattractive carousel-type procedure where you vote on amendment after amendment.

I wish we could find a way to limit that. Maybe this is the year we can come to some sort of agreement to not have 20 or 30 votes, one right after the other. It makes it very difficult to legislate properly and difficult for Senators to even understand the ramifications of those votes. But that is the way it has been done.

I think that in spite of the messy procedure, it will determine whether or not we are able to really govern this year. The budget resolution is not really about numbers in the final analysis; it is about setting priorities and making choices. What will be the position of the Senate on spending for the year? What is the position of the Senate on tax policy? What is the position of the Senate in terms of defense and improving education and health care? Everything sort of depends on having this statement of policy in the budget resolution.

Now, in the years we have had the Budget Empowerment Act, since about 1974, the Senate has never failed to act. Two or 3 years ago, we did have a situation where the Senate passed a resolution, the House passed a resolution, and we could not get a conference agreement. But the two bodies agreed on the numbers that would be followed by the Appropriations Committee and we went forward. I was not proud of that. I thought that was an abdication of our responsibility. At least we agreed on numbers and we went forward.

The idea we would not even make an effort this year sends a fairly bad signal. I realize there is a time problem here. We have about 5 weeks before the Memorial Day recess. We need to finish the energy bill, and we need to do trade promotion authority and bills associated with that, at least indirectly, such as the Andean trade authority and the Trade Adjustment Assistance Act. We still have to do supplemental appropriations. We need to do the Defense authorization bill and a budget resolution, and we need to do all that before the Memorial Day recess. The law requires that we do a budget resolution by April 15.

More years than not, we do not meet that deadline, but at least we go forward and have a budget resolution. If we do not do this by Memorial Day, then it will be very difficult for the Appropriations Committee to proceed. When we look at the fact we have June, July, and September basically remaining in this legislative year, we will have to get going with Defense—well, with all the appropriations bills. Hopefully, Defense appropriations will be first. We need to make sure we fund that program before anything else because our men and women are so dependent on it.

I am very worried about what the situation will be if we do not have a budget resolution. I have been looking at what it could lead to, and I have to say it is going to be a wild-west-type approach. If appropriations bills come up, there are no limits, no points of order to limit spending beyond what a subcommittee may have designated as its numbers. The 60-vote point of order will not apply. The bills could very well collapse of their own weight because there will be so many brilliant ideas of how spending can be added.

If I were a subcommittee chairman, regardless of on which aisle I sat, that would be a very difficult situation to manage.

The argument might be: It will be hard; we will have to vote on all those amendments. That is true, but we do it year after year.

The argument can be made: We are closely divided. Last year we got a budget resolution, and we were divided 50–50. Here are the budget resolutions we passed over the past 6½ years, including last year when it was 50–50. By the way, when we got to a final vote, it was passed by a wide bipartisan vote. In fact, the Senate passed the budget resolution on April 6, before the April 15 date that is included in the budget law, and it was by a bipartisan vote of 65 to 35. It can be done, it should be done, and every year I served as majority leader, we got it done. Here are the budget resolutions. The evidence is there.

I think perhaps what is going on here is just a desire to not have Senators cast these tough votes. That is an abdication of our responsibility.

Perhaps the Senate majority leader and the budget chairmen have something different in mind. Maybe they are saying they prefer to just operate under last year's budget resolution. By choosing not to vote on their own, they are, in effect, choosing to continue under the budget resolution we passed last year. Obviously, that would create a number of problems.

I support the President's budget. The President came up with a good budget. He does provide a significant increase in the priorities that need to have increases. There is an increase for defense funding. We need a supplemental for defense to pay for what we have already spent, and we need to make sure our military men and women have a decent quality of life, have the weapons they need to do the job, the most modern technology possible, which has saved a lot of lives.

We need to move forward on national security. Of course, we realized last year after September 11 that we were vulnerable and we needed to do more with respect to homeland security. There are a lot of hearings occurring now in the Appropriations Committee and other committees of jurisdiction about exactly where this additional spending in homeland security should go. We know we need to do more for port security, airport security, first responders, law enforcement, firemen.

Clearly, we are going to have to add significant increases in funds for homeland security. That has been acknowledged and called for on both sides of the aisle. So national defense, homeland security, and economic security are priorities.

We need to make sure we are doing the right thing with fiscal policy at the Federal Government level so that the economy will grow. We see positive signs, but it is not universal. It is uneven, and it varies from sector to sector, and there are even some regional differences.

This year maybe more than ever we need to have a budget resolution that sets some priorities so that we can do what we need to do but not lose control of it when it gets to this Chamber.

Let me speak a minute about one of the specifics in the budget resolution that came out of the Senate Budget Committee. I commend Senator CONRAD, the chairman of the committee. He could have just said it is not worth the effort, we are not even going to try to get it out of committee. He did make the effort, and they reported out a budget resolution. That signaled to me we were going to be ready to go to the floor with the resolution that came out of the committee.

Now you see it, now you don't. I do not quite understand why that change occurred, even after the Budget Committee stepped up, and while it did not pass on a bipartisan vote, it went through within 2 or 3 days of consideration and is now ready for full Senate consideration.

My concern is specifically in the defense area. I am worried that the budget that came out of the Budget Committee is soft on defense. While it fully funds the President's defense request for next year, it shortchanges the President's request by $225 billion over the next succeeding 9 years. It is $225

billion short. That means the troops will not get the supplies and armaments they need to prosecute the war on terrorism, and this, we all know, is not a short-term issue; this is something that is going to take months and years as we try to root out terrorism and make sure we can be safe around the world at our embassies and at home.

It means that operations and maintenance will suffer. Pilots will not be able to fly the missions they need for training, and upkeep on ships will slow down. It means Secretary Rumsfeld and the Joint Chiefs will have fewer resources in place to plan for the next step. It will mean we will not have the resources to take action against Saddam Hussein and the ''axis of evil.''

The President has established our priorities, and national defense is tops. The President has called on us to act on the defense bill first.

Why in the world would this decision be made not to fully fund the war? I think the response we are going to hear is: We do fully fund the President's request next year, but then we are going to create a reserve fund for defense spending for the future. Unfortunately, the reserve fund is nothing more than a gimmick.

If one looks elsewhere in the budget, specifically in the section titled ''Functional Totals,'' one will see that the defense money in the reserve fund is not there for defense. It would be used supposedly to reduce the debt. That certainly is a worthwhile objective, and we should continue to try to find ways to live within a budget and reduce the debt, as we had been doing for the previous 4 years.

We have to make some choices now. We should fund defense first, and we should not set up a mechanism that would short the Defense Department by $225 billion.

Our world changed on September 11. We know national security and homeland security is going to be important. We are going to have to act on it. We have to be prepared to defend ourselves against attacks internationally and at home. We have to provide support for our allies and friends, such as NATO and Israel. We must repel and deter and, in some instances, take preemptive action to prevent attacks on American citizens. No one in the Senate disagrees we are going to have to do more in national security and it is going to take more than 1 year. This is a long-term commitment.

I do want to particularly point out to my colleagues that there is a huge problem in the budget resolution reported by the committee in the defense area. We need to stand shoulder to shoulder with the President, and we have in the war on terrorism. We did it repeatedly and courageously after the events of September 11. But slowly we have slipped back into our normal sniping.

We will always have legitimate debate. It is about democracy. That is the great thing about America. We can disagree without undermining what needs to be done for our country. When it comes to defense, we cannot shortfund it, and we cannot allow it to slip off into partisan debate.

Here is what we need to do in the Senate, and we need to do it before the Memorial Day recess: Pass a budget resolution. What other form of discipline can we possibly have? What more important indicator is there about whether or not we are prepared to govern and make tough choices? Pass a budget resolution, fully fund the President's budget request in both the short and long term, add the $225 billion for defense back into the budget resolution, and eliminate the reserve fund. Pass the defense resolution first.

That, Mr. President, is how we stand shoulder to shoulder with the President in this war on terrorism.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business not to extend beyond the hour of 12:30 with Senators permitted to speak therein for up to 10 minutes each, and with the time to be equally divided between the two leaders, or their designees.

The Senator from Kentucky.

Mr. MCCONNELL. Thank you, Mr. President.

VACANCY CRISIS IN THE SIXTH CIRCUIT

Mr. MCCONNELL. Mr. President, as the Senate is aware, we are facing a vacancy crisis in the Federal courts with over 11 of the Federal judgeships open.

This crisis is even worse at the appellate level where almost 19 percent of the appellate court judgeships are vacant. That means that one out of every five seats is empty.

Nowhere is the problem felt more acutely than in my home circuit, the Sixth Circuit Court of Appeals, which consists of Michigan, Ohio, Kentucky, and Tennessee. We have an astonishing 50-percent vacancy rate. Half of the seats of my home circuit are empty.

I would like to take a little time to discuss what that means to the people who live in Michigan, Ohio, Kentucky, and Tennessee—the people who make up the Sixth Circuit.

We have a chart of the Sixth Circuit—Michigan, Ohio, Kentucky, and Tennessee. There are 16 total seats on the Sixth Circuit. There are eight sitting judges representing, of course, a 50-percent vacancy. The President has sent up seven nominees for the eight vacancies. To date, there have been no hearings on any of those nominees.

The practical effect of that is each judge is having to dispose of many more cases. As the chart shows, according to the Administrative Office of the Courts, the average number of cases that active-status judges on the Sixth Circuit are having to dispose of has increased by 46 percent in the last 5 years.

As a result of this vacancy rate, the dispositions per active judge have gone up 46 percent since 1996—a 46-percent increase—to 535 matters per judge.

From just 1996 to 2001, the average number of cases each Sixth Circuit judge is deciding has increased by almost half—50 percent.

Let us take a look at this chart and the dramatic increase in decision time.

Why this matters is that with Sixth Circuit judges having to dispose of many more cases, this results in a dramatic increase in the length of time for an appellate decision to be rendered. In fact, according to the Administrative Office of the Courts, the Sixth Circuit is ranked next to last among all Federal circuits in median time for disposition of an appeal.

The national average is 10.9 percent. In Sixth Circuit, it is 15.3 percent, which is 40 percent as a result of the eight vacancies that we have.

It is not just the Sixth Circuit is next to last—someone has to be next to last—but that the deviation from the national average is so great.

Specifically, as my third chart shows, in 1994, when there were no vacancies, the Sixth Circuit was about 1 month slower in processing appeals than the national average, about 10 percent slower.

By the time of the first vacancy in the following year, 1995, the Sixth Circuit was a little over 2 months slower than the national average, or about 17 percent slower than the national average.

But by last year when there were eight vacancies, the Sixth Circuit was almost 4½ months slower than the national average, which translates into a full 40 percent below average.

There is no question that the significant number of vacancies has had an impact on litigants in the Sixth Circuit.

What that means is that in other circuits, if you file your appeal at the beginning of the New Year, you get your decision by about Halloween. But in the Sixth Circuit, if you file your appeal at the same time, you are forced to wait until Easter of the following year to get your case resolved.

These are alarming statistics. To put a human face on it, let me read some comments from judges and practitioners.

Ohio Attorney General Betty Montgomery has said that numerous death penalty appeals before the Sixth Circuit are experiencing prolonged delays. For example, the appeal of Michael Beuke has not been acted on in more than 2 years, and Clarence Carter has had a motion pending before the Sixth Circuit for 3 years.

These are death penalty appeals.

Federal district Judge Robert Holmes Bell described the Sixth Circuit as in a ''crisis'' because of the vacancies. He added, ''We're having to backfill with judges from other circuits who are basically substitutes. You don't get the same sense of purpose and continuity you get with full-fledged court of appeals judges.'' Even with ''backfilling,'' the Sixth Circuit still takes more than 40 percent longer than the national average to resolve cases.

Cincinnati Attorney Elizabeth McCord, as of the end of last year, had been waiting 15 months just to have oral argument scheduled for her client's appeal in a job discrimination suit. In the interim, her client died. According to the Cincinnati Post, delays like this have become ''commonplace'' because vacancies have left the court ''at half-strength and have created a serious backlog of cases.''

Mary Jane Trapp, president of the Ohio Bar Association, said ''Colleagues of mine who do a lot of Federal work are continuing to complain (about the delays). When you don't have judges appointed to hear cases, you really are back to the adage of 'justice delayed is justice denied.' ''

The purpose of my discussion is not to point fingers or to lay blame. My friend, the chairman—and he is my friend—knows how warmly I feel about the way he handled the district court vacancies in my State. I have repeatedly said how much I appreciate his actions in this regard, and I will continue to do so.

The point of my discussion is simply to underscore the problem facing my constituents in Kentucky and the citizens in the other States in the Sixth Circuit. I also feel compelled to discuss this problem because I don't see any indication of progress.

The President has nominated outstanding individuals to fill seven of the eight vacancies on the Sixth Circuit. And I am hopeful that he will soon fill that last vacancy. Yet, unfortunately, no hearings have been scheduled—not a single one—for any of these seven nominees, even though two of those nominees—Jeffrey Sutton and Deborah Cook, both from Ohio—have been before the Senate for almost a full year, and have not even had a hearing.

We are talking about a substantial amount of time:

John Rogers, from the Commonwealth of Kentucky, has been waiting for 119 days.

Henry Saad, Susan Neilson, and David McKeage from Michigan have now been waiting 160 days.

Julia Gibbons from Tennessee has been waiting for 190 days. And both Jeffrey Sutton and Deborah Cook from Ohio have now been waiting 343 days.

We are talking about well-qualified nominees. For example, Jeffrey Sutton graduated first in his law school class, has served as solicitor for the State of Ohio, and has argued over 20 cases before the U.S. and State Supreme Courts. Deborah Cook has been a well-respected justice on the Ohio Supreme Court for 8 years.

But the nominee, obviously, I know best—in fact, the only one I really know—is Professor John Rogers from my own State of Kentucky. He has taught law for almost a quarter of a century at the University of Kentucky College of Law. He has twice served in the Appellate Division of the Department of Justice, once as a visiting professor.

He has served his country as a lieutenant colonel in the U.S. Army Reserves. He was elected to Phi Beta Kappa at Stanford University during his junior year. He graduated magna cum laude from the law school at the University of Michigan, where he was elected to the Order of the Coif. He is clearly an outstanding selection by the President of the United States.

The Sixth Circuit is in dire need of the services of the fine lawyers such as Professor Rogers whom President Bush has nominated. I hope the Senate can make some reasonable progress on accommodating the court's urgent needs because it is important to remember when you have a circuit that is 50 percent vacant, this has a direct impact on litigants. Justice is being delayed and, therefore, denied in the Sixth Circuit. That has a direct bearing on the people who live in Michigan, in Ohio, in Kentucky, and in Tennessee.

It is still not too late for us to address this problem. I hope we will do it in the coming months because we genuinely have a crisis in the courts, and, particularly, we have a crisis in the Sixth Circuit.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Wisconsin.

THE REPORT OF THE ILLINOIS GOVERNOR'S COMMISSION ON CAPITAL PUNISHMENT

Mr. FEINGOLD. Madam President, I rise today to talk about another significant milestone in our Nation's debate on the death penalty. Last week, our Nation witnessed the 100th innocent person to be freed from death row in the modern death penalty era—that is, since the Supreme Court found the death penalty unconstitutional in 1972. Number 100 is Ray Krone. Krone spent 10 years in the Arizona prisons for a murder he did not commit.

Yesterday, our Nation reached another milestone. The Illinois Governor's Commission on Capital Punishment released its report on the Illinois death penalty system. This report details problems with the administration of the death penalty in Illinois and makes dozens of recommendations for reform. This is actually the first comprehensive analysis of a death penalty system undertaken by a Federal or State government in the modern death penalty era.

Governor George Ryan of Illinois first made history 2 years ago when he was the first Governor in the Nation to step forward and place a moratorium on executions. He recognized that the death penalty system is plagued with errors and the risk of executing the innocent. Governor Ryan, who had supported the death penalty as a State legislator, realized that the death penalty system was so broken that justice could no longer be assured. Since reinstatement of capital punishment in Illinois in 1977, Illinois had put 12 people to death. But during this same period, 13 people were exonerated and removed from death row.

What led to this alarming ratio of 13 exonerations to 12 executions? It was a number of problems—from incompetent counsel, to convictions based on unreliable testimony of jailhouse informants, to mistaken eyewitness testimony, and, in some cases, police misconduct.

As Governor Ryan said when he suspended executions:

> I cannot support a system, which . . . has proven to be so fraught with error and has come so close to the ultimate nightmare, the State's taking of innocent life.

But we know that it is not just Illinois that has come so close to this ultimate nightmare. One hundred innocent people nationwide have been released from death row. Thirteen are in Illinois, but the remaining 87 innocent individuals were convicted and sent to death row by justice systems in States such as Arizona, California, Florida, Maryland, and Texas.

Governor Ryan did the right thing. Before signing off on another execution warrant, he wanted to be sure with moral certainty that no innocent man or women would face a lethal injection. But as he suspended executions, he also created an independent commission to review the death penalty in Illinois. This 14-member, blue ribbon commission includes our former colleague, and dear friend Senator Paul Simon; Judge Frank McGarr; Thomas Sullivan, a former U.S. Attorney; and Bill Martin, a former Cook County prosecutor. Judge William Webster, who has served our Nation with distinction as the former Director of the CIA and the FBI, was a special advisor to the commission.

Two years after its creation, I am pleased to report that the Governor's Commission on Capital Punishment has completed its work. Both death penalty supporters and opponents came together to review the problems in Illinois and have made numerous recommendations for reform. The people

of Illinois will not determine how to respond to the commission's recommendations.

I want to commend Governor Ryan for his leadership and the members of the commission for their dedication throughout this long process. Their work is a credit to Illinois and is a model for the Nation.

While Illinois is the only State that has suspended executions, it is not the only State whose death penalty system is fraught with error. In fact, according to a Columbia University study, the overall rate of serious error in the Illinois death penalty system is 2 percent lower than the national average, which is 68 percent. In other words, from 1973 to 1995, over two-thirds of death penalty convictions nationwide were reversed on appeal based on serious, reversible error. That is not just every once in a while. The experts found that almost 7 out of 10 death penalty verdicts will be reversed on appeal, and not for technical reasons, but for substantive, serious reasons.

In the vast majority of these cases reversed on appeal, defendants were found to deserve a sentence less than death when the errors were cured on retrial. And 7 percent were found to be innocent of the crime altogether.

These data show that the same kinds of grave errors that Governor Ryan saw in Illinois exist in death penalty systems across the United States. Incompetent counsel, flimsy or unreliable evidence, and sometimes even prosecutorial or police misconduct—all of these have led to convicting the innocent or, at a minimum, unfair proceedings. We also know that whether you live or die sometimes depends on the color of your skin or where you live. For example, according to a study that reviewed capital prosecutions in Philadelphia from 1983 to 1993, Black defendants were nearly four times as likely to receive a death sentence than non-Black defendants who had committed similar murders. These errors and bias in the system are simply wrong and unjust.

Fortunately, it is not just Governor Ryan and I who are saying there is something terribly amiss. A growing chorus of Americans have come forward to say the death penalty system is fraught with error.

One of those Americans is Justice Sandra Day O'Connor. Last summer, Justice O'Connor expressed her concern about the risk of executing the innocent. She said:

> Unfortunately, as the rate of executions has increased, problems in the way [in] which the death penalty has been administered have become more apparent.

She also said:

> Perhaps most alarming among these is the fact that if statistics are any indication, the system may well be allowing some innocent defendants to be executed.

Madam President, I call on Congress to heed Justice O'Connor's warning and follow the example of the State of Illinois. My bill—a bill that I am working with the Senator from New Jersey, Mr. CORZINE on—is the National Death Penalty Moratorium Act, and it applies the Illinois model to the rest of the Nation. My bill would suspend Federal executions and urge the States to do the same, while a National Commission on the Death Penalty reviews the death penalty systems at the State and Federal levels. The national commission would study whether the administration of the death penalty is consistent with constitutional principles of fairness, justice, equality, and due process.

So, Madam President, I again commend Governor Ryan and the people of Illinois for their leadership. I recently had the chance to speak to a gathering of pro-moratorium supporters in Illinois, the ''Land of Lincoln.'' I told them that I believe they are carrying the mantle of Lincoln. They have given their full devotion to Lincoln's call for freedom and justice throughout the land. In fact, some might say that the struggle for fairness in our Nation's criminal justice system today is, in some ways, an unfinished chapter of the struggle for freedom from slavery earlier in our Nation's history.

Madam President, we should follow the lead of our fellow Americans in the ''Land of Lincoln.'' Let us continue their effort with a nationwide moratorium and a reexamination of the administration of the death penalty. To continue the status quo and risk the execution of another innocent person is truly unjust and just unconscionable.

I urge my colleagues to join me in supporting the National Death Penalty Moratorium Act.

At this point, I yield the floor because I am pleased to see my colleague and tremendous ally in this issue, Senator CORZINE.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Madam President, let me begin by saying how pleased I am to stand with Senator FEINGOLD, who is a man of conscience, who has spoken out for the need for our Nation to examine the practice and application of the death penalty. His call for a moratorium, as was recently provided in the State of Illinois by their Governor, I think is an act of courage and one that is responsible if we all believe in justice, the rule of law, and fairness, which is defining to America.

As I know Senator FEINGOLD outlined, yesterday a commission in the State of Illinois on capital punishment, appointed by Governor George Ryan, released its report on the death penalty. The report raises serious concerns about the fairness of the application of the death penalty and about whether justice is being fairly applied. That commission came back with a number of very important recommendations and movement for reform.

In light of that report, I wish to take this opportunity to truly underscore the effort Senator FEINGOLD has made to raise the level of discussion about the state of the death penalty as it is applied nationally. It is critical that we make sure that the system protects innocent victims and provides for the true application of justice as we know it, making sure fairness and the rule of law are practiced.

Last week a man named Ray Krone was released from prison. Mr. Krone had been convicted of murder. He had already served 10 years behind bars and had been sentenced to die. But Mr. Krone is, and always had been, an innocent man. New DNA evidence proved that conclusively. He was convicted for a crime he did not commit. Prosecutors now admit it. I think the local county attorney put it: He deserves an apology from us. That is for sure. To put it mildly, that is an understatement.

How would any of us feel if we had been charged, tried, and convicted by a jury of our peers for a crime we didn't commit and then, to top it off, sentenced to die? Ray Krone knows what that feels like and, unfortunately, he is not alone. In fact, he was the one-hundredth person, since we reinstated the practice of the death penalty in this Nation, to be released from death row in the United States, with post-trial proof of the individual's innocence. These 100 innocent people have experienced nothing short of living hell. And the outrageous injustice of their convictions and their sentences should be a wake-up call for all of us.

I take second place to no one in my determination to fight the scourge of crime. As part of that effort, I believe we need to be very tough on violent criminals, including imposing long sentences and the potential for no opportunity for parole. But while we get tough on crime, we also need to recognize that our criminal justice system makes mistakes—sometimes very serious mistakes. Until recently, it was virtually impossible to know when innocent people were wrongfully convicted. But today, with the advent of DNA technology, it is far less likely to occur if we let the evidence come to light.

Why are innocent people convicted and sentenced to death? To a large extent, it is because our criminal justice system has some systemic flaws and, frankly, some biases as well, in how it is applied.

Capital defendants are more likely in some parts of our country to be subject to the death penalty than others, and they certainly would give at least the appearance of some racial prejudice administered there.

Capital defendants often have lawyers who do a terrible job. Frankly, there are instances where people have shown up inebriated and unable to carry out their functions in court. Sometimes their failures are simply as a result of carelessness, or lack of preparation, or inexperience, or a failure to find and interview key witnesses, a failure to thoroughly read the case law, and a failure to object to unreliable evidence. They make a variety of mistakes.

I don't say this to criticize all defense attorneys. We accept that most of them try to do a good job. But in many cases where people do not have the economic resources to access the kind of talent necessary to defend them, they may be outgunned in a court of law. Even if they worked 24 hours a day, 7 days a week, they may just be overwhelmed by the resources they are fighting against.

Ineffective assistance of counsel is just one reason why innocent people find themselves on death row. Sometimes eyewitnesses make honest mistakes. Sometimes witnesses give false testimony to protect their own hide, such as jailhouse informants seeking reduced sentences. Sometimes prosecutors engage in misconduct by withholding evidence that could help the defendant's case and not following the rule of law, which is what we are all expected to do. Any of these factors can lead to a wrongful conviction. And now we have 100 examples of the circumstances that can provide for that reality.

A system that wrongly sends 100 people to death row can be called a lot of things, but ''fair'' and ''equitable'' and ''just'' are not among them. In fact, our criminal justice system is badly broken, in my view. Before we send any more innocent people to death row, we need to fix it. That was clearly the conclusion reached by the commission of distinguished experts appointed by Governor Ryan. The Ryan commission was in charge of examining how the death penalty system is working in Illinois. But its conclusions, no doubt, are applicable to the Nation as a whole.

The commissioners were unanimous in agreeing that the death penalty had been applied too often and that the system is in need of reform. I think there were 13 overturned death penalty convictions in Illinois out of the total of 25 before the commission went to work. Clearly, there were problems in Illinois and the Governor should be commended for recognizing that and moving forward.

Now we need to do that as a nation. That commission called for a broad range of specific changes. These include video taping the questioning of capital suspects in a police facility, barring capital punishment based exclusively on the testimony of single witnesses—particularly witnesses who are jailhouse convicts—eliminating the death penalty for people who are mentally retarded, and requiring trial judges to agree with the jury about the imposition of a death sentence.

I hope all of my colleagues will take a look at the Ryan commission's report and think hard about the need to reform our criminal justice system, to think about the fairness that is fundamental to what America is about. Make no mistake, it is an enormous injustice when the death penalty is imposed based on false information.

Innocent people have been sent to death row and there will be more if we don't actually take up this charge of reviewing how we got to this conclusion. We have a moral obligation to do something about this.

I have joined with Senator FEINGOLD—and I am proud to do so—in cosponsoring legislation to establish a moratorium on all Federal executions until a commission, much similar to the Ryan commission, can be established to review the death penalty for our Nation and impose meaningful reforms that give the public a greater sense that we have a fair and just system being applied to all Americans.

This would not lead to the release of any convicted criminals or threaten public safety in any way. It would simply ensure innocent people are not put to death and that the principles we believe in—fairness and rule of law—apply.

I urge my colleagues to support this legislation. Again, I express my sincere appreciation for the leadership of Senator FEINGOLD in this critically important matter.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I commend my colleague from New Jersey and my colleague from Wisconsin for raising this very important issue. It deserves the attention of every American, not just those who serve in this body.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT

Mrs. CLINTON. Madam President, today I rise to address the importance of another critical issue, and that is the Enhanced Border Security and Visa Entry Reform Act of 2001. I believe this measure needs to be passed as soon as possible.

Why? Perhaps I speak from a somewhat parochial perspective, but representing New York, which is one of our border States, gives me a firsthand view and understanding of the challenges we face in trying to make our northern border as safe and secure as possible.

The nearly 4,000-mile-long U.S. border with Canada is about twice the length of the U.S. border with Mexico, but until very recently it has received but a fraction of the resources available for border security.

According to a July 2001 report from the Justice Department's Bureau of Justice Statistics, fewer than 4 percent of all the Border Patrol agents work along the northern border.

Of course, until recently, we did not have to worry too much about our northern border. It has historically been the longest, most peaceful border in the entire world. Certainly, New York has a great stake in having a peaceful border, one that goods and people can cross easily because there is so much traffic between our two countries that goes through our heavily trafficked crossings, places particularly like Plattsburgh and Buffalo, but also other places—Niagra Falls, Messina—and all of the communities along New York's Canadian border are deeply concerned about how that border is protected and managed.

For too long, that has not been a concern, but now we know it is, and the Federal Government has to step up to provide permanent, long-term protection.

Homeland security begins with border security. That is why I strongly support this bill and am an original cosponsor. It is also why last October, after the terrible attacks of September 11, I wrote to Director Ridge asking that he create a position within the Office of Homeland Security devoted to our northern border and all the issues with Canada about which we are concerned to centralize those issues so there would be one person to whom we could go to deal with our various concerns. This legislation attempts to begin to address these concerns.

What does it do? First, it authorizes funding for this year and the next 4 years for an additional 200 INS inspectors and 200 INS investigators over the amount already authorized in the terrorism bill for the next 5 years. Increased funding is also authorized for training facilities and security-related technologies for INS agents.

Second, it enhances information sharing. It contains provisions that concern how we get information that is critical to law enforcement available to all the Federal agencies and State and local law enforcement personnel who need to know what should be done to protect us and apprehend any violators. The INS, the Border Patrol, the Customs agents, the FBI—all of us need to have better cooperation.

In October of last year, I also introduced a bill, along with my colleagues, Senators SCHUMER, LEAHY, and HATCH, that authorizes and encourages Federal intelligence agencies to share relevant information with State and local officials whenever appropriate. It is important, if something is known in one Federal agency that could affect residents of Niagra Falls, that information be shared in a timely manner.

This reform act directs Federal law enforcement and intelligence agencies to share information with the INS and the State Department about the admissibility and deportation of non-U.S. citizens.

It also calls upon the President to report regarding admission- and deportation-related law enforcement and intelligence information needed by the INS and the Department of State to develop a formal information sharing plan.

Third, it addresses the issue of what is called ''interoperability'' of the INS systems. That is a long word which describes that sometimes the right hand of INS does not know what the left hand or the left foot is doing. That is why we ended up with this absurd situation in which the INS issued a visa for Mohamed Atta months after he piloted

one of those planes into the World Trade Center Towers. It was a terrible mistake that never should have happened.

The problem is the databases and data systems do not talk to each other; they are not up to speed. They would not even pass muster in most businesses in America today. This bill calls upon the President to develop and implement an interoperable law enforcement and data system for visa admissibility and deportation determination purposes. The INS must integrate their systems. They have antiquated systems that do not do the job, that cannot even talk to each other.

It also requires the State Department, upon issuing a visa, to provide the INS with an electronic version of the alien's visa file before the alien enters the United States. In addition to addressing this issue of interoperability, the bill also requires relevant Federal agencies to work toward implementing an integrated entry and exit system and to move toward developing and using tamper-resistant, machine-readable documents containing biometric identifiers.

If we are able to put into the sky robot-controlled, predator aircraft to track down and take out enemy artillery installations, we ought to be able to figure out how to have a decent data system for the INS that can provide information to us and uses biometric identifiers right here on the ground to track down, deport, or arrest wherever necessary anyone who intends to do us harm.

Next, we have to have the assurance that citizens of countries that sponsor terrorism will not be allowed to enter this country unless the Secretary of State determines that the person seeking entry does not pose a security threat to the United States.

We have made it very easy for people to come back and forth. That is the American tradition. Unfortunately, what we learned on 9–11 is that some people in some countries take advantage of our hospitality and our welcome to the United States. We have to support this provision which starts from the premise that if you are coming from a state-sponsored terrorism base, even if you are totally innocent—you have nothing to do with the intelligence services, you have nothing to do with terrorism—the burden is on you. We need to shift that presumption to make sure we are not letting in people who are part of a terrorist network.

Finally, with respect to foreign student visas and exchange visitors, the bill requires the Justice Department to develop an electronic means of verifying and monitoring the Foreign Student and Exchange Visitor Information Program, including aspects of documentation and visa issuance, U.S. admission, institution notification, documentation transmittal, registration, and enrollment.

All educational institutions at which foreign students are registered must notify the INS of the failure of such a student or an exchange visitor to enroll within 30 days of the registration deadline.

Education is a privilege, and we are very pleased that in our country we offer so many first-rate educational institutions to students from around the world, but again we have to be smart about this. We cannot let anyone take advantage of our openness. We have to have a system so if someone says he or she is coming to study at one of our universities, that is not the end; that is the beginning of the process to determine whether that actually is the fact or whether, as we unfortunately learned post-9–11, there are people who claim to be coming to this country to be students and that is not their intention whatsoever.

These are a few of the many provisions in this bill that I believe would make us a safer nation by securing our borders. There are probably no people in our country more committed to passing this legislation than the Families of September 11. I have heard from a number of the widows and parents of victims who have made it very clear this is their top priority. MaryEllen Salamone, whose husband John was killed by the terrorists on September 11 at the World Trade Center, was in Washington this past Friday representing Families of September 11 to urge us to act. She appeared before the Immigration Subcommittee of the Judiciary Committee and said that all of us need to heed the warnings we now know were flashing but no one could see them, read them, understand or apply them, so that we must now act to make sure nothing like this can happen again.

The legislation is long overdue. It is much needed, and I call upon all of our colleagues to support it as soon as possible.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m. today.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

The PRESIDING OFFICER. In my capacity as a Senator from the State of North Carolina, I suggest the absence of a quorum.

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.

THE ANWR AMENDMENT

Mr. REID. Mr. President, it is my understanding today is finally the day, after 18 days, that we are going to have the great amendment on ANWR. After all this time and all the promises, I think it is finally coming up. We are looking with anticipation to this amendment and this debate because this is really what we have been waiting for on the bill. We have been told that if we focus on what the Republicans want on this bill, we will finally get the opportunity to debate it.

The reason I say that—and the Chair recognizes I am being a little facetious—is that I have been out here many different days asking, When? Today? If you don't offer it, we are going to offer it—and all of these different things we have tried to do to get something moving forward on this legislation. But I do say I am glad it is finally going to be offered. It is my understanding it will be offered momentarily.

I say that because even though the Alaska wilderness is far removed from the State of Nevada where I was born and raised, the two climates are much alike in the sense that they are both delicate. People think that Nevada deserts can be easily disturbed and that it doesn't matter. In the past, our beautiful deserts have been treated that way in many respects. Right near Searchlight where I was born and raised, during the Second World War when we had the South African campaign, the troops who were going overseas trained right below Searchlight. You can still see today the tank tracks through some parts of that country. Even though it is very arid, disturbance takes a long time to get rid of in the desert.

We have in the desert what was called Camp Ibis. In that whole area, there were about 2 million men training for the Second World War and for campaigns around the world. We had, of course, the gunnery range. It was called the Las Vegas Gunnery Range, which is now Nellis Air Force Base. We had Indian Springs Air Force Base, Stead Air Force Base, the Fallon Naval Training Center, and the Hawthorne Ammunition Depot. Then of course in the high desert in Nevada, we had the Nevada Test Site where, to this point, almost 1,000 nuclear devices have been set off above ground and underground.

People have come to recognize that the desert is not a place you can easily disturb without having a long-lasting impact.

Outside the home I have in Searchlight, there are old Joshua trees and yucca trees. We also have creosote bushes, or greasewood trees. They are especially beautiful when it rains because of the smell. The aroma that comes off those bushes is interesting. You have bushes of all sizes, and those that are high off the ground are more than 100 years old. Sometimes they are older than that. They grow little by little because there is no water in the desert.

My point in comparing the Alaska wilderness to what we have in Nevada

is that we have to be very careful how we handle and protect it. A majority of the people in America do not want the ANWR disturbed because they believe there are areas that we should leave pristine and untouched. People thought that in Nevada it didn't matter that the desert tortoise needs lots of open space. We call them turtles, but the proper name is desert tortoise. There was a time when they were placed on the endangered list. To protect these turtles, we have had to really do lots of things differently. Because of the press of population, we are killing these animals. And extinction is forever. That is what we have to recognize.

I will say what I have said here on a number of occasions. Out of 100 percent of the total oil reserves in the world, America, including ANWR, has 3 percent of the oil reserves; 97 percent of the oil reserves are elsewhere. Kuwait and Saudi Arabia have about 47 percent. As you know, not only do they have large quantities of oil, but it is very easy to get out of the ground.

My point is that we must maintain some of our pristine wilderness areas. One of those we are going to protect is ANWR.

Eighty-seven percent of the land in the State of Nevada is owned by the Federal Government. We are a very densely populated State. People do not understand that. Most say that we are the most densely populated State in America. Why? Because 90 percent of the people live in two metropolitan areas—Reno and Las Vegas.

Eighty-seven percent of Nevada is owned by the Federal Government. What does that mean? It means that 87 percent is as much yours as it is mine. I think we should do what we can to get more of that land into the private sector. But I recognize that federal lands are as much yours as they are mine. That is the same as the ANWR wilderness. That land is as much mine as it is the Senator from Alaska.

I am going to do everything I can to protect that pristine wilderness because we don't have many areas in the whole world that are pristine, let alone in the United States.

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. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Schumer/Clinton amendment No. 3093 (to amendment No. 2917), to prohibit oil and gas drilling activity in Finger Lakes National Forest, New York.

Dayton amendment No. 3097 (to amendment No. 2917), to require additional findings for FERC approval of an electric utility merger.

Schumer amendment No. 3030 (to amendment No. 2917), to strike the section establishing a renewable fuel content requirement for motor vehicle fuel.

Feinstein/Boxer amendment No. 3115 (to amendment No. 2917), to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3132 TO AMENDMENT NO. 2917

(Purpose: To create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self-determination of the Inupiat Eskimos and to promote national security)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. BREAUX, proposes an amendment numbered 3132 to amendment No. 2917.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3133 TO AMENDMENT NO. 3132

(Purpose: To create jobs for Americans, to strengthen the United States steel industry, to reduce dependence on foreign sources of crude oil and energy, and to promote national security)

Mr. STEVENS. I send to the desk an amendment to the Murkowski amendment No. 3132.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3133 to amendment No. 3132.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. The underlying amendment was introduced by Senator STEVENS, myself, and Senator BREAUX and, as a consequence, I think deserves some explanation relative to the specifics that are in the underlying amendment.

The items for consideration, some of which were in H.R. 4, include specifically a 2,000-acre limitation on surface disturbance. Specifically, an export ban of any oil from the refuge cannot under any circumstances be exported, with the provision of authority for exports to Israel. Further, we would extend the U.S./Israeli oil supply arrangement, which is due to expire in the year 2004, to the year 2014.

We would further have a wilderness increase designation, adding a million and a half acres of wilderness from the current refuge management in the southern portion of the refuge.

Finally, there would be a Presidential finding—and this Presidential finding is quite specific that the refuge would not be open until the President makes a finding it is in the national security interest of this Nation.

There would also be a triggering mechanism such as energy supply, threat to strategic reserves not sufficient to cover.

I encourage my colleagues to reflect a little bit on how the underlying amendment was constructed. A great deal of time went into this effort by Members of both parties. I know there has been some frustration about the manner in which this amendment has been brought before the body, and I know there is a question of why we simply do not introduce the House-passed bill, H.R. 4.

The reason is very simple. We have taken a radically different approach because, as I have indicated in my opening remarks, the amendment we offer today does not open ANWR, per se. Let me repeat, the amendment does not give the authority to open ANWR. Rather, the amendment grants the President the authority to open the area for safe exploration only if he makes a determination it is in the national security interest of this country. Obviously, the President has the power, given to him in the Constitution, for extraordinary responsibilities associated with the decisionmaking process, and it is clearly appropriate in this time of crisis that the President be given that authority.

I think it is fair to say for far too long Congress has proved itself incapable of dealing with extreme and difficult issues that have difficult political consequences, and this clearly is one of those issues. However, at this time in our Nation's history we can no longer afford, for our national security, to be held hostage to the massive disinformation campaigns of some of the extreme environmental groups. So we must move on. That is the responsibility of each Member of this body.

Some who oppose opening ANWR are perhaps on autopilot right now and are gearing up for their rebuttals, but I ask them to stop for a few moments and listen to what conditions must be met should the President decide this action is in the national interest of the Nation because many of those who will be opposed to this amendment do not know what they are fighting about.

If development is moved forward, the following conditions must be met: As I indicated, only 2,000 acres of surface disturbance on the Coastal Plain can occur. We have a chart that shows what the footprint is. It shows the entire area of ANWR, which is roughly 19 million acres, which equates to the size of the State of South Carolina. It also recognizes there is within that 19 million acres both wilderness and refuge. We are proposing to add to the wilderness. We are going to increase it from 8 million acres to 9.5 million acres, and we are going to reduce the refuge by that amount. So we are increasing the wilderness.

What does 1.5 million acres equate to? The green area is the 1002 ANWR Coastal Plain. We are adding wilderness equal to that amount. That is the significance of what we believe is a responsible proposal that addresses the concerns of many who say in this area where you are proposing drilling in 1.5 million acres there should be some consideration to more wilderness.

The authorization of the footprint in the 1.5 million acres is limited by the House bill, limited in this Senate bill, to 2,000 acres, roughly 3.13 square miles. The area proposed is the little red dot. It would be similar to a postage stamp being dropped on the floor of the Senate Chamber. That is what we are looking at.

For those under the misunderstanding that this area of ANWR is untouched, let me show a few pictures of the actual footprint. There is the village of Kaktovik. There are roughly 3,000 people in that village. They are American citizens, Alaskans. They have dreams for a better lifestyle, job opportunities, running water, things we take for granted. That is their community. It is in ANWR. They feel very strongly about supporting this because it improves their lives and improves opportunities for their children, including educational opportunities.

This is a picture of the village meeting house in Kaktovik. Those are real people, real kids. We have pictures of real kids going to school. Nobody shovels the snow off the sidewalks in that community. Those are happy Eskimo kids who dream about a better life. They dream about having running water and sewer lines.

Let me show you a honey bucket. Many Members dismiss this, suggesting this is a Third World situation, not something that occurs in the United States. It does occur. It occurs in my State of Alaska. I will share it. It is not the most pleasant sight in the world, but it represents a reality, the reality of a people who want a better lifestyle and jobs and opportunities associated with oil development. That is a honey bucket. We don't have to look at it too long. It is not too pleasant.

This area is permafrost. That means the ground is frozen year-round. Water and sewer lines can only be obtained at great costs. We have that in Barrow, AK.

It is important to see the contrasts in the Arctic. Contrast the development of the responsible residents of the Arctic Eskimos and primarily those in Barrow, Wainwright, and other villages. You cannot go further north than Barrow, without falling off the top. The significance is that community has a tax base, revenues. They have jobs. They have running water and sewer lines, things we take for granted.

In this debate, few Members are going to get down into the earthy issues of what the people of my State want. That is a little beneath the echelon around here, but it should not be. These are American citizens. Their dreams are like yours and mine.

This map shows a small footprint in a very large area. We need to recognize the arguments of today as opposed to the arguments of the late 1960s. We built an 800-mile pipeline, from Prudhoe Bay to Valdez. It is 800 miles long. It is one of the construction wonders of the world at a cost of $7.5 to $8 billion. It was supposed to come in at under $1 billion. The pipeline has moved 20 to 25 percent of the total crude oil produced in this country in the last 27 years. It has been bombed; it has survived earthquakes.

It has accommodated some of the animals. I will show Members what the bears think of the pipeline. They are going for a walk. Why are they walking on the pipeline? It is easier than walking in the snow. There is a compatibility there because no one is shooting those bears. They blend in with the modest amount of activity.

I point out that the infrastructure is already in place. The 800-mile pipeline is operating at half capacity. The prospects for finding a major discovery of oil in the 1002 area, according to the geologists, range somewhere between 5.6 and 16 billion barrels. That is a lot of oil.

But it is nothing if you don't compare it to something. What can you compare it to? Let's try Prudhoe Bay. Prudhoe Bay is the largest oilfield in North America. That is the harsh reality. It is almost 30-year-old technology. If we have an opportunity to develop ANWR, we can make that footprint much smaller because we went in 30 years to another field called Endicott, which was 56 acres and produced 100,000 barrels a day, coming on as the 10th largest producing field in North America and now is the 7th largest.

Getting back to a meaningful comparison, if indeed the estimated reserves are somewhere between 5.6 and 16 billion barrels, if it is half, that is roughly 10, and what was Prudhoe Bay supposed to be? It was supposed to be 10 and it is now supplying its 13th billion barrel. When people say it is insignificant, is 25 percent of the total crude oil produced insignificant?

There is more oil in ANWR than there is in all of Texas. I don't know what that means to my Texas friends, but it is a reality.

This is a jobs issue. This is a jobs issue associated with project labor agreements. This pipeline simply cannot be built without the very important labor unions and their members. We don't have the skills. Only organized labor has the skill. It is a very significant jobs issue. That is why virtually every union supports this effort.

There is another issue that has clouded a lot of the debate. That is the issue of oil exports. I have heard time and time again: You will develop this area and export the oil to Japan. That is a fallacy. We have not exported one drop of oil to Japan or any other nation since 2 years ago last June. We provide Hawaii with oil.

Where does our oil go? From Valdez, AK, down the west coast of the United States, about half of it goes into Puget Sound. Some of it goes into Oregon indirectly because Oregon doesn't have refineries. The rest of it goes down to San Francisco and Los Angeles where it is refined. That is where the oil goes.

We also have an exclusion for Israel from the export ban, and we would extend the U.S. oil supply arrangement with Israel for 10 more years. The expiration date is 2004; we will extend it to 2014.

Let me talk about environment protections, export, labor agreements, and so forth because the amendment included almost 20 pages of carefully drafted environmental standards that I suspect all 100 Senators should favor. These came in from environmental groups, from the Department of the Interior, from the State of Alaska, the Governor, and many others. Among them are the imposition of seasonal limitations to protect denning and migration.

Let me show the area in the wintertime so you have an idea of what it is like about 10 to 10 ½ months a year. It is a very harsh environment. Very harsh. There are no trees. There is ice, snow, and occasionally when there is a whiteout, it looks like the other side of the chart. One cannot see the difference between the sky and the land. As a consequence, it is very hazardous

to fly in unless you are an experienced instrument pilot.

The point is, the limited activity associated with ANWR is primarily in the very short spring when there is a migration through the area. There is not going to be any development. There is not going to be any activity. That is why the imposition by the Secretary of seasonal limitations is so important. It is prudent management.

Further, there is a requirement of the lessees to reclaim the leased land. If oil is developed there, it is going to have to all be reclaimed. It further requires the use of the best commercially available technology. That means the industry has to go out and get the very best.

It requires the use of ice roads, ice pads, and ice airstrips for exploration. Let me show you what an ice road looks like. That is an ice road. It is going to a well in the Arctic, in the Prudhoe Bay area. For those who suggest there is something unique about the Prudhoe Bay area vis-a-vis the Kaktovik area—it pretty much looks the same.

The interesting thing here is this is new technology. We did not use that in Prudhoe Bay because we did not have it. Now it is ice roads. You make your roads out of ice—very limited activity.

One of the provisions is to prohibit public use on all pipeline access or service roads. So you are not going to have visitors, hunters, fishermen, and so forth.

I think we have another chart that shows what the same area looks like in the summertime. That is roughly 2.5 months of the year. That is all we really have, free of ice and snow. You can see the small lake—there is a little well there. That is a pretty small footprint. I have heard people say you are going to have jet airports, you are going to have cities. That is absolutely preposterous.

Further, it requires there be no significant adverse effect on fish and wildlife, which is referred to many times throughout this amendment, and it requires consolidation of facility siting. It requires the Secretary of the Interior to close certain special areas of unique character and maybe close additional areas after consultation with local communities.

Finally, surface disturbance of 2,000 acres of the Coastal Plain—2,000 acres out of 1.5 million acres in the Coastal Plain. And we are adding 1.5 million acres of wilderness. That footprint is the size of a postage stamp on this floor.

Let me chat a little bit about national security because I think that is germane to our consideration. This amendment is a matter of national security. I do not think we really reflect on the fact that this Nation is at war. Just 7 months ago, our Nation was under attack. Regarding our dependence on foreign oil, that attack has brought forth more and more awareness of what the merits of reducing our dependence are and the recognition that this is probably more important now than ever, as we look at the chaos in the Mideast. Within the last few days, more than 30 percent of our oil imports are currently threatened with the self-imposed Iraqi embargo, and God knows what the political upheaval in Venezuela will lead to, plus what is going on in Colombia with threats to the pipeline. Those countries export a large amount of crude oil to the United States. The point is, we can no longer rely on a stable supply of imported oil.

I would like to refer to artwork painted by a famous artist who hailed from New England, the State of Vermont. It was painted by Norman Rockwell for the U.S. Office of War in 1943, entitled ''Mining America's Coal.'' There is the coal miner. It is a picture of a coal miner, and you notice his blue star pin, which shows he had two sons in the war. This type of poster was displayed in America's places of work—the shipyards, the factories—specifically to encourage war-related industries to increase output.

We are at war now. Where are the posters? Developing our own resources is just as important as it was in World War II. We need oil to transport our families, but we also need it to transport our troops, and we are going to need it in the future. The reality is that air power and naval power cannot function without oil. In spite of what we create around here, you do not fly out of Washington, DC, on hot air. The Navy no longer uses sails; it is oil.

While the public can generalize about alternative energy sources, the world—and the United States—moves on oil. We wish we had another alternative, but we do not. In the meantime, the Third World developing countries are going to require more oil, and so this Nation becomes more vulnerable unless we are committed to reduce our dependence on imported oil.

Some would hint that wind power is viable as an alternative to oil. As I said before, you are not going to be able to move troops on wind power or solar power. You are going to need oil.

As we look at our relationship with Iraq, opening ANWR will certainly make us less dependent on countries such as Iraq.

Let me show you a picture of our friend Saddam Hussein. There he is. I do not know how much attention is going to have to be given by America and its elected leadership to recognize what this means. Saddam Hussein is saying: Oil as a weapon.

What was the last experience we had with a weapon? It was three aircraft used as weapons. What happened? Catastrophe for America. America will never be the same: The two trade towers are gone; the Pentagon; the heroic effort to try to take over the control of the aircraft that crashed in Pennsylvania. Aircraft are now weapons of war. Oil is a weapon of war.

On the first day of April, Iraq's ruling Baath Party confirmed our worst fears when it issued a statement saying ''use oil as a weapon in the battle with the enemy.'' Of course they meant Israel. Outrageous statements such as these confirm what we have been saying all along: We simply must not rely on Iraq. We must reduce our dependence on foreign oil.

What is the estimate? USGS, the Department of the Interior, suggest that we could, by opening ANWR, reduce our current dependence, which is 1 million barrels a day from Iraq. That would provide this Nation with a 40-year supply, equal to what we import from Iraq. Last year we sent Iraq over $4 billion.

Here are the crude oil imports from Iraq to the United States in 2001: 283 million barrels. It has gone up each month. In December it was 1.1 million a day.

Look at the irony of what happened in September. In September we had an all-time high of almost 1.2 million barrels a day from Iraq. We all know what happened in September.

We have a photo of our friend Saddam Hussein up here. Here he is: American families count on Saddam Hussein for energy.

Every time you go to the gas station, you are in effect funding Iraq, and Iraq is funding terrorism. Is there a connection there? Members say: Senator MURKOWSKI, this is not going to replace our dependence on foreign oil. I certainly acknowledge that. But it is going to reduce it. It is going to send a very strong message to the cartels of OPEC, and the other nations upon which we depend, that we mean business about reducing our dependence on imported oil.

In 2001, America imported a total of 287.3 million barrels of oil from Iraq. Looking at a map of imports, according to the Energy Information Administration, you ought to know who gets some of their oil. There are different States. I will identify some of the States because it causes a little reflection. That is just what it should cause.

Mr. President, 48.1 million barrels of Iraqi oil were imported into California; 4.9 billion barrels of Iraqi oil were imported into New Jersey; 1½ million barrels into Minnesota; Washington; and the list goes on. Don't think somebody else is getting the oil. It is going into all of the States in red—New Jersey, Ohio, Indiana, Illinois, Kentucky, Missouri, Minnesota, Arkansas, Mississippi, Louisiana, and Texas. That is where it is going.

To make matters even worse, Saddam Hussein recently announced that he is increasing money relative to the suicide bombers from $10,000 to $25,000. We revolt at even the thought of that. But you have to recognize that is an incentive, and it is still going on. Since the prices have been raised in the last month, we have had at least 12 suicide bombers who have been successful in their acts of terrorism in Israel. Saddam Hussein is rewarding the acts of murderers who are spreading terrorism

throughout the free world. One wonders if it will come to the shores of the United States.

As Defense Secretary Donald Rumsfeld said:

Saddam's payments promote a culture of political murder.

That is a pretty harsh statement. It comes from our Defense Secretary. I couldn't agree more. With facts such as these, it is impossible for me to imagine why we would want to send one more American dollar to this man.

I just looked at an article that appeared today, April 16, in the Wall Street Journal. It is entitled ''Iraqi President Saddam Hussein Praises Suicide Bombers, Urges Iran Oil Halt.''

It said:

Iraq's President Saddam Hussein who sends cash to the families of Palestinian suicide bombers reiterated his support for the attacks, Iraqi media reported Tuesday. The Iraqi leader during a meeting with military officers and engineers on Monday night—today is Tuesday, Mr. President—said, ''Suicide attacks were legitimate means used by people whose land is being occupied.''

Moslems have been divided over suicide bombings, with some saying Islam forbids any suicide, others condemning bombers for attacking civilians, and others, such as Saddam, supporting them without reservation. Saddam has made payments up to $10,000 to families of Palestinian suicide bombers since the Israeli-Palestinian clashes began in September 2000.

In his comments on Monday, Saddam also urged Iran to follow Iraq in cutting off oil exports for 1 month to support the Palestinians and to return 140 Iraqi warplanes and civilian planes that escaped to Iran during the 1991 gulf war. Iran claims only 22 Iraqi planes. He urged the Arab governments not to yield to ''U.S.-Zionist blackmail'' in which Zionism and those from that area are using Hitler's deeds against Jews in addition to the September 11 order to subdue the world.

Those are the comments of one who obviously is unstable.

Saddam gets roughly $25,000 from us, this Nation, for oil every 90 seconds that pass. That is one homicide bombing every 90 seconds. Think about it.

What are we going to do about it? We are talking about it, but we would like to ignore it because it is very unpleasant. He is rewarding the acts of murderers who are spreading terrorism. As I have indicated, our Secretary of Defense called it a ''culture of political murder.''

There are a lot of tensions in the Mideast. They are rising exponentially each day and each hour. Why some of my colleagues would be interested in continuing our reliance on oil from that part of the world is simply beyond me, especially at this time when we can make a commitment to reduce it.

I, for one, would find it very difficult to go back to my home State of Alaska and defend that position, especially if I had to look into the eyes of a mother or father such as the American depicted in this Rockwell work who, as we speak, had a son or daughter overseas fighting for America's freedoms.

I have stood on this floor and made the comparison time and time again that as we import oil from Iraq, we are also enforcing an aerial blockade and the no-fly zone over Iraq. We have bombed them three times already this year. We take his oil, put it into our airplanes, and go bombing. That may be an oversimplification with which the State Department would argue.

But, by the same token, what does Saddam Hussein do with his money? He keeps his Republican Guard well fed, and they keep him alive. He develops weapons of mass destruction, and aims it at whom? We know he has a missile delivery system capable of going to Israel. We know he is developing biological weapons. We suspect he might be developing nuclear weapons.

When are we going to address that threat? That is a real responsibility for our President because, as we have seen with the tragedies associated with September 11, had we known, we would have taken action to prevent that. The same set of circumstances apply to Saddam Hussein. There have not been U.N. inspectors in Iraq for over 2 years. He is in violation of his agreement with the U.N. He is a threat to the world, and we are still depending on him.

Wake up, America. It is time.

In addition to the amendment being about national security, it is also about the economic security of this country. It is projected to create jobs—real jobs. We just came from a rally outside. We had organized labor in support of this issue. We have had the veterans saying they would much rather see us open ANWR than send American men and women to foreign soil to fight a war over oil. A former Senator in this body, Mark Hatfield, made that statement several times. He said: I will vote for opening ANWR any day rather than sending another American soldier overseas to fight a war over oil on foreign soil.

One of the interesting things about that particular study—jobs in the area of 250,000—was it was conducted by a Massachusetts firm, McGraw-Hill. The capability of that firm I will leave to those more qualified than I and who reside in the State of Massachusetts. Some have quibbled about the numbers, but it is a step in the right direction. Every single new job created is important, especially in these times, and especially for those who are in the unfortunate position of being unemployed. These aren't service jobs working at McDonald's; these are high-paying jobs associated with responsible development of our resources—jobs created throughout America, not just my State of Alaska.

One thing about the movement of oil, as I indicated, is that it goes from Alaska and down to the west coast of the United States where it is consumed. But it has to go in U.S. ships that are built in U.S. yards with U.S. crews and which carry the U.S. flag because the Jones Act mandates that the carriage of any goods between two American ports has to be in a U.S.-flagged vessel. There are as many as 19 new double-hull tankers to be constructed. That means jobs in America's shipyards—big jobs, good-paying jobs. This is the largest contribution of tonnage to the American merchant marine.

Mr. KERRY. Mr. President, could I just ask a strictly procedural question of my colleague?

Mr. MURKOWSKI. Please, without losing my right to the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask my colleague—so we can try to get a sense of planning how we will proceed—what he would anticipate in terms of how long he thinks he may be presenting the amendment. Then we can get a sense of how we might go forward.

Mr. MURKOWSKI. Mr. President, I will probably be talking for another 20 minutes or thereabouts. There is a second degree pending, and Senator STEVENS is anticipating recognition to talk about his second degree so I am guessing probably an hour.

Mr. KERRY. Mr. President, I thank the Senator from Alaska very much. And I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, let me again make reference to the creation of what this would do for America's merchant marine.

It would result in some 19 new double-hull tankers to be constructed in U.S. shipyards, primarily in the gulf and the State of California and, I would hope, in the State of Maine.

It is estimated that these tankers will pump about $4 billion into the U.S. economy. That will create about 2,000 to 5,000 jobs in our shipyards. And this isn't going to require a Government subsidy. These are private funds that will build these ships to haul U.S. oil from my State of Alaska to Washington, Oregon, and California.

Somebody did a little calculation and figured that is equivalent to 90,000 job-years just for the construction of the tankers alone. Also, the equivalent in infrastructure to be used in ANWR will be constructed not in my State but in the other States of this Nation—not in the Arctic of Alaska. Therefore, Americans from all over the country will be put to work in this effort.

The other alternative is to simply send the dollars overseas, which affects the balance of payments and does not keep the jobs or the dollars here.

Some opponents note that oil will not be flowing the day after the ANWR amendment is passed. But what they forget is jobs certainly can be flowing the day after. Americans could go to work constructing everything that will be needed.

If you wonder about the numbers, listen to those who are in the business, the unions. They will benefit from new ANWR jobs, and they have been behind

this effort 110 percent. And why not? These are American jobs. These are American unions. They have already had almost 30 years of experience in the Arctic in Prudhoe Bay, and they know, firsthand, the kind of jobs ANWR will create and they know how to do it right. So let's put America to work.

The things we have to talk about, as well, are projections because we really do not know how much oil is in ANWR. There has only been one well ever drilled, and it has been on the Native land at Kaktovik shown up there at the top of the map I have in the Chamber. But there is one well. The results of that well have been kept confidential by the Native community, the State of Alaska, and the two companies, the joint venture.

But geologists, based on 2–D seismic, prior to 1980, had some access in the area. They have gone back and reviewed their analysis, and they have come to the conclusion that, indeed, this area could contain the largest amount of oil in North America.

Some are going to downplay the amount of oil in ANWR, but even numbers from the Clinton administration, the U.S. Geological Survey showed that the Arctic Coastal Plain clearly was North America's best bet for a major oilfield. The Clinton administration's U.S. Geological Survey estimated, in 1998, that there was a 5-percent chance of finding 16 billion barrels, a 50-percent chance of finding 10.3 billion barrels, and a 95-percent chance of finding 5.7 billion barrels.

I want to put this in context. Texas has proven reserves of 5.3 billion barrels. So the projections indicate that ANWR, indeed, has more oil than all of Texas. Is that significant to this body? Is that significant to Members other than those from the State of Texas?

Even if the most conservative effort of 5.7 billion barrels proves to be correct, it would still be the second largest oilfield ever discovered in the 100-year history of the U.S. oil industry, and it would be second only to what? Second only to Prudhoe Bay. If the 5-percent estimate proves right—16 billion barrels—ANWR would be the largest field ever found in North America. To anyone who knows anything about oil and gas in this country, these numbers are truly staggering.

Some Members have come to this Chamber and have argued that there is only a 6-month supply there. But I would hope all Members have enlightened themselves on that argument because it is so misleading it hardly bears a response. But for the benefit of those who might not have come to grips with it, a 6-month supply assumes that there would be no other source of oil, no other source imported, no production in this country of any kind other than ANWR—no imports, no domestic supply.

This is a bogus argument. We are going to produce oil. We are going to continue to import oil. So it would only be a 6-month supply of oil if there was no other oil produced domestically and none imported. So that is a fallacious argument.

It is also important to look at how ANWR will impact our domestic production. Along these lines, it is fair to recognize the Energy Information Administration—which, by the way, provides impartial energy assessment—recently provided an analysis of ANWR's effect on domestic oil production.

This is what it said about the project: Assuming the USGS mean case for oil in ANWR, there would be an increase of domestic production by 13.9 percent.

That is the answer to those who say the increase is of no consequence—13.9 percent. They say: Assuming USGS's higher case for ANWR, that would be an increase of 25.4 percent of domestic production. An increase of domestic production by 25 percent is certainly significant.

Let's put some of the ANWR projections into perspective.

If ANWR yields the Clinton administration's medium estimate of 10.4 billion barrels of oil, ANWR would then provide—and I want to go to some States because it is important that States get some comprehension of how much that would provide—it would provide Massachusetts with 87 years of its oil needs. That is based on the 117 million barrels used in Massachusetts in 1999. It would provide Connecticut with 132 years of Connecticut's oil needs; for South Dakota, roughly 479 years, based on 21 million barrels it used in 1999.

How can Members from those States argue that ANWR is not projected to have a lot of oil, with those numbers? It is a lot of oil.

We have heard from Members who are a little disillusioned with the progress of the energy bill talk about CAFE. They say: The answer is CAFE. If we would just go to CAFE, we could save millions and millions of barrels of oil.

I think it is interesting to reflect a little bit about CAFE because if the proposal of increasing CAFE standards is the answer instead of opening ANWR, it reflects on a couple realities. The Senate has already rejected the argument, No. 1, and, more importantly, the consumers rejected that argument through their purchasing choices.

This is important to recognize. The top 10 most fuel-efficient vehicles account for less than 2 percent of all vehicle sales. Think about that. The public has a choice, and the top 10 most fuel-efficient vehicles account for less than 2 percent of all vehicle sales.

What do we want to do here? Do we want to direct the public on what kind of automobiles they have to buy? That is one answer. We could put a tax on heavier automobiles; that is another answer. But the proposal they have been pushing, known as the Kerry amendment, is simply not acceptable to the American people, as evidenced by the vote on the floor of the Senate.

It would force increases in fleet average fuel economy to 36 miles per gallon by the year 2016. It would cause massive losses of U.S. auto workers' jobs, roughly 200,000, as the debate pointed out. It would cost several tens of billions of dollars to the U.S. economy. It would put American lives at risk in smaller, lighter vehicles. The Senate took these concerns into consideration when it addressed CAFE several weeks ago and rejected the Kerry amendment. Instead, the Senate voted for the Levin-Bond approach, which resolved the issue in favor of letting the experts—not the Congress, the Senate—at NHTSA do their jobs.

Opening ANWR doesn't take away jobs or cost lives. Opening ANWR would create jobs for hard-working Americans. When we get into the argument of CAFE, be very careful and reflect on the debate that took place; it would be a convenient copout for the argument against reality. The world moves on oil. America moves on oil. As the Third World develops, there is going to be more and more requirements for oil, until such time as we obviously reduce our dependence by increasing production here at home.

The time to act is now, and for those who suggest that somehow we are rushing into ANWR, let me tell you, I have been in this body for almost 22 years. I have been with it all the time and so has Senator STEVENS and others. Amazingly, some of the biggest opponents of ANWR have indicated we are rushing into this issue and we are moving it through the system too fast.

Nothing could be further from the truth. Some of the same Senators have been involved in this debate for years, as I have said. You can go back to 1980, when Congress passed the Alaskan National Interest Conservation Act and included the section 1002 area, which is up on top in the green on the chart.

The 1002 area required that the Department of the Interior report to the Congress on the biological resources and the oil and gas potential on the Coastal Plain of ANWR—this green area. The Department of the Interior extensively researched the issue and, after 7 years, a final legislative environmental impact statement was submitted to Congress recommending that ANWR's Coastal Plain be opened. That was the Department of the Interior, after 7 years of research.

Now, when we talk about CAFE and about increasing the vehicle fuel efficiency standard, we want it to be done rationally, safe—not just picking a mileage standard out of the air.

We talked about the National Highway Transportation Safety Administration. We talked about the fact that Democrats and Republicans overwhelmingly rejected what was an arbitrary new standard because it would force American families to buy unsafe cars in the name of fuel efficiency. That was a conscious decision. The American people knew we could get higher CAFE, but they didn't want to

trade safety for it. As a consequence, I don't want Washington ordering American families to buy certain types of vehicles. We can talk about solar and wind, and that isn't going to help us in this argument and we know that.

Now, Congress has addressed ANWR. At other times, we have had legislation introduced. We have had hearings. In 1995, a conference report authorized the opening of ANWR and it was passed. So in 1995, Congress passed ANWR, but it was vetoed by the Clinton administration. If it had not been vetoed in 1995, we would have oil already flowing from ANWR, as I speak today.

Now, there is a projection of revenue from the sale of royalties and the royalty bids, and the lease bids alone will produce roughly $1.5 billion in Federal funds. This is not with any appropriation or authorization. This is the private sector funding, if you will, this level of activity in bonus bids and royalties. Where does the money go? It goes into the Treasury basically because these are Federal lands. This amount does not include the billions of dollars that will be generated from royalties in the outyears because, again, we have been producing in Prudhoe Bay for 27 years, to be exact.

ANWR is the only provision in this bill that generates any revenue. I will repeat that. In this entire energy bill that we have labored over for some 5 weeks, ANWR is the only provision that generates revenue of any consequence, and this is from the private sector, not appropriations. Many other provisions in this bill do the exact opposite. They simply authorize new programs that would require further Government spending.

Now, there used to be a policy around here—and Senator STEVENS is well aware of it; he has been here longer than I—that was evident when I came here in 1981. Senator Scoop Jackson was certainly one who fostered it. It was kind of the general feeling that if the two Senators from the State supported an issue, the consensus was they probably knew what was best for their State and what was best in representing the people of that State. So don't forget, there is a States right issue here. Don't forget what Alaska's attitude in this is. The entire congressional delegation supports it, including the Governor, Lieutenant Governor, and the Alaska State Legislature. Most importantly of all, the Eskimo people, the residents, of the Coastal Plain and nearly 75 percent of Alaskans support it.

There is a photo of some of the Eskimo kids who are looking to the future. They want running water. They want to have an educational opportunity, a job opportunity. It is important to remember this because on many occasions other Senators have made passionate arguments regarding activities in their States.

Although we talk about agricultural supports, and various other issues, I am reminded of the Senator from Florida and his attitude regarding lease sale 181 last summer, representing the wishes of the people of Florida. As a result of the Florida delegation's advocacy, the lease sale boundaries were scaled back by the administration.

Senator STEVENS and I are doing the same thing. We are representing the wishes of our State. It is unfair for people from other parts of the Nation to obstruct the will of our citizens. Florida has said ''not in my backyard'' and that is fine. They have a right to do that, and I respect that. But there is a bit of a reciprocity here. Alaskans are willing to have environmentally sound exploration take place in their backyard, so why not let them?

We have a chart that shows development, if you will, on the east coast and the west coast and, hopefully, we have it—yes. I think it represents ''not in my backyard.'' If you look at that chart, you can see the blue area off the east coast of the United States. That is roughly 31 trillion cubic feet of gas. The only problem is, there is no authorization or authority for exploration. That is from Maine to Florida. That is off limits. They don't want it in their backyard. If you go down to the gulf, there is a good portion of it.

On the west coast—Washington, Oregon, and California—no way; no lease sales offshore.

If you go into the overthrust belt, in Wyoming, Montana, and Colorado, there is a significant potential for oil production. It has been withdrawn by the previous administration as a consequence of the roadless area language.

If it is not in my backyard, where is it? One spot, obviously, is Alaska, and I think we have made the case that clearly the State of Alaska supports this.

We have had debates in this Chamber. I remember when the Senator from California announced her displeasure with the current administration's decision to appeal a case impacting 36 drilling leases off the California shore. She stated that there is a disregard for States to make decisions about their own environment.

The Senator from California proposes that leases be withdrawn from California's coast and swapped to Louisiana's coast. She actually said:

> We are going to swap it so that the oil companies can drill where people want them to drill.

In other words, the industry can drill where there is support for it. Unfortunately, that does not seem to apply to Alaska.

It is the old saying: Not in my backyard. The people of Florida and California should remember that if oil is not found in other parts of the country, there may come a time when we are forced to explore closer to their shores. In fact, the Senator from Massachusetts has suggested we focus on more drilling in the Gulf of Mexico. He has even called for four times more drilling in the gulf.

Drilling in the Gulf of Mexico is fine, but I do not understand why Members should think it is any better for the wildlife than development in ANWR. It should be noted there are many more species in the Gulf of Mexico than there are in ANWR.

Speaking of other Senators, let's look at the New England States. New England enjoys the benefit of getting their natural gas from big offshore platforms off Nova Scotia. When it comes to America getting oil from its own land in ANWR, some of the Senators from the east coast are trying to lead the challenge for the opposition. Although the drilling for natural gas may be offshore, off the coast of Nova Scotia, it requires onshore gas processing facilities on Canadian land. Remember, whatever happens to Canada's environment is closely linked with our own. If they really thought drilling for energy was so bad for the environment, they would have sponsored a bill barring the Canadian gas from entering the United States. But, obviously, charity begins at home.

If there is concern about the effects on the environment, I would think some of the Senators would have concerns with the effects of offshore drilling on New England's fisheries, but that is never brought up. When it comes to Alaska, they are standing in the way of something that at least 75 percent of Alaskans support.

Looking at other activities, in the State of Massachusetts, the ''big dig'' has been dragging on for years. Some environmentalists are not pleased with it, but the ''big dig'' has not been interrupted. Instead, it has produced thousands and thousands of jobs in Massachusetts, and that is good for Massachusetts, and the Massachusetts Senators should take credit for it. But why can't citizens of Alaska be permitted the same rights?

Finally, let's not forget the only people who are located within the boundaries of ANWR are our Native people. In fact, they reside on their own land.

I am going to put up the picture of Kaktovik again because I think it is representative of reality. Many people choose to overlook reality and think there is no footprint, there is nobody there. That is not the case. They are the Inupiats, a proud people, and they live in the Kaktovik by choice. They have lived there for thousands of years and support opening ANWR.

They graciously invited some of the most outspoken opponents of ANWR to Kaktovik so they could see firsthand their way of life. Unfortunately, the Inupiats did not get the courtesy of a reply because of the intervention of the Sierra Club and some environmental groups who used their influence, if you will—and I am being gracious—to not allow the people associated with some of the villages that occupy the Gwich'in nation even to go up and look at the prosperity associated with the Eskimos in the Barrow and Wainwright area.

A number of invitations have been extended to Members of the Senate

from the Inupiat Eskimos. It is too bad Senators have not taken them up on their offer because the Inupiats have a very interesting and compelling story to tell. They are for self-determination. They want the right to improve their lifestyle and that of their children, and this amendment supports that right of self-determination and their right to develop and live on their land as they please.

They have some 92,000 acres that have been held hostage by the Federal Government long enough. The opponents often gloss over the fact that the Inupiat Eskimos hold title to the land in the Coastal Plain. They do not pay any attention to it. They assume those people up there will just have to somehow work out their lives, but only Congress can give them the authority to have access.

Without congressional approval to open the Coastal Plain, they are unable to develop their privately owned land. There are the 95,000 acres consisting of the village of Kaktovik and the one well that was drilled in that area. Responsible development will allow the Inupiat Eskimos to provide for themselves, heat their homes, provide education, and live in sanitary conditions.

Again, the plumbing in the Arctic is not sanitary. It is not pleasant. There are honey buckets. They want a better lifestyle. They believe responsible development in the area is their fundamental human right to economic self-determination.

This amendment would still allow the Inupiat Eskimos to enforce regulatory powers to make sure the wildlife and traditional environmental values are respected and protected. After all, who is more concerned about the caribou than the Native people who reside there and live off them?

Let me show another picture about the caribou. It reflects the reality. My colleagues have seen it before, but these are not stuffed caribou, these are real caribou, and they are roaming the fields of Prudhoe Bay. Nobody is running them down with a snow machine. Nobody is shooting at them. They are protected, and they wander, and they increase.

When we hear debate about the Porcupine herd—this is the western Arctic herd right in the heart of the oil fields. When we started 27 years ago, there were 3,000 or 4,000 animals. Today there are 26,000 animals. We do not want to confuse the Inupiat Eskimo or the Gwich'ins who live hundreds of miles away from the Coastal Plain, but we have charts that show a little activity on the Canadian side because, as my colleagues know, Alaska does share a border with Canada, and the Gwich'ins are on both sides of Alaska and Canada.

It is known that while the Inupiat Eskimos living on the Coastal Plain support opening ANWR, clearly the environmental groups have had to search far and wide for someone to foster their cause, and roughly 150 miles south of Kaktovik beyond the Brooks Range outside the ANWR boundary, they have found significant support, an Arctic village and other villages, the basic traditional home of the Gwich'ins.

I admire and respect the Gwich'ins for their wishes, but I hate to see environmentalists trotting this indigenous group around saying opening ANWR will hurt their caribou. There is no evidence to suggest that.

The greatest harm to the caribou—this is rather significant because while it may seem confusing, everything on the right of the line straight up and down is Canada and everything on the left is Alaska. One can see the purple. This is the Porcupine caribou herd as they move around during migration. They are on the edge of the 1002 area for a short time during the short summer, but in their migration they do go through Canada. They cross the Dempster Highway.

At the Dempster Highway during their migration, there is a significant number of caribou that are taken for subsistence, sport, and for, obviously, those who need them, the point being, the Gwich'ins have under previous discussions entered into leases for their own land.

This is a copy of the actual lease, Native Village of Venetie. They indicated a willingness in March of 1994 to lease their land. For anyone who questions the details, I am happy to provide a copy of the lease. I am simply saying they have a right to choose what they want to do, but at that particular time they were willing to lease their land. Unfortunately, there was not much interest in it because the prospects for oil discovery were not in the area.

So I think what we should recognize is the central Arctic caribou herd is a herd with which we have had experience. They have increased from 6,000 to 26,000, increasing by more than four times. As the environmentalists have addressed this argument, why, it is pretty weak to suggest we cannot manage this herd for the benefit of the indigenous people. I think it is fair to say, as we look at development, there is no evident harm to these lands or the potential of anything of any consequence affecting the lifestyle of those people.

As we have tried to address the concerns of the Gwich'ins, the difficulty has been encouraging them to simply visit the Eskimos of the Arctic to reflect on what development has meant to their standard of living. What we have in this amendment are protections. We have recommendations that require all the lands be returned to their natural state, and we also have the recognition that, while the Gwich'ins have been opposing activity on the Alaska side, they have been very aggressively pursuing it on the Canadian side. The Gwich'ins in Canada have formed development corporations, as they should. They have an oilfield service company, which they have every right to do.

So this debate should not revolve simply around the Gwich'ins, recognizing that many of them do not live near the Coastal Plain. Instead, we should remember the Inupiat Eskimos who own land right in the Coastal Plain. So there is a difference, and I encourage Members to reflect on it.

Finally, the Inupiat argument is compelling. It is an important one. My friend Jacob Adams, who is an Inupiat, is president of the Arctic Slope Regional Corporation, one of the Fortune 500 companies, a very successful corporation in my State, and I quote his statement:

> I love my life in the Arctic. But, it is harsh, expensive and, for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

He also said:

> By locking up ANWR, the Inupiat people are asked to become museum pieces, not a dynamic and living culture. We are asked to suffer the burdens of locking up our lands forever as if we were in a zoo or on display for the rich tourists that can afford to travel to our remote part of Alaska. This is not acceptable.

I agree, it is not acceptable. I recognize this entire debate is complex and sometimes puts Members in uncomfortable positions, but I also realize this energy debate, especially in regard to ANWR, has been used as a soapbox for some of the most extreme and crafty environmental groups in our country, groups that have treasure chests to support their agenda.

While the issues are complex and the debate has at times become heated, the big picture can still be framed very simply. Is it not better to have a strong domestic energy policy that safeguards our environment and our national security rather than to rely on the likes of Saddam Hussein to supply our energy? The answer is clearly yes.

I, unfortunately, realize that some in this Chamber have found that ANWR has become a political issue. It is another piece of the political puzzle. They could not be more wrong. I have been around long enough to know that lots of people do things for their own reason, but when their actions sell short the American family, the American service man or woman, the American laborer, America's future and America's security, we must not let their efforts succeed.

Do not sell short America's national security. We cannot keep relying on increasing imports from foreign nations such as Iraq, which has publicly said they will use oil as a weapon. How many times do they have to say that before we believe them? Please do not sell America short in order to support the extreme environmentalists' latest popular cause, because we know once we authorize the opening of ANWR these groups are going to move on to another cause. They are not created for one specific cause.

By the way, do not worry about those environmental groups. They are still going to be around, as I indicated. They will find another cause, as I stated. Remember, energy is not about politics and an agenda. It is about families across the Nation wondering if their jobs will be there when they get up in the morning. It is about looking for our Nation's independence.

I believe in a country that is dependent on no one but God alone. We have every right to look out for our Nation's independence.

Our President, President George W. Bush, has asked time and time again for the Senate to follow the example of the House of Representatives and pass an energy bill. The House has done so. H.R. 4 has ANWR in it.

On numerous occasions, the President has expressed specifically his strong support for opening ANWR. He knows it means more jobs for America. It means security for our Nation, which is especially important at this time. He knows as long as we are dependent on other nations for our energy our very security is threatened and our future is at stake.

So the task of this body is clearly to deliver to the President an energy bill that reduces our reliance on foreign oil while at the same time creates thousands of new American jobs. I urge my colleagues on both sides of the aisle to recognize the weight of the task we are starting on. Agendas need to be pushed aside and Members have to muster the courage to do the right thing, even on difficult issues such as ANWR. We need to do what is right for American workers, what is right for our national security, what is right for the Inupiat Eskimos who live in the Coastal Plain, and what is right for America's future.

There has been talk this amendment will put the environment in the hands of big oil. Let me say something about big oil. Big oil is a citizen of my State—Exxon, BP, a number of companies. In reality, those companies are doing business in Alaska because they can make a return on investment. They qualify as good citizens. They have the capability to get oil all over the world and bring it to the United States. Some have said: Where is big oil on the issue of ANWR? There is Phillips Petroleum, other companies. We have not really seen much of them. There is a good reason for that. They are international oil companies. They will come to Alaska if it is open, but if it is not open they will go wherever, and they will import the oil into the United States. That development will not have the oversight that Alaskan oil development will.

Make no mistake about it, Prudhoe Bay is the best oilfield in the world. One of the things I find very frustrating is Members do not seem to care where oil comes from, as long as they get it. But if we can develop it at home, with our environmental laws, both Federal Government and State, is that not in the best interest of Alaska? So we should make sure we recognize big oil for what it is.

The talk that this amendment will put the environment in the hands of big oil is unrealistic. In reality, the environment will be directly in the hands of the American worker who will be working up there, and he and she knows how to do it.

If Members oppose the lease amendment, they are really saying to the American worker: I don't trust you. Instead, send the right signal and do the right thing. Vote for the American worker and show them we trust them to be good stewards at work, that we trust them to take pride in their jobs, and we trust them to help America keep strong and safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. REID. I ask the Senator from Alaska to yield.

Mr. STEVENS. I am happy to do that.

Mr. REID. Mr. President, the majority leader has asked me to announce there will be no rollcall votes tonight. It is my understanding the Senator from Alaska will speak for a considerable period of time this evening, is that not correct, I ask Senator STEVENS?

Mr. STEVENS. Yes. I don't know how long.

Mr. REID. We have had a number of inquiries. I think it would be appropriate we announce there will be no rollcall votes. The majority leader authorized me to do that.

Has the Senator from New Mexico entered the unanimous consent request?

Mr. BINGAMAN. I am informed the Senator from Alaska objects to any unanimous consent agreement and, therefore, he would go ahead and speak today. Tomorrow I will seek recognition when we get back on the bill.

Mr. REID. I thank the Senator.

Mr. STEVENS. Mr. President, we have just had a marvelous experience across from the Capitol grounds. We had a press conference attended by the leaders of organized labor, many Senators, a great many members from organized labor, and members of the Alaska Native community. We ought to take time to see whether that settles in with the American public. Three of the greatest labor leaders in the country were there and another representing the fourth. They say they want this project to go forward. They want this area to be drilled.

The concept of extended debate is to give a chance for the public to listen to debate on an issue and to determine whether they should contact their Senators about the issue. I hope that can happen. I hope it is still possible to have the country listen to the leaders of organized labor, listen to the leaders of the State of Alaska and consider whether or not it is safe to drill in the area set aside 21 years ago for just that purpose—to drill in the 1.5 million acres on the Arctic Coastal Plain.

I have been through this before. I asked myself today: Why are we here? Why are we doing this now? The normal process for handling this legislation, which has been passed by the House of Representatives, would be to go to the committee, come to the Senate, be assigned to a committee, be considered by that committee, and report it back to the floor. This bill does not do that. It went to the committee. The committee voted to include the drilling of the Arctic Coastal Plain, ANWR, and the leadership said: No, you cannot report that bill to the floor. Instead, we will draft our own bill.

The majority of the committee that has jurisdiction over this bill voted to report it in the manner we would like to see it approved. We don't get that chance. It comes on the floor, it is a different bill, drafted by the leadership of the majority side of the Senate. We are told: Take it or leave it. Get 60 votes for your amendment or forget about it—as though we are filibustering. They are filibustering our amendment, but we have to have the 60 votes in order to stop them from filibustering our amendment.

This is a point of frustration for someone who has lived through this continuum dealing with Alaskan lands. I talked about it before and I will talk about it ad nauseam until we get the point across that the State of Alaska made a commitment to the Federal Government in 1980 that we would accept the bill that had been outlined by the leaders of the Democratic Party in the Senate, Mr. Jackson in particular, God rest his soul, but he was a great friend. He opposed us in many ways. We reached a consensus on the issue of this Arctic Coastal Plain.

So everyone understands, we are talking about 1.5 million acres on the Arctic Coastal Plain that was set aside in 1980 for the purpose of oil and gas exploration. Anyone who comes to the floor and says this is wilderness is a liar—a liar. Anyone who tries to pretend that somehow or another we are violating the law is a liar. If it was back in the old days, I would challenge them to a duel. I am up to my ears in what I have been hearing about this that is absolutely untrue.

The ANWR area was set aside by the Jackson-Tsongas amendment for the purpose of allowing exploration. It does not become a working part of the Arctic Wildlife Refuge until that is complete. The difficulty is, people say it is wilderness. This area, the ANWR Coastal Plain, is not wilderness. The area of the Arctic Wildlife Range south of that, in the light brown, is 8 million acres of wilderness. But that 1.5 million acres is not wilderness.

Reading the Wilderness Society publication one would think we are invading the most pristine place on Earth. It is hell in the wintertime—60 below. I took the Postmaster General there and the digital thermometer said minus 99 because of the windchill factor. This is not some pristine place that should be protected. It should be protected at a time when it needs protection, which is

the summer. And we do that. We do not drill for oil and gas in the summertime.

Why are we here? We are here because some people on that side of the aisle, the majority side of the Senate, have decided they will block this. They do not honor the commitment made by the United States and the President of the United States when the 1980 act was signed. That was a commitment to our people in Alaska.

In 1980, these areas that are marked and checked were withdrawn by the act of Congress called the Alaska National Interest Lands Conservation Act. All of that was withdrawn in 1978.

My colleague, Senator Gravel, blocked a bill to do this because they could not build up there. In 1980, he still objected, but I reached an agreement with Senator Tsongas and Senator Jackson that I would help get this bill done in exchange for an absolute commitment in the law that that area would remain open to oil and gas acres, the 1.5 million acres, and the bill was signed by the President of the United States.

Now they are saying that is a pristine area; you cannot do it. And the Democratic Party has put this in their platform, ''Don't drill in Alaska's Arctic,'' as though the Democratic Party owns Alaska. Someone asked: Who owns Alaska? The public owns Alaska. The public owned all those places, too, but they were set aside for the elite few.

There are no roads there, no airport in there, no way to get there except through guided tours, twin-engine planes with guides and millionaires visiting those areas of Alaska. Eighty percent of the parklands in the United States are there. There are only three parks you can get to by road.

What we are talking about is coddling to the radical environmentalists of this country. We have half the coal of the United States in Alaska. Did you know that? One time when Ed Muskie was running for President, he decided he needed some environmental votes and he came up with an amendment that said: If you mine for coal in the State of Alaska, you must restore the natural contour after you are through.

In Alaska, coal comes with ice lenses, permafrost. When you put the steam points down to melt it, the water runs off. Take the coal off and there is no way in God's Earth you can restore the natural contour. Since Ed Muskie's amendment, not one new coal mine has been opened—30 years, with half the coal in the United States. No, no, we cannot do that.

When I first went to Alaska, I worked on the Rampart Dam on the Yukon River. It would have been the largest power project in the United States. It would have provided my whole State with electrical power. It was economically feasible. There is no question about it. The environmentalists said, ''No, you cannot build that dam,'' and they blocked it. It is gone.

We had, when I came to the Senate, the great forests of Alaska. Forests here, here, and here: The largest forests in the United States. We were cutting 1.3 billion board feet of timber a year on a cutting cycle of 103 years. We would not cut the same place twice in 103 years.

As part of ANILCA, that was lowered to 450 million board feet a year. Last year, we cut 47 million. Why? The environmentalists have decided that timber in Alaska should not be cut. Notwithstanding the sustained use/yield concept that was in place, they just blocked it.

When we passed this bill in 1980, we had six world class mines—six. They are all closed now but one. Why? Environmental litigation. You cannot mine in Alaska now. We have 32 of the 37 strategic and critical minerals and metals of the United States. None of them are being mined except one mine up in the Kotzebue area, the Red Dog Mine, the zinc mine, the largest in the world. Why are they closed? Environmental litigation from radical conservationists, environmentalists.

We get down to the question of oil and gas. When we argued this bill in the period of the 1970s and 1980s, there were 50-odd wildcat operators in Alaska drilling for oil and gas. There is not one today. Not one. Do you know why? The last administration closed it all down. There are no permits to go out and explore for oil and gas on Federal lands, outside of the great Prudhoe Bay—which is State land. It is not Federal land at all, it is State land.

The continuum of what we have been through as a State makes a lot of us wonder if we were right to seek statehood. Were we right? Many of our people wanted to be a commonwealth. Canada was then a commonwealth to the British empire. Some of our people wanted to be a commonwealth in the U.S. system. We said no, we want to be a State. We are Americans. We believe in America. The highest level of enlistment in the U.S. military in World War II was from Alaska, the highest level of veterans per capita today in the United States is in Alaska, from all periods of wars in this past century.

The question is, Why are we here? We are here because an elite few have decided that Alaska should be their playground. The working people today woke up. That meeting outside, across from the Capitol, is a bell tolling for the Democratic Party, and it better listen. It better listen because the working people want jobs. This is a jobs bill.

We will provide jobs. Instead of sending our money over to buy Saddam Hussein's oil, we will produce it on our own shores. We will produce it from Alaska. There are 15 sedimentary basins in Alaska. We have drilled three of them. This will be the fourth. No one knows whether it has oil or gas. We believe it does. We have still a lot left to drill in Alaska, provided some future generation removes some of those lines. Those lines were drawn to prevent development.

We are at the crossroads now with this bill, of whether or not we listen to the President of the United States and, because of the interests of national security and economic security we proceed as was promised in the 1980s to develop this land.

You cannot really understand the 1980 act unless you go back in history. When you go back in history, you go back to the Statehood Act. I was in the Interior Department at the time of statehood. Part of that Statehood Act was section 4. It was a commitment to the Alaskan Native people that once Alaska became a State, Congress would address the question of the claims of the Native people against the United States—not against the State but against the United States, their claims as aboriginal people.

We did that. As a matter of fact, I helped prepare some of that when I was still with the Eisenhower administration. After that came to an end, I went back to Alaska, worked on many things, came back here in 1968, and one of the first things we started working on when I became a Senator was the Alaska Native Land Claims Settlement Act. That became law in 1971. It was the only time in history that Congress has settled claims against the United States of aboriginal people—of our continent. It was necessary because of the very diverse number of tribes in Alaska and the size of Alaska.

I forgot to mention it earlier today, but let me mention it now: Alaska is 20 percent of the land that the American flag flies over. The State of Alaska is one-fifth of all the land of the United States.

On that land were a series of tribes that had claims against the United States. We worked for 3 years and finally, in December of 1971, passed the Alaska Native Land Claims Settlement Act. One of the conditions of that act was section 17(d)(2). That condition said: Before the Native people of the State of Alaska take their lands—Alaska was guaranteed some lands as it became a State; the Native people received some lands in settlement of their claims against the United States—there must be a study of what land should be set aside in the national interest, in Alaska. That was 1971.

For 9 years we argued over that, 9 full years. It became a slogan in Alaska, the (d)(2), 17(d)(2). We called it the ''(d)(2)'' issue; (d)(2) meant how much of the State was going to be set aside, and the State was prevented from taking it so it could be used to support the economy of the State. How much of it is going to be set aside to prevent the Alaskan Native people from getting the claims they really claim because it is set aside by these people who sought these withdrawals? In fact, the (d)(2) issue is what built the empire of the radical environmentalists in America.

For 9 years they raised money, advertised, went throughout the country, if not the world, to raise money to ''save Alaska.'' Save it from what? There was not any development proposed in any of those areas. There are no roads in

there. There are fewer roads in Alaska than there are in King County, WA.

Those are diverse people, living in five different sectors of the largest State in the Union. But, no, it was an issue to withdraw them to prevent the State from getting them—prevent the Natives from getting them; because if we got them, we might develop them. The one area that was not set aside was that area; the 1.5 million acres was set aside for us to use to keep the pipeline filled.

In the time of the Persian Gulf war, I went to the oil industry and I said: You have to increase the throughput of the pipeline. It was designed for 1 million barrels per day. It was running at about 1.9 million barrels a day. They looked into it and reported back they could do it. They increased it to 2.1 million barrels per day in the interests of national defense because we were shut off from a lot of access to oil at that time of the Persian Gulf war.

Today, it is 950,000 barrels a day. We do not have enough reserves to keep the oil pipeline, the 48-inch in diameter, half-inch-thick pipeline, 800 miles from the North Slope to Valdez—we do not have enough oil to keep it filled now. Where do we get the oil in between time? My colleagues say we are getting the oil from Saddam Hussein. The only oil increase we have gotten since our throughput went down is the increase in imports from Saddam Hussein.

We do not buy it directly from him; we buy it from the Food For Oil Program, and he gets the money from that. So we are not really giving him American dollars; we are going through some other exchange. We are washing the money going into Iraq because we don't want people to think we are dealing with Iraq, but it is Iraqi oil and we all know it.

What does he do with it? He is rebuilding his military. Senator INOUYE and I have just gone around the world, really—went into Afghanistan, Uzbekistan, Pakistan, and we talked to people over there about what is going on over there. We went to China, Singapore, Indonesia, the Philippines—looking at what is happening with terrorism in the world. Who is supporting them? Who do you think? Saddam Hussein is supporting them. It is known he is supporting them.

Where is he getting the money? From everybody who buys oil in those States that Senator MURKOWSKI showed, where the oil is going.

We paid Saddam Hussein $6.5 billion in 2001—$6.5 billion went to Saddam Hussein for his oil. The only way we can replace that is to produce our own.

We are some sort of people who listen to these obstructionists who tell us to not keep the commitment Congress made to Alaska in 1980: Forget about that. We don't need that oil.

Let me tell you that we need a lot more than that oil.

There was an interesting article in U.S. News & World Report on April 1 of this year. It was called ''A waste of energy?''

I ask unanimous consent that it be printed in the RECORD.

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

A WASTE OF ENERGY?

(By Gloria Borger)

Pity the poor caribou. There they are, minding their own business, roaming silently in the snow and soft tundra of the desolate Arctic landscape. Then, suddenly, they're everywhere: migrating through green Web sites worldwide, their survival the subject of urgent concern. If Big Oil starts drilling in the Arctic National Wildlife Refuge, enviros say, the lovely reindeer are at risk. Antlers, unite!

Enough already. The caribou are fine. In fact, since exploration started around Alaska's Prudhoe Bay in 1968, the local herd has thrived. And in case you're interested, the polar bears roaming ANWR are doing nicely, too. But don't get confused: This fight over 2,000 Arctic acres is not about wildlife. It's not even about oil. It's about political theology—and a small piece of land that has become a huge symbol and great fodder for fundraising. ''We need a poster on the wall, and here it is,'' says Bruce Babbitt, ex-Clinton interior secretary, who opposes drilling in ANWR yet keeps a certain perspective on it. ''Why do we spend so much time quarreling over this tiny sliver that has no real implication for energy independence?''

Good question. Here we are, in a war likely to expand throughout the world's oil-producing region, and we're importing 57 percent of our oil—including 790,000 barrels a day indirectly from our buddy, Saddam Hussein. Has this focused the nation on a serious plan for both conservation and production? Hardly. Competing energy plans are stuck in Congress, which is oddly bent on choosing either conservation or production—and could get nothing as a result. ''Energy policy doesn't have to involve either-or choices,'' says Tony Knowles, Alaska's pro-development Democratic governor. Then again, he hasn't spent much time in Congress lately.

To wit: The Senate disgraced itself recently when it killed a gradual increase in gasoline mileage standards for cars that could save as many as 1 million barrels a day. Soon it will most likely kill any drilling in ANWR, which might have provided a small start in the right direction. ''We shouldn't let this debate paralyze a real debate over energy policy,'' says John Holdren, an environmental policy guru at Harvard, who opposes ANWR drilling. But it has. ''People have given up on the really big issues'' like clean-air policy and climate control, he adds.

That's because ANWR is too easy to spin. Consider the numbers: Drilling proponents say that ANWR will produce a tremendous amount of oil; opponents counter that it's a mirage, less than a six-month supply. The truth is that no one really knows. Kenneth Bird, leader of a U.S. Geological Survey project that studied the potential for oil in the refuge, says the range of ''technically recoverable'' oil is somewhere between a relatively modest 4.3 billion and 11.8 billion barrels. Different groups use different numbers. ''One could spend the entire day writing letters to the editor,'' Bird sighs. What's more, his estimates were done in 1985. ''We might be able to see more with modern seismic equipment,'' he says. But is anybody proposing a new federal study? Of course not.

Then there's the Big Oil argument. To hear the opponents tell the story, oil companies are salivating at the prospect of drilling in ANWR. They're not—at least not now, because oil prices aren't high enough and they're not clamoring to spend the next decade in litigation. In fact, says Babbitt, ''oil companies might not bother with it.'' So why is the administration pushing it? Because oil prices are bound to go up—and Republicans like oil production, which has become a popular national security issue.

And what about the environment? Sure, there's bound to be some impact. Technology has advanced, but drilling is never going to be a perfectly clean business. Purists say that's enough to bag the effort, even though no one is predicting ecological disaster. ''I asked an environmentalist whether he would oppose the drilling if it were on just 1 acre, and he said he would,'' says a pro-drilling Democrat, Sen. John Breaux of Louisiana. ''How can you fight that ideology?''

You can't. There's too much at stake here politically for either side to give. And so the nation continues to feed its oil addiction without increasing homegrown production. Meantime, real energy policy languishes while the symbols thrive. And the poor caribou start looking more like Chicken Littles every day.

Mr. STEVENS. Mr. President, I will read portions of it. It says: ''A waste of energy?''

Pity the poor caribou. There they are, minding their own business, roaming silently in the snow and soft tundra of the desolate Arctic landscape. Then, suddenly, they're everywhere: migrating through green Web sites worldwide, their survival the subject of urgent concern. If Big Oil starts drilling in the Arctic National Wildlife Refuge, environs say, the lovely reindeer are at risk. Antlers, unite!

Enough already. The caribou are fine. In fact, since exploration started around Alaska's Prudhoe Bay in 1968, the local herd has thrived. And in case you're interested, the polar bears roaming ANWR are doing nicely, too. But don't get confused: This fight over 2,000 Arctic acres is not about wildlife. It's not even about oil. It's about political theology—and a small piece of land that has become a huge symbol and great fodder for fundraising. ''We need a poster on the wall, and here it is,'' says Bruce Babbitt, ex-Clinton interior secretary, who opposes drilling in ANWR yet keeps a certain perspective on it. ''Why do we spend so much time quarreling over this tiny sliver that has no real implications for energy independence?''

Good question. Here we are, in a war likely to expand throughout the world's oil-producing region, and we're importing 57 percent of our oil—including 790,000 barrels a day indirectly from our buddy, Saddam Hussein.

Remember that this is U.S. News & World Report, not Senator STEVENS.

Has this focused the nation on a serious plan for both conservation and production? Hardly. Competing energy plans are stuck in Congress, which is oddly bent on choosing either conservation or production—and could get nothing as a result. ''Energy policy doesn't have to involve either-or choices,'' says Tony Knowles, Alaska's pro-development Democratic governor. Then again, he hasn't spent much time in Congress lately.

To wit: The Senate disgraced itself recently when it killed a gradual increase in gasoline mileage standards for cars that could save as many as 1 million barrels a day. Soon it will most likely kill any drilling in ANWR, which might have provided a small start in the right direction. ''We shouldn't let this debate paralyze a real debate over energy policy,'' says John Holdren, an environmental policy guru at Harvard,

who opposes ANWR drilling. But it has. ''People have given up on the really big issues'' like clean-air policy and climate control, he adds.

That's because ANWR is too easy to spin. Consider the numbers: Drilling proponents say that ANWR will produce a tremendous amount of oil; opponents counter that it's a mirage, less than a six-month supply.

If there was ever a lie, that is a lie.

The trust is that no one really knows. Kenneth Bird, leader of a U.S. Geological Survey project that studied the potential for oil in the refuge, says the range of ''technically recoverable'' oil is somewhere between a relatively modest 4.3 billion and 11.8 billion barrels.

It goes on. I wanted to get to that because I want to get back to Prudhoe Bay.

Prudhoe Bay's estimate was 1 billion barrels. When they looked at that, we had the fight over whether or not Prudhoe Bay should be opened and whether the oil could be transported through the Alaska oil pipeline. The estimate was approximately 1 billion barrels of recoverable oil. We have produced now over 13 billion barrels. If this estimate is similar to the other conservative estimates in terms of oil and gas, this is more oil than is dreamed of.

Why can't we drill it? Why can't people here understand that the commitments that were made ought to be kept by the Congress? It is a commitment in the law—not just a promise. It was a hard-fought battle for 9 years, as I said.

I remember that night when Senator Gravel blocked the 1978 act. It was really a bill that we passed out of conference. But the House had already passed it. We were ready to adjourn. The Senator from Alaska asked that the bill be read after the adjournment resolution could be agreed to. He couldn't read that bill in the time left for that Congress, and it died. It died.

I went home with a group of people called the Citizens for Management of Alaska Lands, and we decided we would start raising money for the next Congress. We chartered a plane to go from Juneau to Anchorage, and it crashed. I was on it with my wife Ann and five people. Only one other person—our former Ambassador, Tony Motley—and I survived. We picked ourselves up from that disaster, went back and reorganized. We started working again in 1979 and 1980 and committed ourselves to try to get the issue settled.

Do you know why? We couldn't select our Alaska State land. There was what we call a freeze on it. The Interior Department refused to process the State's request for the lands it was entitled to under the Statehood Act until this issue was settled. The Natives couldn't get their hands on it until this issue was settled. We had to agree to the 1980 act. We had no alternative. We are a land-poor society. We are a resource-based State. So we entered into the agreement. We said: All right. There were a few little tweaks and things made here.

There are some interesting things. The occupant of the chair might be interested in this.

We call this the foot of the gate of the Arctic. That withdrawal was not there in 1978. It was put there to block this road from going over to that mining district. They did not want to withdraw that area, so they just blocked the access.

There is a similar block of access here—the road into Seward. There is a similar block of access here, and a block of access in here, and a total block of access in the southeast—no roads.

That is what that 1980 act meant. There will never be, as long as those withdrawals persist, roads to connect the State of Alaska from point to point. We depend on airports and on water courses. We have only one road system that goes from Anchorage into Fairbanks and down the Alaska Highway to Canada.

I hope people listen to these things. I am not sure they do.

I will tell you a little aside. When I lost the leadership election in 1984, my friend from Kansas Bob Dole became leader. He asked me if I would help bring television to the Senate. It was then opposed by my friend Russ Long and a couple of other Senators. I conferred with them. We and the distinguished current President pro tempore decided we would allow it. We worked out bringing television to the Senate.

I do not know whether that is educational or not. We are going to have a chance this week to find that out. At least for me, this is the first time I have used the concept of the public coverage by television of the proceedings on the floor of the Senate to try to interest people from other States in an issue that affects my State so vitally. That is why I mentioned the labor leaders' meeting in the front of the Capitol today and the invitation I received this morning to speak to the building trades convention of the AFL–CIO, which I was pleased to do.

It is because people are thinking about jobs.

When I started thinking about this bill—let me go back to this. It is a good idea to go through this again. I want to make sure people understand what we are talking about. We are talking about section 1002 of the Jackson-Tsongas amendment of December 1980, signed by President Carter after he lost the election in 1980. This is the provision drafted by the two Democratic leaders at the time on this legislation. It said:

The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

That is not an inconsistent position by Senator Jackson.

Where is a copy of that letter?

Madam President, I ask unanimous consent a copy of this letter be placed on every Senator's desk.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. STEVENS. This is dated July 3, 1980, signed by Henry M. Jackson, chairman, and Mark Hatfield, ranking minority member, of the Committee on Energy and Natural Resources. It says:

In this year of sharply heightened national concern over the economy, energy and national defense, the Senate is about to consider Alaska lands legislation—an issue which would have a profound effect on each of these vital subjects.

We write to ask for your full support of the Alaska lands bill approved by the Energy and Natural Resources Committee. After extensive hearings, study and mark-up, the Committee approved this bill by an overwhelming and bi-partisan vote of 17–1.

The Committee bill is a balanced, carefully crafted measure which is both a landmark environmental achievement and a means of protecting the national interest in the future development of Alaska and its vital resources. The bill more than doubles the land area designated by Congress as part of the National Park and National Wildlife Refuge systems; it triples the size of the National Wilderness Preservation system. It protects the so-called Crown Jewels of Alaska. At the same time, it preserves the capability of that mammoth state to contribute far beyond its share to our national energy and defense needs.

A series of five major amendments to the bill and an entire substitute for it will be offered on the Senate floor. The amendments in total would make the bill virtually an equivalent of the measure approved last year by the House. Each amendment in its own way would destroy the balance of the bill.

While the bill is a gigantic environmental accomplishment, it also is crucial to the nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in this time of energy crisis.

That was 1980.

Continuing:

Instability of certain nations abroad repeatedly emphasizes our need for a stronger domestic supply of strategic and critical minerals. Each of the five proposed amendments would either restrict mineral areas from development or block effective access to those areas. Four of the seven world-class mineral finds in Alaska would be effectively barred from development by the amendments. That simply is too high a price for this nation to pay.

Present and potential employment both in Alaska and in the other states would be significantly damaged if the committee bill is amended. Cutting off development of the four mineral finds discussed above would alone cost thousands of potential jobs, many of them in the Lower 48 states. The amendment on national forests would eliminate up to 2,000 jobs in the southeast Alaska timber-related economy.

We urge you to focus on the central fact that the Alaska lands bill is not just an environmental issue. It is an energy issue. It is a national defense issue. It is an economic issue. It is not an easy vote for one constituency that effects only a remote, far-away

area. It is a compelling national issue which demands the balanced solution crafted by the Energy and Natural Resources Committee.

We look forward to your support.

Cordially,

MARK O. HATFIELD,
Ranking Minority Member.
HENRY M. JACKSON,
Chairman.

Madam President, do you know why I read that letter? Three of the four amendments that they urged for the Senate not to adopt were, in fact, adopted. The environmental people, at that time, were growing in strength, as I said before. They won every issue but one—every issue but one. There was only one issue that the State of Alaska prevailed on that was a major issue.

There were some minor changes of boundaries that we argued about, whether this part of this town should be in that withdrawal or another part in some other area. But there were four major issues that the chairman and ranking member raised, and Alaska lost three of the four. We won one. We had a solemn commitment from the two leaders. Senator Tsongas had those four amendments that Senator Jackson and Senator Hatfield talked about. Senator Jackson and Senator Hatfield had the committee bill. They melded it. They took three of the Tsongas amendments. But they left one out. They left us access to the Coastal Plain for oil and gas exploration and development.

One wonders whether history should have anything to do with subsequent action by the Senate of the United States. One Congress cannot bind another Congress. But one Congress can enact a law that it takes another Congress to enact and have a President sign it. This is one of the things that was required, and it was the great error of my career in agreeing that the area would be open only if a subsequent law was passed by Congress approving the process which was set up.

The process was that an area would be available for oil and gas leasing. There would be an environmental impact statement. There would be seismic research to see if there was a possibility of recovering oil. If both of those proved positive, then there would be a request of Congress to authorize the use for exploration of oil and gas.

Senator Jackson later that year, on August 18, addressed the Senate. On page 21651 of the CONGRESSIONAL RECORD of August 18, 1980, he said:

Mr. President, I rise in support of the substitute offered by the Senator from Massachusetts. During the past several weeks, Senator Tsongas and I, as well as Senators Roth, Hatfield, and Cranston, have attempted to draft a compromise substitute amendment. We have before us an amendment which we believe represents an equitable solution to the Alaska lands issue.

He goes on to say later in that same timeframe:

The substitute retains the Senate Energy Committee's language relative to an oil and gas exploration program on the Arctic Coastal Plain in the existing Arctic Wildlife Range. Several changes in the committee's provisions were incorporated regarding the wildlife portion of the Arctic Slope study. The timing of the seismic exploration program and the Secretary's report to the Congress regarding further oil and gas exploration on the plain were also modified slightly. . . .

Taken together, this approach provides adequate protection for the affected wildlife in the area—including the Porcupine caribou herd—while insuring that an assessment of the area's oil and gas potential is undertaken.

We won one issue, and now the majority party wants to deny us that compromise.

It is an interesting area, the Arctic. Did you know, Madam President, following the great Teapot Dome scandal in 1923—the year of my birth, incidentally—the President, President Harding, withdrew 25 million acres of Alaska as a national petroleum reserve to salve the national conscience about the Teapot Dome scandal. That is what it was. That area has never really been explored for oil and gas. It was set up in 1923.

In 1943, during the conduct of the war, Abe Fortas, who many of us knew, the then-Acting Secretary of the Interior, withdrew all lands in the State of Alaska—all lands in the State of Alaska—about 20 miles south of the Circle. All of that land was withdrawn. Nothing at all could be done up there by Alaskans, the people who lived there and stayed there. He withdrew other lands—the so-called public land order 82—in the Katagkak region down here—it was a broad-scale thing—and in the Cape Lisburne area. This is the area we are talking about now that was withdrawn in 1943—not from oil and gas but from any kind of activity. That persisted until we got to the Statehood Act. And just prior to the Statehood, the Kobuk gas field was discovered just south of the Alaska Range, in that area right there.

While I was at the Interior Department, the Secretary of the Interior, Fred Seaton, amended public land order 82 allowing oil and gas exploration to take place in the Kobuk gas field. As a matter of fact, later in 1959, after we obtained statehood, Secretary Seaton further modified it to affect lands up around the national petroleum reserve of Alaska created by President Harding. And then, in December of 1960, he in effect repealed that land order. He really did it by amending the previous land order and making it possible for Alaska to select lands in that area because under the Statehood Act the State of Alaska could not explore north of the Arctic Circle without prior approval.

He gave the State the authority to select the lands. The area they selected was Prudhoe Bay. That was really divine guidance that took us to that place because that was the only place we could drill in the Arctic at the time. Alaskans found the largest supply of oil on the North American continent at that time—on State lands, not Federal lands. Those Federal lands have never been opened to oil and gas, as intended by Secretary Seaton or by President Eisenhower. Subsequent administrations have found some way to frustrate access to the oil and gas resources of that area.

I have talked for a long time. I will talk a while longer because I will go into this amendment I filed in the second degree. I will speak more about the Arctic wildlife area and what it means. I filed an amendment in the second degree because, as I looked at the House-passed bill, it approved ANWR and it limited the amount of land that could be used to 2,000 acres out of that 1.5 million acres. All that can be used is 2,000 surface acres. But it postulates that there will be a series of bonus bids for the right to lease the land, somewhere between $1.6 billion and $2.7 billion. The House bill channels a portion of that money to what I would call a little carrot—a little conservation restoration of the areas already withdrawn from parts of the refuge.

I thought about that, and I thought about where the drilling in the Arctic wildlife refuge area—ANWR area, the 1002 area—would take us. It takes us a step further toward building the Alaska natural gas pipeline—something the American public should learn about, something on which I hope the great unions of this country and the steel industry and others will start educating the public.

At the time Prudhoe Bay oil was discovered, we found that gas was associated with the oil. There was no means to transport the gas, so a series of reinjection facilities was constructed and, as the oil and gas is produced, the gas is separated and it is reinjected into the ground. There are now 50 trillion to 70 trillion cubic feet of gas known to exist under State land in the Prudhoe Bay area.

We now propose that we build a natural gas pipeline to take that gas to the midwestern part of the United States. It is the largest amount of gas we know of that is not transportable so far. It would transport, when built, a pipeline 52 inches in diameter, 1 inch thick, running 3,000 miles from the North Slope to Chicago, down the Alaska Highway, through Canada, and into the Midwest. Along with that, it takes 15,000 miles of gathering pipelines and adjunct lines.

Originally, they thought about bringing the pipeline through the pristine part of Canada. That has been abandoned. The State wants it to come this way. This is the area here. We are going to follow, partially, the Alaska pipeline right-of-way and come down the Alaska Highway and go through Canada, along the route of the current pipeline through Canada.

People said: What does that have to do with drilling in the Arctic region of the Alaska Coastal Plain?

Mr. President, there is no source of funds that I can see, with the existing economic situation, in the foreseeable

future to help get that Alaska gas pipeline started other than funds from the production of oil in the Arctic Plain. The more I study, the more I find we have a really interesting situation in steel. Obviously, I am not from steel country. I don't know a lot about steel. But I have been learning a lot about it since we started this effort.

Since the year 2000, approximately 30 steel companies in the United States have entered bankruptcy, and 60,000 workers are already out of jobs in those places. In 1980, there were more than 500,000 U.S. steelworkers. By the year 2000, there were 224,000. That was 2 years ago. Since that time, we have had, as I have indicated, 30 more steel companies fold.

One of the contracts that exist between the steel companies and their workers is the benefits program—a promise that was made for the contribution to their past work in our society. It was an agreement to pay health benefits for the retirees. There are presently estimated to be 600,000 of those retirees, at a minimum. The companies they worked for are going bankrupt. There is a plan to try to consolidate the U.S. steel companies, but there is a little hitch. These workers have the right to put a lien on those assets before they are consolidated. So a plan was devised, and it is a difficult one to follow through. But it is a plan to use the fund to pay the cost of the health care delivery for the retirees and let the assets go into a consolidated steel industry that would be capable of contributing to major projects such as our Alaska natural gas pipeline.

The plan is the legacy plan, and the legacy would be to keep the commitment made to the retirees. It requires a cashflow for 30 years of $18 billion. If the steel industry does not find $18 billion, it is my judgment they will not be able to consolidate. If they do not consolidate, we will not have a steel industry capable of meeting our needs.

I do not know if you know it, Madam President, but recently Robert Miller, chairman and CEO of Bethlehem Steel, testified that:

> Bethlehem Steel was the only domestic company with the capability to provide the special steel plate that was required to repair the U.S.S. *Cole*.

One steel company left in the United States could meet our national defense needs—one.

I told the union group today I believe there are three things that keep a democracy alive: One is food, one is oil, and one is steel. That gives us the ability to maintain our economy and to defend ourselves.

We have taken very ample care of the farmers, I have to say that. In going through this, I found that in the last 10 years we have spent $656 billion on the farm community in regular bills and $17 billion in the last 10 years on special emergency bills for the farm communities. How much have we spent for steelworkers? How much have we spent for oil? Nothing. They are part of the private enterprise system and must survive themselves.

How can they survive if Congress gets in their way? We are supposed to facilitate the development of this country and maintain our economic viability. We are supposed to provide for our national defense. As a matter of fact, that is one of our constitutional duties—to provide for the national defense and promote the general welfare of this country.

I find it hard to believe we are getting so much criticism of the amendment that I have suggested. What it does is it takes part of the money that would come to the Federal Government and channels it into a fund which will address the health care costs for those retirees, enable the industry to be reconstituted, revitalized, provide money to the Department of Commerce to help with some loans and grants to those steel companies to get them going again, and provide money to the Department of Labor to train people to do some of the work we are going to need.

It is a gigantic project. There are two steel mills in the world today that are capable of rolling the pipe for the Alaska gas pipeline—two. The design of that pipeline will require one-half of the world's capability to produce steel pipe for a period of over 5 years. One project. In order to get it started by 2010, the orders have to be placed by next year. It is not possible to place those orders unless we know where there is a cashflow to take care of the problems of the retirees.

This project of ours will take 5.2 million tons of steel. It will involve $3 billion to $5 billion in initial steel orders alone. We are not talking about the 15,000 miles of gathering pipe. We are not talking about the hundreds of trucks that will carry that pipe down that long 3,000-mile road. We are not talking about the trucks and equipment that will improve the roads so the trucks can run on them. Most of those areas do not have roads that can hold trucks that size.

This is a gigantic project, and one must ask himself or herself: Is gas essential to our economy? Is gas essential to our national security? Is this something on which we should have a partisan dispute? Is this something that we should be here debating about a procedural issue, an issue designed to permit a group of Senators to delay action on a bill until the rest of the country can learn about it?

Actually, I am grateful to them for their filibuster against our amendments and their threat of requiring a cloture vote to terminate our debate because it means we are going to be here for a while talking about this subject. As we talk about it, I hope more and more people learn about it.

We establish in my amendment a trust fund for conservation, jobs, and steel reinvestment. It would provide $155 million for conservation programs. It would provide $232 million for commerce grants to retool industries to get ready for the gas pipeline. It would provide approximately $900 million to reestablish and make solvent the Coal Miners Health Fund. It would provide $7 billion over 30 years to provide for the Legacy Benefits Program I described.

This is not the only money that goes into the legacy fund. The President has already put in effect the tariffs on imported steel. That money goes into the legacy fund. The companies are in the process of agreeing, as I understand it, to pay $6 per ton on steel produced in the United States into the fund. But it is woefully short of money to meet the needs for those 600,000-plus retirees. That is not enough money to make it work.

How do we get our gas pipeline started? We try to find a way to put together the exploration and development of this continent's largest oilfield with the problems of developing a gas pipeline to transmit gases already there. We do not have to look for it. It is known gas. It is just not transportable because there is no mechanism to transport it. I believe we can do that.

I am intrigued with some of the statistics as to this pipe. As I said, it is 52 inches, 1 inch thick, and it is called X–80 pipe. It has never been tested before. In order to make it available, a portion of it will have to be rolled to test to see if the theory that has been worked out on computer is correct: That this is the type of pipe that can withstand the pressure necessary to move that gas over 3,000 miles.

Alaska now has the Alaska oil pipeline. It is a 750-mile pipeline. We call it 800, but it is 750 miles of the really big pipe. That weighed 1.2 million tons. Roads had to be specially created for that pipe to be put in place.

Alberta now has a 1,435-mile pipeline. It weighed 2.1 million tons and cost $1.8 billion delivered. We are looking at, as I said, an enormous amount beyond either of those. The pipeline will be almost as long as the Great Wall of China.

One of the interesting things about it is, eight pipe-bending machines will cost more than $1 million each and a 2-year lead time will be needed to get that pipe into place. They estimate they are going to need 115 backhoes, 27 D–10 bulldozers, 90 D–9s, and 16 to 20 of the large, magnum class chain trenchers.

In terms of manpower, the workforce in Alaska alone would be 2,300 jobs; in Canada 3,400 jobs. But there are jobs throughout the United States into the hundreds of thousands to build the valves, gathering the pipelines and the various pieces of equipment that are necessary to construct this pipeline.

I am saddened to say a lot of people say: That is a crass and cynical thing to do. You are just looking for votes.

That is right. We are looking for votes to open this area to oil and gas exploration so we can get the money to

start this pipeline. If taking care of and helping the steelworkers and coal workers is necessary to reconstruct the American steel industry so it can participate in it, we should do it.

I think the real problem I have is to try and figure out how we can put this into real context. With due respect to the Democratic Senators, they are shilling for a bunch of radical environmentalists who control the country now in many ways. Tomorrow I am going to speak at length about the articles that were in the Sacramento Bee about the way these people seek to control what the Sacramento Bee called ''the fat of the land.'' They document it in a series of articles. I have those articles and I will read some of them tomorrow to make sure we know who our enemy is.

It is not the Senators from these various States. They are responding to constituents. They represent 2 to 3 percent of the constituency in most House districts, a little less than that in most elections statewide. They are very powerful, and at times such as we are in right now, look at—we were balanced 50–50. Until Senator JEFFORDS changed his mind, we were 50–50. We are a nation divided. That is when these minorities sneaked in and took control, and that is what the radical environmentalists have done.

I intend to go into that at length tomorrow. I will go further tomorrow into some more statistics about the steelworkers' problems and the reasons I have persisted, even though I must say I do not know so far any Senators who represent the steel States or the steelworker States who have agreed to assist us in this matter. I challenge them to find another cashflow area, another stream of money that will save their workers' retirement benefits. I challenge them.

This is not new. We did it for the black lung disease people in 1992. We have done it a series of times, where we have taken money from one cashflow and put it into an objective where we could not get the money otherwise, but we had a new cashflow and before it was committed, we committed it to good things. I say it this way: Take the airport development fund. All of those taxes do not go into the Treasury. They go into the fund and they pay for airports, they pay for the runways. As to the highway fund, those highway taxes go to pay for a great many things.

Take the emergency agricultural appropriations. Where do they go? They pay the John Deere bill. They pay for the medical insurance for the employees and the farmers. They pay the grocery bill when farmers have trouble. But somehow or another that is normal, right?

When we bring in an emergency bill for agriculture, we do not argue about that at all. We only ask how much more can we raise it because they are farmers. My farmers love them. I voted for those bills; I am not criticizing. I am saying why only the farm community when there are two other streams that we must maintain to keep this democracy alive? One is oil and one is steel. I want a bill that matches them both.

I thank the Chair for her patience, and I thank my friend from North Dakota. I mean no personal offense in any way in what I say, but I think I have a right now to be disturbed. I have argued this matter in the Senate for more than 21 years. It actually started 31 years ago in December of 1971. I have been in the Senate that whole time. There has not been a year gone by we have not had an issue concerning these reactionary radical environmental groups and what their demands are on our State. Why?

There are only three of us. We are way up there. When Senator MURKOWSKI and I are at home, we are closer to Beijing than we are to Washington, DC. These environmentalists raise money by telling people the harm we are liable to do to that land, but less than one-half of 1 percent of Alaska is occupied by man. It is almost the least populated area in the world; yet it is threatened. It is threatened every day. There is another ad on the TV, another ad in a major paper about how this terrible bunch of people are about ready to destroy this land. Less than one-half of 1 percent has been occupied by man.

It is an amazing thing for me to get involved in this, but I intend to stay involved in it. Let's see if the process works. Let's see if the theory of extended debate for the education of our people still has meaning. Do people listen to us? Are they interested in what the labor leaders in the country say? Are they interested in the plight of the steelworkers? Are they interested in the plight of the coal workers? Are they interested in the future of building that gigantic pipeline that will bring the equivalent of more than a million barrels of oil and gas a day to the central part of the United States?

It would assure that the central part of the United States would have all the gas it needs for 40 years. Is that worth thinking about, worth taking some time of my colleagues to listen to me shout a little bit? I think it is, and I hope the system works.

I remember as a young man seeing ''Mr. Smith Comes to Washington.'' I am not Mr. Smith, but I think the issue is more acute than the one he faced. The issue we face is survival. Do we go on increasing our dependence on foreign oil? How much more are we going to import?

The report I had today was it is at 57 percent in terms of imported oil. I thought it was lower than that. During the crisis that led to an embargo in the 1970s, it was less than 35 percent.

What about steel? During World War II, we produced steel for the world. We produced the steel for the allies. We rebuilt Europe. We built the tanks in the United States, and the planes and the ships that saved the world. Could we do it again? Are we willing to contemplate doing it even to save our own system?

I yield the floor.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MURKOWSKI. Madam President, I will talk for a few minutes on a couple of points. One is a letter we received from the Secretary of Energy, the Honorable Spencer Abraham. It is a letter to me. I will read excerpts.

The letter reads in part:

As everyone knows, gasoline prices have been increasing for the past several weeks in anticipation of the historically higher demand seen during the summer driving season. These increases are a source of serious concern to this Administration and I know they are of serious concern to you.

As I committed to you last year, I intend to keep you apprised of circumstances affecting our oil and gasoline markets and of the steps we are taking to mitigate their effects in the short term and address them in the long term.

Briefly, prices for crude oil have risen by over $7 per barrel since late February—an increase of over 30 percent—adding as much as 20 cents per gallon to the retail cost of gasoline. Crude oil prices are rising because of global economic growth, OPEC production restraints, and concern over the current tensions in the Middle East and Venezuela. Of course, we are closely monitoring international developments affecting our petroleum markets.

Partly as a result of rising oil costs, the Energy Information Agency (EIA) expects an average price of $1.46 for regular grade gasoline over the next 6 months. However, gasoline prices will peak somewhat higher in certain regions this summer. Higher gas prices strain the budget of America's working families, raise the cost of goods and services, increase harvest costs for American farmers, and ultimately create a drag on the economy that can impact the livelihood of working Americans.

He advises:

For more detailed market information, please refer to EIA's Short-Term Energy Outlook . . . online.

He further states:

Our gasoline market will be in a delicate balance this summer, as it has in the past few years. It only takes one refinery fire—as we saw last August when a fire destroyed part of Citgo's Lemont, Illinois, refinery—or a pipeline disruption—like we experienced the previous June during the Wolverine Pipeline break between Chicago and Detroit—to cause price spikes.

The onset of the driving season coincides with the annual changeover at refineries from winter fuels to specially formulated, cleaner-burning summer fuels that cost more to refine. These fuels are required to protect the public health during the peak ozone season. As recommended in the President's National Energy Plan, the Environmental Protection Agency has already improved some of the rules governing the transition from winter to summer gasoline, including a provision for increased flexibility in blending and reclassification of certain fuels. However, the gasoline market is still constrained

at times by refinery and pipeline capacity shortages in America.

As we did last year, Department of Energy will continue to keep track of gasoline supplies and pricing. We have already reinstated our 24 hour Gasoline Hotline—a 1–800 number for consumers concerned about gasoline prices (800–244–3301).

He further indicated he would be meeting with the American Automobile Association to identify ways to encourage Americans to drive smarter and prepare their cars to operate more efficiently—and save fuel and money.

I ask unanimous consent the letter be printed in the RECORD.

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

THE SECRETARY OF ENERGY,
Washington, DC, April 11, 2002.

Hon. FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: As everyone knows, gasoline prices have been increasing for the past several weeks in anticipation of the historically higher demand seen during the summer driving season. These increases are a source of serious concern to this Administration, and I know they are of serious concern to you.

As I committed to you last year, I intend to keep you apprised of circumstances affecting our oil and gasoline markets and of the steps we are taking to mitigate their effects in the short term and address them in the long term.

Briefly, prices for crude oil have risen by over $7 per barrel since late February—an increase of over 30 percent—adding as much as 20 cents per gallon to the retail cost of gasoline. Crude oil prices are rising because of global economic growth, OPEC production restraints, and concern over the current tensions in the Middle East and Venezuela. Of course, we are closely monitoring international developments affecting our petroleum markets.

Partly as a result of rising crude oil costs, the Energy Information Administration (EIA) expects an average price of $1.46 for regular grade gasoline over the next six months. However, gasoline prices will peak somewhat higher in certain regions this summer. Higher gas prices strain the budgets of America's working families, raise the cost of goods and services, increase harvest costs for America's farmers, and ultimately create a drag on the economy that can impact the livelihood of working Americans.

For more detailed market information, please refer to EIA's Short-Term Energy Outlook (STEO) online (http://www.eia.doe.gov/steo/).

Our gasoline market will be in a delicate balance this summer, as it has in the past few years. It only takes one refinery fire—as we saw last August when a fire destroyed part of Citgo's Lemont, Illinois, refinery—or a pipeline disruption—like we experienced the previous June during the Wolverine Pipeline break between Chicago and Detroit—to cause prices spikes.

The onset of the driving season coincides with the annual changeover at refineries from winter fuels to specially formulated, cleaner-burning summer fuels that cost more to refine. These fuels are required to protect the public health during the peak ozone season. As recommended in the President's National Energy Plan, the Environmental Protection Agency has already improved some of the rules governing the transition from winter to summer gasoline, including a provision for increased flexibility in blending and reclassification of certain fuels. However, the gasoline market is still constrained at times by refinery and pipeline capacity shortages in America.

As we did last year, Department of Energy will continue to keep track of gasoline supplies and pricing. We have already reinstated our 24 hour Gasoline Hotline—a 1–800 number for consumers concerned about gasoline prices (800–244–3301). I have also directed EIA to produce its Energy Situation Analysis Report (ESAR) each weekday in order to monitor world events that could disrupt supplies. The ESAR is released on EIA's website (http://www.eia.doe.gov/) daily after 5 p.m.

I will be meeting this week with the American Automobile Association (AAA) to identify ways to encourage Americans to drive smarter, prepare their cars to operate more efficiently—and save fuel and money. I also intend to meet with both refiners and gas station owners to ensure that our distribution system works well from the wellhead to the fuel pump. A flawless distribution system will help to minimize price spikes this year should disruptions occur. As we identify solutions and ideas that help consumers, we will of course provide you that information immediately.

These measures can mitigate somewhat the effects of rising gasoline prices, but the solution is more long term. We must reduce our dependence on OPEC imports of crude oil by promoting energy conservation, increasing domestic oil production, and diversifying our foreign sources of crude oil. We strongly urge Congress to send comprehensive and balanced energy legislation with all of these elements to the President.

Please let me know if you have any questions.

Sincerely,

SPENCER ABRAHAM.

Mr. MURKOWSKI. Madam President, we have been generalizing a bit on this side, relative to the National Environmental Policy Act, about groups in opposition to opening ANWR. On the other hand, I was somewhat relieved to see an ad that appeared in the Washington Post. It is entitled:

Think All Environmentalists Oppose President Bush's Energy Plan? . . . Think Again . . .''

I am going to read a couple of excerpts because I think it addresses, indeed, some of the more balanced and responsible environmental groups and their opinions on activities associated with relieving our dependence on imported oil. The first is from Douglas Wheeler, former executive director of the Sierra Club:

The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

What he is saying in these few words is that we can do it right in the United States because we have the most stringent environmental oversight on resource development, particularly oil and gas. He implies that is not necessarily the case in other parts of the world, and we seem very nonchalant about taking for granted where our oil comes from. There is very little concern whether the development is harmonious with the environment because our only bottom line is: We have to have the oil.

There is another statement, from James C. Wheat, III, trustee for the Chesapeake Bay Foundation:

The conservation community should take this opportunity to work closely with Congress to ensure that exploration of ANWR results in net environmental gains.

I certainly take Mr. Wheat at his word.

Further, Brian Ball, former chairman of the Nature Conservancy of Virginia:

Technology advances and increased ecological awareness have made this kind of exploration possible while leaving a minimum footprint on the surrounding environment.

Again, I will show that footprint on the chart here, which indicates the little area in red which identifies, obviously, the limitation in this legislation, which is 2,000 acres.

We also received from the Laborers' International Union of North America, Terence O'Sullivan, president, writing to each Member of this body:

On behalf of the more than 800,000 members of the Laborers' International Union of North America, I am writing to express our strong support for opening the Arctic National Wildlife Refuge (ANWR) on Alaska's North Slope for new oil exploration. I am requesting that you not only support an amendment to open ANWR as a part of comprehensive energy legislation, but also any effort to invoke cloture on the issue if necessary.

The benefits of including ANWR in a comprehensive energy bill are clear. Alaska currently provides 25% of the nation's domestic oil and opening ANWR could boost that figure to more than 50%. New drilling technologies will lessen the oil industry's ''footprint'' on the surrounding environment by increasing the length of directional drills and allowing for smaller and more compact production pads; if Prudhoe Bay were built today it would affect an area of land 65% smaller. Thousands of good-paying jobs would be created across the country by opening ANWR, 130,000 in construction alone. And best of all, Alaskans support drilling in ANWR by a margin of 3–1. If ANWR is not appropriate as a domestic source of oil production, then where in the U.S. is?

While exploration in ANWR is only one piece, it is a very important piece of a national energy policy that should include increased construction of power plants, including nuclear facilities, oil and gas pipelines, refineries and other energy production facilities. A national energy policy will insure a reliable and affordable source of energy while creating tens of thousands of jobs nationwide.

The Laborers and the entire building trades have a long and illustrious history on the North Slope of Alaska of training a highly skilled workforce, building a solid infrastructure, deploying the new drilling technologies and protecting the environment. That record of success is at least one reason for the strong support among Alaskans for drilling in ANWR.

For all these reasons and more, we strongly urge you to not only support an amendment to open ANWR as part of a comprehensive energy legislation, but also any effort to invoke cloture in order to allow a fair debate on the issue.

Sincerely,

TERENCE M. O'SULLIVAN,
General President.

Finally, I noted the debate that covered the second-degree amendment which is pending to the underlying

amendment to open up ANWR. I would like to, again, highlight what this second-degree amendment specifically does because it gives America's steel industry an opportunity that otherwise it would not have—basically to rejuvenate and reconstruct the industry so it can be competitive.

We are all aware the administration provided a 30-percent protective tariff to American steel. That is going to be binding for a 3-year period of time. But what we have done here in the crafting of the second-degree amendment, which Senator STEVENS is offering, is to take the funding that would be generated from a combination of royalty and bonus bids—somewhere in the area of $12 billion over 30 years—and take the royalty Federal share and apply it over a period of time to specifically address the unpaid legacy associated with health benefits for the steel industry. The proposal is to contribute approximately $8 billion to the steel legacy benefit program.

I ask, Where is this money going to come from if we do not identify a source? We have the source. The source, of course, is from the revenues generated from the royalties and the bonus bids in opening ANWR.

America's steel industry is not going to get another shot at this. This is an identified source. As Senator STEVENS indicated, the prospects for the renewal of our steel industry, for it to become competitive, is given an extraordinary opportunity as a consequence of the reality that we are going to need steel in this country to build that gas pipeline.

The estimated cost of that project is about $20 billion. My understanding is the order for the steel will be somewhere in the area of $4 billion to $5 billion. The last time we built a pipeline across the length of Alaska, from Prudhoe Bay to Valdez, it was 800 miles. Do you know where the steel came from? It came from Japan; it came from Korea; it came from Italy. That was 48-inch pipe.

The pipe on this steel proposal is approximately 56-inch or thereabouts—52 to 56. It is X–80 to X–100, depending on the tensile strength of the steel.

If it is not built in the United States, we know where it is going to come from. It is going to come from foreign countries. Why wouldn't this proposal stimulate the steel industry, both management and labor, to recognize we have a extraordinary opportunity to revitalize the steel industry in this country?

They have the problem obviously associated with funding of the health benefits for some 600,000 potentially retired employees. But this is an extraordinary opportunity.

In addition to the steel industry's opportunity for the major link associated with the transportation, that is 3 thousand miles roughly from the Coastal Plain to the Chicago city gate. That is what we are talking about. We are also talking about virtually thousands of miles of additional pipe associated with development in the Arctic—with both ANWR and the ultimate development of the gas that has been discovered while looking for oil in Prudhoe Bay. That gas is about 36 trillion cubic feet of proven gas reserves.

I emphasize that as one who looks at opportunities for labor and opportunities for capital to come together with this kind of identification of a funding mechanism of $8 billion to contribute to the steel legacy fund, there is an additional $1 billion to the United Mine Workers combined benefit fund—this is another fund that organized labor and the coal mining industry has had a shortfall in—the contribution of $232 million in commerce grants to retool the industry to compete in this project, as well as labor training through the Department of Labor of roughly $155 million, training steelworkers in the new technologies associated with making this pipe, as well as the direction of funds; and $155 million for National Park Service maintenance backlog, habitat restoration, and conservation programs.

Isn't this a pretty attractive disposition, if you will, of funds associated with the lease sale and the royalties to be generated from opening ANWR or is there a higher need? You take it into the General Treasury, and you can appropriate. But what we are doing, and what Senator STEVENS has identified so clearly, is trying to meld two opportunities. That gas is going to be developed. The reason it is going to be developed is quite obvious. We are using our gas reserves now faster than we are finding new reserves. Where are we going to get the gas? We go down to the Gulf Coast States, and we are pulling down our gas reserves very rapidly there. We get a significant decline. It is estimated to be about 40 percent when we pull down offshore gas reserves. It lasts a little longer on land.

The reference to putting together an opportunity to revitalize our industry and basically work together to train workers to address some of the combined benefits that the United Mine Workers and the coal industry are short, as well as contribute to the steel legacy benefit program, is one that needs more examination by the Senate.

Unfortunately, we have not been able to go through a committee process, as we know, in bringing an energy bill to the floor. We would have been able to pass ANWR out of committee, but the majority leader saw fit to pull it. As a consequence, we have labored on various aspects of the energy bill because it did not go through the committee process, which is indeed unfortunate. But we have to make the best of the situation.

As a consequence, the second degree that is pending gives America's steel industry an opportunity for a new lease on life. Are we simply going to lie back, address and debate the issues of the steel industry's legacy shortfall or are we going to do anything about rejuvenating this industry?

I think Senator STEVENS indicated in his comments that we need steel, we need energy, and we need food to be a great Nation. Are we going to simply let the steel industry drop off, slough off, and become more dependent on imported steel? We have already given them 3 years.

It surprises me there is not more interest from the industry. I recognize there is a good deal of politics involved. I know Senator ROCKEFELLER has been working on this issue. I see in the Wall Street Journal of April 16 a reference where Senator ROCKEFELLER says any deal that would bind opening ANWR with steel is probably dead because the White House and the House Republican leaders won't provide letters of support for the steel bailout. But he said further that commitments from both camps were crucial to guarantees. They are.

We are going to do something with the revenue from ANWR if indeed we authorize it to be opened. The question is, Do we want to, by ourselves here collectively, come together as a bipartisan group and say this is what we want the money used for?

I have the greatest respect for Senator ROCKEFELLER. He is a good friend of mine. He said in the article that commitment from both camps was crucial to the guarantee that the aid would survive final House-Senate negotiations on the broader energy bill now before the Senate.

I ask unanimous consent that the article be printed in the RECORD.

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

GOP BID FOR SUPPORT ON DRILLING FOUNDERS

WASHINGTON.—A steel state Democrat announced he would oppose drilling for oil in the Arctic National Wildlife Refuge, dashing a Republican bid to build Senate support for ANWR by providing aid to retired steelworkers.

Sen. Jay Rockefeller (D., W.Va.) said the deal fell through because the White House and House Republican leaders won't provide letters of support for the steel bailout. He said a commitment from both camps was crucial to guarantee that the aid would survive final House-Senate negotiations on the broader energy bill now before the Senate.

The steel issue stems from President Bush's March 5 decision to rescue the U.S. steel industry with temporary tariffs on most steel imports.

Drilling in the Arctic is a top priority of the White House and Republicans, as part of their push to reduce dependency on foreign oil. But many Republicans were dismayed at the steel offer, having opposed Mr. Bush's March 5 decision as a political ploy that undermined the U.S.'s free-trade credentials.

Mr. MURKOWSKI. Mr. President, I think the Senator from West Virginia is failing to recognize the obligation and opportunity we have to designate those funds. If we designate those funds for steel, that is where they are going to go. When Senator ROCKEFELLER says he is opposed to ANWR, I would respectfully advise him that if you can support the funding determination which is covered in Senator STEVENS'

second degree, then the funding can only come from one source, and that is ANWR.

If this body directs the funds to come from that source, it seems to me that certainly allays Senator ROCKEFELLER's concern that somehow Republicans wouldn't go along with the arrangement. We can dictate the arrangement. We can make it law.

Finally, since we are discussing this, I would like to share a little bit about the status of the steel industry in this country.

I am told there are approximately 50 impacted steel-associated facilities that have been closed since the year 2000—50 impacted facilities—and 25 million tons of steelmaking capacity impacted or eliminated since the year 2000; 25,430 lost steel jobs; idle steelmaking facilities: 6 closed steelmaking facilities in Indiana, Ohio, Utah, Alabama, Arizona, and Tennessee, 15 in Pennsylvania, 3 in Illinois, 4 in New York; in Ohio, Missouri, Kentucky, Indiana, and Alabama, 2 each; iron-rolling mills, and other steel-related and iron ore facilities: 1 in Michigan; closed rolling mills in other steel-related and iron ore facilities: In Missouri, Michigan, 2; Texas, Ohio, 6; Illinois, 4; Pennsylvania, 4; New York, Arkansas, Connecticut, 2; Indiana, California, Minnesota, Maryland, Alabama, Louisiana, 2.

Those are U.S. steel industry and ANWR production key facts.

Let me share with you the U.S. steel employment levels in 1980. There were more than 500,000 U.S. steelworkers in this country. In the year 2000, there were 224,000. It is estimated, in the year 2010, there will be 176,000—an anticipated loss of 21 percent for U.S. steel-related jobs. That is a statistic by the Bureau of Labor Statistics.

What does that mean? It means 23,000 jobs lost between 1998 and September 2001; 270,000 steel jobs lost between 1980 and 1987. There are 600,000 current U.S. steel retirees. This is what we are talking about: their health care benefits alone. That is what we can address in this second-degree amendment. We are proposing to contribute $8 billion.

Where is U.S. Steel? Where is Bethlehem? Where are they? Where are the workers? Where are the retirees? Where are the unions on this one?

It is a source of revenue. Somebody is going to get that revenue when we open ANWR. We are talking about a marriage, if you will, of U.S. steel and U.S. jobs to build the largest pipeline ever conceived in North America, from Alaska to Chicago. What an opportunity. It is a win-win-win situation. Where is the downside?

What does that clean gas do to our environment? It cleans up our air. Forty-seven percent of U.S. steelworkers are employed in Pennsylvania, Ohio, and Indiana. Forty-five percent of U.S. steel jobs are related directly to production. Eighteen percent of the jobs are related to installation, maintenance, repair, and construction. Sixteen percent are related to transportation and material-moving workers. Twenty percent are related to manager, professional sales, and administrative support occupations.

In 2000, 40 percent of steelworkers were covered by union contracts compared with 16.2 percent in durable goods manufacturing and 14.9 percent in all industries.

Bringing new production capacity online—that is what we are talking about—means thousands of new union members or reemploying laid-off union members.

U.S. steel financial data: Domestic steel shipments down 14 percent in the first quarter of 2001.

Between 1997 and 2001, 31 steel companies in the United States filed for bankruptcy and are in chapter 11. This represents more than 21 percent of U.S. steel's capacity.

In the late 2001 timeframe, U.S. steel prices fell to some of their lowest levels in 20 years. Nearly half of U.S. steel employees work in factories with at least 1,000 employees.

Building new high-end, 52-inch X–100 steel capacity in the United States—that is the pipeline we would build in the United States—would mean more factories that could employ thousands of new workers.

This is a $5 billion contract. The cost of building the new 52-inch X–100 pipeline rolling capacity—it is estimated to run somewhere in the area of $250 million per facility because we are going to need more than one facility.

Where are we going to buy it if we do not buy it in the United States? We are going to buy it from Korea, we are going to buy it from Japan, and we are probably going to buy some from Italy because that is where we got it the last time when we built the TransAlaska Pipeline.

The total market capitalization of U.S. steel companies, as of March 19, 2002, is $12.8 billion. Contracts worth $4 billion or more in steel for the Alaska natural gas pipeline equals one-third of the total value of the entire U.S. steel industry.

Need I say more? I can go through the companies that have filed for bankruptcy. I think I will because it may awaken, if you will, some of the folks out there who are following the debate.

This is an opportunity to rejuvenate America's steel industry—those who are not covered by the steel legacy benefits for their health care, the unfunded health programs, those who are unemployed, those who have been laid off. This is an opportunity for those companies that are still in business to come together and recognize this is an opportunity.

When is the last time we had an opportunity such as this? We debated Chrysler years ago. It was a question of whether we should give a guarantee to keep Chrysler afloat. We debated that heavily in the Congress. It was one of the first real debates we had on whether we were going to save a traditional well-known corporation in this country. We decided to go ahead with that guarantee.

The results? Chrysler is still in business today. They are a profitable corporation. But the premise of what we did was gambling on Lee Iacocca and his imagination to rebuild the company.

For Heaven's sake, don't we have that same initiative left somewhere in America's steel industry, some CEO who wants to take the challenge? Let's make American steel competitive again. Let's make it great again. We have that opportunity.

And the opportunity is good for all of America because it brings together, if you will, the components. We have the gas. We found it while developing Prudhoe Bay. We need the gas because we are pulling down our reserves faster than we are finding new ones. We are going to build it sooner or later. It is going to require a pipeline.

For Heaven's sake, why not come together with America's steel industry and ensure it is built in America, and get on with revitalizing, if you will, this important industry?

We talk about national security. We can talk a lot about oil. I think Senator STEVENS put it very succinctly when he said: You have to have oil and energy. You have to have food. You have to have steel. So that is what we are talking about here.

States with steel companies filing for bankruptcy: In Indiana, Action Steel, Galv Pro, Great Lakes Metals, Heartland Steel, and Qualitech Steel; in Oklahoma, Sheffield Steel; in Texas, Metals USA; in Pennsylvania, Bethlehem Steel, Riverview Steel, Edgewater Steel, Freedom Forge, Erie Forge & Steel, J&L Structural, and Worldclass Processing; in Missouri, Excaliber Holding Co. and Laclede Steel; in California, Precision Steel; in Ohio, Republic Technologies, CSC Ltd., and LTV Corporation; in Alabama, Trico Steel and Gulf States Steel; in Louisiana, American Iron; in North Carolina, GS Industries; in Illinois, Northwestern Steel & Wire; in West Virginia, Wheeling-Pittsburgh; in Michigan, Vision Metals; in Utah, Geneva Steel; in New York, Al Tech Specialty and ACME Metals. That is 62,500 jobs. That is what is lost.

We are going to be debating this issue extensively, but I did want to follow a little bit on the second degree and challenge America's steel industry, challenge a couple CEOs out there who might have a little of the Lee Iacocca spirit to try to bring America's steel industry together and come to grips with an opportunity.

If we do not open ANWR, clearly it is not going to fund the rejuvenation of America's steel industry. That is apparent. That is why I hope, as we proceed with this debate, there will be a critical evaluation of the merits of opening ANWR, what it can do for our national security, and what it can do for American labor.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Alaska is absolutely right in his remarks about the need for the natural gas pipeline that is in this bill. One of the first things we did—I cannot remember if it was the Senator from Nevada or the majority leader who offered the amendment—but we offered the amendment that would create the opportunity to build a gasline from Alaska to Chicago, basically. It would be 3,500 miles long. That gasline would be 52 inches in diameter, and there would be a need for 5 million tons of steel to build that pipeline. It is estimated that pipeline alone would create 400,000 jobs.

So it would seem to me, we would be well advised to move this piece of legislation based on something we can all agree on; and that is, to bring natural gas from the North Slope to the lower 48 States. It is noncontroversial in the sense that it is bipartisan in nature. We have not only authorized the direction of that pipeline, we have also provided, in the legislation, loan guarantees for the private sector to build that pipeline. But we have gotten off on a tangent here on something that both sides have their own opinion of what is best for the country. As a result of that, ANWR is not going to happen.

But it should be recognized that the pipeline should happen. We should join together and quickly handle the remaining amendments. We are working over here to get rid of as many as we can and move this legislation forward.

The Senator from Alaska, Mr. MURKOWSKI, has worked so hard on this issue that he and Senator STEVENS believe in so fervently. I am glad we have the amendment before us. It is important we do that. Simply because I disagree with these two fine Senators from Alaska doesn't take away from the fervor they feel about this amendment. We will find during the debate that will take place in the next couple of days that there are people who believe just as fervently that this amendment is a bad idea.

That is what the Senate is all about—the ability to debate publicly issues of extreme importance to the country. The decision to be made on ANWR is important to the country.

As I have indicated, building a pipeline would not only create thousands of new jobs but would provide a huge opportunity for the steel industry. The Senate has already spoken that we encourage the use of American steel and union labor in the construction of the pipeline. The total cost of the Alaska natural gas pipeline is estimated to be as much as $20 billion. That is a real shot in the arm.

In addition to these enormous supplies of natural gas from existing oilfields, there is another substantial opportunity to obtain additional oil and gas resources from the Alaska North Slope. It is the National Petroleum Reserve—Alaska. This reserve is 23 million acres, as I understand it, of public land approximately the size of the State of Indiana. It was created to secure the Nation's petroleum reserves.

It is administered by the BLM which, in 1999, offered 4 million acres in the northeast portion of this for leasing. The result was an extremely successful lease sale.

That sale had a high level of interest from the industry with about $105 million in bonus bids for 133 leases on about 860,000 acres. Exploratory drilling has already occurred, and there have been major finds by the industry there.

A second lease sale is scheduled to take place this summer. Planning is being undertaken to open an additional portion of this for leasing. Again, no new law needs to be passed in order to drill here. We are not talking about a piece of land the size of a postage stamp. We are talking about 23 million acres.

As I said while I was waiting earlier today for Senator MURKOWSKI to offer his amendment, I am very happy it is being offered. Tomorrow morning we hope Senator BINGAMAN will have the opportunity to speak. He has managed this bill. He has sat here patiently waiting for this amendment. He has some things to say. I spoke to Senator BREAUX this afternoon. He is on the side of the Senators from Alaska. He wishes to speak tomorrow. Senator KERRY from Massachusetts believes very passionately that drilling in ANWR is absolutely wrong, and he will speak for a considerable period of time to lay out his position. Senator LIEBERMAN is scheduled to come as soon as he has an opportunity to speak in opposition to the two fine Senators from Alaska.

This is going to be a good debate. I personally look forward to it, on a very serious note, and would hope the debate is, for lack of a better description, as high class as it has been to this point. There is a lot to talk about. This is an issue that is important to the country, and it is time we laid our cards on the table and at a subsequent time vote as the Senate will allow us to do, either on a procedural matter or on a substantive matter.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I very much appreciate the remarks of my good friend the majority whip. The only question I would have is whether or not the majority whip realizes that not one single steel mill in the United States has the capacity currently to make the 52-inch steel pipe that is needed for the Alaska pipeline. They neither have the capacity nor are they familiar with this particular strength of steel. It is 80 to 100 in the dimension.

So I ask the majority whip, my good friend from Nevada, how does he propose we are going to go through this transition of America's steel industry achieving the capability to make the investment when indeed a good portion of the industry is in bankruptcy, another portion of the industry is in the process of not being able to pay its fund for health care, the legacy costs?

It is important as we get into this debate that we not generalize that somehow America's steel industry is going to participate without identifying where the funds are going to come from because the private sector is going to be very reluctant to invest in America's steel industry. That is why, obviously, the financial community did not see fit to invest in Chrysler when they had their troubled times. They exhausted all their alternatives. They came to the Congress, and the Congress came forward with a guarantee.

I ask my friend from Nevada how he proposes that any steel mill, since not one in the United States currently makes 52-inch X–80 steel pipe, how is the industry going to develop to meet the challenge of the order which we anticipate will be forthcoming?

Mr. REID. I am happy to respond to my friend from Alaska. First of all, the American Iron and Steel Institute has stated that no one in the world can make this pipe right now. But they also go on to say that if in fact there is an opportunity to do this pipeline, American entrepreneurship can do this. Remember, this legislation that we have already accepted in this bill provides loan guarantees.

I also say to my friend from Alaska, I have great faith in the American labor force and those, as I have said, entrepreneurs who have an opportunity to do good things for the country but also make money.

As far as the steel manufacturers, we have worked hard on this. As you remember, last year Senator BYRD worked long and hard on something to bail out the industry. Of course, we received little help from your side of the aisle.

Senator ROCKEFELLER, with whom I have spoken about this, recognizes that if we are going to do something for the steel industry—and we are—that it is going to take real money. We look forward to working with the steel State Senators. It is my understanding steel is now manufactured in some form or fashion in about 16 States.

We are committed to do everything we can to help that industry, not only from the management side but also for those workers who are entitled to a lot of things, not the least of which is pensions.

Mr. MURKOWSKI. Mr. President, I appreciate the response of the majority whip. I guess my frustration is in knowing how to get the two sides together. I am referring to the article in the Wall Street Journal today where they quoted Senator ROCKEFELLER saying that, supposedly, the deal was ANWR revenues for steel. He said:

> The deal fell through because the White House and the House Republican leaders would not provide letters of support for the steel industry—

He used the word ''bailout.'' I prefer ''rejuvenation.''

I ask my friend, don't we have the power in the Senate to direct the use of these funds, as opposed to what the White House happens to think is in the best interest of the industry or politics? We have the authority, do we not, to direct these funds for the benefit of the steel industry if we authorize ANWR to be opened?

I ask my friend if, indeed, he can explain to me the logic that Senator ROCKEFELLER proposes because he simply says the deal fell through because the White House and the Republican leaders would not provide letters of support for the steel bailout. Why don't we just pass the law here and designate the funds for the industry? That in itself should address the concerns of the Senator from West Virginia.

I recognize it is not appropriate to ask the majority whip to explain the rationale of Senator ROCKEFELLER; nevertheless, I think the principle is here. If we wanted to pass this, we could, could we not?

Mr. REID. First of all, while I don't like to admit it, I don't read the Wall Street Journal, so I don't know what it said. I have not read that. Senator ROCKEFELLER would have to respond to his questions. I have my own reasons why I think it would be a very bad program, not the least of which is I don't think ANWR would be improved. You would have to talk to Senator ROCKEFELLER about that. All I know is that the development of this pipeline would create jobs in steel production, pipe manufacturing, pipe laying, and construction. It would create lots of jobs. By any estimate I am aware of, the pipeline would create probably at least 300 percent more jobs than the ANWR project.

Mr. MURKOWSKI. Mr. President, I think the hour is late and I am sure we are about to wind up. I look forward to continuing the debate. I hope we can have, from the organization that represents the American steel industry, some indication by tomorrow's debate just what their attitude would be toward their ability to restructure, to meet the anticipated order associated with the 3,000-mile natural gas pipeline from Alaska to Chicago. We will attempt to contact them in the 24 hours that we have before we start the debate tomorrow to obtain their views on their ability to meet this demand and what conditions would have to be met in order for them to be competitive.

I think it is rather interesting, also—and I simply call this to the attention of my good friend, Senator REID—it is my understanding that someone in the debate, regarding the merits of the 30-percent tariff that was set for imported steel, specifically excluded 52-inch pipe. Now, I encourage Members to check on that because, to me, that pretty much gives an out for American steel. In effect, it says that all steel coming into the United States is subject to a 30-percent import tariff, except 52-inch pipe. It seems to me that is not in the best interest of what we are talking about here, to try to encourage the American steel industry to gear up for the largest order, by specifically exempting 52-inch pipe, which is what this argument is all about.

I yield the floor.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Stevens amendment No. 3133, regarding drilling in ANWR:

Tom Daschle, Kent Conrad, Harry Reid, Ben Nelson, Barbara Mikulski, Patty Murray, Dianne Feinstein, Tim Johnson, Tom Carper, Jeff Bingaman, Byron Dorgan, Richard Durbin, Mark Dayton, Jay Rockefeller, Patrick Leahy, Jack Reed.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Murkowski ANWR amendment No. 3132 to S. 517, the Energy Bill:

Tim Johnson, Tom Carper, John Kerry, Jeff Bingaman, Patrick Leahy, Tom Harkin, Tom Daschle, Harry Reid, Hillary Rodham Clinton, Max Cleland, Maria Cantwell, Jack Reed, Ron Wyden, Carl Levin, Patty Murray, Max Baucus.

Mr. REID. Mr. President, the only remaining business is to wrap up. We will do that as soon as the Senator from Alaska allows me to go forward.

Mr. MURKOWSKI. Mr. President, I find it rather interesting that here we are, and we have started on this bill roughly at 3 o'clock; it is now roughly 6:35. I think it is extraordinary that the majority would file cloture on this amendment when not one single Member has risen in opposition to either amendment. I do grant the whip that he did mention it briefly—his opinion on certain aspects of it.

But in view of the fact that no one has spoken on the other side, I hope that these amendments could just be accepted. Obviously, that is wishful thinking. I think it, again, represents a terrible departure from the traditions of this body in the way this entire energy bill has been handled. From the beginning, it was taken away from the committee of jurisdiction, the Energy and Natural Resources Committee. It was taken away by the majority leader because he knew we had the votes to include ANWR in the energy bill and present it to the floor for debate.

Now, he also knew that, from a political point of view, he could ramrod his bill without the benefit of the committee process. Yet he has seen fit to take to task our side for delaying the bill.

Let me tell you what happened in this bill. It was an educational process. Most Members didn't have an idea of certain aspects of the renewable portfolio, the electric portfolio. So he has opted out of the tradition of this body in the handling of this bill, and we have been on it for a very short period of time. I am talking about, obviously, the lightning rod, which is ANWR, and we all knew it. Now he has seen fit to file cloture on this amendment when not one single Member has risen in opposition to either amendment. This means that debate around here is no longer of any significance because everybody has their mind made up ahead of time.

I think it is a sorry day for the Senate when we come to this impasse and address the disposition of this paramount issue by a cloture motion so early in the debate.

Outside of expressing my extreme disappointment in the manner this has been handled, I hope that as we address the debate from here on in, it will be represented by factual information, not innuendoes, and that those speaking in opposition have some knowledge because I will venture to say virtually every Member who will speak in opposition tomorrow has never been to ANWR, has never been to Prudhoe Bay, and has never ever considered the significance of what this legislation would do for the Native indigenous people of the North Slope; namely, the Eskimo people of Kaktovik.

I am going to leave one thing for this body as we go out, and that is to reflect on the honey bucket in Kaktovik. That is the difference between a Third World nation and the realities of what a lifestyle would bring to those people who want to have the same conveniences we take for granted; that is, running water and sewer facilities. They can have it if we can open up ANWR.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, by any standard one can come up with, in any body, especially any deliberative body, being on a bill since February 18, being on a bill 19 full days of debating would be a pretty good amount of debate. By any standard, being on a bill this long, one would say is enough, but we have not had enough because under the rules of the Senate which protect debate, we are not only going to be able to debate all tomorrow, we can go all night tomorrow if anyone wants to talk. That is what this is all about.

It seems to me we have had every opportunity to have this brought before us. I have been on this floor many

times, most of the time representing the majority leader, saying: Please bring this forward. Could you do it tomorrow? I even said I think I will offer the amendment out of the House just to speed things up. Yesterday I asked: Can we start this in the morning?

The reason we have not had other people speaking in opposition to the amendment is that the two Alaska Senators would not allow us to have anybody. We wanted to intersperse speakers. Senator BINGAMAN, the manager of the bill, wanted to propound a unanimous consent request to set up an orderly process to debate. Senator BINGAMAN, being the gentleman he is, sat down and did not say a word. It is unusual that the manager of the bill has not had the opportunity to speak. He waited around, I guess, but he has been here all day.

Senator BINGAMAN is going to speak tomorrow against these amendments. I announced this earlier. I said Senator BINGAMAN is going to speak against the amendment, and Senator BREAUX is going to speak in favor. Senator KERRY wants to speak for an extended period of time. If anybody is looking for opposition to this amendment, I spoke in opposition to it today. I compared the Arctic wilderness to my home in Searchlight, NV. I compared the desert to the wilds of Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if my friend will yield for a question.

Mr. REID. I will be happy to yield to my friend from Alaska.

Mr. MURKOWSKI. Mr. President, I respectfully request the reference not be to the Arctic wilderness because, obviously, we are all aware that this is not a designated wilderness. I thank the Chair.

Mr. REID. I will be happy to restate it: ANWR, and anyplace in my remarks in the last few minutes where I said ''Arctic wilderness,'' I was simply saying not wilderness in the sense of legislative wilderness, but it is a very remote area. The place around Searchlight is not wilderness either in the true sense of the word, but it is pretty wild desert. I did not mean to connote any legal term when I said ''wilderness.'' It is just a place out there all alone, Mr. President.

My friend from Alaska used the words ''extreme disappointment.'' I can relate the extreme disappointment I have had on this bill in the last 18 days waiting, waiting, waiting to get to ANWR. That is the crux of this bill. We know that. If ANWR is disposed of one way or another, we have a bill.

My friends from Alaska said they knew they had the votes. We will find out when we vote on this. Under a procedure of the Senate, unless something changes, we are going to vote on this an hour after the Senate comes in on Thursday. That is under the rules of the Senate. I know—and I repeat what I said a few minutes ago—the Senators from Alaska believe in what they are doing. I repeat the words fervently. I do not take a bit of credit away from them for doing that. That is their job, and they have done a good job. But there are certain things that are not really—I should say they are not factual in some respects.

For example, on the energy bill, there have been a lot of hearings in the committee on which Senator MURKOWSKI sat as the chairman; now Senator BINGAMAN is the chairman. We went through this before. There were 12 hearings. Senator MURKOWSKI is right, maybe we should have had more hearings. There are not a lot of bills around here that have that many hearings on them. Anytime there is important legislation—which this is, setting the energy policy of this country—it is hard to satisfy everybody.

Senator DASCHLE did the best he could. He brought a bill before the Senate. I lost track of the time: 18, 19 days—a long time ago. We started on the 18th day of February. Senator DASCHLE has done fine getting it to this point. I think the legislation is moving along. I look forward to the debate tomorrow.

Senator MURKOWSKI wants to hear people in opposition to this. He is going to hear some. They will be just as believable as the Senators from Alaska in presenting their case.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if my friend will yield. I hate to prolong this, but I have to stay here as long as he does. I guess we have a little bit of a standoff. With respect to the committee process, I certainly concur we have had a lot of hearings, but I ask the majority whip why we did not have any markups. Why did the majority leader forbid our committee from having markups after the hearings, when a majority of the committee supported ANWR? I would certainly appreciate any enlightenment. The only thing I have ever heard is that it was perhaps controversial. But I certainly defer to the whip to advise us as to what the rationale was of forbidding any markups.

Mr. REID. Mr. President, if I may respond to my friend from Alaska—we have been through this before, but I am happy to go through it again—I had an exchange on the floor with my counterpart, Senator NICKLES, who said we had no hearings, and I listed by date the hearings we had. He said we had no markup, and there was not a markup on this bill. That is acknowledged. Perhaps we learned something from when the Republicans were in control of the Senate because their last energy bill had no markup.

We do not need to have this tit for tat. This is the Senate. There are different ways of moving things forward. Senator DASCHLE did everything by the rules of the Senate. He did not do anything that was shady or try to contrive something. He certainly did not do anything that the Republicans had not done when they were in the majority, except I believe we had a lot more hearings on our bill than they had on their bill.

As I say, in the legislative process, this is used so many times, but it certainly is as descriptive as I can be: There are two things one does not want to watch: Sausage being made and the Senate creating legislation because it is not a lot of times an orderly process, but we do it by the rules, just as when the Republicans were in the majority they did it by the rules.

Sometimes we wish we did not have these rules, but they are here, and they are here for a reason. We have played by the rules, and we will continue to play by the rules and do the best we can.

The important issue is when we vote. That is when the real decisions are made. On occasions it is hard to get to a vote, as it has been on this issue. On Thursday morning we are going to vote.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I think it is appropriate, however, since we have the responsibility for some consistency, to refer to the manner in which the Pickering nomination was handled.

A quote from the majority leader on March 6 states:

> If we respect the committee process at all, I think you have to respect the decisions of every committee. I will respect the wishes and the decisions made by that committee, as I would with any other committee.

Then at a news conference March 14, after the disposition:

> Committees are there for a reason, and I think we have to respect the committee jurisdiction, responsibility and leadership, and that's what I intend to do.

Obviously, there was never an opportunity for the committee as a whole to bring the matter to the floor, and I think we all can reflect on that bit of inconsistency.

I conclude by referring to the release on October 9, 2001. It was entitled: Energy Committee Suspends Markups; Will Propose Comprehensive and Balanced Energy Legislation to Majority Leader. This was by Chairman JEFF BINGAMAN, and it says:

> At the request of Senate Majority Leader Tom Daschle, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman today suspended any further markup of energy legislation for this session of Congress. Instead, the chairman will propose comprehensive and balanced energy legislation that can be added by the majority leader to the Senate calendar for potential action prior to adjournment. Noted Bingaman, it has become increasingly clear to the majority leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.
>
> Finally, and perhaps most importantly, Senator Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committees. At a time

when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid these contentious issues that divide rather than unite us.

I ask unanimous consent that these quotes be printed in the RECORD.

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

[From the Congress Daily AM, Apr. 16, 2002]

GOP PLAN TO LINK DRILLING WITH STEEL AID FALLS THROUGH

(By Geoff Earle and Brody Mullins)

An idea that top Republicans had been considering to link a steel program with an amendment oil drilling in the Arctic National Wildlife Refuge has fallen through, according to Sen. John (Jay) Rockefeller, D–W. Va.

''It's quite dead,'' Rockefeller said. ''The deal was nixed by the White House.''

Rockefeller said that Sen. Ted Stevens, R–Alaska, approached him last week about linking provisions to provide healthcare and retirement benefits to steelworkers using ANWR royalties. Rockefeller said that Stevens told him, ''I need oil, you need steel, let's see if we can work together.''

Rockefeller, who has opposed ANWR in the past, said he would be willing to back ANWR if it included so-called steel legacy provisions. But Rockefeller said he would not go along unless Republicans could produce letters from the president or vice president. Speaker Hastert, and House Energy and Commerce Chairman Tauzin, to ensure that the provisions are included in a final bill after a conference committee.

But Rockefeller said the administration told him that while a letter might be possible, ''you get us 60 votes first.''

Sixty votes will be needed to break a filibuster of an ANWR amendment.

Rockefeller said he did not think there were more than 54 votes for a clean ANWR bill. ''The deal being off, they'll be lucky if they're at 50,'' he said. Rockefeller added he was searching for other vehicles to move steel legislation.

Rockefeller said he was able to draw conclusions about the lack of interest on the part of the White House from a conversation with Commerce Secretary Evans.

''The White House isn't behind it, you can forget the whole thing,'' he said. Rockefeller added that he plans to vote against ANWR.

Meanwhile, the Senate is expected to begin debate today on the ANWR amendment. Energy and Natural Resources ranking member Frank Murkowski, R–Alaska, had considered delaying action until Wednesday, but debate on the measure now is expected to begin today.

Majority Leader Daschle is expected to debate an amendment offered by Sens. Dianne Feinstein, D–Calif., and Paul Wellstone, D–Minn., to give the Federal Energy Regulatory Commission new authority to safeguard electricity consumers.

On other controversial amendments, Consumers Union called Monday on the Senate to strip from the energy bill a far-reaching ethanol compromise that would triple the amount of ethanol-produced gasoline.

ENERGY COMMITTEE SUSPENDS MARK-UPS; WILL PROPOSE COMPREHENSIVE AND BALANCED ENERGY LEGISLATION TO MAJORITY LEADER

(By Jeff Bingaman, Chairman Senate Committee on Energy and Natural Resources, Oct. 9, 2001)

At the request of Senate Majority Leader Tom Daschle, Senate Energy & Natural Resources Committee Chairman Jeff Bingaman today suspended any further mark-up of energy legislation for this session of Congress. Instead, the Chairman will propose comprehensive and balanced energy legislation that can be added by the Majority Leader to the Senate Calendar for potential action prior to adjournment.

Noted Bingaman, It has became increasingly clear to the Majority Leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of many other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.

Finally, and perhaps most importantly, Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committee. At a time when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid those contentious issues that divide, rather than unite, us.

Bingaman will continue to consult and build consensus with members of his committee, with other committee chairs and with other Senators as he finalizes a proposal to present to the Majority Leader.

If we respect the committee process at all, I think you have to respect the decisions of every committee. I will respect the wishes and the decisions made by that committee, as I would with any other committee.—Senator Tom Daschle, News Conference, March 6, 2002.

Committee are there for a reason, and I think we have to respect the committee jurisdiction, responsibility, and leadership, and that's what I intend to do.—Senator Tom Daschle, News Conference, March 14, 2002.

For whatever reason, the Republicans are slow-walking the energy bill. They appear not to want to move this to final passage or to a conclusion. We're not sure why they're not more supportive of bringing the debate to a close, but they have yet to offer the ANWR amendment and some of the other more controversial amendments. So we've been on the legislation 12 days already, and, you know, that's almost three weeks, and we have—we have very little prospect of finishing the legislation any time in the foreseeable future. So we're going to have to make some decisions about cloture when we get back, but its disappointing that they have not been more willing to move the legislation forward than we've seen so far.—Senator Tom Daschle, News Conference, March 21, 2002.

Mr. MURKOWSKI. I think it speaks for itself that indeed there is an inconsistency. When it benefits the other side, they basically steamroll the process by excluding the committee. They have seen fit to do so, and the energy bill is certainly the most recent, and I think the most blatant, inconsistency associated with the administration of the leadership. I think this is certainly evidenced even further by the manner in which the cloture motion has been laid down this evening, after only less than 3 hours of debate on what, indeed, the majority whip identified as the major issue in the energy bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this indicates how tough Senator DASCHLE's job is. He is criticized for doing something in the committee. He is criticized by the minority for doing the work in the Committee on the Judiciary. When he does that, he is criticized. When he does not do it, he is criticized on the energy bill.

We do not need this tit for tat stuff, but at least having been in the Senate during the time the Republicans controlled the Judiciary Committee we are at least having hearings for the judges. They would not even do that. We had judges who waited 4 years and did not even get a hearing. I do not think the Judge Pickering nomination is a good example because if they use how they treated our judicial nominees, that is those under President Clinton, we would win that in a slam dunk.

We are moving judges more rapidly than they did. We are giving all the judges hearings as quickly as possible. My personal feeling is the Pickering nomination is not a good example of how the Republicans have treated us with the Judiciary Committee. Maybe some other committee but not Judiciary, because we, for lack of a better description, took it in the shorts with our judicial nominees.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Ms. LANDRIEU. I am delighted to participate in a colloquy with Senator KENNEDY on the important issue of the Low Income Energy Assistance Program.

I want to recognize Senator KENNEDY's tireless work on behalf of the people in need that this program strives to serve. In particular, I want to laud his efforts to increase LIHEAP authorizations. For too long, this program has not kept pace with Congress' original intent. No one has been more acutely aware of this than Senator KENNEDY himself. He has worked diligently to ensure LIHEAP is fully funded, including an effort to commit $3.4 billion to the program.

Unfortunately, it takes more than the tireless work of even such a distinguished Chairman as Senator KENNEDY to make this change. It takes each of us in Congress, and a willing administration as well. Unfortunately, that will has not yet been there. In fact, LIHEAP's average annual appropriation since 1984 has been $1.4 billion.

Mr. President, 22 years ago, LIHEAP was amended, following its original enactment in 1981. With the 1984 amendments, Congress put in place an elegant, simple and straightforward mechanism to ensure these scarce Federal resources got to those low-income Americans in greatest need. It accommodates: Annual updates of State expenditures for low-income home energy requirements—regardless of fuel source—for heating and cooling. Changes in weather—including heating/cooling degree days and fuel price volatility—for electricity, fuel oil, liquid petroleum gases and natural gas.

I have just described to you as near-perfect a means as possible to get the

funds to those low-income Americans in greatest need. This mechanism can get funds to low-income Californians reeling from gas and electric price shocks, or Georgians who last summer endured crushing gas bills.

However, LIHEAP funds do not flow to all the places they are needed today but instead where they were needed in 1979 and 1980.

Back then, it was assumed that LIHEAP appropriations would rise, and the allocation mechanism mentioned above has been cast aside. The law states that unless LIHEAP appropriations exceed $1.975 billion, the elements described above do not control. Instead, the controlling factor is a state's receipt of funds in 1981.

Much can happen in 22 years. For example, from 1980 to 2000: Dallas' population grew from 904,074 to 1,118,580; Clark County, NV's population grew from 463,087 to 1,375,765; Greater Phoenix, Arizona grew from 1,509,000 to 3,072,000.

It would be unfortunate, if we were unable to respond to such situations, in these areas, or to the needs of the citizens of my own State of Louisiana, merely because LIHEAP was locked into the past. We need to address today's problems as well.

Mr. KENNEDY. Mr. President, I thank Senator LANDRIEU for her comments and commend her for her steadfast commitment to the Low Income Home Energy Assistance Program. She is an outstanding advocate for needy families in Louisiana and across the country. She is correct that the program demands and deserves significantly more funding than it currently receives. I'm sure she's as pleased as I am that LIHEAP's authorization levels are increased in the underlying bill. I look forward to working with her and with her colleagues on the Appropriations Committee to increase funding for this vital program.

Senator LANDRIEU has raised some very important concerns about the program which must be addressed during the re-authorization process. I plan to hold hearings on this issue and invite Senator LANDRIEU to testify. Her proposals will play a very serious role during consideration of LIHEAP re-authorization.

Senator LANDRIEU raises a critical point regarding the vulnerability of our poorest citizens to extreme weather conditions. My State is the home of ground-breaking research on the negative health impacts of extreme temperatures, particularly on poor children with chronic illnesses suffering through cold winters. Research at the Failure to Thrive Clinic at Boston Medical Center has indicated that needy children often start to lose weight and suffer additional problems associated with malnutrition, because their families are spending less of their meager incomes on food and medicine, and more on fuel bills. No family should have to choose between energy, rent, prescription drugs, or food. LIHEAP helps families meet their home energy needs, so they can meet other immediate priorities, too.

From 1979 to 1998, the Centers for Disease Control reports that there were 7,421 deaths in the United States due to heat stroke. Over the same time period, CDC says 13,970 people died of hypothermia, or exposure to cold. In Massachusetts, people who cannot afford to heat their homes efficiently often employ more dangerous methods of heat—such as using space heaters or simply leaving oven doors open. In winter 2000, an unseasonably cold winter for my state, deaths from home fires due to space heaters surged in Massachusetts. Nearly one out of every five fire deaths in Massachusetts in 2000 was caused by a space heater.

Had LIHEAP been fully funded, and had the program reacted more effectively to crises, we would have been able to save lives. The real tragedy of this debate is that the flexibility already in LIHEAP isn't being utilized. Emergency LIHEAP funding, desperately needed in Louisiana, Massachusetts, and across the country, is still sitting at the White House.

The Bush administration is sitting on $600 million in LIHEAP funds that can be placed wherever it is needed most. Half of this emergency funding was approved by Congress in the previous fiscal year. LIHEAP applications keep increasing, the economy still struggles, and States are forced to cut LIHEAP benefits for our people—but the administration keeps claiming an ''emergency'' doesn't exist while thousands of families are still facing the terrible choice of heat, cooling, or food. The Bush administration can reach the families it mentioned in its budget message right now by releasing the emergency funds. Until it does so, the administration can't discuss improving LIHEAP with any credibility.

Ms. LANDRIEU. Mr. President, I wish to thank the senior Senator from Massachusetts, Senator KENNEDY, for his interest and commitment to addressing this issue during reauthorization. I look forward to working closely with Chairman KENNEDY on this matter next year as well as the opportunity to testify before his committee. Throughout the South and the Southwest there is an urgent need for this reform and I am grateful for Senator KENNEDY's support.

RENEWABLE PORTFOLIO STANDARD

Mr. GRAHAM. Mr. President, we have heard hours of debate on the Senate energy bill. One of the messages that we've heard repeated in statements on many different energy related subjects is that energy policy is highly influenced by region. Energy policy that works in one region may not work in another, nor do policy decisions necessarily translate from state to state. For example, Florida's unique topographic, climatic, and geological conditions make it impossible to harness certain forms of renewable energy, such as wind and hydropower. Just as it would be difficult for the State of Alaska to rely on solar energy during its dark winter months. For these reasons, I have expressed my concern to the chairman of the Energy Committee, Senator BINGAMAN, that a broadly applied renewable portfolio standard will not work optimally for all fifty states of the union. While I remain supportive of expanding the use of renewable energy supplies as an important part of our national energy portfolio, I prefer an approach that treats regions and states with deference to their unique circumstances. An RPS standard cannot be rigid, but must be flexible.

Mr. BINGAMAN. I have been working with my colleagues from Florida for some time to address their concerns with the renewable portfolio standard in the Senate energy bill. Let me say that I think it is critical to increase the use of renewables in order to decrease our dependence on fossil fuels and foreign imports. However, I also appreciate the differences that occur from region to region and State to State. I would like to extend an offer to Senators GRAHAM AND NELSON to work in conference to find some method that will enable a renewable portfolio standard to accomplish the goal of increasing renewables while recognizing the legitimate differences among States. I believe that we can find an appropriate way to help each state include a renewable standard as part of their overall energy production, and I am committed to working with Senator GRAHAM to accomplish this.

Mr. GRAHAM. I want to thank Senator BINGAMAN for his work on the energy bill and for his offer to help address on my concerns with the renewable standard specifically. I look forward to working together on this important provision, and I withdraw my related amendments.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for a period up to 5 minutes.

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

SELECTING DAVID AND ANN SCOVILLE TO RECEIVE THE NATIONAL CRIME VICTIM SERVICE AWARD

Mr. LEAHY. Mr. President, I join all Vermonters in congratulating David and Ann Scoville on receiving the National Crime Victim Service Award of 2002. We thank them for all they do to help the victims of crime and to help the public understand victims' needs.

Nearly 20 years ago the Scovilles suffered every parent's nightmare—the disappearance and murder of their daughter, Patricia. The crime that took her from them remains unsolved to this day—a situation that has compounded the Scovilles' suffering and

one that also torments many other families.

Through their lives and examples, the Scovilles have become role models for grieving families who have suffered similar losses. They have summoned the courage and compassion to harness their pain for positive outcomes. They have made it their work to help other families escape the anguish they endured, and to help raise the awareness of public officials about the importance of victims' participation throughout all phases of the criminal justice process.

Victims of murder, rape, domestic violence, sexual assault and other crimes deserve the understanding and support of the American people and of the Congress. We have a duty to ensure that the criminal justice system is one that respects the rights and dignity of crime victims, rather than one that complicates or even exacerbates the suffering of those already victimized.

Congress has listened to their counsel and to the counsel of other victims of crime. Over the past two decades many of us have worked hard to pass laws that have provided victims with greater rights and assistance, including stronger protection for witnesses of crime; a Victims' Bill of Rights; protection for female victims of violence; mandatory restitution for crime victims; special awareness of the needs of victims with disabilities; special programs for victims of terrorism; and an act for victims of trafficking.

We continue the fight to win more rights and help for victims of crime, largely because the victims' rights agenda in Congress has been advanced, year by year, by advocates like the Scovilles. I, with Senator KENNEDY, have introduced the Crime Victims Assistance Act of 2001, which focuses on protecting victims' rights, including victims' enhanced participatory rights at trial and sentencing.

This legislation requires that a responsible official consult with victims prior to detention hearings, and consider victims' views about any contemplated plea agreement. It calls for the presiding judge to inquire regarding victims' views on detention, and prohibits the court from entering a judgment upon a guilty plea without regarding victims' views. The bill also provides for enhanced victims' rights regarding the right to attend the trial and sentencing. Victims are also given specific rights regarding notice of sentence adjustment, discharge from a psychiatric facility and executive clemency.

In addition to these improvements to the Federal system, this legislation proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victims' rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting.

We were able to include much of the Crime Victims Assistance Act in last year's USA PATRIOT Act supported by Republicans and Democrats. One major provision that remains to be achieved, however, is to eliminate the artificial cap on the Crime Victims' Fund, which has prevented millions of dollars from reaching victims and from supporting essential services for them.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims' rights, we still have more to do. I commend David and Ann Scoville for their leadership and look forward to continuing to work with them to advance crime victims' rights legislation, and to make a difference in the lives of crime victims.

ADDITIONAL STATEMENTS

HOLOCAUST EDUCATION ASSISTANCE ACT

● Mr. DEWINE. Mr. President, I rise today, during these Days of Remembrance, to remind my colleagues about those who perished, but also those who persevered, in the unimaginable atrocities of the Holocaust.

Through remembering the Holocaust and teaching generation after generation about the atrocities that occurred over 60 years ago, we can help ensure that such tragedies do not repeat themselves. General Dwight D. Eisenhower recognized this long ago. After visiting the Ohrdruf concentration camp in 1945, General Dwight Eisenhower arranged for mass witnessing of the camps by military, press reporters, and photographers. ''Let the world see,'' ordered Eisenhower. He realized that the world must bear witness to the atrocities of the Holocaust, and that it was necessary to teach our children about what had happened.

To help make sure that future generations continue to learn about and remember the Holocaust, my friend and colleague from Connecticut, Senator DODD, and I introduced a bill last week, called the ''Holocaust Education Assistance Act.'' Our new bill would authorize two million dollars for grants to schools and school districts to develop a curriculum that teaches our students about the Holocaust, the triumph of the Jewish people, and all who helped them persevere.

At the same time, it is also important to teach our children about the thousands of individuals, both Jewish and non-Jewish, who took a stand against the persecution and killing of innocent people. I am reminded today of an obituary I read in the New York Times a couple of years ago, of a man named Jan Karski, who was one of the first to stand up to the injustice of the Holocaust. I am reminded of the role he, and many others, played in our modern history. He had a unique view of an appalling and shameful era of history. Let me explain.

During World War II, Jan Karski brought Allied leaders in the West—at no small risk to his own life—what is believed to be the first eyewitness reports of Hitler's indescribable acts of hate and cruelty against the Jews. In 1942, Jewish resistance leaders asked Jan, then a 28-year-old courier for the Polish underground, to be their voice to the West—to convey to the Allies an actual eyewitness account of the genocide in Europe.

He readily accepted this dreadful task, because he knew that someone had to tell the world exactly what was happening in Europe. Though he succeeded in relaying the nightmarish stories to Western leaders, his reports were met initially by indifference. While many others would eventually confirm Jan's horrifying accounts of the Jewish concentration camps and the Warsaw Ghetto in Poland, he was one of the first, and one of very few, to take action against these atrocities.

We are discovering that Jan was not the only witness to the slaughter of innocent civilians by Nazi Germany. We are learning more about the atrocities of the Holocaust through thousands and thousands of pages of previously classified material about Nazi war criminals, persecution, and looting. This information is being made available by a dedicated group of individuals, both in government and in the private sector, who are working hard to declassify these important pieces of history. This effort is the result of the ''Nazi War Crimes Disclosure Act'' legislation passed and signed into law with the help of my friends and colleagues from New York, Senator PATRICK MOYNIHAN and Congresswoman CAROLYN MALONEY.

The documents that are now public can serve as tools for education, to teach our children the horrors of the Holocaust, so that it will never be repeated.

Jan Karski persevered, but for the rest of his life, he carried the sights, the sounds, the smells, and the sadness of the Holocaust with him. Karski, himself, once said: ''This sin will haunt humanity to the end of time. It does haunt me. And, I want it to be so.''

Jan Karski wanted us all to be haunted by the Holocaust. He wanted us never to forget. He devoted his life to ensuring that such inhumane horror would be present forever in our collective conscience, so that we, above all else, would never let this dark chapter in our history ever, ever repeat, itself.

To understand the Holocaust is to remember the lives of those who perished and those who resisted, to remember, ''always remember,'' as Jan would say, what their sacrifices meant, and still mean, for our world. Stories such as Jan Karski's should never be forgotten and the way to ensure that is through education.●

STRENGTHENING THE PUBLIC'S HEALTH AND FIGHTING BIOTERRORISM

• Mr. AKAKA. Mr. President, I rise today to talk about strengthening our medical care community against the threat of bioterrorism. As chairman of the Subcommittee on International Security, Proliferation, and Federal Services, I held a hearing in July 2001 where representatives from the Federal Emergency Management Agency and the Department of Health and Human Services discussed the activities underway by dedicated Federal employees across the Government to prepare our communities for a biological crisis. On October 17, 2001, I co-chaired a joint Subcommittee/Governmental Affairs Committee hearing to discuss further the public health implications of bioterrorism. Coincidentally the hearing was held on the same day the Hart Senate Office Building was shut down because of the anthrax attack.

Through these hearings, and several others held in both the House and Senate, we have learned that the Federal Government is not unprepared to deal with bioterrorism. However, preparedness levels are not uniform or consistent across the United States, and there are considerable and serious problems. As I said during our hearing in October, while not unprepared, America is clearly under prepared.

Now, almost 6 months to the day after the first anthrax letter arrived in Hart, I urge my colleagues to join me in sponsoring two initiatives that are modest in nature but which have profound impact on our fight against bioterrorism.

The first initiative, S. 1560 the Biological Agent-Environmental Detection Act, will increase our efforts to develop the necessary tools to minimize the impact of bioterrorism by reducing the number of people exposed and alerting authorities and medical personnel to a threat before symptoms occur. Current methods are not adequate to monitor the air, water, and food supply continuously in order to detect rapidly the presence of biological agents.

The Biological Agent-Environmental Detection Act establishes an interagency task force to coordinate public-private research in environmental monitoring and detection tools of bioterrorist agents. The act authorized appropriations totaling $40 million to the Department of Health and Human Services to encourage cooperative agreements between Federal Government and industry or academic laboratory centers, and pursue new technologies, approaches and programs to identify clandestine laboratory locations. The act also establishes a means of testing, verifying and calibrating new detection and surveillance tools and techniques developed by the private sector. Secretary of Health and Human Services Thompson supported this legislation and the authorization amount during the Subcommittee/Governmental Affairs Committee Hearing in October.

Senator ROCKEFELLER and I introduced S. 1561 Strengthening bioterrorism preparedness through expanded National Disaster Medical System training programs. This measure provides training for health care workers for bioterrorism or any biological crisis. Strengthening the public health system is very important and is being addressed by several congressional and administrative initiatives. But public health does not translate necessarily to the medical community. Creating a critical line of defense against bioterrorism must involve health care professionals. Training of emergency medical technicians, physicians, and nurses has been hindered by a lack of economic incentives for hospitals and clinics to make available formal training opportunities.

In fiscal year 2001, the Department of Veterans Affairs, VA, was appropriated $800,000 to establish a training program for VA staff for the National Disaster Medical System, which is made up of VA and the Departments of Defense and Health and Human Services, and the Federal Emergency Management Agency.

One such training program, open to VA and Department of Defense staff as well as their community counterparts, took place earlier this year. The Akaka-Rockefeller bill expands this program by drawing on established partnerships between the 173 VA hospitals and community hospitals and using existing VA resources to implement a telemedicine and training program for local health care providers in bioterrorism preparedness and response.

In formulating a congressional response to bioterrorism, we must not forget the role our local and community hospitals would play in such a crisis. We must provide our professionals, public health officials, and emergency managers the earliest possible warning of pending outbreaks. I know our scientists and engineers can develop robust, effective, and accurate detection methods. Likewise, I believe we have the best and most dedicated health care staff in the world. They deserve to have the training and information needed to protect and treat Americans in instances of biological terrorism.•

THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

• Mr. ENZI. Mr. President, it is with a great deal of pride that I share with my colleagues the names of several Wyoming students who are being honored for their outstanding community service with a Prudential Spirit of Community Award.

These awards, in their seventh year, are presented by Prudential Financial, together with the National Association of Secondary School Principals. They honor the young people of our State who were nominated for their remarkable acts of volunteerism. This year a record 28,000 young men and women were considered for this special award.

The two top youth volunteers from my State are Chelsie Gorzalka, 17, of Clearmont and Tabetha Waits, 12, of Rawlins. We can be proud of each of them for the difference they have made in their communities. Their efforts help to make their home towns better places to live.

Chelsie Gorzalka is a member of the Sheridan County Extension 4–H and a senior at Arvada/Clearmont High School. Chelsie received her nomination for the puppet plays she puts on around the State in an effort to educate our young children about the dangers of tobacco and drugs.

Tabetha Waits of Rawlins Middle School was nominated for her organization of ''You Can't Break Our Stride'' an all-school walkathon that raised nearly $10,000 to assist the families of those who were affected by the September 11 terrorist attacks.

These two award winners, along with the two honorees who have received this award from each of the other States, the District of Columbia and Puerto Rico, will receive a $1,000 award, an engraved silver medallion, and a trip to the Nation's capital. During their stay here, ten from among that group of finalists will be named America's top youth volunteers for 2002.

In addition to Chelsie and Tabetha, I would like to congratulate our State's two distinguished finalists.

Cory Poulos, 18, was nominated by Natrona County High School. He organized and participated in a Roof-Sit fundraiser that collected more than $5,000 to benefit ''Families of Freedom,'' a post secondary education fund for children whose parents were injured or killed in the September 11 terrorist attacks.

Mark Sabec, 17, was nominated by Natrona County High School as well. He created ''No Casualties,'' a peer and adult mentoring project aimed at reducing the number of school dropouts in his community.

Our congratulations goes out to these fine young people and to all those who participated in the awards program. Thanks to them, it is clear that our future is in good hands.•

IN SUPPORT OF ONCOLOGY NURSES AND ONCOLOGY NURSING SOCIETY

• Mr. REED. Mr. President, I would like to bring to the attention of my colleagues the important role that oncology nurses play in the care of patients diagnosed with cancer.

This year alone 1,284,900 Americans will hear the words ''You have cancer''. Everyday, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Cancer is a complex, multifaceted, and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. Oncology nurses play a central role in the provision of quality cancer care as they are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients may experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial, and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

The Oncology Nursing Society, ONS, is the largest organization of oncology health professionals in the world with more than 30,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocacy for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities, and networks for peer support.

The ONS has a chapter that serves the state of Rhode Island and the southeastern Massachusetts areas. This chapter helps them to continue to provide high quality cancer care to those patients and their families. On behalf of the people of Rhode Island, I want to express my appreciation for all that these amazing nurses do to advance the health and well-being of people with cancer and to further the practice of oncology nursing.

Despite significant breakthroughs in the treatment, early detection, and prevention of cancer, two-thirds of new cancer cases strike people over the age of 65 and the number of new cancer cases diagnosed among the elderly is projected to more than double by 2030 as the Baby Boom generation ages. The impact that cancer has on our nation, especially on the Medicare Program, cannot be underestimated or overlooked. In addition, more than 115,000 nursing positions will go unfilled by the year 2015—a factor which—taken with eroding Medicare payment for outpatient cancer care—further exacerbates the challenge of a growing number of cancer cases.

This week more than 5,000 oncology nurses from around the country have traveled to Washington, DC to attend the Oncology Nursing Society's 27th Annual Congress. This year's theme is aptly titled ''The Many Faces of Oncology Nursing.'' The attendees will increase their knowledge of the newest cancer treatments, learn the latest developments in cancer nursing research, and enhance their clinical skills and contribute to their professional development. In addition, approximately 550 of these nurses—representing 49 states—will come to Capitol Hill to discuss issues.

I would like to commend the Oncology Nursing Society for all of its efforts over the last 27 years and to thank the Society and its members for their ongoing commitment to improving and assuring access to quality cancer care for all cancer patients and their families.●

CYGNUS

● Mr. CRAIG. Mr. President, I rise today to congratulate Cygnus, Inc. of Ponderay, ID on being recognized as one of Boeing's Top 25 Suppliers for the C–17.

As we all know, the C–17 is one of our key aircraft. Since it was first put into service in 1993, the C–17 has proven its worthiness as an extremely flexible airlift aircraft vital to our national security. Lately, Congress has reaffirmed its commitment to the C–17 by authorizing the purchase of additional aircraft. This is the right thing to do and I applaud my colleagues. In this day and age, we need a rapid-deployment airlift aircraft that can reach remote areas. The C–17 delivers and we must continue to support the program. Not only is it important for our national defense, it is money well spent because of quality subcontractors like Cygnus.

Cygnus has supplied top-notch parts for the C–17 since the first aircraft rolled off the assembly line. Today, Boeing and Cygnus celebrated the delivery of the parts for the 100th C–17 and Boeing will recognize Cygnus as one of the top 25 suppliers for the program.

Cygnus is a real success story of Idaho. It started in 1998 and since then has grown to sixty-five employees, forty-five of which work on its C–17 program. What is truly remarkable is they have taken those 65 employees, who didn't have experience in the aerospace manufacturing field, and turned them into a stellar team supplying our Nation's military. Because they have chosen to locate in Ponderay, ID, they have helped to diversify the local economy from a natural resource dependent economy to one that has a diverse industrial base.

Boeing is not the only one to recognize Cygnus' performance. In 2000, Region 10 of the Small Business Administration recognized Cygnus as the Subcontractor of the Year for their outstanding work on the U.S. Navy's F–18 E/F program.

Since September 11, our country has recognized, more than ever, the sacrifice that our Nation's military gives to protect our freedoms. Today, I also want to recognize the effort that our civilian laborers put into the effort. Much like Rosie the Riveter assisted our troops in World War II, our civilian manufacturers of today, working with our military, will ensure the freedoms we all enjoy.●

REVEREND DR. BYRON HOWELL BROWN, JR.

● Mrs. CLINTON. Mr. President, the congregation of Christ Church and the Village of Garden City experienced a great loss when the Reverend Dr. Byron Howell Brown, Jr. passed away on Saturday, April 13. Father Brown, as he was affectionately known by all those who knew him, was a life-long resident of Garden City and was instituted as Rector of Christ Church in 1967. Throughout his tenure as Rector, Father Brown was the spiritual leader of several generations of parishioners, but it would be impossible to quantify how many lives he touched. Father Brown truly practiced the lessons that he preached. He was a faithful and committed rector, husband, father, grandfather, coach, counselor, mentor, and friend. He will be deeply missed by all those who were fortunate enough to know him, learn from him, and hear his message of God's abiding love. Through his devotion and kindness to his congregation, his family, and all those he served, he set a standard to which we should all aspire.

Father Brown will be laid to rest tomorrow, with a mass of Christian burial at the Cathedral of the Incarnation. But Father Brown's spirit and kindness will live on through his beloved wife Marylou, his children Jeanne, Thomas, Timothy and Janice, his daughters in law Lisa, and Mary Patricia, and especially through his grandchildren Aidan Byron, Sarah Margaret, Frances Anne, and Matthew George.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last 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 July 8, 1997 in Rock Island, IL. A gay man was attacked by two youths who used anti-gay epithets. The assailants, Nicholas S. McGonigle, 18, and Donald Thompson, 17, were charged with aggravated battery and a hate crime in connection with the incident.

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 and changing current law, we can change hearts and minds as well.●

CLARIFICATION OF THE RECORD

● Mr. WYDEN. Mr. President, on April 9, 2002, on the floor of the U.S. Senate, I announced the cancelation of the Mt. Hood National Forest Eagle Creek timber sales. These sales were sold under the salvage rider, enacted in 1996 by the 104th Congress. During my floor speech, I reiterated my opposition to the salvage rider, but also inadvertently referred to salvage sales instead of confining my remarks to salvage rider sales.

I have been, and will continue to be, a supporter of salvage sales involving the commercial recovery of dead or dying timber, when such sales make sense for the health of the forest. In fact, I worked very hard to make sure that a salvage sale project went forward in the wake of the 1996 Summit and Tower fires, and I continue to support constructive salvage work being done to improve forest health throughout the National Forests.

As I continue to work toward comprehensive forestry legislation which will include both active forest management and old growth protection, I thought it important to correct the RECORD.●

RECOGNITION OF JOYCE MAISH

● Mr. BROWNBACK. Mr. President, I take this moment to recognize Joyce Maish, a high school business teacher in Augusta, KS. Joyce was one of twelve teachers across the United States who was named Teacher of the Year by the National Foundation for Teaching Entrepreneurship.

Joyce has been a teacher at Augusta High School for twenty-five years. At the high school, Joyce conducts a ''Youth Entrepreneurs for Kansas'' class, in which she attempts to focus the ideas and dreams of her students on the possibility that they could someday start their own businesses. Moreover, she has done an outstanding job of bringing in local business owners and officials from Augusta and Wichita to speak to her students to teach them about the realities of business enterprise.

Joyce Maish is a role model teacher for Kansas and for the Nation. I am very pleased that the National Foundation for Teaching Entrepreneurship has honored Joyce for her years of excellence. I wish Joyce continued success in all of her future endeavors.●

CONGRATULATIONS AND GOOD LUCK TO HIGHLANDS HIGH SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate the young men and women of Highlands High School in Fort Thomas, KY for being chosen to represent the Commonwealth of Kentucky in the national finals of the We the People . . . The Citizen and the Constitution program. The competition will take place May 4–6 here in Washington and will include more than 1,200 students from across the United States.

The three-day national competition is appropriately modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on various constitutional topics. Questions ranging from factual concerns of how the framers created the Constitution to more analytical questions such as how a member of Congress should represent his or her constituency will be directed at the students to determine their depth of understanding and ability to apply their constitutional knowledge.

The We the People . . . program, directed by the Center for Civic Education and funded by the U.S. Department of Education, has provided curricular materials at upper elementary, middle, and high school levels for more than 2.5 million students nationwide. By providing students with a working knowledge of our Constitution, Bill of Rights, and principles of democratic government, We the People . . . gives our next generation of leaders an opportunity to study in depth the documents and ideals that have bound this nation together for so many years. I thank the U.S. Department of Education for continuing to provide fiscal support to this great program and the Center of Civic Education for their ongoing commitment to the education of our Nation's future. It is truly inspiring to see that so many young people are interested in furthering the democratic ideals brought forth by our forefathers so many years ago.

The class from Highlands High School, led by teacher Brian Robinson, has proven without a doubt that they are dedicated to representing Kentucky in the most admirable fashion possible in this year's competition. They are currently conducting thorough research and preparing for their upcoming participation in the national finals. I would like to wish all of these students the best of luck at the We the People . . . national finals. It is comforting to know what one of these students may one day be standing in my place, representing the great people of the Commonwealth of Kentucky in the U.S. Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6483. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report entitled ''Report on Activities and Programs for Countering Proliferation and NBC Terrorism''; to the Committee on Armed Services.

EC–6484. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Extension to Administrative Fines'' received on March 21, 2002; to the Committee on Rules and Administration.

EC–6485. A communication from the Senior Attorney, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Government Participation in the Automated Clearing House'' (RIN1510–AA84) received on April 11, 2002; to the Committee on Finance.

EC–6486. A communication from the Secretary of the Federal Trade Commission, Bureau of Competition, transmitting, pursuant to law, the report of a rule entitled ''16 CFR Parts 801 and 802'' (RIN3084–AA23) received on April 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6487. A communication from the Assistant Secretary for Land and Minerals Management, Regulatory Affairs Group, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled ''National Petroleum Reserve, Alaska, Oil and Gas Unitization Rule'' (RIN1004–AD13) received on April 10, 2002; to the Committee on Energy and Natural Resources.

EC–6488. A communication from the Deputy Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Annual Report From Federal Contractors'' (RIN1293–AA07) received on April 8, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6489. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Postsecondary Education, received on April 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6490. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendments of Appendix A to 31 CFR Chapter V'' received on April 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6491. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Rail Fixed Guideway Systems; State Safety Oversight'' (RIN2132–AA69) received on April 5, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6492. A communication from the Deputy Secretary, Investment Management Office of Disclosure Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Registration Form for Insurance Company Separate Accounts Registered as Unit Investment Trusts that Offer Variable Life Insurance Policies'' (RIN3235–AG37) received on April 12, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6493. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of the Czech Republic Because of BSE'' (Doc. No. 01–062–2) received on April 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6494. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viruses, Serums, and Toxins and Analogous Products; Autogenous Biologics'' (Doc. No. 95–066–2) received on April 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6495. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Infectious Salmon Anemia; Payment of Indemnity'' (Doc. No. 01–126–1) received on April 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6496. A communication from the Chief of Staff, United States Trade and Development Agency, transmitting, pursuant to law, a report of prospective funding obligations; to the Committee on Appropriations.

EC–6497. A communication from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting, pursuant to law, a report on prospective funding obligations; to the Committee on Appropriations.

EC–6498. A communication from the Chairman and Vice Chairman of the Federal Election Commission, transmitting jointly, a report concerning the request of emergency Fiscal Year 2002 supplemental appropriations; to the Committee on Appropriations.

EC–6499. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report relative to the draft legislative proposal, ''To Clarify the Authority of the Executive Director of the Board to Bring Suit on Behalf of the Thrift Savings Fund in the District Courts of the United States''; to the Committee on Governmental Affairs.

EC–6500. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–320, ''Mandarin Oriental Hotel Project Tax Deferral Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–6501. A communication from the Director, Office of Personnel Management, Workforce Compensation and Performance Service, transmitting, pursuant to law, the report of a rule entitled ''Absence and Leave: Use of Restored Annual Leave'' (RIN3206–AJ51) received on April 12, 2002; to the Committee on Governmental Affairs.

EC–6502. A communication from the Chairman of Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6503. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6504. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Passports and Visas Not Required for Certain Nonimmigrants—Visa Waiver Program'' (22 CFR Part 41) received on April 10, 2002; to the Committee on Foreign Relations.

EC–6505. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–6506. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–6507. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–6508. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC–6509. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–6510. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to France, the United Kingdom, and Germany; to the Committee on Foreign Relations.

EC–6511. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Japan; to the Committee on Foreign Relations.

EC–6512. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–6513. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Germany and Saudi Arabia; to the Committee on Foreign Relations.

EC–6514. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Japan; to the Committee on Foreign Relations.

EC–6515. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–6516. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–6517. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–6518. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–6519. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC–6520. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to International Waters, Pacific Ocean; to the Committee on Foreign Relations.

EC–6521. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export to Japan, France and Canada of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6522. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Technical Assistance Agreement with Bulgaria; to the Committee on Foreign Relations.

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. ROCKEFELLER:

S. 2132. A bill to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 2133. A bill to suspend temporarily the duty on Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Mr. NICKLES, Mrs. CLINTON, Mr. WARNER, Ms. MIKULSKI, Mr. BURNS, and Mr. CRAIG):

S. 2134. A bill to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. CONRAD, Mr. THOMAS, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. HARKIN, Mr. JOHNSON, and Mr. ROBERTS):

S. 2135. A bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain medicare rural grants; to the Committee on Finance.

By Mr. SPECTER:

S. 2136. A bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 2137. A bill to facilitate the protection of minors using the Internet from material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 242. A resolution designating August 16, 2002, as ''National Airborne Day''; to the Committee on the Judiciary.

By Mr. HUTCHINSON (for himself, Mr. DODD, Mrs. MURRAY, Mr. HATCH, Mr. SPECTER, Mr. BOND, Mr. BINGAMAN, Mr. CRAIG, Mr. TORRICELLI, Mr. BIDEN, Mr. JEFFORDS, Mr. CORZINE, Mr. SARBANES, Ms. MIKULSKI, Mr. KENNEDY, Mr. HELMS, Mr. FRIST, Mr. BREAUX, Mr. EDWARDS, Mr. CRAPO, Ms. COLLINS, Mr. CAMPBELL, Mr. SESSIONS, Mr. INHOFE, Mrs. CARNAHAN, Mr. DURBIN, Mr. KERRY, and Mr. THURMOND):

S. Res. 243. A resolution designating the week of April 21 through April 28, 2002, as ''National Biotechnology Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 1208

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1208, a bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States.

S. 1304

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1304, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of oral drugs to reduce serum phosphate levels in dialysis patients with end-stage renal disease.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1738

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Hampshire (Mr. GREGG), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1836

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1836, a bill to amend the Public Health Service Act to establish scholarship and loan repayment programs regarding the provision of veterinary services in veterinarian shortage areas.

S. 1850

At the request of Mr. CHAFEE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1850, a bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 1977

At the request of Mr. THURMOND, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1977, a bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

S. 1988

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1988, a bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 1995

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1995, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 2039

At the request of Mr. DURBIN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2064

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2064, a bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 2132. A bill to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans

Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

● Mr. ROCKEFELLER. Mr. President, I am proud to introduce legislation that would establish four medical emergency preparedness research centers within the Department of Veterans Affairs. These centers would make the most of VA's expertise in basic and clinical research to shape new strategies for coping with, or preventing, the medical crisis that could result from a terrorist attack against the American people.

The threats posed by biological, chemical, radiological, and incendiary weapons demand that we prepare immediately, using our existing national resources as efficiently as possible. Although many of my colleagues know that VA operates the Nation's largest integrated healthcare system, fewer may know that VA manages the largest health professionals training program in the United States. VA's clinical research programs investigate both cutting-edge technology and best medical practices, and included over 15,000 projects last year.

Through its reach, its educational programs, and its research capacity, VA stands ready to make a significant contribution to protecting veterans and the public from the medical consequences of a terrorist attack. Only a few weeks ago, VA researchers announced that they have developed the most promising drug yet to protect the public should a terrorist deliberately release smallpox virus. I remain confident that this is only the first of many such scientific breakthroughs by VA scientists.

VA already plays a key role in supporting Federal disaster preparedness, including maintaining pharmaceutical stockpiles, jointly administering the National Disaster Medical System, serving as primary medical back-up to the Department of Defense, and sharing medical personnel and supplies with communities whose own resources are overwhelmed. The legislation that I propose today would add another dimension to VA's role in emergency preparedness by acknowledging its expertise in developing clinical approaches to public health.

The centers authorized by this legislation would foster research by VA scientists and clinicians in the diagnosis, prevention, and treatment of illnesses or injuries that might arise from the use of terrorist weapons. These centers would encourage cooperation between VA researchers and professionals at affiliated schools of medicine and public health to bring new findings and ideas as quickly as possible to the Nation's caregivers. The legislation that I have proposed would promote fruitful collaboration between VA, academic, and other Federal researchers, so that we can integrate research, public health, and domestic security efforts expeditiously.

The legislation I introduce today also makes two changes in law which affect VA's non-profit research corporations. These two changes are technical in nature and are designed to clarify existing provisions of law: one clarifies that research corporation employees are covered under the Federal Tort Claims Act, FTCA, and the other provision clarifies that VA Medical Centers may enter into contracts or other forms of agreements with nonprofit research corporations to provide services to facilitate VA research and education.

On the issue of FTCA coverage, a recent Department of Justice opinion determined that physicians employed by the VA-affiliated nonprofit research did not enjoy FTCA coverage, despite the fact that they have VA appointments. Prior to this opinion, the understanding was that the corporations' employees were covered, subject to a certification that their activities were within the scope of government work. Since research corporations were authorized in 1988, not a single suite has been filed against a corporation employee. Nevertheless, it is critical that employees working on VA approved research and education be protected. It is estimated that nationwide, the corporations have 1,500–2,000 research employees.

These non-profit research corporations have been placed in a difficult spot. Corporations must decide whether to take their chances that the FTCA will cover a suit despite the Department of Justice provision, as the VA General Counsel believes; to reduce their activities by only hiring employees with access to private sector insurance; to use funds normally devoted to supporting research to buy an expensive blanket insurance policy; or to close down entirely. The better choice, is to be explicit in providing FTCA coverage to corporation employees engaged in activities that further VA's research and education missions.

The second change relates to contracts between VA Medical Centers and research corporations. Many times, VA Medical Centers need help to provide services which are ancillary to research, such as travel coordination, technical services, and conference management.

I believe that a precedent for such contracts already exists. VA Medical Centers can enter into agreements with closely affiliated universities. For more than 50 years, the VAMCs and universities have contracted with each other for goods and services. In my view, we need to bring this kind of thinking to the non-profit research corporations.

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. 2132

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

SECTION 1. MEDICAL EMERGENCY PREPAREDNESS CENTERS IN VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7320 the following new section:

''§ 7320A. Medical emergency preparedness centers

''(a) The Secretary shall establish and maintain within the Veterans Health Administration four centers for research and activities on medical emergency preparedness.

''(b) The purposes of each center established under subsection (a) shall be as follows:

''(1) To carry out research on the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices, including the development of methods for the detection, diagnosis, prevention, and treatment of such injuries, diseases, and illnesses.

''(2) To provide to health-care professionals in the Veterans Health Administration education, training, and advice on the treatment of the medical consequences of the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices.

''(3) Upon the direction of the Secretary, to provide education, training, and advice described in paragraph (2) to health-care professionals outside the Department through the National Disaster Medical System or through interagency agreements entered into by the Secretary for that purpose.

''(4) In the event of a national emergency, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the national emergency.

''(c)(1) Each center established under subsection (a) shall be established at an existing Department medical center, whether at the Department medical center alone or at a Department medical center acting as part of a consortium of Department medical centers for purposes of this section.

''(2) The Secretary shall select the sites for the centers from among competitive proposals that are submitted by Department medical centers seeking to be sites for such centers.

''(3) The Secretary may not select a Department medical center as the site of a center unless the proposal of the Department medical center under paragraph (2) provides for—

''(A) an arrangement with an accredited affiliated medical school and an accredited affiliated school of public health (or a consortium of such schools) under which physicians and other health care personnel of such schools receive education and training through the Department medical center;

''(B) an arrangement with an accredited graduate program of epidemiology under which students of the program receive education and training in epidemiology through the Department medical center; and

''(C) the capability to attract scientists who have made significant contributions to innovative approaches to the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, or incendiary or other explosive weapons or devices.

''(4) In selecting sites for the centers, the Secretary shall—

''(A) utilize a peer review panel (consisting of members with appropriate scientific and clinical expertise) to evaluate proposals submitted under paragraph (2) for scientific and clinical merit; and

''(B) to the maximum extent practicable, ensure the geographic dispersal of the sites throughout the United States.

(d)(1) Each center established under subsection (a) shall be administered jointly by the offices within the Department that are responsible for directing research and for directing medical emergency preparedness.

''(2) The Secretary and the heads of the agencies concerned shall take appropriate actions to ensure that the work of each center is carried out—

''(A) in close coordination with the Department of Defense, Department of Health and Human Services, Office of Homeland Security, and other departments, agencies, and elements of the Federal Government charged with coordination of plans for United States homeland security; and

''(B) in accordance with any applicable recommendations of any joint interagency advisory groups or committees designated to coordinate Federal research on weapons of mass destruction.

''(e)(1) Each center established under subsection (a) shall be staffed by officers and employees of the Department.

''(2) Subject to the approval of the head of the department or agency concerned and the Director of the Office of Personnel Management, an officer or employee of another department or agency of the Federal Government may be detailed to a center if the detail will assist the center in carrying out activities under this section. Any detail under this paragraph shall be on a non-reimbursable basis.

''(f) In addition to any other activities under this section, a center established under subsection (a) may, upon the request of the agency concerned and with the approval of the Secretary, provide assistance to Federal, State, and local agencies (including criminal and civil investigative agencies) engaged in investigations or inquiries intended to protect the public safety or health or otherwise obviate threats of the use of a chemical, biological, radiological, or incendiary or other explosive weapon or device.

''(g) Notwithstanding any other provision of law, each center established under subsection (a) may, with the approval of the Secretary, solicit and accept contributions of funds and other resources, including grants, for purposes of the activities of such center under this section.''.

(2) The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the item relating to section 7320 the following new item:

''7320A. Medical emergency preparedness centers.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated for the Department of Veterans Affairs amounts for the centers established under section 7320A of title 38, United States Code (as added by subsection (a)), $20,000,000 for each of fiscal years 2003 through 2007.

(2) The amount authorized to be appropriated by paragraph (1) is not authorized to be appropriated for the Veterans Health Administration for Medical Care, but is authorized to be appropriated for the Administration separately and solely for purposes of the centers referred to in that paragraph.

(3) Of the amount authorized to be appropriated by paragraph (1) for a fiscal year, $5,000,000 shall be available for such fiscal year for each center referred to in that paragraph.

SEC. 2. MODIFICATION OF AUTHORITIES ON RESEARCH CORPORATIONS.

(a) RESTATEMENT AND ENHANCEMENT OF AUTHORITY ON AVAILABILITY OF FUNDS.—Section 7362 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking the second sentence of subsection (a); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b)(1) Any funds, other than funds appropriated for the Department, that are received by the Secretary for the conduct of research or education and training may be transferred to and administered by a corporation established under this subchapter for the purposes set forth in subsection (a).

''(2) Funds appropriated for the Department are available for the conduct of research or education and training by a corporation, but only pursuant to the terms of a contract or other agreement between the Department and such corporation that is entered into in accordance with applicable law and regulations.''.

(b) TREATMENT OF CORPORATIONS AS AFFILIATED INSTITUTIONS FOR SHARING OF HEALTH-CARE RESOURCES.—Section 8153(a)(3) of that title is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subsections (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) If the health-care resource required is research or education and training (as that term is defined in section 7362(c) of this title) and is to be acquired from a corporation established under subchapter IV of chapter 73 of this title, the Secretary may make arrangements for acquisition of the resource without regard to any law or regulation (including any Executive order, circular, or other administrative policy) that would otherwise require the use of competitive procedures for acquiring the resource.'';

(3) in subparagraph (D), as so redesignated, by striking ''(A) or (B)'' and inserting ''(A), (B), or (C)''; and

(4) in subparagraph (E), as so redesignated, by striking ''(A)'' and inserting ''(A) or (B)''.

SEC. 3. COVERAGE OF RESEARCH CORPORATION PERSONNEL UNDER FEDERAL TORT CLAIMS ACT AND OTHER TORT CLAIMS LAWS.

(a) IN GENERAL.—Subchapter IV of chapter 73 of title 38, United States Code, is amended by inserting after section 7364 the following new section:

''§ 7364A. Coverage of employees under certain Federal tort claims laws

''(a) An employee of a corporation established under this subchapter who is described by subsection (b) shall be considered an employee of the government, or a medical care employee of the Veterans Health Administration, for purposes of the following provisions of law:

''(1) Section 1346(b) of title 28.

''(2) Chapter 171 of title 28.

''(3) Section 7316 of this title.

''(b) An employee described in this subsection is an employee who—

''(1) has an appointment with the Department, whether with or without compensation;

''(2) is directly or indirectly involved or engaged in research or education and training that is approved in accordance with procedures established by the Under Secretary for Health for research or education and training carried out with Department funds; and

''(3) performs such duties under the supervision of Department personnel.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of that title is amended by inserting after the item relating to section 7364 the following new item:

''7364A. Coverage of employees under certain Federal tort claims laws.''.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 2133. A bill to suspend temporarily the duty on Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

● Mr. DeWINE. Mr. President, I rise today to join my friend and colleague, Senator VOINOVICH, to introduce legislation that would temporarily suspend the import duty on Dichlorobenzidine, DCB.

DCB is a chemical used to produce organic pigments for printing ink. It is reacted with other materials to form various yellow organic pigments. These yellow pigments are used extensively by the printing ink industry because yellow is one of the three primary colors used in printing and is used in nearly all color printing applications. DCB also is used to produce certain red and orange pigments.

The U.S. printing ink industry is facing increasingly aggressive competition from low-cost foreign producers. Despite its widespread use, DCB is no longer produced in the United States and is unlikely to be produced here in the foreseeable future. Domestic manufacturers of synthetic organic pigments must import all of the DCB required for their production of yellow pigment. These imports are currently subject to high duties despite the fact that there is no longer a domestic DCB industry to protect.

Our duty suspension bill would help U.S. producers remain competitive in the global market, and it would remove unnecessary costs on U.S. pigment, ink, and printing industries and on millions of consumers of printed products.

Though our bill is quite simple, its effects would be widespread. It would suspend the duty on DCB, therefore eliminating a significant and unnecessary cost for U.S. pigment producers. That action, by itself, would have a significant positive impact on our domestic industry

I urge my colleagues to join us in support of this legislative effort.●

By Mr. HARKIN (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Mr. NICKLES, Mrs. CLINTON, Mr. WARNER, Ms. MIKULSKI, Mr. BURNS, and Mr. CRAIG):

S. 2134. A bill to allow American victims of state sponsored terrorism to received compensation from blocked assets of those states; to the Committee on the Judiciary.

● Mr. HARKIN. Mr. President, I am very pleased to be joined by my Republican colleague, Senator GEORGE ALLEN of Virginia, in introducing the Terrorism Victim's Access to Compensation Act of 2002. Senators BOB SMITH of New Hampshire, SCHUMER, NICKLES,

CLINTON, WARNER, MIKULSKI, BURNS, and CRAIG are also original co-sponsors of this much-needed, bipartisan legislation.

The war against terrorism must be fought and won on multiple fronts. And we cannot forget that terrorist acts are ultimately stories of human tragedy. The dedicated, professional woman from Iowa, Kathryn Koob, seeking to build cross-cultural ties between the Iranian people and the American people only to be held captive for 444 days in the U.S. Embassy in Tehran. The teenage boy from Iowa, Taleb Subh, visiting family in Kuwait, terrorized by Saddam Hussein at the outbreak of the Persian Gulf War. The U.S. aid worker from Virginia, Charles Hegna, tortured and killed in 1984 by Iranian-backed hijackers in order ''to punish'' the United States. These are only a few of the people we know; Americans in all 50 States have suffered. What do we say to these families, the wives, mothers and fathers, sons and daughters?

We believe that those who sponsor as well as those who commit these inhumane acts must pay a price. In 1996, the Congress passed a significant law without partisan divide, and with the support of the U.S. State Department. This law allows Americans to pursue justice in U.S. Federal courts. The idea behind this law is to make the terrorists and their sponsors pay an immediate price for attacks against Americans abroad. For example, the money of foreign sponsors of terrorism and their agents that we hold here in the United States could be used to compensate innocent Americans who are victimized by their attacks for their pain, suffering and losses. Make the bad guys pay.

This law only applies to ''terrorist states'', currently a list of seven foreign governments officially designated as state sponsors of terrorism (i.e. Iran, Iraq, Libya, Syria, Sudan, North Korea, and Cuba). It is those state sponsors of international terrorism, not the American taxpayer, who must be compelled to pay these costs first and foremost.

Currently, the U.S. Treasury Department lawfully controls at least $3.7 billion in blocked or frozen assets of these seven state sponsors of terrorism. But officials of the U.S. Treasury and State Departments oppose using these funds to compensate American victims of terrorism who have brought lawsuits in Federal courts, won their cases on the merits, and secured court-ordered judgments and compensation awards against the rogue governments that are responsible for the attacks upon them and their families. To summarize, these American victims have been encouraged to pursue justice in U.S. Federal courts, have complied with existing U.S. law, but have been denied what little justice they were encouraged to pursue. Unelected bureaucrats, instead, want American taxpayers apparently to foot the bill for what could amount to hundreds of millions of dollars. In fact, in the pending case involving the 53 Americans taken hostage in the U.S. Embassy in Iran in 1979 and held in captivity for 444 days and their families, U.S. Justice and State Department attorneys have gone into Federal court in recent months to have their lawsuit dismissed in its entirety, thus de facto siding with the Government of Iran.

This policy is wrong-headed and counterproductive for at least three reasons.

First, paying American victims of terrorism from the blocked and frozen assets of these rogue governments and their agents will really punish and impose a heavy cost on those aiding and abetting the terrorists; this tougher policy will provide a new, powerful disincentive for any foreign government to continue sponsoring terrorist attacks on Americans, while also discouraging any regimes tempted to get into the ugly business of sponsoring future terrorist attacks.

Second, making the state sponsors actually lose billions of dollars will more effectively deter future acts of terrorism than keeping their assets blocked or frozen in perpetuity in pursuit of the delusion that long-standing, undemocratic, brutish governments like those in Iran and Iraq can be moderated.

Third, the American wives, husbands, sons, and daughters will have a sense of justice, they will have the public condemnation by the U.S. Government and statement of guilt, but they will have also made those terrorists responsible for the attacks and their sponsors pay a price.

In his last days in office, former President Clinton signed a law endorsing a policy of paying American victims of terrorism from blocked assets, while simultaneously signing a waiver of the means to make this policy work. But the Bush administration hasn't registered an opinion yet on this crucial test of our nation's resolve to fight state-sponsored terrorism. That is why we are pushing bipartisan legislation to establish two new policy cornerstones in our Nation's war against terrorism. First, we seek to require that compensation be paid from the blocked and frozen assets of the state sponsors of terrorism in cases where American victims of terrorism secure a final judgment in our Federal courts and are awarded compensation accordingly. Second, we will provide a level playing field for all American victims of state-sponsored terrorism who are pursuing redress by providing equal access to our federal courts.

American victims of state-sponsored terrorism deserve and want to be compensated for their losses from those who perpetrated the attacks upon them. The Congress should clear the way for them to get some satisfaction of court-ordered judgments and, in so doing, deter future acts of state-sponsored terrorism against innocent Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.●

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

S. 2134

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 ''Terrorism Victim's Access to Compensation Act of 2002''.

SEC. 2. FINDINGS.

Congress finds that:

(1) The war against international terrorism must be fought and won on multiple fronts.

(2) The state sponsors of international terrorism (including their agencies and instrumentalities) are ultimately responsible for the damages, pain, and suffering inflicted upon Americans who are victimized by terrorist acts. It is the state sponsors, not the American taxpayer, who must be compelled to pay those costs.

(3) The Secretary of the Treasury lawfully controls billions of dollars in blocked assets of several governments which the President and the Department of State have determined to be state sponsors of international terrorism and responsible for multiple terrorist attacks on United States citizens abroad.

(4) There have been multiple Federal lawsuits brought since 1996 by American victims of state sponsored terrorism abroad and final judgments and financial awards in some of those cases have been paid appropriately by using some of the blocked assets of state sponsors of terrorism. Additional cases are still pending.

(5) Paying victims of state sponsored terrorism from the blocked assets of state sponsors of acts of terrorism (including their agencies and instrumentalities) will punish those entities, deter future acts of terrorism, and provide a powerful incentive for any foreign government to stop sponsoring terrorist attacks on Americans.

(6) There must be a level playing field for all American victims of state sponsored terrorism who are pursuing redress in the Federal courts and compensation from the blocked assets of state sponsors of terrorism (including their agencies and instrumentalities).

SEC. 3. SENSE OF THE SENATE.

Considering the policy set forth in this Act, the Antiterrorism and Effective Death Penalty Act of 1996, and in the Victims of Trafficking and Violence Protection Act of 2000, it is the sense of Congress that it should be the policy of the United States—

(1) to use the blocked assets of state sponsors of acts of terrorism (including their agencies and instrumentalities) that are under the control of the Secretary of the Treasury to pay court-ordered judgments and awards made to United States nationals harmed by such acts; and

(2) to provide equal access to all United States victims of state sponsored terrorism who have secured judgments and awards in Federal courts against state sponsors of terrorism (including their agencies and instrumentalities) and that those judgments and awards be paid by state sponsors of terrorism (including their agencies and instrumentalities) from any of their blocked assets controlled by the Secretary of the Treasury.

SEC. 4. SATISFACTION OF JUDGMENTS FROM BLOCKED ASSETS OF TERRORISTS, TERRORIST ORGANIZATIONS, AND STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Except as provided in subsection (b), in every case in which a person has obtained a judgment against a terrorist party on a claim for compensatory damages for an act of terrorism, or a claim for compensatory damages brought pursuant to section 1605(a)(7) of title 28, United States Code, the blocked assets of any terrorist party, or any agency or instrumentality of a terrorist party, shall be available for satisfaction of the judgment.

(b) PRESIDENTIAL WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive the requirements of subsection (a) in connection with (and prior to the enforcement of) any judicial order directing attachment or satisfaction in aid of execution of judgment, or execution of judgment, against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

(2) EXCEPTION.—A waiver under this subsection shall not apply to—

(A) property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that has been used for any nondiplomatic purpose (including use as rental property), and the proceeds of such use; or

(B) any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations that is sold or otherwise transferred for value to a third party, and the proceeds of such sale or transfer.

(c) DEFINITIONS.—In this Act:

(1) BLOCKED ASSETS.—The term ''blocked assets'' means assets seized or blocked by the United States in accordance with law.

(2) PROPERTY AND ASSETS SUBJECT TO VIENNA CONVENTIONS.—The terms ''property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations'' and ''asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations'' mean any property or asset, respectively, the attachment in aid of execution or execution of which may, for the limited purpose of satisfying a judgment under subsection (a), breach an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

(3) TERRORIST PARTY.—The term ''terrorist party'' means a terrorist, a terrorist organization, or a foreign state designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) (including any agency or instrumentality of that state).

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. CONRAD, Mr. THOMAS, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. HARKIN, Mr. JOHNSON, and Mr. ROBERTS):

S. 2135. A bill to amend title X of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain Medicare rural grants; to the Committee on Finance.

● Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Hospital Access and Improvement Act of 2002. I am pleased to be joined by Senators GRASSLEY, DASCHLE, THOMAS, CONRAD, JEFFORDS, ROCKEFELLER, BINGAMAN, HARKIN, JOHNSON, and ROBERTS in sponsoring this important legislation.

Simply put, this bill is about keeping small hospitals open in rural areas. It's about preserving access to quality health care for farmers and ranchers and their families. It's about protecting the health of folks who live in small towns and hamlets across our Nation.

I think these are goals that every one of us can agree on.

But the fight to preserve access to health care in rural America has never been an easy one. Hospitals in rural areas constantly struggle with the difficulties of operating in a low-volume environment. Their emergency rooms might see two or three patients a day. Or some days, none at all. They lack the economies of scale that urban and suburban facilities enjoy. They have a hard time hiring health professionals. And with every passing year, they face a growing regulatory burden that takes time and energy away from patients.

In the face of all these obstacles, many small, rural communities have confronted the unthinkable: losing their hospital altogether. I have no doubt that I speak for the vast majority of Senators when I say we should never let this happen. We should never allow a community to go without the health care services it needs to stay healthy. To borrow from the flight director of Apollo 13, I suggest that failure is not an option.

This was the message that Congress sent fives years ago, when it took two giant strides towards helping rural communities keep their hospitals. First, it passed legislation allowing small hospitals in rural and frontier areas to become Critical Access Hospitals, or CAHs. CAHs are reimbursed by Medicare based on their actual costs, not fixed or limited payments. They can organize their staff and facilities based on their patients' needs, not on rules made for large, urban facilities. In short, they are given flexibility to adapt to the unique challenges of providing health care in rural areas.

This concept was a perfect fit for rural America. In the past five years, over 500 facilities have converted to CAH status. By taking advantage of the CAH option, these hospitals have remained open and continue to serve patients. This success is not surprising. After all, the Critical Access Hospital concept was modeled on a demonstration project that had already been working for years in hospitals across Montana.

The second step Congress took in 1997 was to authorize $25 million a year for the Rural Hospital Flexibility Grant Program, or, as I like to call it, the Flex grant. This program awards grants to States to help hospitals convert to CAH status. Already, over 1,000 health care facilities have been assisted by these funds. In my State nearly half of our hospitals, about two dozen facilities, have converted to CAH status. About a dozen more are on the way.

Now the Senate has an opportunity to renew its commitment to rural health care. The legislation I have introduced today would reauthorize the Flex grant at a level of $40 million a year. This would continue the work that we have already begun, by helping hundreds more rural hospitals covert to CAH status.

In the latest count, nearly 600 hospitals across the Nation were eligible to become CAHs, but have not yet converted. By increasing the size of the Flex grant program, Congress can reach out to these facilities. At the same time, Congress will continue its support for existing CAHs by providing technical assistance and helping them access capital for their physical plants. These funds will also advance the important process of coordinating between emergency medical services providers and other health care providers in rural areas. In the wake of September 11 and the bioterrorist attacks of last fall, this work must move forward without delay.

I want to thank my colleagues for their support of the Critical Access Hospital program and the Flex grant over the past five years. Through their efforts, over 500 rural communities have kept their hospitals up and running. Now, I hope they will continue this work by supporting the Rural Hospital Access and Improvement Act of 2002 an reauthorizing the Flex grant at a level of $40 million a year.●

● Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Rural Hospital Access and Improvement Act of 2002, along with Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY, in addition to other distinguished colleagues with an interest in rural health care. This legislation reauthorizes the Medicare Rural Hospital Flexibility program, known as the ''flex'' program, which has become a key component in stabilizing rural health care delivery networks.

The ''flex'' program was created in the Balanced Budget Act of 1997 to improve access to essential health care services through the establishment of Critical Access Hospitals, (CAHs), rural health networks and rural emergency medical services. To date, flex grants have provided assistance to 1,170 rural hospitals for technical assistance and education, 881 rural emergency medical services projects and 557 communities for needs assessment and community development activities. As a result, almost 600 hospitals that were on the verge of closing have been certified as Critical Access Hospitals. Over half of CAHs serve counties that are designated as a Health Professional Shortage Area. It is quite obvious that this innovative program works and merits continued congressional support.

In my State of Wyoming, the South Big Horn County Hospital District has been certified as a Critical Access Hospital and several more are interested in converting to CAH status. Additionally, my State has used flex grant dollars to shore up rural emergency medical services in many of our frontier communities.

The bill I am introducing today with several of my colleagues will continue to build upon the early success of this program by increasing the annual funding authorization from $25 million to $40 million. Additional funding is necessary to expand quality improvement initiatives within network development plans, enhance the development of rural emergency medical services and continue technical support to Critical Access Hospitals. I strongly urge all my colleagues to cosponsor this important rural health care legislation.●

By Mr. SPECTER:

S. 2136. A bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States; to the Committee on Energy and Natural Resources.

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

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

S. 2136

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 ''Flight 93 National Memorial Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on September 11, 2001, passengers and crewmembers of United Airlines Flight 93 courageously gave their lives to prevent a planned attack on the Capital of the United States;

(2) thousands of people have visited the crash site since September 11, 2001, drawn by the heroic action and sacrifice of the passengers and crewmembers aboard Flight 93;

(3) many people in the United States are concerned about the future disposition of the crash site, including—

(A) grieving families of the passengers and crewmembers;

(B) the people of the region where the crash site is located; and

(C) citizens throughout the United States;

(4) many of those people are involved in the formation of the Flight 93 Task Force, a broad, inclusive organization established to provide a voice for all parties interested in and concerned about the crash site;

(5) the crash site commemorates Flight 93 and is a profound symbol of American patriotism and spontaneous leadership by citizens of the United States;

(6) a memorial of the crash site should—

(A) recognize the victims of the crash in an appropriate manner; and

(B) address the interests and concerns of interested parties; and

(7) it is appropriate that the crash site of Flight 93 be designated as a unit of the National Park System.

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

(1) to establish a memorial to honor the passengers and crewmembers aboard United Airlines Flight 93 on September 11, 2001;

(2) to establish the Flight 93 Advisory Commission to assist in the formulation of plans for the memorial, including the nature, design, and construction of the memorial; and

(3) to authorize the Secretary of the Interior to administer the memorial, coordinate and facilitate the activities of the Flight 93 Advisory Commission, and provide technical and financial assistance to the Flight 93 Task Force.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Flight 93 Advisory Commission established by section (4)(b).

(2) CRASH SITE.—The term ''crash site'' means the site in Stonycreek Township, Somerset County, Pennsylvania, where United Airlines Flight 93 crashed on September 11, 2001.

(3) MEMORIAL.—The term ''Memorial'' means the memorial to the passengers and crewmembers of United Airlines Flight 93 established by section 4(a).

(4) PASSENGER OR CREWMEMBER.—

(A) IN GENERAL.—The term ''passenger or crewmember'' means a passenger or crewmember aboard United Airlines Flight 93 on September 11, 2001.

(B) EXCLUSIONS.—The term ''passenger or crewmember'' does not include a terrorist aboard United Airlines Flight 93 on September 11, 2001.

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

(6) TASK FORCE.—The term ''Task Force'' means the Flight 93 Task Force.

SEC. 4. MEMORIAL TO HONOR THE PASSENGERS AND CREWMEMBERS OF FLIGHT 93.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System a memorial at the crash site to honor the passengers and crewmembers of Flight 93.

(b) ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Flight 93 Advisory Commission''.

(2) MEMBERSHIP.—The Commission shall be composed of—

(A) the Director of the National Park Service; and

(B) 14 members, appointed by the Secretary, from among persons recommended by the Task Force.

(3) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of the members.

(B) FREQUENCY.—The Commission shall meet not less than quarterly.

(C) NOTICE.—Notice of meetings and the agenda for the meetings shall be published in—

(i) newspapers in and around Somerset County, Pennsylvania; and

(ii) the Federal Register.

(D) OPEN MEETINGS.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

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

(6) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(7) DUTIES.—The Commission shall—

(A) not later than 3 years after the date of enactment of this Act, submit to the Secretary and Congress a report that contains recommendations for the planning, design, construction, and long-term management of the memorial;

(B) advise the Secretary on—

(i) the boundaries of the memorial; and

(ii) the development of a management plan for the memorial;

(C) consult with the Task Force, the State of Pennsylvania, and other interested parties, as appropriate;

(D) support the efforts of the Task Force; and

(E) involve the public in the planning and design of the memorial.

(8) POWERS.—The Commission may—

(A) make expenditures for services and materials appropriate to carry out the purposes of this section;

(B) accept donations for use in carrying out this section and for other expenses associated with the memorial, including the construction of the memorial;

(C) hold hearings and enter into contracts, including contracts for personal services;

(D) by a vote of the majority of the Commission, delegate any duties that the Commission determines to be appropriate to employees of the National Park Service; and

(E) conduct any other activities necessary to carry out this Act.

(9) COMPENSATION.—A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(10) TERMINATION.—The Commission shall terminate on the dedication of the memorial.

(c) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) administer the memorial as a unit of the National Park Service in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System;

(2) provide advice to the Commission on the collection, storage, and archiving of information and materials relating to the crash or the crash site;

(3) consult with and assist the Commission in—

(A) providing information to the public;

(B) interpreting any information relating to the crash or the crash site;

(C) conducting oral history interviews; and

(D) conducting public meetings and forums;

(4) participate in the development of plans for the design and construction of the memorial;

(5) provide to the Commission—

(A) assistance in designing and managing exhibits, collections, or activities at the memorial;

(B) project management assistance for design and construction activities; and

(C) staff and other forms of administrative support;

(6) acquire from willing sellers the land or interests in land for the memorial by donation, purchase with donated or appropriated funds, or exchange; and

(7) provide the Commission any other assistance that the Commission may require to carry out this Act.

By Ms. LANDRIEU:

S. 2137. A bill to facilitate the protection of minors using the Internet from

material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

● Ms. LANDRIEU. Mr. President, today I want to introduce a very important piece of legislation, the Family Privacy Protection Act. Let me just take a few minutes to explain this bill to my colleagues.

In this age of high-technology, we are blessed with many things that our ancestors did not have. Cell phones and e-mail allow us to communicate quickly. Advances in medical science are allowing our citizens to live much longer and healthier lives. And advances in computers and other equipment help make workers and businesses many times more productive. However, technology is a double-edged sword. Sometimes the bad comes with the good. This fact hit home in the most tragic way when it was learned that the September 11 hijackers had communicated through e-mail and cell phones.

As frightening as this is, it is not the only example of the problems associated with advances in technology. There are day-to-day issues that must be resolved. For instance, technology has exposed our citizens to breaches of privacy that could never have taken place before the days of the Internet and other advances.

Former Chief Justice Earl Warren once said, ''The fantastic advances in the field of communication constitute a grave danger to the privacy of the individual.'' If Chief Justice Warren were alive today to offer his remarks, he might substitute the word ''technology'' for ''communication.'' Let me give one example of an incident which highlights this fact.

In the early 1990's, a shocking thing happened to a family in Monroe, Louisiana. Monroe is a relatively small city, at least by the standards of most parts of the country, but it is the largest city in the northeastern section of my state. I want to talk about a family who lives in Monroe, the Wilsons. Susan Wilson was just an average woman with an average family.

Unfortunately, something terrible happened, which tore apart the quiet life of this family. A family friend, a former deacon at the Wilson's church, did something despicable. While the Wilson's weren't home, this man broke into their house and planted a video camera in their bathroom. The Wilson's eventually learned that, for almost 2 years, video cameras had been filming everything in their bathroom. This man filmed all of their private moments for the past years for his own sick and twisted purposes.

But even then, the family's nightmare wasn't over. You see, under Louisiana state law, and the law of most States, there was no crime under which this man could be charged for filming the family without their consent. Although he was eventually charged with unauthorized entry, there was no way to punish this man for the more serious crime he committed.

The State legislature remedied this in 1999, passing a law making video voyeurism a crime. This was thanks in large part to Susan Wilson, who spoke with the media, testified before committees—in short, give up her privacy and put her life on public display, doing everything she had to do to call attention to this problem. In short, she has sacrificed so that women such as herself will not have to experience the pain of watching the individuals who devastated their lives walk away virtually untouched by the law.

And she continues to make this sacrifice to this day. There was even a recent movie detailing Susan's story, some of my colleagues may have seen it. It aired February 6 on Lifetime, starring Angie Harmon. It was a very compelling, though obviously disturbing, film, and if my colleagues have not seen it I would urge them to do so.

Since the law was passed in Louisiana, several individuals have been prosecuted under it. Let me just give a couple of examples. Two years ago, a New Orleans man was arrested under the law after a video camera was found in his neighbor's air conditioning vent. In nearby Marrero just a couple of months before, a man was arrested for allegedly pointing a video camera in someone's window. And just before that, a man was arrested under the video voyeurism law and charged with videotaping a woman during intercourse and then trying to sell the tape. And, just over a month ago in Lafayette, LA, a man was charged for undressing a sleeping woman and videotaping her in his apartment.

This law has also be used in conjunction with laws already on the books, to give police another tool with which to charge offenders. For instance, last year in Slidell, LA, a man was charged with seven counts of video voyeurism in addition to various pornography-related charges. And in Leesville, LA, a year ago, three people, including a Sheriff's deputy, were arrested and charged with video voyeurism and juvenile pornography.

Louisiana is not the only State to pass this law, or to charge offenders with violating it. A principal in Arkansas was charged with the crime, although the charges were later dropped. And in Milwaukee, a man was arrested late last year and charged with videotaping guests in his house while they showered and undressed.

These are terrible crimes; they are a violation of privacy, and more. They strike at the very heart of one of our most cherished personal freedoms, the right to live our lives free of the fear of people watching us perform the most regular of tasks, bathing, getting dressed, or sleeping.

In the past, someone who looked in another person's window at night was called a ''Peeping Tom.'' We are not dealing with people looking in windows anymore, we are dealing with technologies like video cameras small enough to fit in an air conditioning vent. In the past, that person looking in the window could be caught by police and charged with a crime. Unfortunately, for the person who plants the camera in the air conditioning duct, as things stand now, except for a few states that have passed this type of legislation, that person can at best only be charged with a crime like unlawful entry.

This brings me to the first provision of the legislation that I am introducing today. I met with Susan last year, and promised her I would introduce Federal legislation addressing this crime. Currently, only five states have laws dealing with video voyeurism. This is one of the reasons I am here today to introduce my legislation, the Family Privacy Protection Act.

This measure contains several important provisions, but the first one I want to focus on today is the video voyeurism section. This bill will make it a Federal crime to film someone in these circumstances without their consent. The bill provides exceptions for legitimate purposes such as police investigations and security; but the bottom line is that this legislation would hold these individuals responsible for their actions.

Actress Judy Garland, speaking of her lack of privacy, once said, ''I've never looked through a keyhole without finding someone was looking back.'' How frightening it would be for all of our citizens to feel this way; that they are not safe from prying eyes in their own home.

The video voyeurism component, while important, is only one part of this bill. This bill also contains a provision to protect children from Internet websites with pornographic material. A recent study showed that 31 percent of children aged 10–17 who used the Internet have accidentally come across a pornographic website. That includes 75 percent ages 15–17.

One of the problems is that companies and individuals who have websites make money from ''hits'' by Internet users. It doesn't matter whether someone intentionally visits a website or does so on accident, it still counts as a ''hit''. So some of these companies that set up pornographic websites specifically choose names that will cause people to accidentally find them. Let me give a quick example. As I'm sure all of my colleagues know, the web address for the White House is www.whitehouse.gov. But if you make a mistake—and it's not a difficult mistake, I know many people who have made it, and type a slightly different address, www.whitehouse.com, you will access a different site altogether, a pornographic website. While I'm sure these companies are not targeting children specifically, they inevitably come across these inappropriate sites.

I have already mentioned some statistics on how many children have accidentally visited inappropriate

websites. I just want to share a few examples. An 11-year-old boy was searching for game sites, typed in ''fun.com'', and a pornographic site came up. A 15-year-old boy was looking for info on cars, did a search for ''escort'', and an escort service site came up.

And, in one of the most disturbing examples that I came across, in one instance a 15-year-old boy was doing a report on wolves, and found a site on bestiality. I just want my colleagues to imagine for a moment this happening to their son or daughter. I think we can all agree that this is something that we need to be concerned about.

The American people are certainly concerned about it. In the same Kaiser study, 84 percent of the American people worry about the availability of pornography online, and 61 percent say the government should regulate it. Sixty-one percent. And I am certain that number is much higher among parents.

That is why I believe this legislation is so important. I understand that these websites are protected by the First Amendment. This bill does not intrude upon these sites' right to free speech. Instead, it would set up a whole new domain name for pornographic material. A domain name, as my colleagues know, is the three letters at the end of the web address. Dot-com, dot-gov, dot-org, dot-net—these are all domain names. My legislation would instruct the Internet Corporation for Assigned Names and Numbers to set up a new domain name for pornographic websites. The owners of these sites would have 12 months to move their sites to the new domain.

This is a very simple yet effective method of protecting our children from these sites. A new domain would make ''filter'' programs, which screen out these pornographic sites, much more effective. It would eliminate mistakes like the whitehouse dot-gov, dot-com, problem that I mentioned earlier. And, I firmly believe this bill passes First Amendment tests for freedom of speech.

I understand that some people will not agree with me, saying that this bill does not go far enough and that this type of material should be banned altogether. But the First Amendment to the Constitution protects even material of this kind, whether or not we may agree with it. My bill would not infringe on the right of free speech, but would simply restrict where this type of speech could be presented on the Internet. As one of my constituents from Louisiana said, ''We need to put it where the people who want to see it can get to it, and the ones who don't want to see it don't have to.'' That is all this provision does.

Finally, a similar provision in the bill provides protection for children from pornographic e-mails. This language is very similar to a bill that was introduced in the House of Representatives by Congresswoman ZOE LOFGREN of California. I wanted to take a second to acknowledge Congresswoman LOFGREN for her efforts, and I hope to work with her on this initiative.

In short, the bill would require that e-mail advertisements be clearly labeled as containing sexually oriented material. We are all familiar with receive e-mails with subjects that say ''Lose weight now'' or ''You have won!'' that in reality contain pornographic material. Many of us simply delete these e-mails without look at them, knowing them to be deceptive or junk. However, it is easy to be fooled. I have received letters from several constituents who were offended, and rightly so, after opening falsely labeled e-mails.

As you can imagine, children are particularly vulnerable to this type of deceptive e-mail. In a study done for Congress by the Crimes Against Children Research Center, 25 percent of children studied were exposed to unwanted sexual pictures in the previous year. Of these exposures, 28 percent occurred by opening or clicking on an e-mail.

There is one case that upsets me in particular. A 12-year-old girl, a little girl who collects Beanie Babies, received an e-mail with a subject line saying ''Free Beanie Babies.'' As you can imagine, this excited little girl quickly opened the e-mail, only to be confronted with pictures of naked people. Again, I'd like my colleagues to stop for a moment and imagine that this was their child.

Let me just conclude with a few more facts. The Kaiser study also looked at the consequence on these children from encountering these pornographic websites and e-mails. Fifty-seven percent of those age 15–17 who were studied believed that exposure to online pornography could have a serious impact on those under 18. And 76 percent of children surveyed by Kaiser said that pornography that kids can see is a ''big problem.''

I just want to add that I am hopeful that, in the future, we can take even stronger steps to address the problem of pornographic e-mails. However, at the moment, this bill will at least ensure that Internet users, particularly children, know that an e-mail contains sexually oriented material before opening it.

I hope that my colleagues will join me in support of this important legislation. It is intended to protect our most vulnerable citizens, our children, while protecting the right of individuals to free speech. I believe this is something that we can all support.●

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 242—DESIGNATING AUGUST 16, 2002 AS ''NATIONAL AIRBORNE DAY''

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 242

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2002, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind battle lines by means of parachute;

Whereas the United States' experiment of airborne infantry attack was begun on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Infantry (Ranger) regiment, the 173rd, 187th, 503rd, 507th, 508th, 517th, 541st, and 542nd airborne infantry regiments, the 88th Glider Infantry Battalion, and the 509th, 550th, 551st, and 555th airborne infantry battalions;

Whereas the achievements of the airborne forces during World War II provided a basis for evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Infantry (Ranger) regiment which, together with other units, comprise the quick reaction force of the Army's XVIIIth Airborne Corps when not operating separately under the command of a Commander in Chief of one of the regional unified combatant commands;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance, Navy SEALs, Air Force Combat Control Teams, Air Sea Rescue, and Airborne Engineer Aviation Battalions, all or most of which comprise the forces of the United States Special Operations Command;

Whereas, in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Infantry (ranger) regiment, Special Forces units, and units of the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas, of the members and former members of the Nation's combat airborne forces, all have achieved distinction by earning the

right to wear the airborne's ''Silver Wings of Courage'', thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas, the members and former members of the Nation's combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operations forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2002, as the 62nd anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate requests and urges the President to issue a proclamation—

(1) designating August 16, 2002, as ''National Airborne Day''; and

(2) calling on Federal, State, and local administrators and the people of the United States to observe ''National Airborne Day'' with appropriate programs, ceremonies, and activities.

Mr. THURMOND. Mr. President, I am pleased to rise today to submit a Senate resolution which designates August 16, 2002 as ''National Airborne Day.''

On June 25, 1940, the War Department authorized the Parachute Test Platoon to experiment with the potential use of airborne troops. The Parachute Test Platoon, which was composed of 48 volunteers, performed the first official army parachute jump on August 16, 1940. The success of the Platoon led to the formation of a large and successful airborne contingent that has served from World War Two until the present.

I was privileged to serve with the 82nd Airborne Division, one of the first airborne divisions to be organized. In a two-year period during World War Two, the regiments of the 82nd served in Italy at Anzio, in France at Normandy (where I landed with them), and at the Battle of the Bulge.

The 11th, 13th, 17th, and 101st Airborne Divisions and numerous other regimental and battalion size airborne units were also organized following the success of the Parachute Test Platoon. In the last sixty-two years, these airborne forces have performed in important military and peace-keeping operations all over the world, and it is only appropriate that we designate a day to salute the contributions they have made to this Nation.

Through passage of ''National Airborne Day,'' the Senate will reaffirm our support for the members of the airborne community and also show our gratitude for their tireless commitment to our Nation's defense and ideals.

SENATE RESOLUTION 243—DESIGNATING THE WEEK OF APRIL 21 THROUGH APRIL 28, 2002, AS ''NATIONAL BIOTECHNOLOGY WEEK''

Mr. HUTCHINSON (for himself, Mr. DODD, Mrs. MURRAY, Mr. HATCH, Mr. SPECTER, Mr. BOND, Mr. BINGAMAN, Mr. CRAIG, Mr. TORRICELLI, Mr. BIDEN, Mr. JEFFORDS, Mr. CORZINE, Mr. SARBANES, Ms. MIKULSKI, Mr. KENNEDY, Mr. HELMS, Mr. FRIST, Mr. BREAUX, Mr. EDWARDS, Mr. CRAPO, Ms. COLLINS, Mr. CAMPBELL, Mr. SESSIONS, Mr. INHOFE, Mrs. CARNAHAN, Mr. DURBIN, Mr. KERRY, and Mr. THURMOND) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 243

Whereas biotechnology is a strategic industry and is increasingly important to the research and development of products that improve health care, agriculture, industrial processes, environmental remediation, and biological defense;

Whereas biotechnology has been responsible for medical breakthroughs that have benefited millions of people worldwide through the development of vaccines, antibiotics, and other drugs;

Whereas biotechnology is central to research into cures and treatments for conditions such as cancer, diabetes, epilepsy, multiple sclerosis, heart and lung disease, Alzheimer's disease, Acquired Immune Deficiency Syndrome, Parkinson's disease, spinal cord injuries, and many other ailments;

Whereas biotechnology contributes to crop yields and farm productivity, reduces chemical pesticide use, and enhances the quality, value, and suitability of crops for food and other uses that are critical to the agriculture of the United States;

Whereas biotechnology offers the potential for increasing food production, particularly in developing nations facing chronic food shortages;

Whereas biotechnology, through industrial applications, is creating an abundance of efficient enzymes and other biobased products, which foster cleaner industrial processes and can help produce energy, fine chemicals, and biobased plastics from renewable resources;

Whereas biotechnology contributes to homeland defense and national security by providing the tools to develop a new generation of vaccines, therapeutics, and diagnostics for defense against bioterrorism;

Whereas biotechnology contributes to the success of the United States as the global leader in research and development, and international commerce;

Whereas biotechnology will be an important catalyst for creating more high-skilled jobs throughout the 21st century and will help reinvigorate rural economies; and

Whereas it is important for all people of the United States to understand the beneficial role biotechnology plays in an improved quality of life: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 21 through April 28, 2002, as ''National Biotechnology Week''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

● Mr. HUTCHINSON. Mr. President, I rise today with Senators DODD, MURRAY, HATCH, SPECTER, BOND, BINGAMAN, CRAIG, TORRICELLI, BIDEN, JEFFORDS, CORZINE, SARBANES, MIKULSKI, KENNEDY, HELMS, FRIST, BREAUX, EDWARDS, CRAPO, COLLINS, CAMPBELL, SESSIONS, INHOFE, CARNAHAN, DURBIN, KERRY, and THURMOND to submit a Senate Resolution declaring the Week of April 21–April 27, 2002, as ''National Biotechnology Week.''

There have been incredible advancements in science over the last few years that are allowing us to improve health care, increase crop yields, reduce the use of pesticides, and replace costly industrial processes involving harsh chemicals with cheaper, safer, biological processes. These advancements have occurred due to the hard work and diligence of scientists and researchers in the United States, and all around the world, who have spent their lives promoting and perfecting the practice of biotechnology.

In addition, biotechnology and the tools and devices developed for this technology will be essential as our country continues to heighten its efforts to combat bioterrorism. One of the first challenges in combating bioterrorism is detection. Quick analysis of pathogens using gene chips and advanced techniques derived from biotechnology will allow health providers to quickly identify the type and nature of any biological attack. Also, there is a need to be able to respond to a biological attack. The tools of biotechnology will allow us to develop the vaccines and treatments needed for this purpose. Because of its great potential, biotechnology is a key component of promoting national security.

In my home State of Arkansas, the potential for biotechnology as a motor for driving economic growth is just taking hold. Innovative research at the University of Arkansas in Fayetteville and the University of Arkansas Medical School is paving the way for many small start-up companies at the state's incubation centers. In addition, research at Arkansas Children's Hospital and new genomics research at the National Center for Toxicological Research is leading to greater understanding of the impact that diets have on health. Also, there is great economic potential for a biotechnology corridor between Little Rock and the Pine Bluff Arsenal where the research community would be welcome to grow and thrive in our State.

With all of these benefits, there is no doubt that biotechnology is touching our lives and improving our world. But, along with this technology comes the responsibility to understand and carefully evaluate it. It is essential that this technology be used to improve our world and preserve our humanity. If there is to be a future for this technology, and we are to fully realize its benefits and potential, elected officials and the public must be informed and engaged about the basics of technology itself and its incredible benefits.

This is why my colleagues and I are pleased to introduce this resolution declaring April 21–27, 2002, as ''National Biotechnology Week.'' It is our hope

that public officials, community leaders, researchers, professors, and school teachers across the country will take this week to actively promote understanding of biotechnology in their communities and their classrooms.●

AMENDMENTS SUBMITTED AND PROPOSED

SA 3132. Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 3133. Mr. STEVENS proposed an amendment to amendment SA 3132 proposed by Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3134. Mr. REID (for Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. FRIST, Mr. BINGAMAN, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Mr. DASCHLE, Ms. COLLINS, Mr. WELLSTONE, Mr. ENZI, Mrs. MURRAY, Mr. HUTCHINSON, Ms. MIKULSKI, Mr. DODD, Mr. REED, Mr. EDWARDS, and Mrs. CLINTON)) proposed an amendment to the bill S. 1533, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program which will help coordinate services for the uninsured and underinsured, and for other purposes.

TEXT OF AMENDMENTS

SA 3132. Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 590, after line 14, insert the following:

DIVISION H—DOMESTIC ENERGY SECURITY

TITLE XIX—AMERICAN HOMELAND ENERGY SECURITY

SEC. 1901. SHORT TITLE AND PRESIDENTIAL DETERMINATION.

(a) This title may be cited as the ''American Homeland Energy Security Act of 2002''.

(b) PRESIDENTIAL NATIONAL ECONOMIC AND SECURITY INTEREST CERTIFICATION TO CONGRESS.—

(1) The provisions of this title, other than this subsection, shall take effect upon a determination by the President and certification by the President to the Senate and the House of Representatives that exploration, development, and production of the oil and gas resources of the Coastal Plain (as defined in section 1902(1) of this title) are in the national economic and security interests of the United States.

(2) The President shall base a determination under paragraph (1) upon the President's judgment of the contribution that production of the oil and gas resources of the Coastal Plain would make in—

(A) meeting the energy requirements of the United States in a time of national emergency, taking into account foreseeable military contingencies in the war on terrorism and international commitments;

(B) reducing dependence on imported foreign oil, including from Iraq and other potentially hostile nations; and

(C) creating new jobs for American men and women.

(3) The determination and certification by the President shall be made in his sole discretion and shall not be reviewable.

SEC. 1902. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as such in the map entitled ''Arctic National Wildlife Refuge'', dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres, and as legally described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

(3) KAKTOVIK.—The term ''Kaktovik'' means the home of the only human residents of the Arctic National Wildlife Refuge.

SEC. 1903. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain;

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased; and

(3) to consult with the representatives of the City of Kaktovik and the Kaktovik Inupiat Corporation to ensure that the oil and gas exploration, development and production activities authorized by this title are conducted in a manner that recognizes the interests of the city, the corporation, and the residents of Kaktovik, their culture, their traditional subsistence activities, and their use of the resources of the Coastal Plain.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 1902(1).

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this section, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this title.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 1904. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 1905. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 1904 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 1906. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 1903(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease, except exports to Israel; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) ENERGY SECURITY OF ISRAEL.—To further the purposes of paragraph (a)(8), the oil supply arrangement between the United States and Israel, as memorialized in a Memorandum of Agreement which entered into force on November 25, 1979, as extended through 2004, and the related Contingency Implementing Arrangements for the Memorandum of Agreement, as extended through 2004, are extended through 2014.

(c) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 1907. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 1903, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the 'Final Legislative Environmental Impact Statement' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain. (4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from

the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIM–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Using existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

SEC. 1908. EXPEDITED JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any federal agency or officer under this title;

(2) the constitutionality of any provision of this title, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this title.

(b) DEADLINE FOR FILING CLAIM.—Claims arising under this title may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) of this section for expedited consideration.

(d) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless the Court determines that there is no rational basis for the final action of the Secretary.

(e) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 1909. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 1903(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 1910. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(a) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(b) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 1911. COASTAL PLAIN LOCAL GOVERNMENT IMPACT AID ASSISTANCE FUND.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Interior may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly affected by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance made available under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary of the Interior, in such form and under such procedures as the Secretary of the Interior may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary of the Interior shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—A separate account is hereby established in the U.S. Treasury which shall be known as the ''Coastal Plain Local Government Impact Aid Assistance Fund''.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section and shall be available to the Secretary of the Interior without further appropriation and without fiscal year limitation.

(3) DEPOSITS.—Subject to paragraph (4), and in accordance with section 1912(a)(2) of this title, there shall be deposited into the fund amounts received by the United States as revenues derived from bonus bids on leases and lease sales authorized under this title.

(4) INVESTMENT OF BALANCES.—The Secretary of the U.S. Treasury shall invest amounts in the fund in interest bearing government securities.

SEC. 1912. REVENUE ALLOCATION.

(a) BONUS BIDS.—Notwithstanding section 1904 of this title, the Mineral Leasing Act (30 U.S.C. 181 et. Seq.), or any other law, of the amount of the adjusted bonus bids from oil and gas leasing and operations authorized under this title—

(1) 50 percent shall be paid to the State of Alaska;

(2) 1 percent shall be deposited into the Coastal Plain Local Government Impact Aid Assistance Fund as authorized under section 1911 of this title; and

(3) The balance of such revenues shall be distributed as follows:

(i) $10 million shall be available to the Secretary of Energy, without further appropriation and without fiscal year limitation, to fill the Strategic Petroleum Reserve, including terminalling, transportation, power and third party inspections, and to the extent the Secretary of Energy determines that geographic dispersal of the Reserve would enhance its use for national security, the Secretary of Energy shall consider adding Strategic Petroleum Reserves to the West Coast and Hawaii, consistent with current law; and

(ii) the remainder of the balance shall be distributed as follows: 50 percent shall be deposited into the Renewable Energy Technology Investment Fund as provided in this section and 50 percent shall be deposited into the Habitat Conservation and Federal Maintenance and Improvements Backlog Fund.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—A separate account is hereby established in the U.S. Treasury of the United States which shall be known as the ''Renewable Energy Technology Investment Fund''.

(2) USE, GENERALLY.—Not to exceed $80,000,000 of the funds deposited into the Renewable Energy Technology Investment Fund shall be available in each fiscal year to the Secretary of Energy, without further appropriation, to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, hydroelectric energy and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(3) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this section and the impact of and efforts to integrate such uses with other energy research efforts.

(c) HABITAT CONSERVATION AND FEDERAL MAINTENANCE AND IMPROVEMENTS BACKLOG FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—A separate account is hereby established in the U.S. Treasury of the United States which shall be known as the ''Habitat Conservation and Federal Maintenance and Improvements Backlog Fund''.

(2) USE, GENERALLY.—Funds shall be deposited into the Habitat Conservation and Federal Maintenance and Improvements Backlog Fund shall be available to the Secretary of the Interior, without further appropriation and without fiscal year limitation, and may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements (including Memoranda of Understanding), and programs for direct activities of the Department of the Interior to:

(A) eliminate maintenance and improvement backlogs on Federal lands;

(B) restore and protect uplands, wetlands, and coastal habitat;

(C) provide public access and necessary facilities for visitor accommodations;

(D) restore and improve historic landmarks and property; and

(E) develop urban parks through the Urban Park Recreation and Recovery Program and state and local recreation areas.

(3) CONSULTATION AND COORDINATION.—Any specific use of the Habitat Conservation and Federal Maintenance and Improvements Backlog Fund shall be determined only after the Secretary of the Interior consults and coordinates with the heads of other appropriate Federal agencies.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of the Interior shall transmit to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Appropriations Committees of both the House of Representatives and the Senate a report on the use of funds under this section.

(d) RENTS AND ROYALTIES.—Notwithstanding section 1904 of this title, the Mineral Leasing Act (30 U.S.C. 181, et. seq.), or any other law, of the amount of the rents and royalties from oil and gas leasing and operations authorized under this title—

(1) 50 percent shall be paid to the State of Alaska; and

(2) 50 percent shall be deposited into the U.S. Treasury as miscellaneous receipts.

(e) ADJUSTMENTS.—Adjustments to rental and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(f) PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made quarterly.

SEC. 1913. ADDITIONAL WILDERNESS DESIGNATION

Notwithstanding Sections 101(d) and 1326 of the Alaska National Interest Lands Conservation Act, Section 702(3) of the Alaska National Interest Lands Conservation Act (P.L. 96–487) is amended to read as follows:

''(3) Mollie Beattie Wilderness of approximately 9.5 million acres generally depicted on a map entitled ''Arctic National Wildlife Refuge'' dated April 2002 on file in the Office of the Director of the U.S. Fish and Wildlife Service;''.

SA 3133. Mr. STEVENS proposed an amendment to amendment SA 3132 proposed by Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

(a) On page 3, strike all after line 1 and insert the following:

''SEC. 1903. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

''(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

''(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain;

''(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased; and

''(3) to consult with the representatives of the City of Kaktovik and the Kaktovik Inupiat Corporation to ensure that the oil and gas exploration, development and production activities authorized by this title are conducted in a manner that recognizes the interests of the city, the corporation, and the residents of Kaktovik, their culture, their traditional subsistence activities, and their use of the resources of the Coastal Plain.

''(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

''(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

''(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

''(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The 'Final Legislative Environmental Impact Statement' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

''(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify non-

leasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 6 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

''(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

''(e) SPECIAL AREAS.—

''(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 1902(1).

''(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

''(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

''(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this section, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

''(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

''(g) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 4 months after the date of the enactment of this title.

''(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

''SEC. 1904. LEASE SALES.

''(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

''(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

''(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

''(2) the holding of lease sales after such nomination process; and

''(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

''(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

''(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

''(e) TIMING OF LEASE SALES.—The Secretary shall—

''(1) conduct the first lease sale under this title within 8 months after the date of the enactment of this title; and

''(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

''(f) AUTHORIZATION FOR APPROPRIATIONS.—The Secretary of the Interior is authorized and directed to make available from funds available to the Secretary under Public Law 107–63 under the Bureau of Land Management, ''Management of Lands and Resources'' such sums as are necessary to carry out the provisions of this section.''

''SEC. 1905. GRANT OF LEASES BY THE SECRETARY.

''(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 1904 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

''(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

''SEC. 1906. LEASE TERMS AND CONDITIONS.

''(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

''(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

''(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

''(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

''(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

''(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

''(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 1903(a)(2);

''(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

''(8) prohibit the export of oil produced under the lease, except exports to Israel; and

''(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

''(b) ENERGY SECURITY OF ISRAEL.—To further the purposes of paragraph (a)(8), the oil supply arrangement between the United States and Israel, as memorialized in a Memorandum of Agreement which entered into force on November 25, 1979, as extended through 2004, and the related Contingency Implementing Arrangements for the Memorandum of Agreement, as extended through 2004, are extended through 2014.

''(c) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

''SEC. 1907. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

''(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 1903, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

''(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

''(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

''(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

''(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

''(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

''(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

''(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

''(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

''(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

''(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the 'Final Legislative Environmental Impact Statement' (April 1987) on the Coastal Plain.

''(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

''(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

''(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

''(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

''(4) Design safety and construction standards for all pipelines and any access and service roads, that—

''(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

''(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

''(5) Prohibitions on public access and use on all pipeline access and service roads.

''(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

''(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

''(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

''(9) Consolidation of facility siting.

''(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

''(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

''(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

''(14) Fuel storage and oil spill contingency planning.

''(15) Research, monitoring, and reporting requirements.

''(16) Field crew environmental briefings.

''(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

''(18) Compliance with applicable air and water quality standards.

''(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

''(20) Reasonable stipulations for protection of cultural and archeological resources.

''(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

''(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

''(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

''(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

''(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

''(f) FACILITY CONSOLIDATION PLANNING.—

''(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

''(2) OBJECTIVES.—The plan shall have the following objectives:

''(A) Avoiding unnecessary duplication of facilities and activities.

''(B) Encouraging consolidation of common facilities and activities.

''(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

''(D) Using existing facilities wherever practicable.

''(E) Enhancing compatibility between wildlife values and development activities.

''SEC. 1908. EXPEDITED REVIEW.

The provisions and limitations in subsections 203(c), ''(d) and (e) of Public Law 93–153 shall apply to all actions and decisions concerning pre- leasing, leasing and development activities authorized in this title.''

''SEC. 1909. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

''(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

''(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

''(c) REGULATIONS.—The Secretary shall include in regulations under section 1903(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

''SEC. 1910. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

''(a) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

''(b) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

''SEC. 1911. COASTAL PLAIN LOCAL GOVERNMENT IMPACT AID ASSISTANCE FUND.

''(a) FINANCIAL ASSISTANCE AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of the Interior may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly affected by the exploration for or production of oil and gas on the Coastal Plain under this title.

''(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

''(b) USE OF ASSISTANCE.—Financial assistance made available under this section may be used only for—

''(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

''(2) implementing mitigation plans and maintaining mitigation projects; and

''(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting,

police, water, waste treatment, medivac, and medical services.

''(c) APPLICATION.—

''(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary of the Interior, in such form and under such procedures as the Secretary of the Interior may prescribe by regulation.

''(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

''(3) APPLICATION ASSISTANCE.—The Secretary of the Interior shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

''(d) ESTABLISHMENT OF FUND.—

''(1) IN GENERAL.—A separate account is hereby established in the U.S. Treasury which shall be known as the ''Coastal Plain Local Government Impact Aid Assistance Fund''.

''(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section and shall be available to the Secretary of the Interior without further appropriation and without fiscal year limitation.

''(3) DEPOSITS.—Subject to paragraph (4), and in accordance with section 1912(a)(2) of this title, there shall be deposited into the fund amounts received by the United States as revenues derived from bonus bids on leases and lease sales authorized under this title.

''(4) INVESTMENT OF BALANCES.—The Secretary of the U.S. Treasury shall invest amounts in the fund in interest bearing government securities.

''SEC. 1912. REVENUE ALLOCATION.

''(a) BONUS BIDS.—Notwithstanding section 1904 of this title, the Mineral Leasing Act (30 U.S.C. 181 et. Seq.), or any other law, of the amount of the adjusted bonus bids from oil and gas leasing and operations authorized under this title—

''(1) 50 percent shall be paid to the State of Alaska;

''(2) 1 percent shall be deposited into the Coastal Plain Local Government Impact Aid Assistance Fund as authorized under section 1911 of this title; and

''(3) The balance of such revenues shall be distributed as follows:

''(i) $10 million shall be available to the Secretary of Energy, without further appropriation and without fiscal year limitation, to fill the Strategic Petroleum Reserve, including terminalling, transportation, power and third party inspections, and to the extent the Secretary of Energy determines that geographic dispersal of the Reserve would enhance its use for national security, the Secretary of Energy shall consider adding Strategic Petroleum Reserves to the West Coast and Hawaii, consistent with current law; and

''(ii) the remainder of the balance shall be deposited into the Conservation, Jobs, and Steel Reinvestment Trust Fund as provided in section 1914.

''(b) RENTS AND ROYALTIES.—Notwithstanding section 1904 of this title, the Mineral Leasing Act (30 U.S.C. 181, et. seq.), or any other law, of the amount of the rents and royalties from oil and gas leasing and operations authorized under this title—

''(1) 50 percent shall be paid to the State of Alaska; and

''(2) 50 percent shall be deposited into the Conservation, Jobs, and Steel Reinvestment Trust Fund, in accordance with the provisions of section 1914, and thereafter into the U.S. Treasury as miscellaneous receipts.

''(c) PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be transferred on the 15th day of each month as a direct lump sum payment from the Treasury without further appropriation.

''SEC. 1913. ADDITIONAL WILDERNESS DESIGNATION.—

Notwithstanding Sections 101(d) and 1326 of the Alaska National Interest Lands Conservation Act, Section 702(3) of the Alaska National Interest Lands Conservation Act (P.L. 96–487) is amended to read as follows:

''(3) Mollie Beattie Wilderness of approximately 9.5 million acres generally depicted on a map entitled ''Arctic National Wildlife Refuge'' dated April 2002 on file in the Office of the Director of the U.S. Fish and Wildlife Service;''.

''1914. CONSERVATION, JOBS, AND STEEL REINVESTMENT TRUST FUND.

''(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a separate account which shall be known as the 'Conservation, Jobs, and Steel Reinvestment Trust Fund'.

''(b) DEPOSITS.—Deposits described in subsection (g), the bonus bid revenues described in section 1912(a)(3)(ii) from leases authorized or issued under this title, and for 30 years following the production from leases issued under this title fifty percent of the rents, royalties and other payments, as described in section 1912(b)(2), shall be deposited into the Conservation, Jobs, and Steel Reinvestment Trust Fund. Amounts described at subsections (c)(2), (3), (4) and (5) of this section and deposited in such Fund each fiscal year shall be available until expended without further appropriation. Amounts described at subsections (c)(1) and (g) and deposited in such Fund shall be available in accordance with subsection (g).

''(c) USE GENERALLY.—Subject to paragraph (d), of the funds deposited into the Conservation, Jobs, and Steel Reinvestment Trust Fund—

''(1)(A) 57 percent of bonus bids in Fiscal Year 2003;

''(B) 48 percent of bonus bids in Fiscal Year 2005; and

''(C) 90 percent of rents, royalties and payments for the first 30 years of production shall be available for activities described in subsection (g).

''(2)(A) 10 percent of bonus bids in Fiscal Year 2003; and

''(B) 10 percent of bonus bids in Fiscal Year 2005

may be used by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Energy to finance grants, contracts, cooperative agreements (including Memoranda of Understanding), and programs for direct activities of the Departments of the Interior, Energy, and Agriculture to—

''(i) eliminate maintenance and improvement backlogs on Federal lands;

''(ii) restore and protect upland and coastal habitat;

''(iii) provide public access and necessary facilities for visitor accommodations;

''(iv) restore and improve historic landmarks and property;

''(v) develop urban parks through the Urban Park Recreation and Recovery Program and state and local recreation areas;

''(vi) support renewable energy programs, expand energy efficiency programs (including the Steel Industry of the Future program), and develop alternative energy sources; and

''(vii) support other related authorized programs within the jurisdiction of the House and Senate Committees on Appropriations.

''(3)(A) 15 percent of bonus bids in Fiscal Year 2003; and

''(B) 15 percent of bonus bids in Fiscal Year 2005

may be used by the Secretary of Commerce to provide grants, loans, and other assistance (including federal loans with deferred or forgivable payments) to modernize the United States steel, heavy equipment, and related manufacturing industries, and to produce the necessary materials and equipment and construct the necessary infrastructure to support such industries, with emphasis on the transportation systems and infrastructure necessary to transport domestic petroleum products, under authorized programs including, but not limited to—

''(i) the Manufacturing Enterprise Program to stimulate manufacturing capacity;

''(ii) the Economic Development Administration;

''(iii) the International Trade Administration; and

''(iv) federal loan guarantees to finance private sector construction of such transportation systems and infrastructure; and

''(v) other related authorized programs within the jurisdiction of the House and Senate Committees on Appropriations to improve or increase manufacturing capacities and capabilities in the United States.

''(4)(A) 10 percent of bonus bids in Fiscal Year 2003; and

''(B) 10 percent in Fiscal Year 2005

may be used by the Secretary of Labor, except as provided under subsection (e), to train American workers to fabricate, construct, operate, and transport materials for systems and infrastructure necessary to transport domestic petroleum products using authorized programs, including but not limited to—

''(i) veterans employment and training programs;

''(ii) dislocated workers program to train unemployed workers;

''(iii) the Mine Safety and Health Administration;

''(iv) the Occupational Safety and Health Administration;

''(v) employment and training administration programs; and

''(vi) other related authorized job training and worker programs within the jurisdiction of the House and Senate Committees on Appropriations.

''(5)(A) $100 million in Fiscal Year 2003;

''(B) $50 million in Fiscal Year 2005; and

''(C) 10 percent of the rents, royalties and payments for the first 30 years of production

shall be deposited into the Fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231), and shall be available without further appropriation for transfer, as needed, to the Combined Fund identified in section 402(h)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) to pay the amount of any shortfall in any premium account for any plan year under the Combined Fund.''

In the event bonus bids received exceed the amounts specified in subparagraphs (1)(A) and (B), 2(A) and (B), 3(A) and (B), 4(A) and (B) and 5(A) and (B), 90 percent of such excess funds shall be available for uses as described in paragraph (1), and 10 percent of such excess funds shall be available for use as described in paragraph (5) of this subsection.

''(d) ASSURANCE.—The President, at his discretion, may request that amounts available in any fiscal year under paragraphs (c)(2), (3), and (4) be reallocated among the qualified uses in paragraphs (c)(2), (c)(3), and (c)(4) through appropriations acts.

''(e) MAXIMIZING AMERICAN EMPLOYMENT.—The Secretary of State is authorized to enter

into agreements with foreign countries to allow American workers to enter foreign countries to construct, operate, and maintain projects that will increase production and transportation of domestic energy resources and reduce America's reliance on foreign oil and natural gas.

''(f) SEVERABILITY CLAUSE.—If any provision of this section, including subsections, sentences, clauses, phrases, or individual words, or the application thereof is held invalid, the validity of the remainder of the section and of the application of any such provision, subsection, sentence, clause, phrase, or individual word shall not be affected thereby.''.

''(g) ESTABLISHMENT OF STEEL INDUSTRY RETIREE BENEFITS PROTECTION PROGRAM.—The Trade Act of 1974 is amended by adding at the end the following new title:

''TITLE IX—PROTECTION FOR STEEL INDUSTRY RETIREMENT BENEFITS

''SUBTITLE A. Definitions.
''SUBTITLE B. Steel Industry Retiree Benefits Protection Program.
''SUBTITLE C. Conservation Jobs, and Steel Reinvestment Trust Fund.

''Subtitle A—Definitions

''Sec. 901. Definitions.

''SEC. 901. DEFINITIONS.

''(a) TERMS RELATING TO BENEFITS PROGRAM.—For purposes of this title—

''(1) RETIREE BENEFITS PROGRAM.—The term 'retiree benefits program' means the Steel Industry Retiree Benefits Protection Program established under this title to provide medical and death benefits to eligible retirees and beneficiaries.

''(2) STEEL RETIREE BENEFITS.—

''(A) IN GENERAL.—The term 'steel retiree benefits' means medical, surgical, or hospital benefits, and death benefits, whether furnished through insurance or otherwise, which are provided to retirees and eligible beneficiaries in accordance with an employee benefit plan (within the meaning of section 3(3) of the Employee Retirement Income Security Act of 1974) which—

''(i) is established or maintained by a qualified steel company or an applicable acquiring company, and

''(ii) is in effect on or after January 1, 2000.

Such term includes benefits provided under a plan without regard to whether the plan is established or maintained pursuant to a collective bargaining agreement.

''(B) RETIREE.—

''(i) IN GENERAL.—The term 'retiree' means an individual who has met any years of service or disability requirements under an employee benefit plan described in subparagraph (A) which are necessary to receive steel retiree benefits under the plan.

''(ii) CERTAIN RETIREES INCLUDED.—An individual shall not fail to be treated as a retiree because the individual—

''(I) retired before January 1, 2000, or

''(II) was not employed at the steelmaking assets of a qualified steel company.

''(b) TERMS RELATING TO STEEL COMPANIES.—For purposes of this title—

''(1) QUALIFIED STEEL COMPANY.—

''(A) IN GENERAL.—The term 'qualified steel company' means any person which on January 1, 2000, was engaged in—

''(i) the production or manufacture of a steel mill product,

''(ii) the mining or processing of iron ore or beneficiated iron ore products, or

''(iii) the production of coke for use in a steel mill product.

''(B) TRANSPORTATION.—The term 'qualified steel company' includes any person which on January 1, 2000, was engaged in the transportation of any steel mill product solely or principally for another person described in subparagraph (A), but only if such person and such other person are related persons.

''(C) SUCCESSORS IN INTEREST.—The term 'qualified steel company' includes any successor in interest of a person described in subparagraph (A) or (B).

''(2) STEELMAKING ASSETS AND STEEL MILL PRODUCTS.—

''(A) STEELMAKING ASSETS.—The term 'steelmaking assets' means any land, building, machinery, equipment, or other fixed assets located in the United States which, at any time on or after January 1, 2000, have been used in the activities described in subparagraph (A) or (B) of paragraph (1).

''(B) STEEL MILL PRODUCT.—The term 'steel mill product' means any product defined by the American Iron and Steel Institute as a steel mill product.

''(3) ACQUIRING COMPANY.—The term 'acquiring company' means any person which acquired on or after January 1, 2000, steelmaking assets of a qualified steel company with respect to which a qualifying event has occurred.

''(c) OTHER DEFINITIONS.—For purposes of this title—

''(1) RELATED PERSON.—The term 'related person' means, with respect to any person, a person who—

''(A) is a member of the same controlled group of corporations (within the meaning of section 52(a)) as such person, or

''(B) is under common control (within the meaning of section 52(b)) with such person.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(3) TRUST FUND.—The term 'Trust Fund' means the Conservation, Jobs, and Steel Reinvestment Trust Fund established under section 1914 of the Energy Policy Act of 2002.

''Subtitle B—Steel Industry Retiree Benefits Protection Program

''I. Establishment.
''II. Relief and assumption of liability, eligibility, and certification.
''III. Program benefits.

''PART I—ESTABLISHMENT

''Sec. 902. Establishment.

''SEC. 902. ESTABLISHMENT.

''There is established a Steel Industry Retiree Benefits Protection program to be administered by the Secretary and the Board of Trustees for the amounts of the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and this title in accordance with the provisions of this title for the purpose of providing medical and death benefits to eligible retirees and eligible beneficiaries certified as participants in the program under part II.

''PART II—RELIEF AND ASSUMPTION OF LIABILITY, ELIGIBILITY, AND CERTIFICATION

''Sec. 911. Relief and assumption of liability.
''Sec. 912. Qualifying events.
''Sec. 913. Eligibility and certification of eligibility.

''SEC. 911. RELIEF AND ASSUMPTION OF LIABILITY.

''(a) IN GENERAL.—If—

''(1) the Secretary certifies under section 912 that there was a qualifying event with respect to a qualified steel company,

''(2) the asset transfer requirements of subsection (b) and the contribution requirements of subsection (c) are met with respect to the qualifying event, then the United States shall assume liability, subject to amounts available in the Trust Fund and additional funds made available in appropriations acts, for the provision of steel retiree benefits for each eligible retiree and eligible beneficiary certified for participation in the retiree benefits program under section 913 (and the qualified steel company, any predecessor or successor, and any related person to such company, predecessor, or successor shall be relieved of any liability for the provision of such benefits). The United States shall be treated as satisfying any liability assumed under this subsection if benefits are provided to eligible retirees and eligible beneficiaries under the retiree benefits program provided in part III, and

''(3) the qualified steel company and any acquiring company assumes their respective liability to make any contributions required under subsection(c),

then the United States shall assume liability, subject to amounts available in the Trust Fund and additional funds made available in appropriations acts, for the provision of steel retiree benefits for each eligible retiree and eligible beneficiary certified for participation in the retiree benefits program under section 913 (and the qualified steel company, any predecessor or successor, and any related person to such company, predecessor, or successor shall be relieved of any liability for the provision of such benefits). The United States shall be treated as satisfying any liability assumed under this subsection if benefits are provided to eligible retirees and eligible beneficiaries under the retiree benefits program provided in part III.

''(b) REQUIRED ASSET TRANSFERS.—

''(1) IN GENERAL.—The requirements of this subsection are met if the qualified steel company and any applicable acquiring company transfer to the Trust Fund all assets, as determined in accordance with rules prescribed by the Secretary, which, under the terms of an applicable collective bargaining agreement, were required to be set aside under an employee benefit plan or otherwise for the provision of the steel retiree benefits the liability for which (determined without regard to this subsection) is relieved by operation of subsection (a). The assets required to be transferred shall not include voluntary contributions, including voluntary contributions made pursuant to a voluntary employees beneficiary association trust, which are in excess of the contributions described in the preceding sentence.

''(2) DETERMINATION.—The amount of the assets to be transferred under paragraph (1) shall be determined at the time of the certification under section 912 and shall include interest from the time of the determination to the time of transfer. Such amount shall be reduced by any payments from such assets which are made after the determination by the qualified steel company or applicable acquiring company for the provision of steel retiree benefits for which such assets were set aside and the liability for which (determined without regard to this subsection) is relieved by operation of subsection (a).

''(c) CONTRIBUTION REQUIREMENTS.—

''(1) CONTRIBUTIONS BASED ON OWNERSHIP OF STEELMAKING ASSETS.—

''(A) IN GENERAL.—If there is a qualifying event certified under section 912 with respect to a qualified steel company—

''(i) the qualified steel company shall assume the obligation to pay, and

''(ii) if the qualified steel company transferred on or after January 1, 2000, any of its steelmaking assets, the qualified steel company and any acquiring company acquiring such assets as part of a qualifying event shall assume the obligation to pay,

to the Trust Fund for each of the years in the period beginning on the date of the qualifying event its ratable share of the amount determined under subparagraph (B) with respect to the steelmaking assets owned by such company or person.

''(B) AMOUNT OF LIABILITY.—

''(i) IN GENERAL.—The amount required to be paid under subparagraph (A) for any year

shall be equal to $6 per ton of products described in section 901(b)(1)(A) attributable to the steelmaking assets which are subject to the qualifying event. If 2 or more persons own steelmaking capacity or assets, the liability under this clause shall be allocated ratably on the basis of their respective ownership interests. The determination under this clause for any year shall be made on the basis of shipments during the calendar year preceding the calendar year in which such year begins. In the event the cost of the program is reduced the amount paid by qualified steel companies per ton of products described in 901(b)(1)(A) shall be reduced by the same percentage.

''(ii) REDUCTIONS IN LIABILITY.—The amount of any liability under clause (i) for any year shall be reduced by the amount of any assets transferred to the Trust Fund under subsection (b), reduced by any portion of such amount applied to a liability for any preceding year. If 2 or more persons are liable under subparagraph (A) with respect to any qualifying event, the reduction under clause (i) shall be allocated ratably among such persons on the basis of their respective liabilities or in such other manner as such persons may agree.

''(2) FASB LIABILITY IN CASE OF CERTAIN QUALIFYING EVENTS.—

''(A) IN GENERAL.—If there is a qualifying event (other than a qualified acquisition) with respect to a qualified steel company, then, subject to the provisions of subparagraphs (C) and (D), the qualified steel company shall be liable for payment to the Trust Fund of the amount determined under subparagraph (B). If a qualified acquisition occurs after another qualifying event, such other qualifying event shall be disregarded for purposes of this paragraph.

''(B) AMOUNT OF LIABILITY.—The amount determined under this subparagraph shall be equal to the excess (if any) of—

''(i) the amount determined under the Financial Accounting Standards Board Rule 106 as being equal to the present value of the steel retiree benefits of eligible retirees and beneficiaries of the qualified steel company the liability for which (determined without regard to any modification pursuant to section 1114 of title 11, United States Code) is relieved under subsection (a), over

''(ii) the sum of—

''(I) the value of the assets transferred under subsection (b) with respect to the retirees and beneficiaries, and

''(II) the present value of any payments (other than payments determined under this subparagraph) to be made under this subsection with respect to steelmaking assets of the qualified steel company.

''(C) DISCHARGES IN BANKRUPTCY.—The amount of any liability under subparagraph (B) shall be reduced by the portion of such liability which, in accordance with the provisions of title 11, United States Code, is discharged in any bankruptcy proceeding.

''(D) NO LIABILITY IF INDUSTRY-WIDE ELECTION MADE.—If a qualifying event occurs by reason of a qualified election under section 912(d)(2)(B), then—

''(i) any liability that arose under this paragraph for any qualifying event occurring before such election is extinguished (and any payment of such liability shall be refunded from the Trust Fund with interest), and

''(ii) this paragraph shall not apply to the qualifying event occurring by reason of such election or any subsequent qualifying event.

''(3) JOINT AND SEVERAL LIABILITY.—Any related person of any person liable for any payment under this subsection shall be jointly and severally liable for the payment.

''(4) TIME AND MANNER OF PAYMENT.—The Secretary shall establish the time and manner of any payment required to be made under this subsection, including the payment of interest.

SEC. 912. QUALIFYING EVENTS.

''(a) IN GENERAL.—For purposes of this title, the term 'qualifying event' means any—

''(1) qualified acquisition,

''(2) qualified closing,

''(3) qualified election, and

''(4) qualified bankruptcy transfer.

''(b) QUALIFIED ACQUISITION.—For purposes of this title, the term 'qualified acquisition' means any arms'-length transaction or series of related transactions—

''(1) under which a person (whether or not a qualified steel company) acquires by purchase, merger, stock acquisition, or otherwise all or substantially all of the steelmaking assets held by the qualified steel company as of January 1, 2000, and

''(2) which occur on and after January 1, 2000, and before the date which is 2 years after the date of the enactment of this title.

Such term shall not include any acquisition by a related person.

''(c) QUALIFIED CLOSING.—For purposes of this title—

''(1) IN GENERAL.—The term 'qualified closing' means—

''(A) the permanent cessation on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all activities described in subparagraph (A) or (B) of paragraph (1) of section 901(b), or

''(B) the transfer on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all or substantially all of its steelmaking assets to 1 or more persons other than related persons in an arms'-length transaction or series of related transactions which do not constitute a qualified acquisition.

''(2) COMPANIES IN IMMINENT DANGER OF CLOSURE.—A qualified closing of a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, shall be treated as having occurred if the company—

''(A) meets the acquisition effort requirements of paragraph (3),

''(B) establishes to the satisfaction of the Secretary that—

''(i) it is in imminent danger of becoming a closed company, or

''(ii) in the case of a company operating under protection of chapter 11 of title 11, United States Code, it is unable to reorganize without the relief provided under this title, and

''(C) elects, in such manner as the Secretary prescribes, at any time after the date of the enactment of this title and before the date which is 2 years after the date of the enactment of this title, to avail itself of the relief provided under this title.

''(3) ACQUISITION EFFORT REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met by a qualified steel company if—

''(i) the company files with the Secretary within 10 days of the date of the enactment of this title—

''(I) a notice of intent to be acquired, and

''(II) a description of the actions the company will undertake to have its steelmaking assets acquired in a qualified acquisition, and

''(ii) the company at all times after the filing under clause (i) and the date which is 2 years after the date of the enactment of this title (or, if earlier, the date on which the requirement of paragraph (2)(B) is satisfied) makes a continuing, good faith effort to have its steelmaking assets acquired in a qualified acquisition.

''(B) GOOD FAITH EFFORT.—A continuing, good faith effort under subparagraph (A)(ii) shall include—

''(i) the active marketing of a company's steelmaking assets through the retention of an investment banker, the preparation and distribution of offering materials to prospective purchasers, allowing due diligence and investigatory activities by prospective purchasers, the active and good faith consideration of all expressions of interest by prospective purchasers, and any other affirmative action designed to result in a qualified acquisition of a company's steelmaking assets, and

''(ii) a demonstration to the Secretary by the company that no bona fide and fair offer which would have resulted in a qualified acquisition of the company's steelmaking assets has been unreasonably refused.

''(d) QUALIFIED ELECTION.—For purposes of this title—

''(1) IN GENERAL.—The term 'qualified election' means an election by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, meeting the acquisition effort requirements of subsection (c)(3) to transfer its obligations for steel retiree benefits to the retiree benefit program. Such an election shall be made not earlier than the date which is 2 years after the date of the enactment of this title, and in such manner as the Secretary may prescribe.

''(2) INDUSTRY-WIDE ELECTION.—Notwithstanding paragraph (1), a qualified election shall be treated as having occurred with respect to a qualified steel company (whether or not operating under the protection of chapter 11 or 7 of title 11, United States Code) if—

''(A) the Secretary determines that at least 200,000 eligible retirees and beneficiaries have been certified under section 913 for participation in the retiree benefits program, and

''(B) the qualified steel company elects to avail itself of the relief provided under this title on or after the date of the determination under subparagraph (A).

''(e) QUALIFIED BANKRUPTCY TRANSFER.—For purposes of this title, the term 'qualified bankruptcy transfer' means any transaction or series of transactions—

''(1) under which the qualified steel company, operating under the protection of chapter 11 or 7 of title 11, United States Code, transfers by any means (including but not limited to a plan of reorganization) its control over at least 30 percent of the production capacity of its steelmaking assets to 1 or more persons which are not related persons of such company,

''(2) which are not part of a qualified acquisition or qualified closing of a qualified steel company, and

''(3) which occur on and after January 1, 2000, and before January 1, 2004.

''(f) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary shall certify a qualifying event with respect to a qualified steel company if the Secretary determines that the requirements of this title are met with respect to such event and that the asset transfer and contribution requirements of section 911 will be met.

''(2) TIME FOR DECISION.—The Secretary shall make any determination under this subsection as soon as possible after a request is filed (and in the case of a request for certification as a qualified acquisition filed at least 60 days before the proposed date of the acquisition, before such proposed date).

''(3) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be made by the qualified steel company

or any labor organization acting on behalf of retirees of such company.

"SEC. 913. ELIGIBILITY AND CERTIFICATION.

''(a) RETIREES.—

''(1) IN GENERAL.—Any individual who is a retiree of a qualified steel company with respect to which the Secretary has certified under section 912 that a qualifying event has occurred shall be treated as an eligible retiree for purposes of this title if—

''(A) the individual was receiving steel retiree benefits under an employee benefit plan described in section 901(a)(2)(A) as of the date of the qualifying event, or

''(B) the individual was eligible to receive such benefits on such date but was not receiving such benefits because the plan ceased to provide such benefits.

''(2) CERTAIN INDIVIDUALS INCLUDED.—An individual shall be treated as an eligible retiree under paragraph (1) if the individual—

''(A) was an employee of the qualified steel company before a qualified acquisition,

''(B) became an employee of the acquiring company as a result of the acquisition, and

''(C) voluntarily retires within 3 years of the acquisition.

''(b) BENEFICIARIES.—An individual shall be treated as an eligible beneficiary for purposes of this title if the individual is the spouse, surviving spouse, or dependent of an eligible retiree (or an individual who would have been an eligible retiree but for the individual's death before the date of the qualifying event).

''(c) CERTIFICATION OF ELIGIBLE RETIREES AND BENEFICIARIES.—

''(1) IN GENERAL.—The Board of Trustees shall certify an individual as an eligible retiree or eligible beneficiary if the individual meets the requirements of this section.

''(2) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be filed by any individual seeking to be certified under this subsection, the qualified steel company, an acquiring company, a labor organization acting on behalf of retirees of such company, or a committee appointed under section 1114 of title 11, United States Code.

''(d) RECORDS.—A qualified steel company, an acquiring company, and any successor in interest shall on and after the date of the enactment of this title maintain and make available to the Secretary and the Board of Trustees, all records, documents, and materials (including computer programs) necessary to make the certifications under this section.

PART III—PROGRAM BENEFITS

''Sec. 921. Program benefits.

"SEC. 921. PROGRAM BENEFITS.

''(a) GENERAL RULE.—Each eligible retiree and eligible beneficiary who is certified for participation in the retiree benefits program shall be entitled subject only to amounts available in the Trust Fund and additional funds made available in appropriations acts—

''(1) to receive health care benefits coverage described in subsection (b), and

''(2) in the case of an eligible retiree, payment of $5,000 death benefits coverage to the beneficiary of the retiree upon the retiree's death.

''(b) HEALTH CARE BENEFITS COVERAGE.—

''(1) IN GENERAL.—The Board of Trustees shall establish health care benefits coverage under which eligible retirees and beneficiaries are provided benefits for health care items and services that are substantially the same as the benefits offered as of January 1, 2002, under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, to Federal employees and annuitants. In providing the benefits under such program, the secondary payer provisions and the provisions relating to benefits provided when an individual is eligible for benefits under the medicare program under title XVIII of the Social Security Act that are applicable under such Plan shall apply in the same manner as such provisions apply to Federal employees and annuitants under such Plan.

''(2) CONTRACTING AUTHORITY.—The Board of Trustees shall have the authority to enter into such contracts as are necessary to carry out the provisions of this subsection, including contracts necessary to ensure adequate geographic coverage and cost control. The Board of Trustees may use the authority under this subsection to establish preferred provider organizations or other alternative delivery systems.

''(3) PREMIUMS, DEDUCTIBLES, AND COST SHARING.—The Board of Trustees of the Trust 15 Fund shall establish premiums, deductibles, and cost sharing for eligible retirees and beneficiaries provided health care benefits coverage under paragraph (1) which are substantially the same as those required under the Blue Cross/Blue Shield Standard Plan described in paragraph (1).

''Subtitle C.—Conservation, Jobs, and Steel Reinvestment Trust Fund

"SEC. 931. CONSERVATION, JOBS AND STEEL REINVESTMENT TRUST FUND.

''(a) TRANSFERS TO THE CONSERVATION, JOBS AND STEEL REINVESTMENT TRUST FUND.—

''(1) IN GENERAL.—There are appropriated to the Trust Fund established in section 1914 of the Energy Policy Act of 2002 amounts equivalent to—

''(A) tariffs on steel mill products received in the Treasury under title II of this Act,

''(B) amounts received in the Treasury from asset transfers and contributions under section 911,

''(C) amounts credited to the Trust Fund under section 9602(b) of the Internal Revenue Code of 1986,

''(D) the premiums paid by retirees under the program; and

''(E) bonus bids and rents, royalties and payments from the production of oil deposited pursuant to section 1914(b) and (c)(1) of the Energy Policy Act of 2002.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Trust Fund each fiscal year an amount equal to the excess (if any) of—C

''(A) expenditures from the amounts in the Trust Fund for the fiscal year, over

''(B) the assets of the Trust Fund for the fiscal year without regard to this paragraph.

''(b) EXPENDITURES.—Amounts in the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and this section shall be available only for purposes of making expenditures—

''(1) to meet the obligations of the United States with respect to liability for steel retiree benefits transferred to the United States under this title, and

''(2) incurred by the Secretary and the Board of Trustees in the administration of this title.

''(c) BOARD OF TRUSTEES.—

''(1) IN GENERAL.—Amounts in the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and this section and the retiree benefits program shall be administered by a Board of Trustees, consisting of—

''(A) 2 individuals designated by agreement of the 5 qualified steel companies which, as of the date of the enactment of this title—

''(i) are conducting activities described in subparagraph (A) or (B) of section 901(b)(1), and

''(ii) have the largest number of retirees, and

''(B) 2 individuals designated by the United Steelworkers of America in consultation with the Independent Steelworkers Union, and

''(C) 3 individuals designated by individuals designated under subparagraphs (A) and (B).

''(2) DUTIES.—Except for those duties and responsibilities designated to the Secretary, the Board of Trustees shall have the responsibility to administer the amounts in the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and this section and the retiree benefits program, including—

''(A) enrolling eligible retirees and beneficiaries under the program,

''(B) procuring the medical services to be provided under the program,

''(C) entering into contracts, leases, or other arrangements necessary for the implementation of the program,

''(D) implementing cost-containment measures under the program,

''(E) collecting revenues and enforcing claims and rights of the program,

''(F) making disbursements as necessary under the program, and

''(G) acquiring and maintaining such records as may be necessary for the administration and implementation of the program.

''(3) REPORT.—The Board of Trustees report to Congress each year on the financial condition and the results of the operations of the retiree benefits program during the preceding fiscal year and on its expected condition and operations during the next 2 fiscal years. Such report shall be printed as a House document of the session of Congress to which the report is made.

''(d) TRANSFER INVESTMENT OF ASSETS.—Sections 9601 and 9602(b) of the Internal Revenue Code of 1986 shall apply to the amounts in the Trust Fund described in section 1914(c)(1) of the Energy Policy Act of 2002 and in this section.''.

SA 3134. Mr. REID (for Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. FRIST, Mr. BINGAMAN, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Mr. DASCHLE, Ms. COLLINS, Mr. WELLSTONE, Mr. ENZI, Mrs. MURRAY, Mr. HUTCHINSON, Ms. MIKULSKI, Mr. DODD, Mr. REED, Mr. EDWARDS, and Mrs. CLINTON)) proposed an amendment to the bill S. 1533, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Health Care Safety Net Amendments of 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

Sec. 101. Health centers.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

Sec. 201. Grant programs.

Subtitle B—Telehealth Grant Consolidation

Sec. 211. Short title.

Sec. 212. Consolidation and reauthorization of provisions.
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TITLE V—RURAL HEALTH CLINICS
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TITLE VI—STUDY
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TITLE VII—CONFORMING AMENDMENTS
Sec. 701. Conforming amendments.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

SEC. 101. HEALTH CENTERS.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i)(III)(bb), by striking ''screening for breast and cervical cancer'' and inserting ''appropriate cancer screening'';

(B) in clause (ii), by inserting ''(including specialty referral when medically indicated)'' after ''medical services''; and

(C) in clause (iii), by inserting ''housing,'' after ''social,'';

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) in clause (vi), by striking ''and'';

(ii) by redesignating clause (vii) as clause (x); and

(iii) by inserting after clause (vi) the following:

''(vii) the detection and alleviation of chemical and pesticide exposures;

''(viii) the promotion of indoor and outdoor air quality;

''(ix) the detection and remediation of lead exposures; and'';

(B) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E), respectively;

(C) by inserting before subparagraph (D) (as redesignated by subparagraph (B)) the following:

''(A) behavioral and mental health and substance abuse services;

''(B) recuperative care services;

''(C) public health services;'';

(D) in subparagraph (B)—

(i) in the heading, by striking ''COMPREHENSIVE SERVICE DELIVERY'' and inserting ''MANAGED CARE'';

(ii) in the matter preceding clause (i), by striking ''network or plan'' and all that follows to the period and inserting ''managed care network or plan.''; and

(iii) in the matter following clause (ii), by striking ''Any such grant may include'' and all that follows through the period; and

(E) by adding at the end the following:

''(C) PRACTICE MANAGEMENT NETWORKS.—The Secretary may make grants to health centers that receive assistance under this section to enable the centers to plan and develop practice management networks that will enable the centers to—

''(i) reduce costs associated with the provision of health care services;

''(ii) improve access to, and availability of, health care services provided to individuals served by the centers;

''(iii) enhance the quality and coordination of health care services; or

''(iv) improve the health status of communities.

''(D) USE OF FUNDS.—The activities for which a grant may be made under subparagraph (B) or (C) may include the purchase or lease of equipment, which may include data and information systems (including paying for the costs of amortizing the principal of, and paying the interest on, loans for equipment), the provision of training and technical assistance related to the provision of health care services on a prepaid basis or under another managed care arrangement, and other activities that promote the development of practice management or managed care networks and plans.'';

(3) in subsection (d)—

(A) by striking the subsection heading and inserting ''LOAN GUARANTEE PROGRAM.—'';

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''the principal and interest on loans'' and all that follows through the period and inserting ''up to 90 percent of the principal and interest on loans made by non-Federal lenders to health centers, funded under this section, for the costs of developing and operating managed care networks or plans described in subsection (c)(1)(B), or practice management networks described in subsection (c)(1)(C).'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''or'';

(II) in clause (ii), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) to refinance an existing loan (as of the date of refinancing) to the center or centers, if the Secretary determines such refinancing will be beneficial to the health center and the Federal Government and will result in more favorable terms.''; and

(iii) by adding at the end the following:

''(D) LOAN GUARANTEES.—Notwithstanding any other provision of law, the following funds shall be made available until expended for loan guarantees under this subsection:

''(i) Funds appropriated for fiscal year 1997 under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, which were made available for loan guarantees for loans to health centers for the costs of developing and operating managed care networks or plans, and which have not been expended.

''(ii) Funds appropriated for fiscal year 1998 under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, which were made available for loan guarantees for loans to health centers under this subsection (as in effect on the day before the date of enactment of the Health Care Safety Net Amendments of 2001), and which have not been expended.

''(E) PROVISION DIRECTLY TO NETWORKS OR PLANS.—At the request of health centers receiving assistance under this section, loan guarantees provided under this paragraph may be made directly to networks or plans that are at least majority controlled and, as applicable, at least majority owned by those health centers.

''(F) FEDERAL CREDIT REFORM.—The requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) shall apply with respect to loans refinanced under subparagraph (B)(iii).''; and

(C)(i) by striking paragraphs (6) and (7); and

(ii) by redesignating paragraph (8) as paragraph (6);

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''subsection (j)(3)'' and inserting ''subsection (l)(3)''; and

(ii) by adding at the end the following:

''(C) OPERATION OF NETWORKS AND PLANS.—The Secretary may make grants to health centers that receive assistance under this section, or at the request of the health centers, directly to a network or plan (as described in subparagraphs (B) and (C) of subsection (c)(1)) that is at least majority controlled and, as applicable, at least majority owned by such health centers receiving assistance under this section, for the costs associated with the operation of such network or plan, including the purchase or lease of equipment (including the costs of amortizing the principal of, and paying the interest on, loans for equipment).'';

(B) in paragraph (2) by adding at the end the following: ''The costs for which a grant may be made under paragraph (1)(C) may include the costs of providing such training.'';

(C) in paragraph (5)—

(i) in subparagraph (A), by inserting ''subparagraphs (A) and (B) of'' after ''any fiscal year under'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(iii) by inserting after subparagraph (A) the following:

''(B) NETWORKS AND PLANS.—The total amount of grant funds made available for any fiscal year under paragraph (1)(C) and subparagraphs (B) and (C) of subsection (c)(1) to a health center or to a network or plan shall be determined by the Secretary, but may not exceed 2 percent of the total amount appropriated under this section for such fiscal year.''; and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(5) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''and seasonal agricultural worker'' after ''agricultural worker''; and

(ii) in subparagraph (B), by striking ''and members of their families'' and inserting ''and seasonal agricultural workers, and members of their families,''; and

(B) in paragraph (3)(A), by striking ''on a seasonal basis'';

(6) in subsection (h)—

(A) in paragraph (1), by striking ''homeless children and children at risk of homelessness'' and inserting ''homeless children and youth and children and youth at risk of homelessness'';

(B)(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

''(4) TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.—If any grantee under this subsection has provided services described in this section under the grant to a homeless individual, such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months.''; and

(C) in paragraph (5)(C) (as redesignated by subparagraph (B)), by striking ''and residential treatment'' and inserting '', risk reduction, outpatient treatment, residential treatment, and rehabilitation'';

(7) in subsection (j)(3)—

(A) in subparagraph (E)—

(i) in clause (i)—

(I) by striking ''(i)'' and inserting ''(i)(I)'';

(II) by striking ''plan; or'' and inserting ''plan; and''; and

(III) by adding at the end the following:

''(II) has or will have a contractual or other arrangement with the State agency administering the program under title XXI of such Act (42 U.S.C. 1397aa et seq.) with respect to individuals who are State children's health insurance program beneficiaries; or''; and

(ii) by striking clause (ii) and inserting the following:

''(ii) has made or will make every reasonable effort to enter into arrangements described in subclauses (I) and (II) of clause (i);'';

(B) in subparagraph (G)—

(i) in clause (ii)(II), by striking ''; and'' and inserting '';'';

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

''(iii)(I) will assure that no patient will be denied health care services due to an individual's inability to pay for such services; and

''(II) will assure that any fees or payments required by the center for such services will be reduced or waived to enable the center to fulfill the assurance described in subclause (I); and''; and

(C) in subparagraph (H)—

(i) in clause (ii), by inserting ''reviews any internal outreach plans for specific subpopulations served by the center,'' after ''such services will be provided,''; and

(ii) in the matter following clause (iii), by striking ''or (p)'' and inserting ''or (q)'';

(8)(A) by redesignating subsection (l) as subsection (s) and moving that subsection (s) to the end of the section;

(B) by redesignating subsections (j), (k), and (m) through (q) as subsections (l), (m), and (n) through (r), respectively; and

(C) by inserting after subsection (i) the following:

''(j) ENVIRONMENTAL CONCERNS.—The Secretary may make grants to health centers for the purpose of assisting such centers in identifying and detecting environmental factors and conditions, and providing services, including environmental health services described in subsection (b)(2)(D), to reduce the disease burden related to environmental factors and exposure of populations to such factors, and alleviate environmental conditions that affect the health of individuals and communities served by health centers funded under this section.

''(k) LINGUISTIC ACCESS GRANTS.—

''(1) IN GENERAL.—The Secretary may award grants to eligible health centers with a substantial number of clients with limited English speaking proficiency to provide translation, interpretation, and other such services for such clients with limited English speaking proficiency.

''(2) ELIGIBLE HEALTH CENTER.—In this subsection, the term 'eligible health center' means an entity that—

''(A) is a health center as defined under subsection (a); and

''(B) provides health care services for clients for whom English is a second language.

''(3) GRANT AMOUNT.—The amount of a grant awarded to a center under this subsection shall be determined by the Administrator. Such determination of such amount shall be based on the number of clients for whom English is a second language that is served by such center, and larger grant amounts shall be awarded to centers serving larger numbers of such clients.

''(4) USE OF FUNDS.—An eligible health center that receives a grant under this subsection may use funds received through such grant to—

''(A) provide translation, interpretation, and other such services for clients for whom English is a second language, including hiring professional translation and interpretation services; and

''(B) compensate bilingual or multilingual staff for language assistance services provided by the staff for such clients.

''(5) APPLICATION.—An eligible health center desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

''(A) an estimate of the number of clients that the center serves for whom English is a second language;

''(B) the ratio of the number of clients for whom English is a second language to the total number of clients served by the center; and

''(C) a description of any language assistance services that the center proposes to provide to aid clients for whom English is a second language.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, in addition to any funds authorized to be appropriated or appropriated for health centers under any other subsection of this section, $10,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.'';

(9) by striking subsection (m) (as redesignated by paragraph (9)(B)) and inserting the following:

''(m) TECHNICAL ASSISTANCE.—The Secretary shall establish a program through which the Secretary shall provide technical and other assistance to eligible entities to assist such entities to meet the requirements of subsection (l)(3) in developing plans for, or operating, health centers. Services provided through the program may include necessary technical and nonfinancial assistance, including fiscal and program management assistance, training in fiscal and program management, operational and administrative support, and the provision of information to the entities of the variety of resources available under this title and how those resources can be best used to meet the health needs of the communities served by the entities.'';

(10) in subsection (q) (as redesignated by paragraph (9)(B)), by striking ''(j)(3)(G)'' and inserting ''(l)(3)(G)''; and

(11) in subsection (s) (as redesignated by paragraph (9)(A))—

(A) in paragraph (1), by striking ''$802,124,000'' and all that follows through the period and inserting ''$1,369,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''(j)(3))'' and inserting ''(l)(3))''; and

(II) by striking ''(j)(3)(G)(ii)'' and inserting ''(l)(3)(H)''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) DISTRIBUTION OF GRANTS.—For fiscal year 2002 and each of the following fiscal years, the Secretary, in awarding grants under this section, shall ensure that the proportion of the amount made available under each of subsections (g), (h), and (i), relative to the total amount appropriated to carry out this section for that fiscal year, is equal to the proportion of the amount made available under that subsection for fiscal year 2001, relative to the total amount appropriated to carry out this section for fiscal year 2001.''.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

SEC. 201. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

''SEC. 330A. RURAL HEALTH CARE SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to provide grants for expanded delivery of health care services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities.

''(b) DEFINITIONS.—

''(1) DIRECTOR.—The term 'Director' means the Director specified in subsection (d).

''(2) FEDERALLY QUALIFIED HEALTH CENTER; RURAL HEALTH CLINIC.—The terms 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

''(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

''(4) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' has the meaning given the term in section 799B.

''(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

''(c) PROGRAM.—The Secretary shall establish, under section 301, a small health care provider quality improvement grant program.

''(d) ADMINISTRATION.—

''(1) PROGRAMS.—The rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs established under section 301 shall be administered by the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

''(2) GRANTS.—

''(A) IN GENERAL.—In carrying out the programs described in paragraph (1), the Director may award grants under subsections (e), (f), and (g) to expand access to, coordinate, and improve the quality of essential health care services, and enhance the delivery of health care, in rural areas.

''(B) TYPES OF GRANTS.—The Director may award the grants—

''(i) to promote expanded delivery of health care services in rural areas under subsection (e);

''(ii) to provide for the planning and implementation of integrated health care networks in rural areas under subsection (f); and

''(iii) to provide for the planning and implementation of small health care provider quality improvement activities under subsection (g).

''(e) RURAL HEALTH CARE SERVICES OUTREACH GRANTS.—

''(1) GRANTS.—The Director may award grants to eligible entities to promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection for a project, an entity—

''(A) shall be a rural public or rural nonprofit private entity;

''(B) shall represent a consortium composed of members—

''(i) that include 3 or more health care providers; and

''(ii) that may be nonprofit or for-profit entities; and

''(C) shall not previously have received a grant under this subsection for the same or a similar project, unless the entity is proposing to expand the scope of the project or the area that will be served through the project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

''(B) a description of the manner in which the project funded under the grant will meet the health care needs of rural underserved populations in the local community or region to be served;

''(C) a description of how the local community or region to be served will be involved in the development and ongoing operations of the project;

''(D) a plan for sustaining the project after Federal support for the project has ended;

''(E) a description of how the project will be evaluated; and

''(F) other such information as the Secretary determines to be appropriate.

''(f) RURAL HEALTH NETWORK DEVELOPMENT GRANTS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director may award rural health network development grants to eligible entities to promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks in order to—

''(i) achieve efficiencies;

''(ii) expand access to, coordinate, and improve the quality of essential health care services; and

''(iii) strengthen the rural health care system as a whole.

''(B) GRANT PERIODS.—The Director may award such a rural health network development grant for implementation activities for a period of 3 years. The Director may also award such a rural health network development grant for planning activities for a period of 1 year, to assist in the development of an integrated health care network, if the proposed participants in the network do not have a history of collaborative efforts and a 3-year grant would be inappropriate.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity—

''(A) shall be a rural public or rural nonprofit private entity;

''(B) shall represent a network composed of participants—

''(i) that include 3 or more health care providers; and

''(ii) that may be nonprofit or for-profit entities; and

''(C) shall not previously have received a grant under this subsection (other than a grant for planning activities) for the same or a similar project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

''(B) an explanation of the reasons why Federal assistance is required to carry out the project;

''(C) a description of—

''(i) the history of collaborative activities carried out by the participants in the network;

''(ii) the degree to which the participants are ready to integrate their functions; and

''(iii) how the local community or region to be served will benefit from and be involved in the activities carried out by the network;

''(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the integration activities carried out by the network;

''(E) a plan for sustaining the project after Federal support for the project has ended;

''(F) a description of how the project will be evaluated; and

''(G) other such information as the Secretary determines to be appropriate.

''(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

''(1) GRANTS.—The Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

''(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an entity—

''(A)(i) shall be a rural public or rural nonprofit private health care provider or provider of health care services, such as a critical access hospital or a rural health clinic; or

''(ii) shall be another rural provider or network of small rural providers identified by the Secretary as a key source of local care; and

''(B) shall not previously have received a grant under this subsection for the same or a similar project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, such as a hospital association, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

''(B) an explanation of the reasons why Federal assistance is required to carry out the project;

''(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

''(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the activities carried out by the entity;

''(E) a plan for sustaining the project after Federal support for the project has ended;

''(F) a description of how the project will be evaluated; and

''(G) other such information as the Secretary determines to be appropriate.

''(4) EXPENDITURES FOR SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—In awarding a grant under this subsection, the Director shall ensure that the funds made available through the grant will be used to provide services to residents of rural areas. The Director shall award not less than 50 percent of the funds made available under this subsection to providers located in and serving rural areas.

''(h) GENERAL REQUIREMENTS.—

''(1) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds provided through the grant—

''(A) to build or acquire real property; or

''(B) for construction, except that such funds may be expended for minor renovations relating to the installation of equipment.

''(2) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

''(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to entities that—

''(A) are located in health professional shortage areas or medically underserved communities, or serve medically underserved populations; or

''(B) propose to develop projects with a focus on primary care, and wellness and prevention strategies.

''(i) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsections (e), (f), and (g).

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

Subtitle B—Telehealth Grant Consolidation

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Telehealth Grant Consolidation Act of 2001''.

SEC. 212. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq) is amended by adding at the end the following:

''SEC. 330I. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR; OFFICE.—The terms 'Director' and 'Office' mean the Director and Office specified in subsection (c).

''(2) FEDERALLY QUALIFIED HEALTH CENTER AND RURAL HEALTH CLINIC.—The term 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

''(3) FRONTIER COMMUNITY.—The term 'frontier community' shall have the meaning given the term in regulations issued under subsection (r).

''(4) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' has the meaning given the term 'medically underserved community' in section 799B.

''(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

''(6) TELEHEALTH SERVICES.—The term 'telehealth services' means services provided through telehealth technologies.

''(7) TELEHEALTH TECHNOLOGIES.—The term 'telehealth technologies' means technologies relating to the use of electronic information, and telecommunications technologies, to support and promote, at a distance, health care, patient and professional health-related education, health administration, and public health.

''(b) PROGRAMS.—The Secretary shall establish, under section 301, telehealth network and telehealth resource centers grant programs.

''(c) ADMINISTRATION.—

''(1) ESTABLISHMENT.—There is established in the Health and Resources and Services Administration an Office for the Advancement of Telehealth. The Office shall be headed by a Director.

''(2) DUTIES.—The telehealth network and telehealth resource centers grant programs established under section 301 shall be administered by the Director, in consultation with the State offices of rural health, State offices concerning primary care, or other appropriate State government entities.

''(d) GRANTS.—

''(1) TELEHEALTH NETWORK GRANTS.—The Director may, in carrying out the telehealth network grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used through telehealth networks in rural areas, frontier communities, and medically underserved areas, and for medically underserved populations, to—

''(A) expand access to, coordinate, and improve the quality of health care services;

''(B) improve and expand the training of health care providers; and

''(C) expand and improve the quality of health information available to health care providers, and patients and their families, for decisionmaking.

''(2) TELEHEALTH RESOURCE CENTERS GRANTS.—The Director may, in carrying out the telehealth resource centers grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used in the areas and communities, and for the populations, described in paragraph (1), to establish telehealth resource centers.

''(e) GRANT PERIODS.—The Director may award grants under this section for periods of not more than 4 years.

''(f) ELIGIBLE ENTITIES.—

''(1) TELEHEALTH NETWORK GRANTS.—

''(A) GRANT RECIPIENT.—To be eligible to receive a grant under subsection (d)(1), an entity shall be a nonprofit entity.

''(B) TELEHEALTH NETWORKS.—

''(i) IN GENERAL.—To be eligible to receive a grant under subsection (d)(1), an entity shall demonstrate that the entity will provide services through a telehealth network.

''(ii) NATURE OF ENTITIES.—Each entity participating in the telehealth network may be a nonprofit or for-profit entity.

''(iii) COMPOSITION OF NETWORK.—The telehealth network shall include at least 2 of the following entities (at least 1 of which shall be a community-based health care provider):

''(I) Community or migrant health centers or other Federally qualified health centers.

''(II) Health care providers, including pharmacists, in private practice.

''(III) Entities operating clinics, including rural health clinics.

''(IV) Local health departments.

''(V) Nonprofit hospitals, including community access hospitals.

''(VI) Other publicly funded health or social service agencies.

''(VII) Long-term care providers.

''(VIII) Providers of health care services in the home.

''(IX) Providers of outpatient mental health services and entities operating outpatient mental health facilities.

''(X) Local or regional emergency health care providers.

''(XI) Institutions of higher education.

''(XII) Entities operating dental clinics.

''(2) TELEHEALTH RESOURCE CENTERS GRANTS.—To be eligible to receive a grant under subsection (d)(2), an entity shall be a nonprofit entity.

''(g) APPLICATIONS.—To be eligible to receive a grant under subsection (d), an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the project that the eligible entity will carry out using the funds provided under the grant;

''(2) a description of the manner in which the project funded under the grant will meet the health care needs of rural or other populations to be served through the project, or improve the access to services of, and the quality of the services received by, those populations;

''(3) evidence of local support for the project, and a description of how the areas, communities, or populations to be served will be involved in the development and ongoing operations of the project;

''(4) a plan for sustaining the project after Federal support for the project has ended;

''(5) information on the source and amount of non-Federal funds that the entity will provide for the project;

''(6) information demonstrating the long-term viability of the project, and other evidence of institutional commitment of the entity to the project;

''(7) in the case of an application for a project involving a telehealth network, information demonstrating how the project will promote the integration of telehealth technologies into the operations of health care providers, to avoid redundancy, and improve access to and the quality of care; and

''(8) other such information as the Secretary determines to be appropriate.

''(h) TERMS; CONDITIONS; MAXIMUM AMOUNT OF ASSISTANCE.—The Secretary shall establish the terms and conditions of each grant program described in subsection (b) and the maximum amount of a grant to be awarded to an individual recipient for each fiscal year under this section. The Secretary shall publish, in a publication of the Health Resources and Services Administration, notice of the application requirements for each grant program described in subsection (b) for each fiscal year.

''(i) PREFERENCES.—

''(1) TELEHEALTH NETWORKS.—In awarding grants under subsection (d)(1) for projects involving telehealth networks, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

''(A) ORGANIZATION.—The eligible entity is a rural community-based organization or another community-based organization.

''(B) SERVICES.—The eligible entity proposes to use Federal funds made available through such a grant to develop plans for, or to establish, telehealth networks that provide mental health, public health, long-term care, home care, preventive, or case management services.

''(C) COORDINATION.—The eligible entity demonstrates how the project to be carried out under the grant will be coordinated with other relevant federally funded projects in the areas, communities, and populations to be served through the grant.

''(D) NETWORK.—The eligible entity demonstrates that the project involves a telehealth network that includes an entity that—

''(i) provides clinical health care services, or educational services for health care providers and for patients or their families; and

''(ii) is—

''(I) a public school;

''(II) a public library;

''(III) an institution of higher education; or

''(IV) a local government entity.

''(E) CONNECTIVITY.—The eligible entity proposes a project that promotes local connectivity within areas, communities, or populations to be served through the project.

''(F) INTEGRATION.—The eligible entity demonstrates that health care information has been integrated into the project.

''(2) TELEHEALTH RESOURCE CENTERS.—In awarding grants under subsection (d)(2) for projects involving telehealth resource centers, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

''(A) PROVISION OF SERVICES.—The eligible entity has a record of success in the provision of telehealth services to medically underserved areas or medically underserved populations.

''(B) COLLABORATION AND SHARING OF EXPERTISE.—The eligible entity has a demonstrated record of collaborating and sharing expertise with providers of telehealth services at the national, regional, State, and local levels.

''(C) BROAD RANGE OF TELEHEALTH SERVICES.—The eligible entity has a record of providing a broad range of telehealth services, which may include—

''(i) a variety of clinical specialty services;

''(ii) patient or family education;

''(iii) health care professional education; and

''(iv) rural residency support programs.

''(j) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—In awarding grants under this section, the Director shall ensure, to the greatest extent possible, that such grants are equitably distributed among the geographical regions of the United States.

''(2) TELEHEALTH NETWORKS.—In awarding grants under subsection (d)(1) for a fiscal year, the Director shall ensure that—

''(A) not less than 50 percent of the funds awarded shall be awarded for projects in rural areas; and

''(B) the total amount of funds awarded for such projects for that fiscal year shall be not less than the total amount of funds awarded for such projects for fiscal year 2001 under section 330A (as in effect on the day before the date of enactment of the Health Care Safety Net Amendments of 2001).

''(k) USE OF FUNDS.—

''(1) TELEHEALTH NETWORK PROGRAM.—The recipient of a grant under subsection (d)(1) may use funds received through such grant for salaries, equipment, and operating or other costs, including the cost of—

''(A) developing and delivering clinical telehealth services that enhance access to community-based health care services in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations;

''(B) developing and acquiring, through lease or purchase, computer hardware and software, audio and video equipment, computer network equipment, interactive equipment, data terminal equipment, and other equipment that furthers the objectives of the telehealth network grant program;

''(C)(i) developing and providing distance education, in a manner that enhances access to care in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations; or

''(ii) mentoring, precepting, or supervising health care providers and students seeking to become health care providers, in a manner that enhances access to care in the areas and communities, or for the populations, described in clause (i);

''(D) developing and acquiring instructional programming;

''(E)(i) providing for transmission of medical data, and maintenance of equipment; and

''(ii) providing for compensation (including travel expenses) of specialists, and referring health care providers, who are providing telehealth services through the telehealth network, if no third party payment is available for the telehealth services delivered through the telehealth network;

''(F) developing projects to use telehealth technology to facilitate collaboration between health care providers;

''(G) collecting and analyzing usage statistics and data to document the cost-effectiveness of the telehealth services; and

''(H) carrying out such other activities as are consistent with achieving the objectives of this section, as determined by the Secretary.

''(2) TELEHEALTH RESOURCE CENTERS.—The recipient of a grant under subsection (d)(2) may use funds received through such grant for salaries, equipment, and operating or other costs for—

''(A) providing technical assistance, training, and support, and providing for travel expenses, for health care providers and a range of health care entities that provide or will provide telehealth services;

''(B) disseminating information and research findings related to telehealth services;

''(C) promoting effective collaboration among telehealth resource centers and the Office;

''(D) conducting evaluations to determine the best utilization of telehealth technologies to meet health care needs;

''(E) promoting the integration of the technologies used in clinical information systems with other telehealth technologies;

''(F) fostering the use of telehealth technologies to provide health care information and education for health care providers and consumers in a more effective manner; and

''(G) implementing special projects or studies under the direction of the Office.

''(l) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds made available through the grant—

''(1) to acquire real property;

''(2) for expenditures to purchase or lease equipment, to the extent that the expenditures would exceed 40 percent of the total grant funds;

''(3) in the case of a project involving a telehealth network, to purchase or install transmission equipment (such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment), except on the premises of an entity participating in the telehealth network;

''(4) to pay for any equipment or transmission costs not directly related to the purposes for which the grant is awarded;

''(5) to purchase or install general purpose voice telephone systems;

''(6) for construction, except that such funds may be expended for minor renovations relating to the installation of equipment; or

''(7) for expenditures for indirect costs (as determined by the Secretary), to the extent that the expenditures would exceed 20 percent of the total grant funds.

''(m) COLLABORATION.—In providing services under this section, an eligible entity shall collaborate, if feasible, with entities that—

''(1)(A) are private or public organizations, that receive Federal or State assistance; or

''(B) are public or private entities that operate centers, or carry out programs, that receive Federal or State assistance; and

''(2) provide telehealth services or related activities.

''(n) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in subsection (b), to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar programs, to maximize the effect of public dollars in funding meritorious proposals.

''(o) OUTREACH ACTIVITIES.—The Secretary shall establish and implement procedures to carry out outreach activities to advise potential end users of telehealth services in rural areas, frontier communities, medically underserved areas, and medically underserved populations in each State about the grant programs described in subsection (b).

''(p) TELEHEALTH.—It is the sense of Congress that, for purposes of this section, States should develop reciprocity agreements so that a provider of services under this section who is a licensed or otherwise authorized health care provider under the law of 1 or more States, and who, through telehealth technology, consults with a licensed or otherwise authorized health care provider in another State, is exempt, with respect to such consultation, from any State law of the other State that prohibits such consultation on the basis that the first health care provider is not a licensed or authorized health care provider under the law of that State.

''(q) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsection (b).

''(r) REGULATIONS.—The Secretary shall issue regulations specifying, for purposes of this section, a definition of the term 'frontier area'. The definition shall be based on factors that include population density, travel distance in miles to the nearest medical facility, travel time in minutes to the nearest medical facility, and such other factors as the Secretary determines to be appropriate. The Secretary shall develop the definition in consultation with the Director of the Bureau of the Census and the Administrator of the Economic Research Service of the Department of Agriculture.

''(s) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for grants under subsection (d)(1), $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006; and

''(2) for grants under subsection (d)(2), $20,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

''SEC. 330J. TELEHOMECARE DEMONSTRATION PROJECT.

''(a) DEFINITIONS.—In this section:

''(1) DISTANT SITE.—The term 'distant site' means a site at which a certified home care provider is located at the time at which a health care service (including a health care item) is provided through a telecommunications system.

''(2) TELEHOMECARE.—The term 'telehomecare' means the provision of health care services through technology relating to the use of electronic information, or through telemedicine or telecommunication technology, to support and promote, at a distant site, the monitoring and management of home health care services for a resident of a rural area.

''(b) ESTABLISHMENT.—Not later than 9 months after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary shall establish and carry out a telehomecare demonstration project.

''(c) GRANTS.—In carrying out the demonstration project referred to in subsection (b), the Secretary shall make not more than 5 grants to eligible certified home care providers, individually or as part of a network of home health agencies, for the provision of telehomecare to improve patient care, prevent health care complications, improve patient outcomes, and achieve efficiencies in the delivery of care to patients who reside in rural areas.

''(d) PERIODS.—The Secretary shall make the grants for periods of not more than 3 years.

''(e) APPLICATIONS.—To be eligible to receive a grant under this section, a certified home care provider shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) USE OF FUNDS.—A provider that receives a grant under this section shall use the funds made available through the grant to carry out objectives that include—

''(1) improving access to care for home care patients served by home health care agencies, improving the quality of that care, increasing patient satisfaction with that care, and reducing the cost of that care through direct telecommunications links that connect the provider with information networks;

''(2) developing effective care management practices and educational curricula to train home care registered nurses and increase their general level of competency through that training; and

''(3) developing curricula to train health care professionals, particularly registered nurses, serving home care agencies in the use of telecommunications.

''(g) COVERAGE.—Nothing in this section shall be construed to supersede or modify the provisions relating to exclusion of coverage under section 1862(a) of the Social Security Act (42 U.S.C 1395y(a)), or the provisions relating to the amount payable to a home health agency under section 1895 of that Act (42 U.S.C. 1395fff).

''(h) REPORT.—

''(1) INTERIM REPORT.—The Secretary shall submit to Congress an interim report describing the results of the demonstration project.

''(2) FINAL REPORT.—Not later than 6 months after the end of the last grant period

for a grant made under this section, the Secretary shall submit to Congress a final report—

''(A) describing the results of the demonstration project; and

''(B) including an evaluation of the impact of the use of telehomecare, including telemedicine and telecommunications, on—

''(i) access to care for home care patients; and

''(ii) the quality of, patient satisfaction with, and the cost of, that care.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.''.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

SEC. 221. PROGRAMS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 212) is further amended by adding at the end the following:

''SEC. 330K. RURAL EMERGENCY MEDICAL SERVICE TRAINING AND EQUIPMENT ASSISTANCE PROGRAM.

''(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the 'Secretary') shall award grants to eligible entities to enable such entities to provide for improved emergency medical services in rural areas.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be—

''(A) a State emergency medical services office;

''(B) a State emergency medical services association;

''(C) a State office of rural health;

''(D) a local government entity;

''(E) a State or local ambulance provider; or

''(F) any other entity determined appropriate by the Secretary; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

''(A) a description of the activities to be carried out under the grant; and

''(B) an assurance that the eligible entity will comply with the matching requirement of subsection (e).

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (a), either directly or through grants to emergency medical service squads that are located in, or that serve residents of, a nonmetropolitan statistical area, an area designated as a rural area by any law or regulation of a State, or a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification, originally published in a notice of availability of funds in the Federal Register on February 27, 1992, 57 Fed. Reg. 6725), to—

''(1) recruit emergency medical service personnel;

''(2) recruit volunteer emergency medical service personnel;

''(3) train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

''(4) fund specific training to meet Federal or State certification requirements;

''(5) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

''(6) acquire emergency medical services equipment, including cardiac defibrillators;

''(7) acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

''(8) educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

''(d) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to—

''(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (F) of subsection (b)(1); and

''(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (c).

''(e) MATCHING REQUIREMENT.—The Secretary may not award a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 25 percent of the amount received under the grant.

''(f) EMERGENCY MEDICAL SERVICES.—In this section, the term 'emergency medical services'—

''(1) means resources used by a qualified public or private nonprofit entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur—

''(A) as a result of the condition of the patient; or

''(B) as a result of a natural disaster or similar situation; and

''(2) includes services delivered by an emergency medical services provider (either compensated or volunteer) or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or its equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical services provider.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

''(2) ADMINISTRATIVE COSTS.—The Secretary may use not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year for the administrative expenses of carrying out this section.

''SEC. 330L. MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or nonprofit private telehealth provider network that offers services that include mental health services provided by qualified mental health providers.

''(2) QUALIFIED MENTAL HEALTH EDUCATION PROFESSIONALS.—The term 'qualified mental health education professionals' refers to teachers, community mental health professionals, nurses, and other entities as determined by the Secretary who have additional training in the delivery of information on mental illness to children and adolescents or who have additional training in the delivery of information on mental illness to the elderly.

''(3) QUALIFIED MENTAL HEALTH PROFESSIONALS.—The term 'qualified mental health professionals' refers to providers of mental health services reimbursed under the medicare program carried out under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who have additional training in the treatment of mental illness in children and adolescents or who have additional training in the treatment of mental illness in the elderly.

''(4) SPECIAL POPULATIONS.—The term 'special populations' refers to the following 2 distinct groups:

''(A) Children and adolescents located in public elementary and public secondary schools in mental health underserved rural areas or in mental health underserved urban areas.

''(B) Elderly individuals located in long-term care facilities in mental health underserved rural areas.

''(5) TELEHEALTH.—The term 'telehealth' means the use of electronic information and telecommunications technologies to support long distance clinical health care, patient and professional health-related education, public health, and health administration.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of mental health services to special populations as delivered remotely by qualified mental health professionals using telehealth and for the provision of education regarding mental illness as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth.

''(2) POPULATIONS SERVED.—The Secretary shall award the grants under paragraph (1) in a manner that distributes the grants so as to serve equitably the populations described in subparagraphs (A) and (B) of subsection (a)(4).

''(c) AMOUNT.—Each entity that receives a grant under subsection (b) shall receive not less than $1,200,000 under the grant, and shall use not more than 40 percent of the grant funds for equipment.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds—

''(A) for the populations described in subsection (a)(4)(A)—

''(i) to provide mental health services, including diagnosis and treatment of mental illness, in public elementary and public secondary schools as delivered remotely by qualified mental health professionals using telehealth;

''(ii) to provide education regarding mental illness (including suicide and violence) in public elementary and public secondary schools as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including education regarding early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of childhood and adolescence (such as violence, social isolation, and depression); and

''(iii) to collaborate with local public health entities to provide the mental health services; and

''(B) for the populations described in subsection (a)(4)(B)—

''(i) to provide mental health services, including diagnosis and treatment of mental illness, in long-term care facilities as delivered remotely by qualified mental health professionals using telehealth;

''(ii) to provide education regarding mental illness to primary staff (including physicians, nurses, and nursing aides) as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth, including education regarding early recognition of the signs and symptoms of mental illness, and instruction on coping and dealing with stressful experiences of old age (such as loss of physical and cognitive capabilities, death of loved ones and friends, social isolation, and depression); and

''(iii) to collaborate with local public health entities to provide the mental health services.

''(2) OTHER USES.—An eligible entity that receives a grant under this section may also use the grant funds to—

''(A) acquire telehealth equipment to use in public elementary and public secondary schools and long-term care facilities for the objectives of this section;

''(B) develop curricula to support activities described in subparagraphs (A)(ii) and (B)(ii) of paragraph (1);

''(C) pay telecommunications costs; and

''(D) pay qualified mental health professionals and qualified mental health education professionals on a reasonable cost basis as determined by the Secretary for services rendered.

''(3) PROHIBITED USES.—An eligible entity that receives a grant under this section shall not use the grant funds to—

''(A) purchase or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project involved); or

''(B) build upon or acquire real property (except for minor renovations related to the installation of reimbursable equipment).

''(e) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

''(f) APPLICATION.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.

''(g) REPORT.—Not later than 4 years after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate activities funded with grants under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.''.

Subtitle D—School-Based Health Center Networks

SEC. 231. NETWORKS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended in section 221, is further amended by adding at the end the following:

''SEC. 330M. SCHOOL-BASED HEALTH CENTER NETWORKS.

''(a) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a nonprofit organization, such as a State school-based health center association, academic institution, or primary care association, that has experience working with low-income communities, schools, families, and school-based health centers.

''(b) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to establish statewide technical assistance centers and carry out activities described in subsection (c) through the centers.

''(c) USE OF FUNDS.—An eligible entity that receives a grant under this section may use funds received through such grant to—

''(1) establish a statewide technical assistance center that shall coordinate local, State, and Federal health care services, including primary, dental, and behavioral and mental health services, that contribute to the delivery of school-based health care for medically underserved individuals;

''(2) conduct operational and administrative support activities for statewide school-based health center networks to maximize operational effectiveness and efficiency;

''(3) provide technical support training, including training on topics regarding—

''(A) identifying parent and community interests and priorities;

''(B) assessing community health needs and resources;

''(C) implementing accountability and management information systems;

''(D) integrating school-based health centers with care provided by any other school-linked provider, and with community-based primary and specialty health care systems;

''(E) securing third party payments through effective billing and collection systems;

''(F) developing shared services and joint purchasing arrangements across provider networks;

''(G) linking services with health care services provided by other programs, especially services provided under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

''(H) contracting with managed care organizations; and

''(I) assuring and improving clinical quality and improvement; and

''(4) provide to interested communities technical assistance for the planning and implementation of school-based health centers.

''(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

''(1) a description of the region that will receive service and the potential partners in such region;

''(2) a description of the policy and program environment and the needs of the community that will receive service;

''(3) a 1- to 3-year work plan that describes the goals and objectives of the entity, and any activities that the entity proposes to carry out; and

''(4) a description of the organizational capacity of the entity and its experience in serving the region's school-based health center community.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2002, and such sums as may be necessary for subsequent fiscal years.''.

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

SEC. 301. NATIONAL HEALTH SERVICE CORPS.

(a) IN GENERAL.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by adding at the end of subsection (a)(3) the following:

''(E)(i) The term 'behavioral and mental health professionals' means health service psychologists, licensed clinical social workers, licensed professional counselors, marriage and family therapists, psychiatric nurse specialists, and psychiatrists.

''(ii) The term 'graduate program of behavioral and mental health' means a program that trains behavioral and mental health professionals.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''health professions'' and inserting ''health professions, including schools at which graduate programs of behavioral and mental health are offered,''; and

(B) in paragraph (2), by inserting ''behavioral and mental health professionals,'' after ''dentists,''; and

(3) by striking subsection (c) and inserting the following:

''(c)(1) The Secretary may reimburse an applicant for a position in the Corps (including an individual considering entering into a written agreement pursuant to section 338D) for the actual and reasonable expenses incurred in traveling to and from the applicant's place of residence to an eligible site to which the applicant may be assigned under section 333 for the purpose of evaluating such site with regard to being assigned at such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

''(2) The Secretary may also reimburse the applicant for the actual and reasonable expenses incurred for the travel of 1 family member to accompany the applicant to such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

''(3) In the case of an individual who has entered into a contract for obligated service under the Scholarship Program or under the Loan Repayment Program, the Secretary may reimburse such individual for all or part of the actual and reasonable expenses incurred in transporting the individual, the individual's family, and the family's possessions to the site of the individual's assignment under section 333. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.''.

(b) DEMONSTRATION PROJECTS.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

''(i)(1) In carrying out subpart III, the Secretary may, in accordance with this subsection, carry out demonstration projects in which individuals who have entered into a contract for obligated service under the Loan Repayment Program receive waivers under which the individuals are authorized to satisfy the requirement of obligated service through providing clinical service that is not full-time.

''(2) A waiver described in paragraph (1) may be provided by the Secretary only if—

''(A) the entity for which the service is to be performed—

''(i) has been approved under section 333A for assignment of a Corps member; and

''(ii) has requested in writing assignment of a health professional who would serve less than full time;

''(B) the Secretary has determined that assignment of a health professional who would serve less than full time would be appropriate for the area where the entity is located;

''(C) a Corps member who is required to perform obligated service has agreed in writing to be assigned for less than full-time service to an entity described in subparagraph (A);

''(D) the entity and the Corps member agree in writing that the less than full-time

service provided by the Corps member will not be less than 16 hours of clinical service per week;

''(E) the Corps member agrees in writing that the period of obligated service pursuant to section 338B will be extended so that the aggregate amount of less than full-time service performed will equal the amount of service that would be performed through full-time service under section 338C; and

''(F) the Corps member agrees in writing that if the Corps member begins providing less than full-time service but fails to begin or complete the period of obligated service, the method stated in 338E(c) for determining the damages for breach of the individual's written contract will be used after converting periods of obligated service or of service performed into their full-time equivalents.

''(3) In evaluating a demonstration project described in paragraph (1), the Secretary shall examine the effect of multidisciplinary teams.''.

SEC. 302. DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) IN GENERAL.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after the first sentence the following: ''All Federally qualified health centers and rural health clinics, as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), that meet the requirements of section 334 shall be automatically designated, on the date of enactment of the Health Care Safety Net Amendments of 2001, as having such a shortage. Not later than 5 years after such date of enactment, and every 5 years thereafter, each such center or clinic shall demonstrate that the center or clinic meets the applicable requirements of the Federal regulations, issued after the date of enactment of this Act, that revise the definition of a health professional shortage area for purposes of this section.''; and

(B) in paragraph (3), by striking ''340(r)) may be a population group'' and inserting ''330(h)(4)), seasonal agricultural workers (as defined in section 330(g)(3)) and migratory agricultural workers (as so defined)), and residents of public housing (as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1))) may be population groups'';

(2) in subsection (b)(2), by striking ''with special consideration to the indicators of'' and all that follows through ''services.'' and inserting a period; and

(3) in subsection (c)(2)(B), by striking ''XVIII or XIX'' and inserting ''XVIII, XIX, or XXI''.

(b) REGULATIONS.—

(1) REPORT.—

(A) IN GENERAL.—The Secretary shall submit the report described in subparagraph (B) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

(i) a regulation that revises the definition of a health professional shortage area for purposes of section 332 of the Public Health Service Act (42 U.S.C. 254e); or

(ii) a regulation that revises the standards concerning priority of such an area under section 333A of that Act (42 U.S.C. 254f–1).

(B) REPORT.—On issuing a regulation described in subparagraph (A), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

(2) EFFECTIVE DATE.—Each regulation described in paragraph (1)(A) shall take effect 180 days after the committees described in paragraph (1)(B) receive a report referred to in paragraph (1)(B) describing the regulation.

(c) SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—The Secretary of Health and Human Services, in consultation with the American Dental Association, the American Dental Education Association, the American Dental Hygienists Association, the American Academy of Pediatric Dentistry, the Association of State and Territorial Dental Directors, and the National Association of Community Health Centers, shall develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act (42 U.S.C. 254l) and the Loan Repayment Program under section 338B of such Act (42 U.S.C. 254l–1).

(d) SITE DESIGNATION PROCESS.—

(1) IMPROVEMENT OF DESIGNATION PROCESS.—The Administrator of the Health Resources and Services Administration, in consultation with the Association of State and Territorial Dental Directors, dental societies, and other interested parties, shall revise the criteria on which the designations of dental health professional shortage areas are based so that such criteria provide a more accurate reflection of oral health care need, particularly in rural areas.

(2) PUBLIC HEALTH SERVICE ACT.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following:

''(i) DISSEMINATION.—The Administrator of the Health Resources and Services Administration shall disseminate information concerning the designation criteria described in subsection (b) to—

''(1) the Governor of each State;

''(2) the representative of any area, population group, or facility selected by any such Governor to receive such information;

''(3) the representative of any area, population group, or facility that requests such information; and

''(4) the representative of any area, population group, or facility determined by the Administrator to be likely to meet the criteria described in subsection (b).''.

SEC. 303. ASSIGNMENT OF CORPS PERSONNEL.

Section 333 of the Public Health Service Act (42 U.S.C. 254f) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking ''(specified in the agreement described in section 334)'';

(ii) in subparagraph (A), by striking ''nonprofit''; and

(iii) by striking subparagraph (C) and inserting the following:

''(C) the entity agrees to comply with the requirements of section 334; and''; and

(B) in paragraph (3), by adding at the end ''In approving such applications, the Secretary shall give preference to applications in which a nonprofit entity or public entity shall provide a site to which Corps members may be assigned.''; and

(2) in subsection (d)—

(A) in paragraphs (1), (2), and (4), by striking ''nonprofit'' each place it appears; and

(B) in paragraph (1)—

(i) in the first sentence, by striking ''may'' and inserting ''shall'';

(ii) in the second sentence—

(I) in subparagraph (C), by striking ''and'' at the end; and

(II) by striking the period and inserting '', and (E) developing long-term plans for addressing health professional shortages and improving access to health care.''; and

(iii) by adding at the end the following: ''The Secretary shall encourage entities that receive technical assistance under this paragraph to communicate with other communities, State Offices of Rural Health, State Primary Care Associations and Offices, and other entities concerned with site development and community needs assessment.''.

SEC. 304. PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.

Section 333A of the Public Health Service Act (42 U.S.C. 254f–1) is amended—

(1) in subsection (a)(1)(A), by striking '', as determined in accordance with subsection (b)'';

(2) by striking subsection (b);

(3) in subsection (c), by striking the second sentence;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) PROPOSED LIST.—The Secretary shall prepare and publish a proposed list of health professional shortage areas and entities that would receive priority under subsection (a)(1) in the assignment of Corps members. The list shall contain the information described in paragraph (2), and the relative scores and relative priorities of the entities submitting applications under section 333, in a proposed format. All such entities shall have 30 days after the date of publication of the list to provide additional data and information in support of inclusion on the list or in support of a higher priority determination and the Secretary shall reasonably consider such data and information in preparing the final list under paragraph (2).'';

(C) in paragraph (2) (as redesignated by subparagraph (A)), in the matter before subparagraph (A)—

(i) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(ii) by striking ''prepare a list of health professional shortage areas'' and inserting ''prepare and, as appropriate, update a list of health professional shortage areas and entities''; and

(iii) by striking ''for the period applicable under subsection (f)'';

(D) by striking paragraph (3) (as redesignated by subparagraph (A)) and inserting the following:

''(3) NOTIFICATION OF AFFECTED PARTIES.—

''(A) ENTITIES.—Not later than 30 days after the Secretary has added to a list under paragraph (2) an entity specified as described in subparagraph (A) of such paragraph, the Secretary shall notify such entity that the entity has been provided an authorization to receive assignments of Corps members in the event that Corps members are available for the assignments.

''(B) INDIVIDUALS.—In the case of an individual obligated to provide service under the Scholarship Program, not later than 3 months before the date described in section 338C(b)(5), the Secretary shall provide to such individual the names of each of the entities specified as described in paragraph (2)(B)(i) that is appropriate for the individual's medical specialty and discipline.''; and

(E) by striking paragraph (4) (as redesignated by subparagraph (A)) and inserting the following:

''(4) REVISIONS.—If the Secretary proposes to make a revision in the list under paragraph (2), and the revision would adversely alter the status of an entity with respect to the list, the Secretary shall notify the entity of the revision. Any entity adversely affected by such a revision shall be notified in writing by the Secretary of the reasons for the revision and shall have 30 days to file a written appeal of the determination involved which shall be reasonably considered by the

Secretary before the revision to the list becomes final. The revision to the list shall be effective with respect to assignment of Corps members beginning on the date that the revision becomes final.'';

(5) by striking subsection (e) and inserting the following:

''(e) LIMITATION ON NUMBER OF ENTITIES OFFERED AS ASSIGNMENT CHOICES IN SCHOLARSHIP PROGRAM.—

''(1) DETERMINATION OF AVAILABLE CORPS MEMBERS.—By April 1 of each calendar year, the Secretary shall determine the number of participants in the Scholarship Program who will be available for assignments under section 333 during the program year beginning on July 1 of that calendar year.

''(2) DETERMINATION OF NUMBER OF ENTITIES.—At all times during a program year, the number of entities specified under subsection (c)(2)(B)(i) shall be—

''(A) not less than the number of participants determined with respect to that program year under paragraph (1); and

''(B) not greater than twice the number of participants determined with respect to that program year under paragraph (1).'';

(6) by striking subsection (f); and

(7) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d) respectively.

SEC. 305. COST-SHARING.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) is amended by striking section 334 and inserting the following:

''SEC. 334. CHARGES FOR SERVICES BY ENTITIES USING CORPS MEMBERS.

''(a) AVAILABILITY OF SERVICES REGARDLESS OF ABILITY TO PAY OR PAYMENT SOURCE.—An entity to which a Corps member is assigned shall not deny requested health care services, and shall not discriminate in the provision of services to an individual—

''(1) because the individual is unable to pay for the services; or

''(2) because payment for the services would be made under—

''(A) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(B) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.); or

''(C) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

''(b) CHARGES FOR SERVICES.—The following rules shall apply to charges for health care services provided by an entity to which a Corps member is assigned:

''(1) IN GENERAL.—

''(A) SCHEDULE OF FEES OR PAYMENTS.—Except as provided in paragraph (2), the entity shall prepare a schedule of fees or payments for the entity's services, consistent with locally prevailing rates or charges and designed to cover the entity's reasonable cost of operation.

''(B) SCHEDULE OF DISCOUNTS.—Except as provided in paragraph (2), the entity shall prepare a corresponding schedule of discounts (including, in appropriate cases, waivers) to be applied to such fees or payments. In preparing the schedule, the entity shall adjust the discounts on the basis of a patient's ability to pay.

''(C) USE OF SCHEDULES.—The entity shall make every reasonable effort to secure from patients fees and payments for services in accordance with such schedules, and fees or payments shall be sufficiently discounted in accordance with the schedule described in subparagraph (B).

''(2) SERVICES TO BENEFICIARIES OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—In the case of health care services furnished to an individual who is a beneficiary of a program listed in subsection (a)(2), the entity—

''(A) shall accept an assignment pursuant to section 1842(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii)) with respect to an individual who is a beneficiary under the medicare program; and

''(B) shall enter into an appropriate agreement with—

''(i) the State agency administering the program under title XIX of such Act with respect to an individual who is a beneficiary under the medicaid program; and

''(ii) the State agency administering the program under title XXI of such Act with respect to an individual who is a beneficiary under the State children's health insurance program.

''(3) COLLECTION OF PAYMENTS.—The entity shall take reasonable and appropriate steps to collect all payments due for health care services provided by the entity, including payments from any third party (including a Federal, State, or local government agency and any other third party) that is responsible for part or all of the charge for such services.''.

SEC. 306. ELIGIBILITY FOR FEDERAL FUNDS.

Section 335(e)(1)(B) of the Public Health Service Act (42 U.S.C. 254h(e)(1)(B)) is amended by striking ''XVIII or XIX'' and inserting ''XVIII, XIX, or XXI''.

SEC. 307. FACILITATION OF EFFECTIVE PROVISION OF CORPS SERVICES.

(a) HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 336 of the Public Health Service Act (42 U.S.C. 254h–1) is amended—

(1) in subsection (c), by striking ''health manpower'' and inserting ''health professional''; and

(2) in subsection (f)(1), by striking ''health manpower'' and inserting ''health professional''.

(b) TECHNICAL AMENDMENT.—Section 336A(8) of the Public Health Service Act (42 U.S.C. 254i(8)) is amended by striking ''agreements under''.

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended—

(1) by striking ''(1) For'' and inserting ''For'';

(2) by striking ''1991 through 2000'' and inserting ''2002 through 2006''; and

(3) by striking paragraph (2).

SEC. 309. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

Section 338A of the Public Health Service Act (42 U.S.C. 254l) is amended—

(1) in subsection (a)(1), by inserting ''behavioral and mental health professionals,'' after ''dentists,'';

(2) in subsection (b)(1)(B), by inserting '', or an appropriate degree from a graduate program of behavioral and mental health'' after ''other health profession'';

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''338D'' and inserting ''338E''; and

(B) in subparagraph (B), by striking ''338C'' and inserting ''338D'';

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) the Secretary, in considering applications from individuals accepted for enrollment or enrolled in dental school, shall consider applications from all individuals accepted for enrollment or enrolled in any accredited dental school in a State; and'';

(5) in subsection (f)—

(A) in paragraph (1)(B)—

(i) in clause (iii), by striking ''and'' after the semicolon;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

''(iv) if pursuing a degree from a school of medicine or osteopathic medicine, to complete a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and''; and

(B) in paragraph (3), by striking ''338D'' and inserting ''338E''; and

(6) by striking subsection (i).

SEC. 310. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.

Section 338B of the Public Health Service Act (42 U.S.C. 254l–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''behavioral and mental health professionals,'' after ''dentists,''; and

(B) in paragraph (2), by striking ''(including mental health professionals)'';

(2) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(A) have a degree in medicine, osteopathic medicine, dentistry, or another health profession, or an appropriate degree from a graduate program of behavioral and mental health, or be certified as a nurse midwife, nurse practitioner, or physician assistant;'';

(3) in subsection (e), by striking ''(1) IN GENERAL.—''; and

(4) by striking subsection (i).

SEC. 311. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''section 338A(f)(1)(B)(iv)'' and inserting ''section 338A(f)(1)(B)(v)''; and

(B) in paragraph (5)—

(i) by striking all that precedes subparagraph (C) and inserting the following:

''(5)(A) In the case of the Scholarship Program, the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the training required for the degree for which the individual receives the scholarship, except that—

''(i) for an individual receiving such a degree after September 30, 2000, from a school of medicine or osteopathic medicine, such date shall be the date the individual completes a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and

''(ii) at the request of an individual, the Secretary may, consistent with the needs of the Corps, defer such date until the end of a period of time required for the individual to complete advanced training (including an internship or residency).'';

(ii) by striking subparagraph (D);

(iii) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively; and

(iv) in clause (i) of subparagraph (C) (as redesignated by clause (iii)) by striking ''subparagraph (A), (B), or (D)'' and inserting ''subparagraph (A)''; and

(2) by striking subsection (e).

SEC. 312. PRIVATE PRACTICE.

Section 338D of the Public Health Service Act (42 U.S.C. 254n) is amended by striking subsection (b) and inserting the following:

''(b)(1) The written agreement described in subsection (a) shall—

''(A) provide that, during the period of private practice by an individual pursuant to the agreement, the individual shall comply with the requirements of section 334 that apply to entities; and

''(B) contain such additional provisions as the Secretary may require to carry out the objectives of this section.

''(2) The Secretary shall take such action as may be appropriate to ensure that the

conditions of the written agreement prescribed by this subsection are adhered to.''.

SEC. 313. BREACH OF SCHOLARSHIP CONTRACT OR LOAN REPAYMENT CONTRACT.

(a) IN GENERAL.—Section 338E of the Public Health Service Act (42 U.S.C. 254o) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking the comma and inserting a semicolon;

(B) in subparagraph (B), by striking the comma and inserting ''; or'';

(C) in subparagraph (C), by striking ''or'' at the end; and

(D) by striking subparagraph (D);

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking ''338F(d)'' and inserting ''338G(d)'';

(ii) by striking ''either'';

(iii) by striking ''338D or'' and inserting ''338D,''; and

(iv) by inserting ''or to complete a required residency as specified in section 338A(f)(1)(B)(iv),'' before ''the United States''; and

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

''(3) The Secretary may terminate a contract with an individual under section 338A if, not later than 30 days before the end of the school year to which the contract pertains, the individual—

''(A) submits a written request for such termination; and

''(B) repays all amounts paid to, or on behalf of, the individual under section 338A(g).'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''338F(d)'' and inserting ''338G(d)''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) the total of the amounts paid by the United States under section 338B(g) on behalf of the individual for any period of obligated service not served;

''(B) an amount equal to the product of the number of months of obligated service that were not completed by the individual, multiplied by $7,500; and

''(C) the interest on the amounts described in subparagraphs (A) and (B), at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach.'';

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) The Secretary may terminate a contract with an individual under section 338B if, not later than 45 days before the end of the fiscal year in which the contract was entered into, the individual—

''(A) submits a written request for such termination; and

''(B) repays all amounts paid on behalf of the individual under section 338B(g).''; and

(C) by redesignating paragraph (4) as paragraph (3);

(4) in subsection (d)(3)(A), by striking ''only if such discharge is granted after the expiration of the five-year period'' and inserting ''only if such discharge is granted after the expiration of the 7-year period''; and

(5) by adding at the end the following new subsection:

''(e) Notwithstanding any other provision of Federal or State law, there shall be no limitation on the period within which suit may be filed, a judgment may be enforced, or an action relating to an offset or garnishment, or other action, may be initiated or taken by the Secretary, the Attorney General, or the head of another Federal agency, as the case may be, for the repayment of the amount due from an individual under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of this Act.

SEC. 314. AUTHORIZATION OF APPROPRIATIONS.

Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

''SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this subpart, there are authorized to be appropriated $146,250,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

''(b) SCHOLARSHIPS FOR NEW PARTICIPANTS.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall obligate not less than 30 percent for the purpose of providing contracts for scholarships under this subpart to individuals who have not previously received such scholarships.

''(c) SCHOLARSHIPS AND LOAN REPAYMENTS.—With respect to certification as a nurse practitioner, nurse midwife, or physician assistant, the Secretary shall, from amounts appropriated under subsection (a) for a fiscal year, obligate not less than a total of 10 percent for contracts for both scholarships under the Scholarship Program under section 338A and loan repayments under the Loan Repayment Program under section 338B to individuals who are entering the first year of a course of study or program described in section 338A(b)(1)(B) that leads to such a certification or individuals who are eligible for the loan repayment program as specified in section 338B(b) for a loan related to such certification.''.

SEC. 315. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS.

Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) AUTHORITY FOR GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of assisting the States in operating programs described in paragraph (2) in order to provide for the increased availability of primary health care services in health professional shortage areas. The National Advisory Council established under section 337 shall advise the Administrator regarding the program under this section.'';

(2) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) to submit to the Secretary such reports regarding the States loan repayment program, as are determined to be appropriate by the Secretary; and''; and

(3) in subsection (i), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $12,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

SEC. 316. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is repealed.

SEC. 317. DEMONSTRATION PROJECT.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended by adding at the end the following:

''SEC. 338L. DEMONSTRATION PROJECT.

''(a) PROGRAM AUTHORIZED.—The Secretary shall establish a demonstration project to provide for the participation of individuals who are chiropractic doctors or pharmacists in the Loan Repayment Program described in section 338B.

''(b) PROCEDURE.—An individual that receives assistance under this section with regard to the program described in section 338B shall comply with all rules and requirements described in such section (other than subparagraphs (A) and (B) of section 338B(b)(1)) in order to receive assistance under this section.

''(c) LIMITATIONS.—The demonstration project described in this section shall provide for the participation of individuals who shall provide services in rural and urban areas, and shall also provide for the participation of enough individuals to allow the Secretary to properly analyze the effectiveness of such project.

''(d) DESIGNATIONS.—The demonstration project described in this section, and any providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of a health professional shortage area under section 332 during fiscal years 2002 through 2004.

''(e) RULE OF CONSTRUCTION.—This section shall not be construed to require any State to participate in the project described in this section.

''(f) REPORT.—

''(1) IN GENERAL.—The Secretary shall prepare and submit a report describing the information described in paragraph (2) to—

''(A) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(B) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;

''(C) the Committee on Energy and Commerce of the House of Representatives; and

''(D) the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives.

''(2) CONTENT.—The report described in paragraph (1) shall detail—

''(A) the manner in which the demonstration project described in this section has affected access to primary care services, patient satisfaction, quality of care, and health care services provided for traditionally underserved populations;

''(B) how the participation of chiropractic doctors and pharmacists in the Loan Repayment Program might affect the designation of health professional shortage areas; and

''(C) the feasibility of adding chiropractic doctors and pharmacists as permanent members of the National Health Service Corps.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal years 2002 through 2004.''.

TITLE IV—HEALTHY COMMUNITIES ACCESS PROGRAM ACT

SEC. 401. PURPOSE.

The purpose of this title is to provide assistance to communities and consortia of health care providers and others, to develop or strengthen integrated community health care delivery systems that coordinate health care services for individuals who are uninsured or underinsured and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions who are uninsured or underinsured, through the—

(1) coordination of services to allow individuals to receive efficient and higher quality care and to gain entry into and receive services from a comprehensive system of care;

(2) development of the infrastructure for a health care delivery system characterized by effective collaboration, information sharing, and clinical and financial coordination among all providers of care in the community; and

(3) provision of new Federal resources that do not supplant funding for existing Federal categorical programs that support entities providing services to low-income populations.

SEC. 402. CREATION OF HEALTHY COMMUNITIES ACCESS PROGRAM.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after subpart IV the following new subpart:

"Subpart V—Healthy Communities Access Program

"SEC. 340. GRANTS TO STRENGTHEN THE EFFECTIVENESS, EFFICIENCY, AND COORDINATION OF SERVICES FOR THE UNINSURED AND UNDERINSURED.

''(a) IN GENERAL.—The Secretary may award grants to eligible entities to assist in the development of integrated health care delivery systems to serve communities of individuals who are uninsured and individuals who are underinsured—

''(1) to improve the efficiency of, and coordination among, the providers providing services through such systems;

''(2) to assist communities in developing programs targeted toward preventing and managing chronic diseases; and

''(3) to expand and enhance the services provided through such systems.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public or nonprofit entity that—

''(1) represents a consortium—

''(A) whose principal purpose is to provide a broad range of coordinated health care services for a community defined in the entity's grant application as described in paragraph (2); and

''(B) that includes a provider (unless such provider does not exist within the community, declines or refuses to participate, or places unreasonable conditions on their participation) that—

''(i) serves the community; and

''(ii)(I) is a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)));

''(II) is a hospital with a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r–4(b)(3)), that is greater than 25 percent;

''(III) is a public health department; and

''(IV) is an interested public or private sector health care provider or an organization that has traditionally served the medically uninsured and underserved;

''(2) submits to the Secretary an application, in such form and manner as the Secretary shall prescribe, that—

''(A) defines a community of uninsured and underinsured individuals that consists of all such individuals—

''(i) in a specified geographical area, such as a rural area; or

''(ii) in a specified population within such an area, such as American Indians, Native Alaskans, Native Hawaiians, Hispanics, homeless individuals, migrant and seasonal farmworkers, individuals with disabilities, and public housing residents;

''(B) identifies the providers who will participate in the consortium's program under the grant, and specifies each provider's contribution to the care of uninsured and underinsured individuals in the community, including the volume of care the provider provides to beneficiaries under the medicare, medicaid, and State child health insurance programs carried out under titles XVIII, XIX, and XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397aa et seq.) and to patients who pay privately for services;

''(C) describes the activities that the applicant and the consortium propose to perform under the grant to further the objectives of this section;

''(D) demonstrates the consortium's ability to build on the current system (as of the date of submission of the application) for serving a community of uninsured and underinsured individuals by involving providers who have traditionally provided a significant volume of care for that community;

''(E) demonstrates the consortium's ability to develop coordinated systems of care that either directly provide or ensure the prompt provision of a broad range of high-quality, accessible services, including, as appropriate, primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services in a manner that assures continuity of care in the community;

''(F) demonstrates the consortium's ability to create comprehensive programs to address the prevention and management of chronic diseases of high importance within the community, where applicable;

''(G) provides evidence of community involvement in the development, implementation, and direction of the program that the entity proposes to operate;

''(H) demonstrates the consortium's ability to ensure that individuals participating in the program are enrolled in public insurance programs for which the individuals are eligible;

''(I) presents a plan for leveraging other sources of revenue, which may include State and local sources and private grant funds, and integrating current and proposed new funding sources in a way to assure long-term sustainability of the program;

''(J) describes a plan for evaluation of the activities carried out under the grant, including measurement of progress toward the goals and objectives of the program and the use of evaluation findings to improve program performance;

''(K) demonstrates fiscal responsibility through the use of appropriate accounting procedures and appropriate management systems;

''(L) demonstrates the consortium's commitment to serve the community without regard to the ability of an individual or family to pay by arranging for or providing free or reduced charge care for the poor; and

''(M) includes such other information as the Secretary may prescribe;

''(3) agrees along with each of the participating providers identified under paragraph (2)(B) that each will commit to use grant funds awarded under this section to supplement, not supplant, any other sources of funding (including the value of any in-kind contributions) available to cover the expenditures of the consortium and of the participating providers in carrying out the activities for which the grant would be awarded; and

''(4) has established or will establish before the receipt of any grant under this section, a decision-making body that has full and complete authority to determine and oversee all the activities undertaken by the consortium with funds made available through such grant and that includes representation from each of the following providers listed in (b)(1)(B) if they participate in the consortium.

''(c) PRIORITIES.—In awarding grants under this section, the Secretary—

''(1) shall accord priority to applicants that demonstrate the extent of unmet need in the community involved for a more coordinated system of care; and

''(2) may accord priority to applicants that best promote the objectives of this section, taking into consideration the extent to which the application involved—

''(A) identifies a community whose geographical area has a high or increasing percentage of individuals who are uninsured;

''(B) demonstrates that the applicant has included in its consortium providers, support systems, and programs that have a tradition of serving uninsured individuals and underinsured individuals in the community;

''(C) shows evidence that the program would expand utilization of preventive and primary care services for uninsured and underinsured individuals and families in the community, including behavioral and mental health services, oral health services, or substance abuse services;

''(D) proposes a program that would improve coordination between health care providers and appropriate social service providers, including local and regional human services agencies, school systems, and agencies on aging;

''(E) demonstrates collaboration with State and local governments;

''(F) demonstrates that the applicant makes use of non-Federal contributions to the greatest extent possible; or

''(G) demonstrates a likelihood that the proposed program will continue after support under this section ceases.

''(d) USE OF FUNDS.—

''(1) USE BY GRANTEES.—

''(A) IN GENERAL.—Except as provided in paragraphs (2) and (3), a grantee may use amounts provided under this section only for—

''(i) direct expenses associated with planning and developing the greater integration of a health care delivery system, and operating the resulting system, so that the system either directly provides or ensures the provision of a broad range of culturally competent services, as appropriate, including primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services; and

''(ii) direct patient care and service expansions to fill identified or documented gaps within an integrated delivery system.

''(B) SPECIFIC USES.—The following are examples of purposes for which a grantee may use grant funds under this section, when such use meets the conditions stated in subparagraph (A):

''(i) Increases in outreach activities.

''(ii) Improvements to case management.

''(iii) Improvements to coordination of transportation to health care facilities.

''(iv) Development of provider networks and other innovative models to engage physicians in voluntary efforts to serve the medically underserved within a community.

''(v) Recruitment, training, and compensation of necessary personnel.

''(vi) Acquisition of technology, such as telehealth technologies to increase access to tertiary care.

''(vii) Identifying and closing gaps in health care services being provided.

''(viii) Improvements to provider communication, including implementation of shared information systems or shared clinical systems.

''(ix) Development of common processes for determining eligibility for the programs provided through the system, including creating common identification cards and single sliding scale discounts.

''(x) Creation of a triage system to coordinate referrals and to screen and route individuals to appropriate locations of primary, specialty, and inpatient care.

''(xi) Development of specific prevention and disease management tools and processes, including—

''(I) carrying out a protocol or plan for each individual patient concerning what needs to be done, at what intervals, and by whom, for the patient;

''(II) redesigning practices to incorporate regular patient contact, collection of critical data on health and disease status, and use of strategies to meet the educational and psychosocial needs of patients who may need to make lifestyle and other changes to manage their diseases;

''(III) the promotion of the availability of specialized expertise through the use of—

''(aa) teams of providers with specialized knowledge;

''(bb) collaborative care arrangements;

''(cc) computer decision support services; or

''(dd) telehealth technologies.

''(IV) providing patient educational and support tools that are culturally competent and meet appropriate health literacy and literacy requirements; and

''(V) the collection of data related to patient care and outcomes.

''(xii) Translation services.

''(xiii) Carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplement the Federal funds provided through the grants for the initiatives.

''(2) DIRECT PATIENT CARE LIMITATION.—Not more than 15 percent of the funds provided under a grant awarded under this section may be used for providing direct patient care and services.

''(3) RESERVATION OF FUNDS FOR NATIONAL PROGRAM PURPOSES.—The Secretary may use not more than 3 percent of funds appropriated to carry out this section for providing technical assistance to grantees, obtaining assistance of experts and consultants, holding meetings, development of tools, dissemination of information, evaluation, and carrying out activities that will extend the benefits of a program funded under this section to communities other than the community served by the program funded.

''(e) GRANTEE REQUIREMENTS.—

''(1) IN GENERAL.—A grantee under this section shall—

''(A) report to the Secretary annually regarding—

''(i) progress in meeting the goals and measurable objectives set forth in the grant application submitted by the grantee under subsection (b); and

''(ii) such additional information as the Secretary may require; and

''(B) provide for an independent annual financial audit of all records that relate to the disposition of funds received through the grant.

''(2) PROGRESS.—The Secretary may not renew an annual grant under this section for an entity for a fiscal year unless the Secretary is satisfied that the consortium represented by the entity has made reasonable and demonstrable progress in meeting the goals and measurable objectives set forth in the entity's grant application for the preceding fiscal year.

''(f) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide any entity that receives a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

''(g) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in this section.

''(h) DEMONSTRATION AUTHORITY.—The Secretary may make demonstration awards under this section to historically black medical schools for the purposes of—

''(1) developing patient-based research infrastructure at historically black medical schools, which have an affiliation, or affiliations, with any of the providers identified in section (b)(1)(B);

''(2) establishment of joint and collaborative programs of medical research and data collection between historically black medical schools and such providers, whose goal is to improve the health status of medically underserved populations; or

''(3) supporting the research-related costs of patient care, data collection, and academic training resulting from such affiliations.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

SEC. 403. EXPANDING AVAILABILITY OF DENTAL SERVICES.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''Subpart X—Primary Dental Programs

''SEC. 340F. DESIGNATED DENTAL HEALTH PROFESSIONAL SHORTAGE AREA.

''In this subpart, the term 'designated dental health professional shortage area' means an area, population group, or facility that is designated by the Secretary as a dental health professional shortage area under section 332 or designated by the applicable State as having a dental health professional shortage.

''SEC. 340G. GRANTS FOR INNOVATIVE PROGRAMS.

''(a) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award grants to States for the purpose of helping States develop and implement innovative programs to address the dental workforce needs of designated dental health professional shortage areas in a manner that is appropriate to the States' individual needs.

''(b) STATE ACTIVITIES.—A State receiving a grant under subsection (a) may use funds received under the grant for—

''(1) loan forgiveness and repayment programs for dentists who—

''(A) agree to practice in designated dental health professional shortage areas;

''(B) are dental school graduates who agree to serve as public health dentists for the Federal, State, or local government; and

''(C) agree to—

''(i) provide services to patients regardless of such patients' ability to pay; and

''(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

''(2) dental recruitment and retention efforts;

''(3) grants and low-interest or no-interest loans to help dentists who participate in the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to establish or expand practices in designated dental health professional shortage areas by equipping dental offices or sharing in the overhead costs of such practices;

''(4) the establishment or expansion of dental residency programs in coordination with accredited dental training institutions in States without dental schools;

''(5) programs developed in consultation with State and local dental societies to expand or establish oral health services and facilities in designated dental health professional shortage areas, including services and facilities for children with special needs, such as—

''(A) the expansion or establishment of a community-based dental facility, free-standing dental clinic, consolidated health center dental facility, school-linked dental facility, or United States dental school-based facility;

''(B) the establishment of a mobile or portable dental clinic; and

''(C) the establishment or expansion of private dental services to enhance capacity through additional equipment or additional hours of operation;

''(6) placement and support of dental students, dental residents, and advanced dentistry trainees;

''(7) continuing dental education, including distance-based education;

''(8) practice support through teledentistry conducted in accordance with State laws;

''(9) community-based prevention services such as water fluoridation and dental sealant programs;

''(10) coordination with local educational agencies within the State to foster programs that promote children going into oral health or science professions;

''(11) the establishment of faculty recruitment programs at accredited dental training institutions whose mission includes community outreach and service and that have a demonstrated record of serving underserved States;

''(12) the development of a State dental officer position or the augmentation of a State dental office to coordinate oral health and access issues in the State; and

''(13) any other activities determined to be appropriate by the Secretary.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the State will meet the requirements of subsection (d) and that the State possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to a State under this section unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the activities for which the grant was awarded, the State will provide non-Federal contributions in an amount equal to not less than 40 percent of Federal funds provided under the grant. The State may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services and may provide the contributions from State, local, or private sources.

''(e) REPORT.—Not later than 5 years after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to dental services in designated dental health professional shortage areas.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for the 5-fiscal year period beginning with fiscal year 2002.''.

TITLE V—RURAL HEALTH CLINICS

SEC. 501. EXEMPTIONS FOR RURAL HEALTH CLINICS.

(a) EXEMPTIONS FROM COINSURANCE REQUIREMENTS.—Section 1128B(b)(3)(D) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)(D)) is amended by striking ''a Federally qualified health care center'' and inserting ''a rural health clinic (as defined in section 1861(aa)) to which members of the National Health Service Corps are assigned under section 333 of the Public Health Service Act, or a Federally qualified health center (as defined in section 1861(aa))''.

(b) EXEMPTIONS FROM DEDUCTIBLE REQUIREMENTS.—Section 1833(b)(4) of the Social Security Act (42 U.S.C. 1395l(b)(4)) is amended by striking ''such deductible shall not apply to Federally qualified health center services.'' and inserting ''such deductible shall not apply to rural health clinic services made available through a rural health clinic to which members of the National Health Service Corps are assigned under section 333 of the Public Health Service Act, provided to an individual who qualifies for subsidized services under the Public Health Service Act or Federally qualified health center services,''.

TITLE VI—STUDY

SEC. 601. GUARANTEE STUDY.

The Secretary of Health and Human Services shall conduct a study regarding the ability of the Department of Health and Human Services to provide for solvency for managed care networks involving health centers receiving funding under section 330 of the Public Health Service Act. The Secretary shall prepare and submit a report to the appropriate Committees of Congress regarding such ability not later than 2 years after the date of enactment of the Health Care Safety Net Amendments of 2001.

TITLE VII—CONFORMING AMENDMENTS

SEC. 701. CONFORMING AMENDMENTS.

(a) HOMELESS PROGRAMS.—Subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), 318A(e), 332(a)(2)(C), 340D(c)(5), 799B(6)(B), 1313, and 2652(2) of the Public Health Service Act (42 U.S.C. 233, 247b–1(a)(2), 247b–6(c), 247c–1(e), 254e(a)(2)(C), 256d(c)(5), 295p(6)(B), 300e–12, and 300ff–52(2)) are amended by striking ''340'' and inserting ''330(h)''.

(b) HOMELESS INDIVIDUAL.—Section 534(2) of the Public Health Service Act (42 U.S.C. 290cc–34(2)) is amended by striking ''340(r)'' and inserting ''330(h)(5)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 16, 2002, at 9:30 am on the Technology Administration and the National Institute of Standards and Technology, including the Advanced Technology Program (ATP).

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the subcommittee on Western Hemisphere, Peace Corps, and Narcotics affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 16, 2002 at 2:30 p.m. to hold a hearing titled, 'U.S. Mexican Relations: Unfinished Agenda.''

Witnesses

AGENDA

Panel 1: The Honorable Silvestre Reyes, Chairman, Congressional Hispanic Caucus, Washington, DC.

Panel 2: The Honorable Alan P. Larson, Undersecretary for Economic, Business, and Agricultural Affairs, Department of State, Washington, DC; the Honorable John Taylor, Undersecretary for International Affairs, Department of Treasury, Washington, DC; and Mr. Stuart Levey, Associate Deputy Attorney General, Department of Justice, Washington, DC.

Panel 3: Ms. Barbara Shailor, Director, International Affairs Department, AFL–CIO, Washington, DC; Mr. Steven M. Ladik, President, American Immigration Lawyers Association, Washington, DC; Mr. Gregori Lebedev, Chief Operating Officer and Executive Vice President, International Policy, U.S. Chamber of Commerce, Washington, DC; and Ms. M. Delal Bear, Senior Fellow and Director, Mexico Project, Deputy Director, Americas Program Center for Strategic and International Studies; Washington, DC.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on medical privacy during the session of the Senate on Tuesday, April 16, 2002, at 10 a.m.

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

SPECIAL COMMITTEE ON AGING

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, April 16, 2002 from 2:30 p.m. in Dirksen 192 for the purpose of conducting a forum.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on ''Leading the Fight: The Violence Against Women Office'' on Tuesday, April 16, 2002 at 10:15 a.m. in Dirksen 226.

Panel I: Diane Stuart, Director, Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice, Washington, DC.

Panel II: Attorney General Thurbert E. Baker (to be introduced by the Honorable Max Cleland), Office of the Attorney General of Georgia, Atlanta, GA; Chief Judge Vincent J. Poppiti, Family Court for the State of Delaware, Wilmington, DE; Lynn Rosenthal, Executive Director, National Network to End Domestic Violence, Washington, DC; Laurie E. Ekstrand, Director, Justice Issues, U.S. General Accounting Office, Washington, DC; and Casey Gwinn, City Attorney for San Diego, San Diego, CA.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Government Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, April 16, 2002 at 10 a.m. for a hearing to examine ''Are You Really Who You Say You Are? Improving the Reliability of State-Issued Drivers' Licenses.''

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

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2002 first quarter mass mailing is April 25, 2002. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

HEALTH CARE SAFETY NET AMENDMENTS OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 192, S. 1533.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1533) to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, it is my understanding Senator KENNEDY has a substitute amendment at the desk. I ask unanimous consent that the amendment be considered, agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

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

The amendment (No. 3134) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1533), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, APRIL 16, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Wednesday, April 17. I further ask that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for use later in the day, and the Senate proceed to Executive session and vote on Executive Calendar No. 760—this is one of the judges I should note we have been asked to approve—that any statements therein be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session, all without intervening action or debate.

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

Mr. REID. I ask unanimous consent that it be in order to ask for the yeas and nays on this nomination.

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

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

PROGRAM

Mr. REID. Mr. President, the Senate will vote on the nomination of Lance Africk to be United States District Judge for the Eastern District of Louisiana at approximately 10 a.m. tomorrow; that is, after the prayer and the pledge. Following this vote, the Senate will resume consideration of the energy reform bill with the ANWR amendments pending.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, April 17, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 16, 2002:

COMMODITY FUTURES TRADING COMMISSION

WALTER LUKKEN, OF INDIANA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2005, VICE DAVID D. SPEARS, TERM EXPIRED.

DEPARTMENT OF DEFENSE

VINICIO E. MADRIGAL, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2003, VICE CAROL JOHNSON JOHNS.

L. D. BRITT, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR THE REMAINDER OF THE TERM EXPIRING MAY 1, 2005, VICE JOHN F. POTTER.

LINDA J. STIERLE, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2007, VICE SHIRLEY LEDBETTER JONES.

WILLIAM C. DE LA PENA, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2007, VICE ROBERT E. ANDERSON, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JAMES E. MCMAHON, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE KAREN ELIZABETH SCHREIER, RESIGNED.

DAVID WILLIAM THOMAS, OF DELAWARE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS, VICE TIMOTHY PATRICK MULLANEY, SR., TERM EXPIRED.

STEPHEN ROBERT MONIER, OF NEW HAMPSHIRE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS, VICE RAYMOND GERARD GAGNON, TERM EXPIRED.

JOSE GERARDO TRONCOSO, OF NEBRASKA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

GARY EDWARD SHOVLIN, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE ALAN D. LEWIS.

THOMAS M. FITZGERALD, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE FRANK POLICARO, JR., TERM EXPIRED.

RANDY PAUL ELY, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE D. W. BRANSOM, JR., TERM EXPIRED.

RUBEN MONZON, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE HIRAN ARTHUR CONTRERAS, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. RICHARD W. MAYO, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

MICHAEL B. TIERNEY, 0000

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

DONALD R. COPSEY, 0000

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

MICHAEL D. ARMOUR, 0000
WILLIAM A. BANKHEAD JR., 0000
PHILLIP H. GLISE, 0000
LAWRENCE H. ROSS, 0000
ALEXANDRA P. SHATTUCK, 0000
DAVID J. WHEELER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRYAN T. MUCH, 0000
LIONEL D. ROBINSON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CARL V. HOPPER, 0000
TIMOTHY A. REISCH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN R. CARLISLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRYAN C. SLEIGH, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LESTER H. EVANS JR., 0000
TIMOTHY M. HATHAWAY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL H. GAMBLE, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS P. BARZDITIS, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

FRANKLIN MCLAIN, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

A. D. KING JR., 0000
RICHARD A. RATLIFF, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DONALD C. SCOTT, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN J. FAHEY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARK A. KNOWLES, 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

DUANE W. MALLICOAT, 0000

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

FRANCIS MICHAEL PASCUAL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LARRY D PHEGLEY, 0000
JEFFREY ROBERT VANKEUREN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ARTHUR KELSO DUNN, 0000
CHARLES RUSSELL KRUMHOLTZ, 0000
WAYNE TYLER NEWTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARK THOMAS DAVISON, 0000
JEFFREY ROBERT MCFETRIDGE, 0000
ROBIN ROCHELLE MCPHILLIPS, 0000
RICHARD SHANT ROOMIAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN
THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JENNITH ELAINE HOYT, 0000
MARCIA MONTGOMERY N WILSON, 0000
ROBERT A. WOOD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

EDMUND WINSTON BARNHART, 0000
MARTIN CHRISTIAN DEWET, 0000
PHILIP ALAN KING, 0000
MARK FRANCIS LILLY JR., 0000
PAUL MICHAEL SHAW, 0000
L M SILVESTER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT M CRAIG, 0000
PATRICK JAMES MURPHY, 0000
RAYMOND CRAIG WINSLOW, 0000
MELANIE SUZANNE WINTERS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT K BAKER, 0000
PETER J BLAKE, 0000
RICHARD J CAMARDA, 0000
STEVEN J DELONG, 0000
ROBERT A DEMARINIS, 0000
OWEN J DOHERTY, 0000
JAN S DOWNING, 0000
DAVID W FIELDS, 0000
JAMES E MERCANTE, 0000
PETER E PETRELIS, 0000
RICHARD J ROCKWOOD, 0000
RICHARD H RUSSELL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID S CARLSON, 0000
FRANCIS CHAN, 0000
CARL CHING, 0000
PAUL S GLANDT, 0000
ALMA M GROCKI, 0000
FREDERICK HOOVER, 0000
ERIC J KARELL, 0000
ROLF G LUND, 0000
DREW D NELSON, 0000
RAYMOND D OTOOLE JR., 0000
THADDEUS A PEAKE III, 0000
ANTHONY PELLEGRINO, 0000
PHILIP A PERRY, 0000
GREGORY A PORPORA, 0000
JOHN G POSADAS, 0000
THOMAS A JR ROLLOW, 0000
CHRISTOPHER S TAGGART, 0000
MICHAEL J ZULICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN J ALDA, 0000
CHARLES K APGAR, 0000
KAREN M ARMESON, 0000
HENRY J BABIN, 0000
WILLIAM E BATTLE II, 0000
JAMES F BIANCHI, 0000
CHRISTOPHER W BIRD, 0000
MARK D BURROWS, 0000
JAY S CAPUTO, 0000
CHRISTINE E CARTY, 0000
WILLIAM C DODGE, 0000
ROBERT L DOLEZAL, 0000
RANDY E DUNCAN, 0000
BRIAN E ERWIN, 0000
BRIAN D FILA, 0000
KAREN F GERRINGER, 0000
WILLIAM S GIECKEL, 0000
CHRISTOPHER K GIFFIN, 0000
ROBERT E GREGOIRE, 0000
GEORGE E HAPLEA, 0000
DON L HAYES JR., 0000
FRANK J HEFESTAY JR., 0000
CHARLTON T HOWARD II, 0000
DAVID R JAHN, 0000
JEFFREY W JOHNSON, 0000
MICHAEL E KENNEDY, 0000
PATRICK M KINSEY, 0000
ROBERT D LIVINGSTON, III, 0000
MICHAEL W LUTCHE, 0000
TIMOTHY P LYON, 0000
WILLIAM H MITCHELL, 0000
JENNIFER S NASH, 0000
JEFFREY A NELSON, 0000
E J NUSBAUM, 0000
POMPEI L ORLANDO JR., 0000
LAURENT C REINHARDT, 0000
TIMOTHY C RILEY, 0000
JOHN W ROGERS, 0000
DAVID A ROSENBERG, 0000
ERIC D SEELAND, 0000
MICHAEL A VANHORN, 0000
CANDACE C VESSELLA, 0000
KATHRYN D YATES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL P ARGO, 0000
JEFFREY M BRUSOSKI, 0000
JEFFREY F CARLSON, 0000
MARK E DONAHUE, 0000
ROBERT W FOWLER, 0000
DAVID D FOY, 0000
JOHN C HALL, 0000
KEVIN R HEMPEL, 0000
JAMES F IANNONE, 0000
KENNETH C IRELAND, 0000
MARK W KRAUSE, 0000
KENNETH R LEWKO, 0000
ROBERT E LOUZEK, 0000
KEVIN G MCCARTHY, 0000
CARL J MURRAY, 0000
GEORGE W MYERS JR., 0000
EDWARD M PHELPS, 0000
STEVEN J RICHEY, 0000
STEVEN L RICHTER, 0000
CHARLES M SAYLOR, 0000
GERARD B SCHOENFELD, 0000
MARK S SPENCER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RONALD D ABATE, 0000
SANDRA E ADAMS, 0000
GARY S ALMEIDA, 0000
CRAIG F ARNDT, 0000
BRIAN O BARRETT, 0000
PAUL L BARRY, 0000
CARYN F BARRY, 0000
MARK W BAUCKMAN, 0000
JOHN L BEDKER, 0000
THOMAS J BELKE, 0000
BROOKS D BERG, 0000
JOHN C BISHOP, 0000
THOMAS M BOERUM, 0000
THOMAS E BOUGAN, 0000
GERALD L BOUTS, 0000
JEAN D BOUVET, 0000
THOMAS H BOYCE, 0000
STEVEN C BRADFORD, 0000
WILLIAM K BRISTOW, 0000
JOHN M BRODARICK, 0000
RICHARD H BROWN, 0000
NEAL G BUNDO, 0000
ROBERT D CHANDLER, 0000
CHARLES J CHANDONNET, 0000
BRIAN G CHESLACK, 0000
KEVIN W CHIZEK, 0000
MICHAEL D CHRISTOPHER, 0000
STEVEN W COLON, 0000
STANLEY K COOK, 0000
PETER J CORCORAN, 0000
RAYMOND J CRAVAACK JR., 0000
JACK R CROCKETT, 0000
ARTURO C CUELLAR, 0000
PHILLIP L DALTON, 0000
DANIEL S DAVIDSON, 0000
DAVID J DELANCEY, 0000
MARGARET A DEMING, 0000
GREGORY M DENKLER, 0000
DONALD E DENSFORD JR., 0000
TONEY R DOLLINS, 0000
BRENT A DORMAN, 0000
ANDREW W EBERHART, 0000
MICHAEL F ERICKSON, 0000
RUSSELL R ERVIN, 0000
RUDOLPH N ESCHER, 0000
STEVEN M FARR, 0000
JAMES R FENTON, 0000
GREGORY R FINE, 0000
MICHAEL R FINN, 0000
BERNARD L FLANK, 0000
ROBERT A FORD, 0000
DAVID M FOSTER, 0000
JEFFREY W FUNDERBURK, 0000
SIMEON C GARRIOTT JR., 0000
BRADLEY D GAWBOY, 0000
HARVEY R GERRY, 0000
AURELIUSB GIBSON JR., 0000
DAVID A GILLILAND, 0000
JOHN B GIUDA, 0000
KATHLEEN E GOUGH, 0000
JOSEPH A GRACE, 0000
JEFFREY H GREEN, 0000
MICHAEL J GUNNING, 0000
STEPHEN A GUSTIN, 0000
JAMES R GWYN, 0000
KENNY D HARRIS, 0000
JACOB A HARRISON, 0000
WILLIAM G HARRISON, 0000
KEVIN J HAUGHEY, 0000
GEORGE A HAYES III, 0000
FRANCIS C HEIL, 0000
THOMAS J HIGGINS, 0000
THOMAS G HILTZ, 0000
KATHRYN P HIRE, 0000
KEVIN D HOLWELL, 0000
WILLIAM G HOMAN, 0000
DANIEL W HUDSON, 0000
EUGENE G HUETHER, 0000
MARK G HUNN, 0000
DENNIS J HUNT, 0000
GERALD A JABLONSKI, 0000
ROBERT W JACKSON, 0000
THOMAS R JACOB, 0000
RAYMOND B JAHN, 0000
THOMAS J JARDINE, 0000
JEFFREY B JEROME, 0000
ELLEN M JEWETT, 0000
KIRK G JOHANSEN, 0000
ROBERT J JOHNSON, 0000
STEVEN E JOHNSON, 0000
JANET P JORDAN, 0000
EDWARD J KANE, 0000
PETER L KENNEDY, 0000
KRISS M KENNEDY, 0000
JAMES D KENT, 0000
JASON L KESSEL, 0000
ANDREW L KILGORE, 0000
WILLIAM R KILLEA, 0000
RALPH W KIVETTE, 0000
ALAN E KNUTH, 0000
ROBERT G KOERBER, 0000
JOHN M KREGER, 0000
GRANT E KRUEGER, 0000
DOUGLAS J KURTZ, 0000
RICHARD M KYNASTON, 0000
LESTER M LAMBERTH, 0000
DAVID J LEBLANC, 0000
MICHAEL W LEONARD, 0000
KENNETH A LISS, 0000
RANDALL P LITTLE II, 0000
STEPHEN R LYON, 0000
STEWART L MAGRUDER JR., 0000
KEITH J MAHOSKY, 0000
HARRY A MARSH, 0000
ARMANDO M MARTINEZ, 0000
VALERIE A MAURER, 0000
CHARLES M MCCLESKEY, 0000
ROBERT W MCDOWELL, 0000
MONI MCINTYRE, 0000
ERICSON W MENGER, 0000
NORMAN H MESSINGER, 0000
CHRISTOPHER G MILLER, 0000
WILLIAM C MILLS, 0000
ROBERT V MILLS, 0000
ROBIN Y MORISHITA, 0000
ROBERT G MORISSETTE, 0000
TIMOTHY S MOXON, 0000
JORGE L MUNOZ, 0000
WILLIAM J MURTAGH III, 0000
JOHN E MYERS, 0000
PHILIP O NOLAN, 0000
KEVIN K NONAKA, 0000
GEORGE M NORMAN, 0000
KENNETH W NOVOTNY, 0000
JAMES P OHARA, 0000
PAULA L OSTROM, 0000
MICHAEL E OTTLINGER, 0000
JOSEPH C PAPALSKI, 0000
CONWAY D PATERNOSTRO, 0000
LARRY A PECK, 0000
DOUGLAS E PENCE, 0000
JOEL PICKERING, 0000
THOMAS J PINSON III, 0000
EDWARD F POSS III, 0000
JULIUS I PRYOR, 0000
BRIAN L QUISENBERRY, 0000
ALAN K RAGAN, 0000
HERMAN P REDDICK, 0000
PAUL J REESE, 0000
ALAN L RIDNOUR, 0000
ROBERT M RIVERA, 0000
ROBERT E ROCHFORT JR., 0000
SUSAN P SAUNDERS, 0000
JOSEPH T SCHARTUNG, 0000
STEPHEN K SCHINI, 0000
DAVID R SCHOENE, 0000
STEPHEN J SCHRADER, 0000
ALVIN D SEARS, 0000
STEPHEN E SHEELY, 0000
KENT E SHERRER, 0000
VIRGINIA R SIMPSON, 0000
MICHAEL P SMITH, 0000
JEFFRY R SPENCER, 0000
ROBERT C SPERO, 0000
JOSEPH C SPITEK, 0000
JAMES E STAHLMAN, 0000
JOHN B STANLEY, 0000
WILLIAM G STARK, 0000
DAVID R STASER, 0000
DANNY A STEWART, 0000
DAVID R STITZLEIN, 0000
MARK A STOFFEL, 0000
VICTOR B STUCKEY, 0000
T D STUDWELL, 0000
HENRY B STUEBER, 0000
EUGENE P SULLIVAN, 0000
TINA J TALLEY, 0000
ANDREW C TAYLOR, 0000
MICHAEL THOMPSON, 0000
DAVID P TORMA, 0000
JAMES J TOWNSEND, 0000
PAUL M ULMER, 0000
MICHAEL J VANBROCKLIN, 0000
RICHARD M VANDERHOEVEN, 0000
MICHAEL F VANVLECK, 0000
TIMOTHY C VICKERS, 0000
JOSEPH F VONSAUERS, 0000
BOBBY D WALDEN, 0000
DOUGLAS E WEATHERFORD, 0000
ERIC A WIEMAN, 0000
ANDREAS M WILSON, 0000
STEVEN W WILSON, 0000
BILL L YANCEY, 0000
GLENN L ZITKA, 0000

EXTENSIONS OF REMARKS

''PAUL REVERE FORUM'' AND THE PAUL REVERE FREEDOM TO WARN ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 2002

Mr. ISRAEL. Mr. Speaker, on February 27th, 2002, I was honored to be joined by a number of American patriots for a forum on my legislation, the Paul Revere Freedom To Warn Act.

The courage of the whistleblowers who joined me that day was wonderful testimony to the power of the individual and to the responsibility we all have to monitor our national security. Brave men and women have taken great personal risks to protect all of us. Now we must do a better job protecting them.

For years, whistleblowers have been forced to make personal sacrifices in order to do what is right. I would submit that, at the least, whistleblowers deserve to be free from retaliation for simply doing what is right.

The is why I sponsored the Paul Revere Freedom to Warn Act. This legislation would merely give people a remedy. This legislation would merely say that any whistleblower who is retaliated against (in contravention of the Lloyd-LaFollette Act, which is current law), should have the right to seek redress for their harm.

I would like to thank all those who attended the forum on February 27th as well as the event's sponsors, the Government Accountability Project, the Project on Government Oversight, and the National Whistleblower Center. In particular, I would like to thank former New York Police Detective Frank Serpico for detailing his personal account. Mr. Serpico, who courageously exposed police corruption in the 1970's, is a shining example of how one person's courage can change the system and make life better for millions of people.

I was moved by the heroism of these individuals and unsettled by our failure to protect them in the past. This was no less true with Mr. Bogdan Dzakovic, whose efforts to warn the FAA about serious flaws in airport security, were virtually ignored. Matthew Zipoli, Randy Robarge, Ronald E. Timm, and Darlene Catalan, other patriots and whistleblowers, told their stories, and I thank them as well for reminding us that whistleblowers need our protection now more than ever.

Mr. Speaker, I ask that articles dealing with the forum and whistleblower issues from the Christian Science Monitor, the Washington Post and the Bureau of National Affairs' Government Employee Relations Report appear in the RECORD at this time.

[From the Christian Science Monitor, Feb. 28, 2002]

DEFENDING WHISTLEBLOWERS

The public is well served by the courageous few who put their careers at risk by going public about a dangerous or unethical situation in their area of work.

The latest example of such noble whistleblowing is Enron's Sherron Watkins, who brought to light the accounting fiction of Enron's books.

But she, like many whistleblowers, had difficulties getting the truth out. About 90 percent of whistleblowers experience some reprisal or threat of one.

A public forum is being held on Capitol Hill this week to drum up more protection for public truthtellers whether they be in aviation, nuclear power plants, border security, or the military.

Many parts of government rely on secrecy for their work but, as Tom Devine of the watchdog Government Accountability Project points out in these post-9/11 days: ''Secrecy can be a threat to national security. It can sustain government breakdowns that create vulnerability to terrorism.''

The 1989 Whistleblower Protection Act needs to have some loopholes closed, and a bipartisan effort within Congress to do just that is gaining momentum.

Congress should seize the opportunity to make sure citizens who sound the alarm have the rights—and protections—they need in order to help safeguard the greater society.

[From the Washington Post, Feb. 28, 2002]

MORE HELP SOUGHT FOR THOSE WHO BLOW WHISTLE

(By Bill Miller)

Joined by government insiders who had gone public with concerns about lapses in security at airports, nuclear facilities and borders, three watchdog groups yesterday called for stronger federal laws to protect whistleblowers from workplace retaliation.

''We can do a lot more to defend national security by listening to the messengers,'' said Tom Devine, legal director for the Government Accountability Project. ''These people are the pros on the front lines, and they've been beating their heads against bureaucratic walls for years and warning that we're not prepared.''

But, Devine said, those who come forward run the risk of being harassed, demoted or put out of work because of loopholes in the federal laws meant to protect them.

The 1989 Whistleblower Protection Act was supposed to protect federal employees, who wanted to expose misconduct, waste or abuse. But it has been narrowly interpreted by the U.S. Court of Appeals for the Federal Circuit to exclude employees who first take their allegations to supervisors or co-workers, Devine said. Judges also have demanded that employees present ''irrefragable,''or indisputable, proof of the credibility of their disclosures, a nearly impossible standard, Devine said.

Devine spoke at an event billed as the ''Paul Revere Forum,'' in honor of the Revolutionary War hero who rode through Massachusetts in 1775 to warn that the British troops were coming. Two other groups—the Project on Government Oversight (POGO) and the National Whistleblower Center—joined the call for tougher legislation.

''Rather than admit their failings, large institutions always seek to destroy the messenger, no matter how high the stakes,'' said Danielle Brian, POGO's executive director.

The organizations presented first-person accounts from former New York City police detective Frank Serpico, who exposed police corruption in the 1970s, as well as from five people who have warned that the United States remains vulnerable to terrorist attacks.

They included Randy Robage, a former nuclear power plant supervisor, who said those facilities remain at risk; former security officer Mathew Zipoli and government consultant Ronald E. Timm, who alleged that security is lax at nuclear weapons research facilities; Darlene Catalan, a former U.S. Customs agent who said railroad tanker cars aren't being adequately checked for explosives at the borders; and Bogdan J. Dzakovic, the leader of a Federal Aviation Administration security team who went public this week with allegations that government officials ignored problems for years.

Dzakovic said he led a security team that was able to get weapons or explosives past airport checkpoints in 1998 but that the FAA failed to follow up.

The Office of Special Counsel, which investigates whistle-blower cases, asked the Transportation Department to review Dzakovic's complaints on Feb 5; his allegations were first reported on Monday by USA Today. Yesterday, Dzakovic said he continued to work for the new federal Transportation Security Administration. FAA officials have declined to discuss the matter but maintained that security problems have been addressed.

Advocates said that two measures pending in Congress would protect other whistleblowers so they could raise similar concerns without fear of reprisals.

The first is a proposed amendment to the 1989 law, backed by Rep. Constance A. Morella (R–Md.), that would change the standards to make it easier to win cases. The other is a bill that would make it illegal for public or private employers to retaliate against whistle-blowers and would permit them to take their cases before federal juries. Its backers include Rep. Steve Israel (D–N.Y.) and Sen. Charles E. Grassley (R–Iowa).

The timing is urgent, Israel said, adding: ''I think it's vital that Americans are fully aware of their level of security at our airports and that people working in the federal government aren't afraid of alerting the public to these conditions.''

[From the Government Employee Relations Report, Mar. 5, 2002]

WHISTLEBLOWERS WOULD GET ACCESS TO COURTS, RIGHT TO SEEK DAMAGES UNDER NEW BILL

Federal whistleblowers would be able to bypass the Merit Systems Protection Board and go directly to U.S. district court, where they could seek compensatory and punitive damage, under legislation introduced in the House Feb. 26 by Rep. Steve Israel (D–N.Y.).

The Paul Revere Freedom to Warn Act (H.R. 3806) also would allow state and local government whistleblowers, as well as private sector whistleblowers, to bring claims in federal court, providing an alternative venue to the current patchwork of laws affecting those whistleblowers.

The bill provides that any person experiencing whistleblower retaliation for communicating with Congress or federal law enforcement agencies may bring a civil action—and is entitled to a jury trial—in the

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

appropriate federal trial court within three years of the date of the violation. Suits against any person, organization, or employer responsible for a violation may seek lost wages and benefits; reinstatement; attorneys' fees and costs; compensatory and punitive damages; and equitable, injunctive, and other appropriate relief.

Remedy for Inconsistent Coverage. One of the purposes of the bill, according to Tom Devine, executive director of the Government Accountability Project, a nonprofit groups based in Washington, D.C., is to put teeth into the congressional right-to-know law, the Lloyd LaFollette Act of 1912. While that bill made whistleblower retaliation illegal, he said, it did not provide for a legal remedy. Various whistleblower statutes provide administrative remedies for federal and nonfederal workers, but the coverage of those laws is inconsistent, Devine said in talking points prepared for a Feb. 27 press event to announce the introduction of the new legislation.

Legislation introduced by Sen. Daniel K. Akaka (D–Hawaii) June 7, 2001, in the Senate and by Rep. Constance A. Morella (R–Md.) July 23, 2001, in the House as S. 995 and H.R. 2588, respectively, would strengthen the Whistleblower Protection Act, which is designed to protect federal whistleblowers (39 GERR 865, 8/7/01). Among other things, the Akaka and Morella bills would clarify what types of information disclosures are protected from prohibited personnel practices such as retaliation.

IN TRIBUTE TO AL AGOVINO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ENGEL. Mr. Speaker, Al Agovino is a man who knows how to give of himself. He started, officially, in the Pacific Theater with Motor Torpedo Squadron 36 and was awarded five Battle Stars.

Back home in the Bronx he has also been generous with his time and ability. At St. Benedict's Church he has been President of the Holy Name Society and Co-ordinator of the Church Ushers and of the Blood Bank. He has been Grand Knight of St. Luke's Council of the Knights of Columbus. He has served on the New York State Autism Advisory Council. He also serves on the Bronx Consumer Council.

He has also served on the Bronx Developmental Disabilities Service Office Parent Association, on the Human Resources Administration Advisory Council, and on the New York State Commission on Quality Care for the Mentally Disabled Advisory Council.

If that wasn't enough he has been a vital advocate for parents and for all people with developmental disabilities and their families. He has served on the Board of the Association for the Help of Retarded Children and in that capacity rarely missed a meeting in over twenty years. His presence has made AHRC a force in its field.

More immediately, I rise today to speak of Mr. Agovino with some sadness, for he is retiring from the Board of Visitors Association after 25 years of constant and devoted service. The Board oversees conditions and the quality of life offered to patients in the State Psychiatric and Developmental Centers. While on the Board, to which he was named by the Governor and confirmed by the State Senate, he also served on many committees including Government Relations and Geriatric, and was also President of the New York State Association of Boards of Visitors. His leaving will leave a hole in our hearts and our abilities.

Al and his wife Vera have been married for 55 years. They had six children who in turn gave them six grandchildren. I offer him my sincerest congratulations for all he has done, and it is a lot. I join with the countless others he knows and has helped in wishing the very best in all that he does. He has made the world a better place.

MONINA SUNGA RECIPIENT OF 2001 PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING (PAEMST)

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. UNDERWOOD. Mr. Speaker, the Presidential Awards for Excellence in Mathematics and Science Teaching Program (PAEMST) is designed to recognize our nation's outstanding teachers. Administered by the National Science Foundation (NSF), recipients of the program's awards serve as role models for peers. They focus interest upon the teaching profession, encourage high quality teachers to remain in the field of education, and generate the enthusiasm required to foster the next generation of teachers.

One of the outstanding individuals to be honored this year is Ms. Monina Sunga, a science teacher from the Vicente S.A. Benavente Middle School in Dededo, Guam. Monina joined fellow-awardees from all over the United States in a visit to our Nation's capital where they were honored for their achievements. During her visit to Washington, DC, she had the opportunity to meet and confer with government and education officials along with other awardees. Having received this honor, she became part of a growing network of exceptional teachers.

Monina has been described as ''a teacher who takes a hand, opens a mind and touches a heart.'' To her students, she is a counselor, supporter and friend. Having been a teacher on Guam for more than twenty-five years, Monina claims to have found the ''fountain of youth'' within her mind and within her classroom. Convinced that her youthful disposition is derived from her students, she has made it known that she intends to say as a classroom instructor for as long as she is able to do so. To her fellow teachers she imparts the knowledge that the true joy of teaching is achieved when teachers ultimately inspire students to learn.

As a science teacher, Monina found that going beyond the assigned readings is a very efficient method of teaching the subject. She firmly believes that healthy interaction in conjunction with hands-on training for the children are keys to successful learning. She encourages her students to use their natural environment as their laboratories. Her students are acquainted with learning tools derived from the simplest of things and they respond with great enthusiasm to her teaching method.

In addition to the prestige Monina brings to her school and the pride she instills in her students, the rewards of being a PAEMST awardee also includes a grant of $7,500 which will be employed for the benefit of her school. This goes a long way towards furthering her goals and examples.

It gives me great pleasure to recognize and highlight the contributions of Ms. Monina Sunga and her fellow teachers. Having been a former classroom teacher herself, I am aware of the sacrifices and high standards expected from those in the teaching profession. I would like to take this opportunity to express my appreciation and admiration for the teachers whose constant contributions instill exemplary values and shape the lives of our children, our communities and our future.

COMMEMORATING THE TAIWAN RELATIONS ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. KIRK. Mr. Speaker, as we mark the 23rd anniversary of the Taiwan Relations Act today, I wish to comment on the special relationship between the United States and Taiwan.

In 1978, President Jimmy Carter switched diplomatic recognition from the Republic of China to the People's Republic of China. To ensure Taiwan would continue to prosper and grow, Congress passed the Taiwan Relations Act in 1979. For the last twenty-three years, the Taiwan Relations Act has worked exceedingly well, providing Taiwan with the necessary security, while reminding the Chinese mainland not to use force against this flourishing democracy. On this 23rd anniversary, it is important to remind everyone that the United States stands behind the spirit of the Taiwan Relations Act.

The United States continues to enjoy a longstanding and healthy relationship with Taiwan. The people of Taiwan have always stood shoulder to shoulder with us, and we should stand by them as well. I rise today in recognition of these continued positive relations between Taiwan and the United States.

JEREMY J. WARREN'S HONOR FOR SERVICE ON SEPTEMBER 11, 2001

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. COMBEST. Mr. Speaker, I rise today to commend Jeremy J. Warren for his selfless service to citizens of the United States during the September 11 tragedy in New York.

Jeremy and 11 of his classmates at the United States Merchant Marine Academy were called to aid in rescue efforts merely hours after the World Trade Centers collapsed. Jeremy used his extensive rescue training to help search the debris during the critical post-collapse hours in hopes of finding survivors. Jeremy worked at ground zero through the night and was relieved from the operation in the early morning hours of September 12.

In 1994, Jeremy graduated from Midland Lee High School in my congressional district. He sought a nomination to the United States Merchant Marine Academy and was granted the appointment. In June 2002, Jeremy will graduate from this institution. The excellent training Jeremy received at King's Point paid off not only for himself but also his country.

Mr. Speaker, it is my honor to publicly thank Jeremy for his actions on September 11, 2001, and to extend my congratulations to him on the occasion of his upcoming graduation. I wish him nothing but the best for the future.

IN TRIBUTE TO MARY A. GAINES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ENGEL. Mr. Speaker, the Carter G. Woodson Award of Mercy College has been given annually since 1986 to notable contributors to African American life and history. This year the awardee is Mary A. Gaines, the executive director of the Nepperhan Community Center. I am proud to consider her a good friend.

Early in her life Mary knew she wanted to work with young people. She came to Yonkers from North Carolina and studied at Mercy College and Westchester Community College. Since 1968 she has served in various capacities in the Nepperhan Community Center, an organization serving a wide range of community needs.

Indeed Mary has touched the lives of hundreds, if not thousands of young people in her time at the Community Center. During that same period of time the Nepperhan Community Center grew from a small, cramped facility to one occupying a renovated and spacious building. The youth programs have become much more solidly funded and the number of programs serving the community has grown to include the Adolescent Pregnancy Prevention Service Program, the Independent Living Skills/Careers for Youth, the Youth Communications Network, Act for Youth, the Yonkers Success Training Academy, and the Drug Free Program, among many others.

She has also served in other distinguished organizations such as the United Way of Yonkers, the Black Women's Political Caucus, the New York State Division for Youth Advisory Board, the Yonkers Community Development Agency Board, and many others.

Needless to say she has received many awards for her good works. She attends the Mount Carmel Baptist Church, serving on its Missionary Society and Education Committee.

She epitomizes the adage that if you want something done, ask a busy person to do it. She has worked for several generations of Yonkers youth, helping and guiding them with her knowledge and experience, and her love. If Yonkers is a better place, and it is, we can thank Mary Gaines, and those who share her dedication and devotion to making the lives of its people better. Congratulations Mary, I'm proud to know you and Yonkers is fortunate to have you.

RICHARD DAVID KAHN MELANOMA FOUNDATION

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. FOLEY. Mr. Speaker, I would like to express my support for the Richard David Kahn Melanoma Foundation and to recognize May 6, 2002 as Melanoma Monday, Skin Cancer Awareness Day. This year alone, over one million Americans will be diagnosed with some form of skin cancer. Out of the one million diagnosed—10,000 of those will die—that equals one person every hour.

This number is unconscionable given the fact that skin cancer is 100 percent preventable and curable when detected early. Our most powerful tool against this disease is education. I commend the actions of the Palm Beach County-based Richard David Kahn Melanoma Foundation for its relentless efforts in educating the people of South Florida about the dangers of melanoma and the steps needed to prevent it. The Foundation reaches more than 10,000 local residents directly each year through the many school and community-based presentations and special events.

I would encourage my constituents, and the American people at large, as we come close to the summer of 2002, that they avoid peak sunlight hours (10:00 a.m. to 3:00 p.m.), when the Sun's rays are most intense. I would also recommend that anyone going outside use the appropriate sun block and minimize their exposure.

Every year we spend billions of dollars on curing thousands of diseases. Melanoma can be cured by simple education and awareness. I am proud of the work that the Foundation has done and am proud to recognize May 6, 2002, Melanoma Monday, Skin Cancer Awareness Day.

COMMENDATION FOR 11-YEAR OLD LIFESAVER, VINCENT MICHAEL CRUZ SABLAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. UNDERWOOD. Mr. Speaker, as islanders, the people of my home district of Guam are particularly sensitive to water-related accidents, whether in the ocean, in a swimming pool or in a bathtub. All too often, we are saddened by the news of drowning tragedies, especially those which claim the lives of children. A physical education class at the Andersen Air Force Base swimming pool last December would have ended in another such tragedy, if not for the quick action of 11-year old Vincent Michael Cruz Sablan, a sixth-grade student at DODEA's Andersen Middle School.

On December 19, 2001, as his classmates frolicked in and around the water, Vincent and his friends noticed that another boy was lying motionless on the bottom in the deep end of the pool. At first they thought the boy was fooling around, testing his ability to hold his breath underwater, but they soon realized that the boy was in trouble. A self-taught swimmer with no formal lifesaving training, Vincent was the only one in the group able to dive deep enough to reach the boy at the bottom of the pool. On his first attempt, Vincent could only get close enough to see that the boy was not just holding his breath. He then re-surfaced, drew a big breath and dove again. He reached the submerged boy's body and grabbed a hold of him. The drowned boy was taller and heavier, but Vincent managed to bring him to the surface.

By then, the commotion had drawn adult attention and base emergency responders were summoned immediately. The boy was not breathing and had to be resuscitated. He was transported to the Naval Regional Medical Center, where he spent two days in the Intensive Care Unit. According to medics, the boy was only seconds away from death, but Vincent's effort made the difference. After five days in the hospital, the boy was released and is now well and fully recovered.

Vincent went home from school that day and made no mention of the incident to his parents, Guam National Guardsman, CWO Vincent A. and Agnes Cruz Sablan, of Dededo. He resumed his sixth-graders life, watching television, playing with his friends, being reminded to do his chores and struggling with his homework. It wasn't until base security called and reported to CWO Sablan that his son was a genuine hero.

Mr. Speaker, as parents, we strive to teach our children right from wrong, to instill in them the virtues and values we hold dear. We try to prepare them for life as responsible adults and we hope that they make right decisions and do good things. Just as we are dismayed when they stumble, we must praise when they shine. Last December, Vincent witnessed something wrong. He realized that someone's life was at stake and that he had to do something to help. He did not panic or turn away from a threatening situation. Instead, he did what he knew was right, and what he did was extraordinary. He saved a life. Afterward, he did not brag about his deed. He sought no accolades or rewards. Even so, this young man deserves our gratitude and our praise, for proving that, when taught, children will be responsible even from an early age. I take great pride and pleasure in commending Vincent Michael Cruz Sablan. He truly is a lifesaver and merits recognition as such.

The youngest of four children, the ''baby'' of his family, Vincent has already proven himself to be a valuable member of the Guam community. I join his parents and his siblings, Michael, Angela and Steven, in saying, ''Well Done, Vincent!''

TRIBUTE TO LYNNE SILBERT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. BERMAN. Mr. Speaker, I am greatly honored today to pay tribute to one of my most unique and closest friends, Lynne Silbert, who has been chosen to receive the prestigious Human Spirit Award from the Wellness Community of West Los Angeles.

It is hard to find words to adequately describe Lynne. Lovely and charming, inside and out, she has touched a myriad of lives. She is warm and generous, but truly defined by her

enormous desire to serve humanity. She is funny and fun; a companion to do something crazy with and a friend so loyal and so sensitive that your moment of need is the moment she is at your side. She approaches life as she approaches her work, with passion and a great heart. As an aside, my wife Janis and I will always remember her opening her home to us for our wedding.

The daughter of distinguished and philanthropic parents, Lillian and Harvey Silbert, Lynne chose—as a young widow with two small children—to go back to school. She received her degree in counseling and started her career with a small nonprofit organization that provided support, education and hope to cancer patient and their families. She has helped that organization grow from a small yellow house in Santa Monica to an international organization with facilities throughout the United States and in Japan and Israel.

Over 19 years later, Lynne is still with the Wellness Community. She has led thousands of support groups, and has infused thousands of cancer patients with hope and determination. Especially noteworthy is her work with children—both the kids of cancer patients and those who suffer with cancer themselves. Beloved by adolescents because she never has lost her own youthfulness, she has both created and facilitated hundreds of groups to support young people battling this dread disease. It takes enormous skill, empathy and grace to do this difficult work. Lynne has an abundance of each of these attributes.

Her good works aren't limited, however, to the Wllness Community. She is a member of the Cedars-Sinai Medical Center Board of Governors and is active with the American Friends of Hebrew University. She is the mother of two accomplished daughters: Jill and Gina and, although you'd never know it, the grandmother of four. She is married to a distinguished member of Los Angeles' medical community, Dr. Seth Weingarten.

Mr. Speaker, distinguished Colleagues, I ask you today to join me in saluting Lynne Silbert and congratulating her this honor, which she so richly deserves. She embodies the Spirit of Humanity. To know her is to be greatly blessed and to find your life immeasurably enriched.

IN RECOGNITION OF REGINALD LAFAYETTE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ENGEL. Mr. Speaker, since he arrived in Mount Vernon from Charleston, South Carolina 30 years ago, Reginald Lafayette has held so many responsible positions in the City we can rightly ask; Could we have gotten along without him.

He started in politics as a Democratic District Leader, a position he still holds. Some of the other positions he holds or has held are the Democratic Chairman of the City of Mount Vernon, member of the Westchester County Democratic Executive Committee, member of the Black Democrats of Westchester, former member of the United States Selective Service Board No. 104, former member of the Mount Vernon Postal Service Board, former Executive Vice President of the Mount Vernon Chapter of the N.A.A.C.P., former Treasurer of the Independent Citizen's League, former President of the Mount Vernon Lions Club, former member of the Board of Directors of the Westchester Opportunity Program, and former member of the Mount Vernon Day Care Center.

He did all of this while working full time for Met Life for his first nine years in Mount Vernon.

Besides all of the above, he served as Commissioner of Human Rights, as the City of Mount Vernon Deputy Controller for 14 years, and is a member of the Westchester County Board of Elections and the New York State Election Commissioner Association.

He has worked hard to make his community a better place to live and he has succeeded admirably, I and many others in Mount Vernon have long admired his diligence and his ability to achieve results. We are all thankful that we have Reggie among us. I am thankful to know him and to be his friend.

RECOGNIZING THE NEW DONALD BREN HALL AT THE UNIVERSITY OF CALIFORNIA, SANTA BARBARA

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mrs. CAPPS. Mr. Speaker, it is with great pleasure that I rise today to recognize one of the ''greenest'' commercial buildings in the Nation, Donald Bren Hall. This important structure houses the Donald Bren School of Environmental Science & Management at the University of Southern California, Santa Barbara and is a living laboratory for sustainable green building practices and materials.

Donald Bren Hall incorporates all of the latest elements of sustainable design, including solar photovoltaic panels that capture the sunlight to provide almost 10 percent of the building's electricity, natural air cooling using ocean breezes and energy-efficient lamps and ballasts, including motion and ambient light sensors to control lighting levels.

Recyclable materials are used throughout the building, including reclaimed carpets, rubber flooring made from recycled tires, ceiling tiles made from cornstarch and recycled paper and roofing materials that insulate and reduce energy consumption. Windows have a device that automatically shuts off the room's heating system when opened and reclaimed water is used for irrigation. The building will use 27 to 40 percent less electricity than a conventional structure.

The new Donald Bren Hall will achieve the Platinum rating from the U.S. Green Building Council for Leadership in Energy and Environmental Design—or LEED—which is the highest level of distinction given to a capital project that meets or exceeds the strictest requirements of the LEED Green Building Rating System.

Mr. Speaker, clearly this building is a role model not only for UCSB, but also for other university campuses throughout the state and country. This building stands as a testament to what is possible when engineers, suppliers and architects work together to achieve a practical, environmentally-friendly balance between a structure's comfort and its functionality. They have set the bar very high, and I hope this building's influence extends beyond the university setting and into the realm of business and commercial development.

On Friday, April 19, 2002 Donald Bren Hall will be officially welcomed to the Santa Barbara community, Mr. Speaker, I hope my colleagues will join me today in congratulating the University of California, Santa Barbara for its vision and commitment to working with and on the behalf of our precious environment

CONGRATULATING STUDENTS FROM STEVENSON HIGH SCHOOL IN LINCOLNSHIRE, ILLINOIS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. KIRK. Mr. Speaker, I would like to congratulate nine students from Stevenson High School in Lincolnshire, Illinois who competed in the prestigious U.S. Academic Decathlon contest over the weekend. Created in 1981, the rigorous program tests students in 10 categories: art, economics, essay, interview, language and literature, mathematics, science, social science, speech, and super-quiz. This year's super-quiz topic was ''E–Communication: The Internet and Society.''

Stevenson's decathlon team has risen to statewide prominence since it was formed six years ago. The team placed seventh in the Illinois competition in 1997 and fourth the two following years. The squad placed fifth in 2000, second last year and third this year in the state-wide competition.

The team who competed over the weekend in Phoenix, Arizona consisted of: Julia Wallace, a senior from Long Grove; Jessica Eggert, a senior from Hawthorn Woods; Dan Pyster, a senior from Lincolnshire; Dan Kaplan, a senior from Lincolnshire; Jackie Lantz, a senior from Buffalo Grove; Chad Spiegel, a senior from Buffalo Grove; Ryan Schaefges, a senior from Buffalo Grove; Eric Swanson, a junior from Buffalo Grove; and Jeff Waxman, a junior from Buffalo Grove.

I want to commend these students and teachers who have worked tirelessly on the weekends and after school to prepare to achieve this goal. The team from Stevenson entered the competition ranked 10th in the nation. They faced 55 schools from 40 states which were broken up into three divisions based on their size. The Stevenson team placed 8th in the largest division and 11th in the nation. Congratulations for all your hard work.

CONGRATULATING MR. JAMES ''BUTCH'' BLEVINS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and enthusiasm that I wish to congratulate Mr. James ''Butch'' Blevins for his

thirty-seven years of dedicated service to Ironworkers Local #395 in Hammond, Indiana. James will be honored for his strong commitment to the Ironworkers at a retirement party to be held on Saturday, April 20, 2002 at the St. Elijah Serbian-American Hall in Merrillville, Indiana. His leadership and desire for excellence in all of his activities have made James a popular figure among his fellow members, and his departure will be felt throughout the organization.

Throughout its seventy-eight year history, the devoted members of Ironworkers Local #395 have displayed the commitment and work ethic that we in Northwest Indiana value so highly. I can remember as a child hearing my father, an Ironworker himself, tell us the stories of his friends and their experiences together in the workplace. Ironworkers are a loyal, hard-working, dedicated group of individuals who strive to produce the highest quality product that is possible. James ''Butch'' Belvins has exemplified these characteristics for thirty-seven years at Local #395.

During his thirty-seven years as a member of Ironworkers Local #395, James served as an elected officer for twenty-one years. He currently holds the title of Business Agent, and also serves as the Trustee to the Health and Welfare Plan, as well as the Trustee to the Northwestern Indiana Building Trades. His active role in these positions has been a tremendous asset to his fellow union members as well as to the entire Northwest Indiana community. James also served as a Hammond Precinct Committeeman and as President of the Hammond Economic Development Committee. His personal commitment and dedication to the citizens of Indiana's First Congressional district has been outstanding.

Although he has been a devoted worker and union member, James has always put his family first. He, along with his wife, Sally, takes great pride in raising their three children, Jim, Chad, and Eric. James' retirement will allow him to spend even more time with his loved family, something he eagerly awaits.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Mr. James ''Butch'' Blevins on his retirement after thirty-seven years of faithful and diligent service to Ironworkers Local #395 in Hammond, Indiana. James has been a valuable member to his union as well as to his community, and his service to Northwest Indiana will be greatly missed. I wish him the best of luck in his future endeavors, and I hope that he enjoys his retirement for many years to come.

IN RECOGNITION OF GERARD LANGLAIS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ENGEL. Mr. Speaker, Social Security benefits have become, since their inception, a mainstay of America's elderly. The men and women who work in the Social Security Administration are responsible for seeing that our elderly and dependents get the benefits they have earned through a lifetime of work.

One such man is Gerard Langlais, the Manager of the East Bronx District Office, who is now retiring so he can collect his Social Security benefits. And he has earned them. He joined the Social Security Administration in 1961 as a claim representative in Poughkeepsie. Three years later he was promoted to Field Representative and four years later promoted again to Operations Supervisor at the Flatbush District Office. In 1970 he became an Assistant District Manager, also in Brooklyn. Three years later he was promoted to his present position, where he has served honorably and well for the past 29 years.

Mr. Langlais was born in Maine, graduated from Siena College, and served as a Seabee in the U.S. Navy for two years where he operated and designed construction equipment. He and his wife Toni live in Yonkers.

Mr. Langlais has served the people of America in their government for 41 years. It is people like him who make our society work. I congratulate him and thank him for the diligence and dedication he has done, work that has made the lives of so many of our citizens better.

PENSION SECURITY ACT OF 2002

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 2002

Mrs. ROUKEMA. Mr. Speaker, I am deeply concerned about Enron employees and retirees who invested a substantial portion of their retirement assets in Enron stock and are now facing financial uncertainty. I would like to commend Chairman BOEHNER for working expeditiously to produce a package of reforms that will help protect the retirement savings of millions of American workers.

By virtue of my service on two key Committees—the Committee on Education and Workforce and the Committee on Financial Services—I wear more than one hat when it comes to Enron. As you know, the Financial Services Committee is working to determine how the regulatory system failed in the Enron case and how reforms could correct these shortcomings. Our focus today is retirement security. The issues raised by the Enron bankruptcy have serious implications for millions of Americans who depend on their employers' pension plans for their retirement. Our actions today will help to protect nearly 50 percent of American households.

I represent a section of the country that has become known as a bedroom community for thousands of men and women who work every day in one of the most important financial districts on the planet. The confidence of these professionals has been shaken over the past few months. They come to doubt some of the very institutions they previously had come to rely on. It is obvious that these concerns are echoed throughout the country.

Since the enactment of ERISA in 1974, almost half of American households have joined the ''shareholder society'' by investing in the stock market, many through their employer-provided defined contribution plans. Today, 42 million workers hold 401(k) accounts amounting to $2.0 trillion in retirement assets. Private pension plans—including 401(k)s—are crucial to retirement security for millions of Americans. These workers need to have full confidence in the security of their pension plans.

We have spent considerable time over the years promoting expanded pension coverage and portability. But we have also tried to ensure that American workers' pensions and retirement savings are protected. I have always argued that there are three necessary components of a successful retirement system: (1) accessibility; (2) security; and (3) information.

These are exactly the issues that we are facing today. We need to provide our workers easier access to pensions so that they have the ability to save for retirement. We must ensure that retirement savings are secure. And we must ensure that workers have the information they need to make wise choices to fully achieve their retirement goals.

The bill before us today addresses all of these important points. The Pension Security Act of 2002 will: (1) provide workers greater freedom to diversify and manage their own retirement funds; (2) give workers quarterly information about their investments and rights to diversify them; (3) expand workers' access to investment advice; and (4) ensure that senior corporate executives are held to the same restrictions as average American workers during ''blackout periods.''

In spite of the flaws exposed by the Enron debacle, we must be careful not to dissuade employers from providing such plans to their workers. Even while we make reforms to protect retirement savings, we must continue to encourage employers to make generous contributions to workers' 401(k) plans.

Workers must also be free to choose how to invest their retirement savings. It is not our role to tell employees how to manage their pension plans. However we can ensure that employees have the ability to sell company stock and diversify into other investment options. And we can also guarantee employees access to information and advice regarding their pensions and investments. We have already recognized the importance of equipping workers with the knowledge to make wise decisions for their future, but we must now make this proposal a reality.

I am pleased that this bill contains important provisions to work toward ensuring fiduciary responsibility. Specifically, at Committee markup I offered two amendments which are contained in the bill before us today.

EDUCATIONAL RESOURCES FOR PLAN FIDUCIARIES

The first provision requires the Secretary of Labor to ensure that information and educational resources are made available to persons serving as fiduciaries under employee benefit plans in order to assist them in diligently and effectively carrying out their fiduciary duties.

There has been a lot of talk on Capitol Hill about the rigorous fiduciary duties under ERISA. Many argue that ERISA subjects fiduciaries to what is considered the highest fiduciary obligation in the law, namely an express trust.

ERISA requires that fiduciaries have a duty of loyalty, prudence, diversification, and that they act in accordance with plan documents. Plan fiduciaries are required to discharge their duties ''solely in the interest of participants and beneficiaries'' and for the ''exclusive purpose'' of providing benefits and defraying reasonable expenses of administering the plan.''

The law requires that the ''assets of a plan shall never inure to the benefit of any employer.'' It requires that fiduciaries act with the

care, skill, prudence, and diligence that a prudent person familiar with such matters would use in similar circumstances.

The responsibilities of fiduciaries are very clear in ERISA. I know these rules exist and the ERISA lawyers know it too—The problem is that oftentimes the actual fiduciaries are not aware of or do not understand these strict rules governing their behavior.

What the Enron debacle has brought to light is that this carefully crafted law of fiduciary responsibility is not always followed with the due diligence that is expected. Many people who are charged with operating employee benefit plans do not understand what their fiduciary roles require. Even worse, many do not understand the consequences for violating their fiduciary obligations.

This was a problem at a large company like Enron, as we learned from the testimony of one Enron fiduciary, Cindy Olson. We can be assured that the fiduciaries for other companies are likewise not adequately informed about their responsibilities in managing a pension plan.

Dr. Norman Stein testified in front of the Education and Workforce Committee that during a pension-counseling clinic at the University of Alabama, a personnel manager ''indicated that she did not know what a fiduciary was, did not know what rules governed a fiduciary behavior, and did not, of course, realize that she herself was a fiduciary.''

This is what is happening in the real world. How can we, in good conscience, tell American workers to entrust their retirement security to fiduciaries who do not understand the rules that govern their behavior? How can we ensure that fiduciaries are acting in the sole interest of participants and beneficiaries if they don't even know this requirement exists?

I believe that this provision is a modest first step in addressing this lack of knowledge. The Secretary is directed ''to establish a program under which information and educational resources are made available on an ongoing basis to persons serving as fiduciaries under employee benefit plans so as to assist them in diligently and effectively carrying out their fiduciary duties.''

This provision is just common sense. It addresses an issue that most of us thought was a given in the implementation of ERISA. The Enron case has demonstrated that we were incorrect in making that assumption. The Department of Labor must ensure that fiduciaries understand their responsibilities under the law. Information dissemination is a necessary first step in preventing breaches of fiduciary duties.

I am pleased that my amendment was accepted unanimously by the Committee and thank the Chairman for ensuring that it is contained in the bill that we are voting on today.

INDEPENDENT ADVISORS FOR FIDUCIARIES

The second amendment that was unanimously accepted by the Committee and is included here requires a study of the implications of requiring an independent advisor to provide investment guidance to fiduciaries regarding the management or disposition of plan assets.

I am very concerned about the inherent problems of conflict of interest when a firm must both manage a pension plan and maximize profit. This conflict of interest is particularly acute when the employer has exclusive control over retirement plans.

As we learned all too well from our hearings on the Enron crisis, this conflict of interest is real and can be detrimental to plan participants. Outside experts would be able to give independent advice to the plan fiduciaries because they are not beholden to the employer.

It makes sense that competent professional advisors should assist with retirement plan investment management. Employers' strict fiduciary responsibilities should necessitate consultation with competent investment managers. Some employers do this. However, as we saw with Enron, others do not. In fact, in the case of Enron, the Department of Labor has taken steps to replace Enron's fiduciaries with independent experts. Every day we talk about the lessons we have learned from the Enron fiasco. This sounds like a lesson to me. How can we correct the situation of Enron and ignore the case of all other workers? Must we wait for other companies to reach the disaster point of Enron before we ensure that independent advisors assist with plan management? Every plan should have the benefit of an independent advisor to assist with plan management. If it makes sense for Enron after-the-fact, it makes sense for all businesses before there is a problem! What we saw in Enron is that when the interest of the plan participants was pitted against company interests, the participants lost.

As such, we should seriously study the implications of requiring employers to hire an independent advisor to assist in the management of plan assets. Rather than requiring that a new trustee board be created or requiring that the independent advisor serve as a plan manager, I believe we should investigate the implications of requiring that plan managers seek advice and guidance from an independent source regarding the management or disposition of plan assets. This is a common sense approach.

I do understand that some employers may be concerned about the implications of such a proposal. This bill requires a study of the issue so we can better understand the specific impact on retirement savings of requiring fiduciary consultants for individual account plans. Specifically, the study would assess:

(1) The benefits to plan participants and beneficiaries of engaging independent fiduciary advisers to provide investment advice regarding the assets of the plan to persons who have fiduciary duties.

(2) The extent to which independent advisers are currently retained by plan fiduciaries.

(3) The availability of assistance to fiduciaries from appropriate Federal agencies.

(4) The availability of qualified independent fiduciary consultants to serve the needs of accounts in individual account plans in the United States.

(5) The impact of the additional fiduciary duty of an independent advisor on the strict fiduciary obligations of plan fiduciaries.

(6) The impact of consulting fees, additional reporting requirements, and new plan duties to prudently identify and contract with qualified independent fiduciary consultants on the availability of individual account plans.

(7) The impact of a new requirement on the plan administration costs per participant for small and mid-size employers and the pension plans they sponsor.

CONCLUSION

In sum, I am committed to strengthening the retirement security of workers and their families. I believe that this bill takes important steps to further protect plan participants and I urge my colleagues to support this legislation.

PENSION SECURITY ACT OF 2002

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 2002

Mr. FRELINGHUYSEN. Mr. Speaker, today, I rise in strong support of H.R. 3762 the Pension Security Act of 2002. I believe the time to update Federal pension law is now! I also believe this legislation could have prevented the tragic financial consequences of the Enron collapse, which is why I strongly support H.R. 3762.

This legislation will help ensure the safety of the American workers' pension fund savings through the following ways:

First, this legislation holds businesses to a higher standard of accountability. Specifically, it clarifies that company pension officials who do not act in the best interests of pension beneficiaries, can be held liable for breaching their fiduciary duty; it requires that workers be given 30 days advance notice of any blackout period affecting their pensions; and it forbids employers to sell their stock during ''black out'' periods when employees are not permitted to sell their stock. Thus, this legislation ensures that the Ken Lay's of the world, do not get rich at the expense of the American workers' pension fund savings.

Second, this legislation empowers the American worker by protecting employees against future abuses by giving them more control over their investments. Specifically, the American worker is empowered with the right to diversify employer stock contributions and the option to sell company stock three years after receiving it.

Third, this legislation also empowers the American worker by increasing their access to quality investment advice and by providing them with more information about their pensions. Specifically, it encourages employers to make investment advice available to their employees; it allows workers to use a tax-free payroll deduction to purchase investment advice on their own; and it requires companies to give quarterly reports that include account information, as well as their rights to diversify.

Notably, the Democrat's alternative for pension reform does not address the current shortcomings in the pension system. Instead, the Democratic alternative increases mandates and regulations that will result in increased costs, which will ultimately discourage employers from offering retirement plans altogether.

Finally, this legislation will help restore confidence in America's pension fund system.

A generation of American workers have enjoyed a safe and secure retirement. By passing H.R. 3762 today, we will ensure future generations enjoy the same safe and secure retirement.

WE THE PEOPLE—THE CITIZEN AND THE CONSTITUTION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. CASTLE. Mr. Speaker, it is with great pride that I rise today to congratulate the

young scholars of Lake Forest High School in Felton, Delaware who will represent my home state of Delaware in the We the People . . . The Citizen and the Constitution program. They are part of a group of 1200 students from across the country who will come to Washington, D.C. from May fourth to the sixth to compete in the national finals of this program. These young scholars worked diligently and persistently to reach the national finals and through this program will gain a deeper knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the honored students are: Corinne Bartley, Codi Canasa, Jeffery Chambers, Nicole Cosey, Heather Crouse, Lena Ewing, Michael Field, Danielle Galyean, Davis Gannon, Rebecca Grevis, Darron Johnson, Katie Kindig, Andrea Lewis, Michelle Makdad, Kathryn McClister, Jennifer Petrucci, Jason Schulties, Warren Thomas Smith, Ann Marie Strope, Leah West, Ashley Wilson and Holly Wilson.

I would also like to extend my congratulations to their teachers, Mrs. Amy Reed-Moore and Ms. Betty Wyatt-Dix, who deserve much of the credit for the success of the team.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young students about the Constitution and the Bill of Rights. The three-day final competition they will participate in consists of hearings modeled after those in the United States Congress. The students made oral presentations before a panel of adult judges and testify as constitutional experts before a ''congressional committee.'' A panel of adult judges represent various regions of the country and a variety of appropriate professional fields served on the congressional committees. These judges follow up the testimonies with a series of questions designed to test the students' depth of understanding and their ability to apply constitutional knowledge to given situations.

The We the People program is administered by the Center for Civic Education, and has provided curricular materials at upper elementary, middle and high school levels for more than 26.5 million students nationwide. This program has promoted civic competence and responsibility among young students as well as awareness for contemporary relevance of the Constitution and Bill of Rights.

The team from Lake Forest High School conducted much research in preparation for the national competition here in Washington, D.C. I congratulate them for their fine work that enabled them to come so far in this competition and to visit our nation's capital.

IN TRIBUTE TO LARRY BROWN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ENGEL. Mr. Speaker, to have a true community we must have a safe community. During the 1990s the rate of crime has been dropping to rates we haven't seen since the 1960s. For this we can thank the police officers of our communities who work hard and dangerous jobs so our lives will not be dangerous.

One such police officer is Larry Brown of the White Plains Police Department. He graduated from White Plains High School, where he excelled at track and field. He attended Bradley University and then worked at what is now Westchester Medical Center. After a short stint as a Corrections Officer he joined the police department twenty years ago.

Since then he has enjoyed a varied career in law enforcement working in the Detective Division, Records Division, and Warrants Division. He has done background checks and has assisted in recruitment for the Department. He currently works in the Patrol Division. He has also attended a number of training courses to better enable him to perform as a police officer. He has also received a number of citations and acknowledgments for his work.

For the past four years he has served as President of the Westchester/Rockland Guardians and represents that worthy organization at national conferences.

He is a member of the Union Baptist Church and the proud father of Komaphi, Shaahid, a sergeant in the U.S. Marine Corps, Allana, and Christina.

For his good work and leadership in the law enforcement community, we all owe him our thanks and I am proud to be able to honor him in this small way.

IN HONOR OF FATHER PETER SAMMON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Ms. PELOSI. Mr. Speaker, I rise to honor the life and work of a remarkable man, Father Peter Sammon, who died peacefully on March 21, 2002 in San Francisco surrounded by loved ones. Father Sammon was an inspiration and a friend to so many people, and we are all forever grateful for his work. We will miss him terribly. The following are my remarks from his funeral on March 25th at St. Mary's Cathedral in San Francisco:

It is with great personal sadness and official recognition of their loss that I extend my deepest sympathy to Tom Sammon and his entire family. All who loved Peter thank you for sharing him with us and for giving him so much happiness.

To Sister Kathleen and Sister Lucia I extend condolences and appreciation to you for helping Father Sammon reach his fulfillment on earth and giving him the joy of a happy death. We can all hear him say: ''Here I am Lord.''

It should be a source of comfort to you at this very, very sad time that so many people mourn your loss and are praying for you. So many people were blessed by knowing Father Sammon. I want to express my appreciation for being allowed to bear witness to the life of Peter Sammon.

Throughout his life Father Sammon carried on the legacy established by his namesake the Apostle Peter whose mission was bestowed upon him by Christ himself when he said ''Thou art Peter and upon this rock I will build my church.'' Peter Sammon was our rock and in his 50 years as a priest he continued to build Christ's Church. In doing so he touched so many lives. Whether as the Archdiocesan Director of Family Life counseling young couples, as the Chaplain of Newman Center at San Francisco State, or by forming the parish ministry with Presentation Sisters Kathleen and Lucia, he built the Church to do the Lord's work.

This was pioneering work, a priest working with the sisters to form a parish ministry and training leadership among the laity; this was groundbreaking. Peter Sammon was a pioneer who broke new ground but never left the ground broken.

He made the church the center of movements. Early on, he and Saint Teresa's Parish took up the cause of the Farm Workers and then the Salvadoran refugees. Four years and one day before his death, his friend and comrade in arms Jimmy Herman passed away. They were partners in many pursuits. We will all long remember their work together to turn back the ships carrying Salvadoran coffee, their refusal to unload the coffee. Fred Ross just reminded me this morning as we were crying of the sight of Father Sammon and Jimmy Herman on the docks refusing to unload the coffee from El Salvador.

We take pride, but we must remember, those actions took courage.

Father Sammon was our leader; he not only preached justice, he lived it. Injustice had an impact on Father Sammon that was palpable and he acted upon it. Whether in his leadership in the Sanctuary movement or working for immigrant rights or working for a living wage, Father Sammon always lived justice.

Father Sammon considered himself lucky to be the son of Irish immigrants. It was through his understanding of the courage and determination of his parents, who came to America as teenagers, met here and raised their wonderful family, that he understood the magnificent contribution that Immigrants make to our country.

Where some saw people in need, Father Sammon saw newcomers who constantly invigorate America with their courage, their hopes and their dreams. He saw their commitment to family values, to work and community. And he saw a spark of divinity worthy of respect in every one of them.

Peter brought to his struggles the vision, the knowledge, a plan of action and the ability to attract supporters to his causes. He was a true leader and a great politician. All who were blessed to know him learned from him—not only what to do but how to do it. I certainly did and I know I speak for others who were so blessed. Father Sammon challenged the conscience of our society. We look at his work with pride but must remember that it took tremendous courage.

The Bible tells us that to minister to the needs of God's creation is an act of worship, to ignore those needs is to dishonor the God who made us all. By that measure Father Sammon's entire life is an act of worship.

In his life Father Sammon worked on the side of the angels. Now he is with them. Thanks be to God.

IN HONOR OF GENEVIEVE KRUEGER, RECIPIENT OF THE 2002 McGROARTY POETRY AWARD

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Genevieve Krueger, who will receive the 2002 McGroarty Poetry Award at the Shouting Coyote Poetry Festival on April 20, 2002 at Verdugo Hills High School in Sunland Tujunga, in California's 27th Congressional District. Each year, this award is given to an individual who demonstrates extraordinary community service and tireless efforts toward the advancement of the literary arts.

Twenty-four years ago, Ms. Krueger began an out-of-print book search business. She knew that her love of reading and literature would serve her customers well as she searched the country for great works of art no longer in print. In doing so, she set herself out as a devotee of the process of good writing and the need to share that writing with the world. She is also an avid book collector, with a personal collection of more than 15,000 volumes, and volunteers her time with the Friends of the Library.

In 1984, she befriended a group enrolled in a poetry workshop at the McGroarty Arts Center in Sunland Tujunga, California. The class disbanded after several sessions, and, recognizing the need for writer collaboration, Ms. Krueger invited the group to her home. What began as a workshop became a weekly writers group and for sixteen years now, writers have been welcome at Ms. Krueger's home to share their thoughts and their work.

The group named themselves the Chuparosa Writers after the private home, Rancho Chupa Rosa, of California Poet Laureate, Congressman, dramatist, Los Angeles Times columnist, and historian John Steven McGroarty (1862–1944) and his wife Ida. Today, the private home is the McGroarty Arts Center and the annual McGroarty Poetry Award honors the legacy of John Steven McGroarty, a legacy that lives on in the work of the Chuparosa Writers and of Genevieve Krueger.

The Chuparosa Writers meet each Wednesday to share their work and foster the works of an ever-changing group of writers and poetry lovers. They have helped sponsor poetry contests for elementary schools, performed numerous poetry readings as individuals and as a group, taught poetry classes to schoolchildren, assisted in creating the Poet Laureate position for Sunland Tujunga and supported countless community endeavors.

Ms. Krueger eloquently states the purpose of the group: ''We meet to share new discoveries, and work-in-progress. Through our meetings we stimulate new ideas and growth, and we hope to spread the message that writing is an important and enriching activity.'' For her commitment to bringing the arts to a wider audience, to the literary tradition of the Foothills and to new discoveries, I ask all Members of Congress to join me in congratulating Genevieve Krueger upon receiving the 2002 McGroarty Poetry Award.

BLACK LUNG BENEFITS SURVIVORS EQUITY ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. RAHALL. Mr. Speaker, today I am introducing legislation aimed at providing equity in the treatment of benefits for eligible survivors of recipients of black lung benefits. Joining me in introducing this measure is the ranking Democrat on the Committee on Education and Workforce, GEORGE MILLER of California, and the gentleman from Pennsylvania, JOHN MURTHA.

By way of background, in 1981 the Black Lung Benefits Act was amended in several respects at the urging of the Reagan Administration. The driving motivation for this legislation at the time was to shore up the finances of the Black Lung Disability Trust Fund through which benefit payments are made to beneficiaries where mine employment terminated prior to 1970, or where no mine operator can be assigned liability.

After the enactment of this legislation, administrative actions and a number of extremely harmful court decisions made it extremely difficult, if not almost impossible, for those suffering from the crippling disease of black lung to qualify for benefits. However, today, a large number of the problems claimants faced have been remedied by a Clinton Administration rulemaking that was finalized on December 20, 2000.

Yet, two provisions of the 1981 Act in particular continue to be most troublesome, and largely impact, in a very adverse way, surviving widows of coal miners who die as a result of black lung disease.

As it now stands, due to the 1981 amendments, there is a dual and inequitable standard governing how benefits are handled for surviving spouses of deceased beneficiaries. In the event a beneficiary died prior to January 1, 1982—the effective date of the 1981 Act—benefits continued uninterrupted to the surviving spouse. However, if the beneficiary dies after January 1, 1982, the surviving spouse must file a new claim in order to try to continue receiving the benefits and must prove that the miner died as a result of black lung disease despite the fact that the miner was already deemed eligible to receive benefits prior to death. This is illogical, unfair and outlandish.

In addition, as a result of the 1981 law, there is also a dual and inequitable standard governing the basis by which a miner or his widow is entitled to benefits under the Act. For pre-1981 Act claimants, a rebuttable presumption of the existence of black lung disease is established if the miner worked for 15 years or more in underground coal mines and if over evidence, such as an X-ray, demonstrates the existence of a total disability respiratory or pulmonary impairment. This rebuttable presumption, however, does not apply to post-1981 Act claimants.

The legislation I am introducing today removes the requirement that a surviving spouse must refile a claim in order to continue receiving benefits. It also applies the rebuttable presumption of black lung disease for pre-1981 Act claimants to those filed after the effective date of that statute.

This is a fair and just proposal, and one which should have been enacted years ago. In fact, I have introduced various black lung bills since 1988. During the early 1990s the House of Representatives on two occasions passed reform legislation. Much of what was contained in these comprehensive reform bills was finally addressed by the Clinton-era rulemaking. However, the subject matter of the bill I am introducing today demands action by the Congress. I urge the leadership of this body to consider this matter, and to allow this bill to be acted upon this year.

IN RECOGNITION OF JAMES E. ROBINSON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ENGEL. Mr. Speaker, the future of our country is indeed our children and a man being honored tonight, James E. Robinson, is someone who believes that helping them is the highest calling. James Robinson is a founder of the Martin Luther King, Jr. Youth Adults Club. In that capacity for the past 11 years he has worked with and inspired more than 500 young people.

Mr. Robinson also served as the Head Coach for baseball and junior varsity basketball at the Alexander Hamilton High School in Elmsford while also serving as Assistant Varsity Basketball Coach there. He has also worked with the young people Mercy College while serving as Assistant Men's Basketball Coach.

But his community service is not limited to coaching our youth. He has served on numerous committees including the United Way Youth Advisory Council, the Westchester Community College Advisory Council, the Annual Martin Luther King, Jr. Breakfast Committee, and the African American Men of Westchester where he is chair of the Youth Committee.

Mr. Robinson is also co-founder and President of Fathers and Children Together (FACT), an organization of more than 70 fathers from nine different locales in Westchester.

He lives in Greenburgh with his wife, Yolanda, and their three children, Nicole, 8, and twins Jasmine and James, Jr. 6. He is someone whose gifts will keep giving to the community for many generations. For every child he helps will certainly go one to help others of their own generation and the next. We can truly say that he has made his community a better place, and for this we are all grateful.

TRIBUTE TO THE REV. DR. MARTIN KING JR. ON THE ANNIVERSARY OF HIS DEATH BY ALBERT CAREY CASWELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to the memory of the late Reverend Martin Luther

King Jr., who was assassinated thirty-four years ago on April 4, 1968. Dr. King's short life was spent and lost in the pursuit of justice and equality for all men, regardless of gender, creed or race. His life was a testament to the fact that we can effect profound changes in our laws and society through peaceful and non-violent means. Dr. King's spirit will forever live on in our collective continuous efforts to uphold human rights for all people, a cause that is particularly dear to my heart.

Mr. Speaker, I submit for the RECORD, a poetic tribute to Dr. King, composed by Albert ''Bert'' Carey Caswell. Bert Caswell received a Masters degree in education and taught science in our nation's public schools. He currently works as a tour guide at the United States Capitol. He is an enthusiastic guide in this great building, and he particularly enjoys the opportunity to provide tours for children from the ''Make-A-Wish'' Foundation, as well as all other children. He has also given tours for some of our country's fire fighters who suffered severe burns while saving lives and protecting property. When he guides visitors in our nation's Capitol, he also makes a point of sharing inspiring stories of Members of Congress who have overcome difficulties and hardships in life, to serve in one of the highest offices of trust and responsibility which the citizens of our land can offer.

A KING AMONG MEN

(By Albert Carey Caswell)

What is a king? But a man who sits upon a throne,
Who by birthright, bloodline and good fortune, is born of a royal home
As is so within our earthly zone,
While up in heaven real kings and queens, in our Lord's eyes are those who stand alone—
A man of peace, a man of love, who will lay down his life leaving all he loves—shall sit high atop our Lord's throne.

A day in August 1963,
As a ''King Among Men'' would write history
As our nation heard of this, his great dream to be.

Speaking to all
upon a mall,
of the dream he saw, as a nation awoke to freedoms call,
as heaven awaited him Godspeed.

His words now etched upon our minds,
To this day as we hear them tears we find,
Words ringing throughout time and history

On this great day of freedom and of peace,
The defining moment in a nation's civil rights movement to say the least,
As they traveled from far and wide,
To hear freedom's cry, from all across this countryside,
North, south, west and east.

For freedom rang out loud that day,
Yet, knowing he'd not see his children growing,
Stayed and still he spoke of peace.

In this our short lifetimes,
How is one to measure or define?
What is the true essence of man kind,
In this, his lifetime?

Men walk our earth, big and small,
Black and white, short and tall,
Rich and poor.
How then the more can one measure and define?
What is the true sum of a person's worth,
here upon mother earth?
The answer we find,
Within one's deeds of a lifetime.

Generations have come and gone,
As one in our hearts now lives ever on,
As all realize this the more as Martin is gone.

In this our sweet ''country tis' of thee,''
A man rose up a king to be,
A true son of liberty
For his life's work lives on.

Reverend Dr. King,
As across this nation, let freedom ring,
As his courage and spirit would help to sing
A new day's dawn!

Equality for all, as he'd create,
As straight up to heaven for his life's work his fate
As heaven could not wait.
Martin's dream, a world devoid of hate,
Where black and white children would relate,
This clarion call his golden fate.
Now, up in our Lord's kingdom on high,
His place found in heaven so divine,
All because he preached love, not hate.

This man of God,
Who to our nation and to our world had so taught to all
Of love and freedom as he had preached.
A minister of God,
A reverend for the Lord, the prince of peace,
As out to all Martin, His envoy, had so reached.
His message strong, his message beautiful and sweet,
Non-violence in the fight for equality, as to all he'd beseech.

A beautiful man, a prince of peace, a Nobel Peace Prize he reached,
A heart of gold inside, as he battled all the lies.
An educated man, who's dream of justice for all was his life's plan.
His vision was not forsaken, even as he died
Traveling across our nation far and wide
To preach peace and love to all, he strived,
As one man helped turned the tide.

Marching north to south, hand in hand,
Praying and championing equality time and again,
All led by this courageous man
Freedom fighters, who upon buses chose
To stand tall against the racism they opposed.
As their courage would stand
In his heart a great burning,
His desire for equality and dignity for all were his life's yearning,
Spreading across the land.

Marching down city streets,
Armed with only courage,
As hate and bigotry they would meet,
So liberty could stand.
Beaten, bloodied and arrested time and again
His beautiful message they could not put to an end.
They tried to take his freedom away,
Inflicting pain in every way,
As his freedom train traveled far across our land.

Our nation torn, weary and worn,
Fighting in a far off war
As his message scored,
Was so simple and so very pure:
Nonviolence and dignity,
The love of fellow woman and man
And to be free. Justice our Lord's plan,
He helped insure.
Up in heaven on those dark days of hate,
Our Lord watched and stood proud of the freedom he'd create,
and his spirit endured.

Then that dreaded day,
As shots rang out in Memphis taking our breath away,
As a nation wept on her darkest day
As all who knew of his true worth,
Understood the great blessings to our mother earth
His life conveyed.

A monumental loss;
To our nation the greatest of all costs
Tears flowing,
As all knowing
A hero was lost this day.

We live in a far better world today,
All because of our great American hero,
This king among men who showed the way!
His way of love, his way of peace,
His road to equality beseeched,
Leading us to love and peace,
As the course he stayed.

Stop this day and look around,
Before you now as is found
Our far better world of now,
All for our children today.

Still, his great works are not done,
Look around you. The battle against racism is a long hard fought one.
Those seeds of freedom he had sown,
All planted by our great American hero, have grown, from his dream begun.
''I've been to the mountain top and I've looked down,''
A bright future for our children he found,
As he saw a rising sun.

''Free At Last'' in the kingdom of our Lord.
Let it be told,
Where hearts of pure gold
Up to heaven shall surely pass,
Foreever upon this earth, this wonderful man in history shall come first
As ''A King Among Men'' as his dye is cast
In our Lord's eye he is ''A King Among Men,''
There in our hearts ever a hero and a true friend,
to worship from the past.

Today, walking with child in hand,
Respect and ever honor this blessed man
For our world, this hero would transcend.
His gift was great my friend,
As a far better world devoid of hate
From earth and heaven to our children he would send.
Upon a mall
Close your eyes and recall,
Listen still we hear his words of freedom ring
''I Have A Dream''—A King, Among Men.

To The Entire King Family and to Our Great American Hero, The Reverend Dr. Martin Luther King Jr, May Our Lord Bless you.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 91, on the motion to recommit with instructions on H.R. 3762, the Pension Security Act. Had I been present, I would have voted ''no''.

I was also unavoidably detained for rollcall No. 92. H. Res. 92, on final passage of H.R. 3762, the Pension Security Act. Had I been present, I would have voted ''yea''.

A PROCLAMATION HONORING ANNA RADU

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. NEY. Mr. Speaker, Whereas, Anna Radu was born on March 8, 1902; and

Whereas, Anna Radu is celebrating her 100th Birthday today; and

Whereas, Anna Radu, from Garbova, Romania, became a citizen of the United States of America on September 8, 1939;

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Anna Radu as she celebrates her 100th Birthday.

HONORING STAN BLEDSOE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Stan Bledsoe on the occasion of his retirement as head baseball coach at Clovis West High School in Fresno, California. Clovis West, in conjunction with Clovis Unified School District, is dedicating and naming the baseball field at Eagle Stadium ''Stan Bledsoe Field.''

This 2001–2002 baseball season will cap Bledsoe's twenty-three year stint as head coach of the Eagles and thirty-two years of service coaching athletes and training coaches. There has been only one other head coach in the history of Clovis West. Stan has supported and been a mentor of the summer baseball program in the Clovis West area since its inception. His dedication to the athletes at Clovis West cannot be measured.

Coach Bledsoe has also been active in education and administration for the high school. He has been a valuable asset to the physical education department and has served in athletic administration for the past four years.

Mr. Speaker, I rise today to recognize Stan Bledsoe for his service to the Clovis West community and honor him as he retires as head baseball coach. I invite my colleagues to join me in thanking him for his dedication to education and athletics and wishing him many more years of continued success.

TRIBUTE TO HENRY PHILLIPS, U.S. MERCHANT MARINE

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. CALLAHAN. Mr. Speaker, I rise today to pay tribute to fellow Alabamian Henry Phillips, a merchant mariner, member of the Marine Engineers' Beneficial Association, and educator. This month, Henry will hang up his boiler suit one last time and retire after nearly 30 years of involvement with the U.S. Merchant Marine, most recently as director of the Calhoon MEBA Engineering School.

Henry is himself a 1972 graduate of the MEBA School. He is the first alumnus appointed director of the school, the country's premier institution of maritime continuing education. After graduation, Henry became a member of the Marine Engineers' Beneficial Association (MEBA), the nation's oldest maritime union. Henry began a long and rewarding career in the Merchant Marine sailing as chief engineer with a number of U.S. flag companies including Keystone Shipping, U.S. Lines, and most recently with Sea-Land.

In January 2000, Henry Phillips left the deck plates for good, having been appointed director of the Calhoon MEBA Engineering School in Easton, Maryland. Henry's combination of real world experience at sea and his participation in establishing the Calhoon School's instrumentation course in the 1990's prepared him for the responsibility and complexities of running a world-class maritime educational facility. The school, a joint labor-management operation, ensures that America's Fourth Arm of Defense—the U.S. Merchant Marine—is well stocked with professional engineers and deck officers in the event our country is in conflict.

Henry and his wife Margaret are residents of Daphne, Alabama. Both their children, Bubba (Henry, Jr.) and Elizabeth are attending college. Henry plans to return there, run a small business, and spend time with his family.

Both inside and outside the maritime community, Henry is known for his keen wit and humble manner. I had the opportunity to spend some time with Henry on a flight from Alabama to Washington earlier this year. We talked about the health of our Merchant Marine and its importance to our country's security. And of course we talked about retiring from the work we love and our eagerness to move back to Alabama to be with family and friends.

Henry rose to the pinnacle of his profession after a career spanning three decades of involvement in the Merchant Marine. He made lasting contributions to his union's school, improving the curriculum and enhancing its professional standing. Henry is an exceptional person and first-class marine officer. Mr. Speaker, my Congressional colleagues, please join me in thanking Henry Phillips for his service to America's Merchant Marine.

TRIBUTE TO THE UNIVERSITY OF CONNECTICUT NATIONAL CHAMPIONSHIP WOMEN'S BASKETBALL TEAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise to pay tribute to the 2002 National Collegiate Athletic Association (NCAA) Women's Basketball National Champions, the University of Connecticut Huskies. On Sunday, March 31, the Lady Huskies completed their perfect season with an 82–70 victory over the Oklahoma Sooners, finishing with a record of 39–0.

Of the five starters, four of them were seniors: Sue Bird, Swin Cash, Tamika Williams, and Asjha Jones. Over their four years at the University of Connecticut, the team had a record of 136–9, made three Final Fours, and won two National Championships. They were only the fourth team in women's college basketball history to complete a season undefeated, tying the record for the most wins in a season. The team had an average margin of victory of 35.4 points and never trailed in the second half of a basketball game.

Members of team won various awards this season. Senior Sue Bird won the Wade Trophy for National Women's Player of the Year, Naismith Player of the Year, and was selected for AP First Team All-America Honors. Swin Cash and sophomore Diana Taurasi were selected to the All-America Second Team, Asjha Jones made the All-America Third Team, and Tamika Williams received Honorable Mention All-America. Coach Geno Auriemma was selected as Naismith Coach of the Year and 2002 Russell Athletic/WBCA Division I National Coach of the Year.

Commentators for women's college basketball claim that this Husky basketball team is the best team in the history of women's college basketball. While the Huskies tend to shy away from that statement, opponents tend to agree with those in the media. I believe the ultimate compliment was paid to this team when Pat Summitt, coach of the Tennessee Lady Vols, an archrival of the Huskies, responded if she was relieved to see these four seniors graduating by saying: ''[Geno's] done a great job with them and they're big play people all across the board. And what I really admire about this Connecticut team is how hard they play and how inspired they are in every possession. I did not recall seeing a player not play hard every possession. And that speaks for their character and what they brought to the court tonight against us. But I may go to the graduation and cheer. You think they'll let me go? I might be there.''

I would like to extend my personal congratulations to the UConn Lady Husky basketball team. The entire State of Connecticut is proud of the Husky team, who has helped turn Connecticut into the center of women's college basketball. I would also like to extend my best wishes to the four graduating seniors, and I am confident that they will be successful in their future endeavors.

I am also submitting for the RECORD an article by Randy Smith of the Journal Inquirer, who captured the essence of the team and their outstanding coaches.

[From the Journal Inquirer, Apr. 8, 2002]

AWAY FROM ARENA, ALL BETS OFF FOR HUSKIES

(By Randy Smith)

There are many beautiful elements attached to the University of Connecticut women's basketball program, but none is more essential. That is the first stone upon which everything else has been built. When a young basketball player honors the game, she, in turn, honors herself and the uniform she wears.

As soon as players step over the lines and away from the arena, all bets are off.

UConn's undefeated national champions took swipes at one another and laughed their way around the streets of Hartford during a parade Saturday, witnessed by throngs of people estimated at 150,000. When Diana Taurasi egged on the crowd while coach Geno Auriemma was trying to speak at the state capitol, he wondered aloud if the WNBA could make an exception and draft Taurasi, say, in the next five minutes. The crowd booed.

The energy these people emit is contagious. They are constantly on the go. They

smiled and waved and signed autographs and said thank you a million times. The spotlight agrees with them. Lord knows, they earned it. They played hard, had fun, and won 'em all.

Stop and think. When was the last time you did anything successfully 39 times in a row? I'm not sure if I could count from one to 39 successfully 39 straight times. I'm bound to skip, say, a 23.

The first thing Auriemma did, it's worth remembering, was thank his staff. Because of his position and the power of his personality, he is the main character in all of this, but couldn't be who he is or do what he does without a strong supporting cast. Associate head coach Chris Dailey has worked alongside him for 17 years. She is as demanding as he is, and sometimes, even more so. A diligent sentry who stands guard on the whole concept of ''Connecticut basketball,'' Dailey is part-coach, part-educator, and part-den mother. Problems, big or small, go through her. Tonya Cardoza, in her eighth year, and Jamelle Elliott, in her fifth, are bright and tireless.

The closer one gets to the women's program, he is struck by two revelations: how good they are at playing the game of basketball and how much fun they seem to have together both on and off the court. The team's signature is a smile.

Auriemma hinted that Hartford's fourth parade in eight years—three for women's national champions and one for UConn's men—may not be the last.

''My guess is we might be here again down the road,'' he said.

If there is another shindig at the Capitol, organizers would be wise to get a smaller podium or a taller coach. The only people who could see Auriemma were behind him. Those in the bleacher seats probably thought they were listening to the voice of God, although chants of ''Geno, Geno'' indicated otherwise.

This year, he was Cortez in Mexico. Upon landing there, the 16th-century Spanish conqueror burned all ships to send a message to his troops that there was no turning back. In a town built, in large part, on remembering the Alamo, Auriemma instructed his team to remember St. Louis and last year's loss to Notre Dame in a national semifinal game. After eliminating Tennessee and reaching the national championship game, Auriemma delivered a Cortez-like message to his team in San Antonio.

''I told them about Mt. Everest,'' he said. ''in the last 500 yards, everybody dies.''

The thought made him roll his eyes.

''Man, you've got to keep coming up with things,'' he said.

Auriemma was guilty of coaches-speak when he said there was no pressure on UConn to win. Part of a coach's job is to absorb as much pressure as he can and prevent it from seeping into his team's locker room. Auriemma is good at it. Before the Tennessee game, he said, ''I'm the most nervous man in America.'' Before meeting Oklahoma in the national title game, he openly worried that fate and the elements might be conspiring against UConn. He understood that there was only one way out for this senior-laden group. They had to win them all.

Knockers were everywhere, ready to pounce. Kelli Anderson wrote, ''UConn is a perennial favorite that has won just one title in the last six years,'' in the March 18th edition of Sports Illustrated. How's that for revisionist history? Presumably, a half-dozen or more editors read the copy without bothering to change it. UConn had won two titles in seven years and now has won three titles in eight, finishing undefeated twice. The Huskies sure went from 1-of-6 to 3-of-8 in an awful hurry, didn't they?

Like most of his players, Auriemma enjoys his time on a national stage.

''We're ready, that's all I can tell you,'' he said upon arrival in San Antonio.

''Players decide games'' and ''I'm always amazed when players do what I tell them'' were a couple of his other nuggets. He relishes his time with media and rarely holds anything back.

''My biggest strength is I give you guys a lot to write about and my biggest weakness is I give you guys a lot to write about,'' he said. ''Like a lot of people, my greatest strength is my greatest weakness.''

Connecticut state troopers shaded the rules by getting autographs at a third-floor press conference in the Capitol after the parade. Players signed the inside brims of their hats. If a chief back at the barracks asked the troopers to remove their hats to show him how they had spent their day, there would have been a whole of pump-faking going on.

Hartford police, meanwhile, walked the women's team from the capitol, underneath the Soldiers' and Sailors' Arch to the P–3 level of the Civic Center to watch the Phoenix WBCA All-America High School Game. Try as they did to sneak in the back door, the women were greeted by a standing ovation from more than 10,000 fans.

Applause wanes. Appreciation of a 39–0 national champion team never will. And neither will those jabs that seem to keep everybody in place and everything in its proper order.

''I've been around Geno for 17 years,'' Dailey said. ''I don't think he's funny, charming, or good-looking. And you can quote me.''

Nothing is sacred except the game.

44TH ANNUAL LOYALTY DAY

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today in support of our 44th annual Loyalty Day, which is celebrated on May 1. On this day, let us reflect with pride on our great country and remember with gratitude the contributions of the many loyal and courageous Americans; such as fire fighters, law enforcement officers, community service leaders, and military personnel who have given so much of themselves both at home and around the world to preserve our freedom.

Although we don't know the exact start of Loyalty Day, it did start in the 1930s as a counteractant of the May Day Communist exhibition. The Public Law 85–529 was signed by President Eisenhower in 1958 to officially commemorate this special day. Members of the Veterans of Foreign Wars thought that these ''disruptive forces of the communism'' needed to see that the loyalty of Americans could not be uprooted so easily. They decided that they would organize parades and ceremonies, with other patriotic organizations joining in. With an extensive letter-writing campaign, and the help of the speaker's bureaus the theme of loyalty of Americans began to mold into something. Plays and tours of our national shrines aided this. The motto is to instill the ideals of our founding fathers to ''remain loyal to America''. Indeed, it is a day; meant for making all of us in America feel proud of our country. The country to which we belong.

Join me and the members of The Veterans of Foreign Wars of the United States, George O. Breece Post 401 in recognition of Loyalty Day 2002.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT OF 2001

SPEECH OF

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. NUSSLE. Mr. Speaker, I rise today in support of the Upper Mississippi River Basin Protection Act. This legislation takes a common sense approach to reduce nutrient and sediment loss in the Upper Mississippi watershed by coordinating existing public and private water monitoring initiatives. I believe that such a partnership promotes the river's health and is beneficial the communities and people of eastern Iowa.

Most of the farm families I represent live and make their living either along the Mississippi, or its many tributaries. Soil erosion is a problem for farmers by reducing long-term sustainability and income potential of their acres. It is my understanding that farmers in the Upper Mississippi River Basin lose more than $300 million annually in applied nitrogen to soil erosion. In addition, sediment fills the main shipping channel of the Mississippi that family farmers depend on to get their commodities to markets.

Farmers live close to the land, and are committed to being good stewards. This legislation helps farmers and local conservation groups assess where problems are occurring in their watershed, and how to efficiently and effectively solve the problem.

I believe this legislation is beneficial in mending our environment along the river, and better protecting it in the future. Sediment is a threat to the Mississippi's fish, birds, and other wildlife by filling wetlands. Sediment reduces wetlands'ability to be an adequate water filter and provide habitat to the creatures that live all along the Mississippi River. It is estimated that the Upper Mississippi contributes 31 percent of the nitrogen that impairs the water quality of the Lower Mississippi basin.

Part of the Upper Mississippi Wildlife Refuge is in my district. I believe this refuge is an important treasure for Iowa. What makes this area special is, of course, the unique wildlife that lives there. This legislation helps promote wildlife by monitoring and computer modeling data to ensure scientifically sound and cost-effective decisions in promoting water quality.

Additionally, a healthy Mississippi River is very important to the communities of eastern Iowa. The Mississippi is recognized throughout the United States and abroad as ''America's River''. The Quad Cities area is a popular destination of international travelers who want to see and touch the water. For the residents of the Quad Cities area, the riverfront is the center of social life, with a historic district, baseball diamond, and several annually held festivals.

The city of Dubuque boasts over one million visitors thanks to the Mississippi. This community has chosen to make its story of the river the cornerstone of its urban renewal with a million dollar investment in the revitalization of the riverfront. The America's River project and historic Port of Dubuque represent the community's dedication to growing its tourism industry.

Mr. Speaker, the Upper Mississippi's health and water quality essential to growing the economies of the larger river cities of Bettendorf, Davenport, Clinton, and Dubuque, and the picturesque river towns of Guttenberg, LeClair, Bellevue, and Marquette. All of these communities, along with farmers and conservationists, have invested much time and effort in promoting a clean river. I believe this legislation helps to insure these investments by coordinating the many interests of those living in the Upper Mississippi River Basin. Accordingly, I am a proud sponsor of this bill, and I urge my colleagues to join me in supporting this legislation.

HONORING SERGEANT WAYNE SEITA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Sergeant Wayne Seita for receiving the 2002 Police Personnel of the Year Award from the Sanger District Chamber of Commerce.

Sergeant Seita joined the Sanger Police Department on January 27, 1975, and was named permanent sergeant on July 1, 1990. Sergeant Seita's colleagues refer to him as a professional, moral, ethical and nonbiased person. His ability to maintain the work schedule for patrol, without any complaints, is enough to deserve a commendation alone. In May of 2000, Wayne was wounded while responding to a call of a wanted suspect with a firearm. Thankfully, Sergeant Selta was able to recuperate and return to work after a short time. Nothing could stand in the way of him protecting the citizens of Sanger and discharging his duties as a public servant.

Mr. Speaker, I rise today to congratulate Sergeant Wayne Seita for his dedication and contributions to the Sanger Police Department. I invite my colleagues to join me in thanking Wayne for his exceptional service to the community of Sanger and wishing him many more years of continued success.

IN RECOGNITION OF THE OPENING OF THE NORTHERN CALIFORNIA CONSULATE OF THE SLOVAK REPUBLIC

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the official opening of the Northern California Consulate of the Slovak Republic in Walnut Creek, CA.

The Slovak Republic became a free and independent Republic in January 1993, and in June 2001, opened their new embassy in Washington, DC. The Slovak people are determined in their quest for liberty, dignity, and cultural and economic independence.

The United States continues to be the beneficiary of the work, sacrifice, and patriotism of citizens of Slovak heritage, who have earned recognition and respect throughout our land, including the agricultural fields and the technological and academic centers in California.

Barbara Pivnicka, Honorary Consul of the Slovak Republic in northern California, was appointed in June 2001 by Eduard Kukan, Minister of Foreign Affairs of the Slovak Republic, with approval by the U.S. State Department, to establish a Consulate of the Slovak Republic in California.

I am pleased that the Honorable Martin Butora, Ambassador Extraordinary and Plenipotentiary of the Slovak Republic to the United States, and his wife, Dr. Zora Butorova, are visiting the San Francisco Bay Area this month for the purpose of officially opening the Consulate of the Slovak Republic in San Francisco.

A number of activities and celebratory events are taking place in recognition of the opening of the Consulate and the visit by the Slovak Ambassador, including a reception at the Fairmont Hotel on the day of the official opening.

It is an honor for me to welcome Ambassador Butora and Dr. Butorova to northern California, and to congratulate and welcome the Consulate of the Slovak Republic to northern California.

Mr. Speaker, I am pleased to recognize the efforts of the many Slovak and American citizens in making this opening possible. This Consulate will be a tremendous asset to people of the Slovak Republic and the United States.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT OF 2001

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3480, the Upper Mississippi River Basin Protection Act. I'd like to thank Mr. KIND, my colleague on the Upper Mississippi River Task Force for all his hard work on this legislation.

The Upper Mississippi River Basin has a significant problem with sediment, which has a variety of harmful effects. Sediment is directly linked to soil erosion, which is harmful to the family farmer. It creates a need for over $100 million each year in dredging of the main shipping channel of the Mississippi River. Sediment fills wetlands and impacts recreation and tourism on the Mississippi. While the problems of sedimentation are documented, there is inadequate scientific data on the amounts and sources of sediment and nutrients flowing into the River basin because local, state and federal efforts are not coordinated.

This legislation develops a coordinated public-private approach to reducing nutrient and sediment losses in the Upper Mississippi River basin. The bill establishes a water quality monitoring network and an integrated computer-modeling program using information gathered from existing federal, state and local programs. This data will provide the baseline numbers needed to make scientifically sound and cost-effective decisions.

Mr. Speaker, this is good legislation which will help alleviate the problems of sedimentation and nutrient loss that are common in the Upper Mississippi River Basin. I urge my colleagues to join me in supporting this bill.

TRIBUTE TO GIRL SCOUTS' 90TH ANNIVERSARY

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. CALLAHAN. Mr. Speaker, I rise today to celebrate the 90th anniversary of Girl Scouts USA. For ninety years, Girl Scouts has inspired girls with the highest ideals of character, conduct, patriotism and service that they may become happy and resourceful citizens. It helps both young girls and adults develop qualities that will serve them ail their lives—like strong values, a social conscience and conviction about their own potential and self-worth.

Girl Scouts strengthen our country by developing future female leaders. They offer a broad range of activities that address today's interests and tomorrow's role as women. Girl Scouts learn a wide range of real life skills—first aid, resume writing, and managing money—as well as reap the benefits that are less quantifiable, including enhanced self esteem, greater confidence in their abilities, and the strength and conviction to lead and excel in their endeavors. All of this is accomplished while constantly striving to reach their three goals: values, leadership and diversity.

Girl Scouts USA serves over 2.7 million girls across the country. They are a shining example of what society can be if we focus on teaching values to future generations. I congratulate Girl Scouts on their 90th anniversary, thank them for developing solid citizens, and wish them well in the future.

TRIBUTE TO CORRINE GUNTHER

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to a truly outstanding individual, my constituent, Corrine Gunther of Morristown. On April 16, Corrine's friends and family will honor her contributions and accomplishments as The Zonta Club of Morristown presents her with the ''Woman of the Year'' award.

Corrine Gunther was born in Baltimore, Maryland. She went on to attend Oberlin College and obtained a degree in English and Anthropology. She used her education to become a teacher and taught first grade at a school in Long Island, where she also coached field hockey, lacrosse and basketball. Later, Corrine served as a Research Associate for a Federal grant at Fairleigh Dickinson University on a volunteerism in government project, and changed careers again to become Executive Director of the Visiting Health Service of Morris County where she served for fourteen years.

In addition to her professional accomplishments, Corrine has served her communities as a volunteer in a multitude of ways. Throughout her years of service she has served as the

Chairman of the N.J. Home Care Committee for the White House Conference on Aging; as Vice Chairman of the Human Services Advisory Council; as a Board Member of First Call for Help, an information and referral service; and as a peer reviewer for the National Home Care Council. Corrine was also past President of NORWESCAP, an umbrella agency for five counties, overseeing 54 action service programs; past President of the League of Women Voters of the Morris Area and the Morris County League; and also as a charter member and past President of The Human Services Association of Morris County.

Corrine Gunther has been a member of The Zonta Club of Morristown for the last twenty six years and is a past President. Zonta International is a worldwide service organization of women executives in business and the professions working together to advance the status of women.

Mr. Speaker, I congratulate Corrine for all of her past achievements and hope my colleagues will join me in congratulating her on her honor, and all of the accomplishments and service she has performed throughout her life!

RECOGNIZING THE EMPLOYEES OF ARTHUR ANDERSEN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize the 26,000 employees of Arthur Andersen who are facing great uncertainty as the Department of Justice pursues its federal obstruction of justice charges. In the State of Connecticut, Andersen employs more than 500 and in my District, over 300 are employed in the Hartford office. These hard-working employees are facing the possibility of layoffs and general insecurity about the future of the company to whom they have dedicated themselves.

Walking around Capitol Hill, I have witnessed the sea of yellow shirts that signify the faithful Andersen employees who are pleading their innocence. I have met face-to-face with the Andersen employees in my District and I am impressed by their loyalty and resolve. These employees have done nothing but come to work everyday and perform their duties. Despite their uncertain future, they still do. I could understand why they might feel betrayed by a select few who made poor decisions in a city two thousand miles away. However, they still serve their customers with the same professionalism as they did before Enron became a household name.

I would like to offer my praise to Hartford's Andersen office for being a solid corporate citizen in our community. Employees proudly proclaim that they donated nearly $100,000 last year to the United Way, contributed to Hartford's ''Dress for Success'' program to provide professional attire to those moving from welfare to work, volunteered on two Habitat for Humanity projects, and gave $160,000 to local civic organizations. Their thankless contributions should now be recognized.

I wish that I could offer Andersen employees my assurances that their jobs will be safe and their company will rebound. However, I can offer my support and encouragement for work well done in good times and bad. I can offer my thanks for charitable contributions to our community. And I can ask my colleagues to join me in this endeavor and reach out to the innocent Andersen employees in their districts. Let them know that their hard work is appreciated and that their community will not abandon them during this difficult period.

HONORING BOB AND JOAN HINES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Bob and Joan Hines for receiving the 2002 Mr. and Mrs. Farmer of the Year Award from the Sanger District Chamber of Commerce.

Bob received a degree in agronomy from California State University, Fresno, and became an agronomist for J.G. Boswell Company in 1957. He left J.G. Boswell Company in 1961 and became manager of the Clovis-Sanger Cooperative (cotton) Gin. He was chosen by the Agricultural Council of California to be ''Co-op'' Man of the Year in 1997. Mr. Hines also served as Director of both the Federal Farm Credit System and of the Allied Grape Growers.

Joan made contributions through her church as an elder, Sunday school instructor, and Youth Club Worker. She was a 4-H leader, a member of the Parents' Club, and of the PTA. Mrs. Hines is a charter member of Los Rancheros Valley Children's Hospital Guild, Clovis Branch, and of the Fresno Kings Cattle Women Organization. Both Joan and Bob have been citrus and grape growers along the Kings River and Trimmer Springs area near Sanger. Together, they have made enormous contributions to their community.

Mr. Speaker, I rise today to congratulate Bob and Joan Hines, for their dedication to agriculture and the community. I invite my colleagues to join me in thanking Bob and Joan for their tremendous community service and wishing them many more years of continued success.

PRESIDENT OF THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF CYPRUS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. PALLONE. Mr. Speaker, this week, we welcome a distinguished visitor to our nation's capital: the Honorable Demetris Christofias, President of the House of Representatives of the Republic of Cyprus.

Mr. Christofias began his trip to the U.S. late last week with a stop in New York, where he paid tribute to those who lost their lives in the terrorist attacks on September 11th. Visiting Ground Zero, where the World Trade Center had stood, Mr. Christofias condemned all terrorist attacks, and reaffirmed Cyprus' support in the fight against terrorism.

During his visit to Washington, Mr. Christofias will be meeting with Members of Congress, top Administration officials, other key policy makers, and leaders of the Cypriot-American community. As elected representatives who serve in this great Body, it is a privilege to receive visits from our counterparts serving in the legislative bodies of other countries—particularly when the visitor represents a country with which we enjoy very friendly relations, have so much in common and in which we have so many important interests.

Mr. Speaker, Representative Demetris Christofias was elected President of the House of Representatives on June 7, 2001. Based on the 1960 Constitution of the Republic of Cyprus, the President of the House of Representatives performs the duties of the President of the Republic in the event of a temporary absence or incapacity of the President. He is also President of the Executive Committee on Selection, and President of the Executive Committees of the groups representing Cyprus in the Inter-parliamentary Union and the Commonwealth Parliamentary Association. He is also a member of the National Council, a supreme advisory body to the President of the Republic.

Representative Christofias was first elected as a member of the House of Representatives in 1991, and was subsequently re-elected in 1996 and 2001. He was born on August 29, 1946, in the village of Dhikomo of the district of Kyrenia, an area under military occupation by Turkey since 1974. From a very young age, he has been active in political and civic organizations in Cyprus. He now lives in Nicosia and is married to Elsie Chiratou. They have two daughters and a son.

Mr. Speaker, the Republic of Cyprus is an important friend and partner of the United States. Our countries share a commitment to democracy, human rights, free markets and the ideal and practice of equal justice under law.

The Republic of Cyprus also stands with the United States and the rest of the civilized world in the war against international terrorism. Within hours of the terrorist attacks of September 11, Cypriot leaders expressed their strong condemnation of the acts, their solidarity with the American people, and their commitment to working with the United States in the ongoing campaign against terrorism on many fronts. Since then, Cyprus has taken many substantive steps as part of the coalition against terrorism, including giving blanket clearances for U.S. military aircraft to fly over Cyprus and use its airports, sharing intelligence with and providing legal assistance to U.S. agencies, and increasing security at seaports, airports and the American Embassy in Cyprus's capital, Nicosia. Cyprus has also implemented UN Security Council Resolution 1373 to freeze bank accounts and other assets of terrorists and their supporters, ratified and implemented the International Convention for the Suppression of the Financing of Terrorism, and is conducting investigations to determine if individuals or organizations named in President Bush's Executive Order hold assets in Cyprus, with a goal toward freezing those assets.

Mr. Speaker, the future for the Republic of Cyprus looks extremely bright. Cyprus is currently considered a leading candidate country to join the European Union in the EU's next round of enlargement. The United States has strongly supported Cyprus's EU bid. EU membership will bring significant benefits to both

the Greek-Cypriot and Turkish-Cypriot communities, including new economic opportunities, access to new markets, a freer exchange of goods and services, balanced and sustainable development as well as the free movement of persons, goods, and services and capital.

But, regrettably, Mr. Speaker, despite its almost miraculous economic achievements, Cyprus must continue to endure the occupation of 37 percent of its territory by a hostile foreign power. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country. Every year, on or about July 20, in what has become one of Congress's proudest traditions, Members of Congress rise to remember the anniversary of the Turkish invasion. Congress has also adopted Resolutions stating that the status quo in Cyprus is unacceptable, and calling for international efforts to resolve the Cyprus problem on the basis of international law. Administrations of both political parties have worked in support of the UN-sponsored peace process.

In recent months, hopes have been raised that a just and durable solution to the Cyprus problem can be reached. The President of the Republic of Cyprus, Glafcos Clerides, has been holding direct talks with the Turkish Cypriot leader, Rauf Denktash, since the beginning of this year. The third round of these talks has resumed this month, with the UN Secretary General's Special Adviser for Cyprus overseeing the negotiations. I am confident that the leadership of the Republic of Cyprus will continue to negotiate in good faith until a comprehensive settlement is reached, as they have tried to do all along. I hope the Turkish Cypriot leadership will respond by putting aside its unreasonable and unacceptable demands, and negotiate in good faith.

The United States has a significant security, economic and moral interest in seeing that a settlement is achieved. The U.S. also supports Cyprus's accession to the EU. Indeed, it is to be hoped that the ongoing EU accession process for Cyprus—which will continue to advance whether or not a comprehensive settlement is reached—will help to lead to a comprehensive settlement.

Last year, a bipartisan Resolution was introduced in the House expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots, and for other purposes. That Resolution now has 73 co-sponsors, showing the strong support of this Body for Cyprus' accession to the EU.

Mr. Speaker, I hope that all of my colleagues will join me in welcoming Representative Christofias to our capital and to our country.

TRIBUTE TO RICHARD AND MARY HUNTER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor and congratulate Richard and Mary Hunter on celebrating their 60th Wedding Anniversary this April 10, 2002. This loving couple has lived in my district for over sixty years. I admire their immense devotion to each other. They embody true love and respect for each other.

Mary and Richard met at the Philadelphia Frankford Arsenal in my district. Mary worked as an assembly line supervisor while Richard worked as an armorer under her direction.

Their love flourished and after two years of courtship they married on April 10, 1942. After 60 years of marriage, Richard believes that Mary is still his supervisor. Shortly after their marriage, Mary continued working at the Armory. Richard went off to serve as a radio technician in World War II and assisted in the liberation of several concentration camps in Germany.

Richard and Mary went on to have four children: Rick, Randy, Maryann, and Pat. By way of their children, Richard and Mary now have eleven grandchildren and six great grandchildren with another great grandchild on the way. I am proud to say that they are my constituents and to share their story with you. Richard and Mary are rare and special. They are living examples of endless and long-lasting love. I send them my tributes, my respect and my highest regards.

Mr. Speaker, our nation understands the value of strong families. Richard and Mary are an example to us all that love endures all things. I hope that my colleagues will join me in recognizing their successful marriage and their 60 year Anniversary.

IN OPPOSITION TO H.R. 3762, THE PENSION SECURITY ACT OF 2002

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 2002

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to H.R. 3762, the Pension Security Act.

Enron employees lost over $1 billion in retirement funds. Congress needs to pass legislation to help prevent this from ever happening again.

Unfortunately, H.R. 3762 does nothing to protect pension plans. This bill fails to give employees the right to sit on pension boards and manage their own retirement assets. 29 Enron executives dumped $1.1 billion of their stock to avoid the losses faced by rank and file employees, but the bill fails to give employees notification when executives are dumping company stock. 85% of all employers with pension plans currently restrict their employee's ability to diversify, but the bill fails to allow employees to diversify their 401 (k) pension plans.

The Pension Security Act offers no protection for employees. It actually increases their risks. The bill will allow unqualified individuals to provide investment advice. These investment advisors may be connected with investment companies who benefit from the advice. Advisors should not receive financial rewards for recommending certain investments over others. This is a clear conflict of interest that will hurt an employee.

We should commit ourselves to giving employees the right to truly control their retirement plans and give them the legal mechanisms for punishing those responsible for negligence and fraud. We must modernize ERISA so employees can be made whole and help ensure that average employees and corporate executives abide by the same rules.

The Democratic substitute does this by toughening criminal penalties for fiduciaries who violate workers' pension rights. It prohibits executives from dumping stock if the company's rank and file employees are prohibited from selling their stock due to a lockout. The Democratic substitute gives employees the right to diversify company-matched stock after 3 years, and it provides for independent financial advice for employees when company stock is offered as an investment option under a retirement plan.

I urge my colleagues to vote for the substitute and against H.R. 3762.

IN HONOR OF THE 10TH MOUNTAIN DIVISION

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. CANNON. Mr. Speaker, I rise today to honor the United States Army 10th Mountain Division. This important division of infantry has always answered the call of our nation when we have been in need.

The 10th Mountain Division earned its fame during World War II, where it successfully captured several key German positions in Italy, including Reva Ridge and Mount Belvedere. In all, the division completely destroyed five elite German divisions, while suffering heavy casualties of 992 killed in action and 4,154 wounded. Training for these missions was done largely in Colorado and Utah's Park City Area.

Upon return from the war, many Veterans of the 10th Mountain Division entered private industry creating ski resorts, schools and magazines. Their love of skiing and its development in the Inter-Mountain West and specifically in Utah, contributed in a large way to Utah's effort to host the 2002 Winter Olympic Games.

Even today, the 10th Mountain Division continues to contribute to its country's security. Soldiers from the division were among the first to enter Afghanistan in an effort to search out Al Qaida strongholds and oust the Taliban Government.

The State of Utah has chosen to honor the 10th Mountain Division by naming a highway the 10th Mountain Division Memorial Highway. This section of road will be a testament to the scores of Utahns and others who have served their country in the Division.

Mr. Speaker, the men and women of the 10th Mountain Division have a tradition of heroism. I am proud to stand behind those who have served and those who are now serving a grateful nation.

TRIBUTE TO MR. ERNEST C. WITHERS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. FORD. Mr. Speaker, I rise today to pay tribute to legendary photojournalist Mr. Ernest C. Withers. Born in Memphis, TN in 1922, Mr. Withers is renowned for his distinguished photographic record of the Civil Rights Movement in the South during the 1950's and 1960's. No other photographer created as complete a document of this movement as Withers did.

An important catalyst for the Civil Rights Movement, Withers helped to mobilize interest in the cause across the United States through his powerful images and writings. Withers often traveled with and photographed such legendary figures as Martin Luther King, Jr., Medgar Evers, Ralph Abernathy, and James Meredith. His unflinching visual records of these important individuals and critical events like the Montgomery bus boycott of 1955 and the assassination of King provide an insightful portrait of these landmark moments in American history.

During the struggle for civil rights, Mr. Withers photographed meetings, marches, sit-ins, and police crackdowns all across the South. As the movement erupted, Withers became fully engaged in capturing images which would appear in newspapers and magazines like Time and Newsweek, often uncredited. He noted, ''I had a single sense of having to record what was going on. I look for things of time and value. None of my images deal in violence—they deal in time.'' Though he generally photographed without incident, at the funeral of Medgar Evers, highway patrolmen knocked his camera from his hands, destroying the film.

Because of his familiarity with the people and the geography of the segregated South, Mr. Withers was often the first or only photographer to capture momentous events as they unfolded long before the national press became interested.

Mr. Withers has photographed every major civil rights activist since the 1950's and said he could do an entire book of his photographs of Dr. King. The Massachusetts College of Art mounted an exhibition of Mr. Wither's civil rights photographs entitled ''Let Us March On'' that has toured the United States since 1992. He has photographed Memphis soul figures like Al Green, Isaac Hayes and Elvis Presley. He has photographed nearly every president from John F. Kennedy to Bill Clinton. He has also captured the innocence of Sunday school teachers, Little Leaguers, and waitresses in his photographs.

Furthermore, Mr. Withers has served his country and his community as an Army photographer in World War II and as one of the first nine African American police officers in Memphis.

Ernest Withers once said, ''I was trained as a high school student in history, but I didn't know I would be recording the high multitude of imagery and history that I did record.''

In 1998, Mr. Withers was inducted into the Black Press Hall of Fame. Please join me in honoring Mr. Withers as one of truly important and influential figures in our history.

IN TRIBUTE TO OUR FALLEN HERO: SHERIFF SAM CATRON OF PULASKI COUNTY, KENTUCKY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ROGERS of Kentucky. Mr. Speaker, a dedicated public servant and a soldier on the front lines of the fight against evil has been struck down—taken from us in a senseless but premeditated act of political assassination in my home county this past weekend.

Sheriff Sam Catron of Pulaski County, Kentucky, was shot and killed Saturday, April 13, by a cowardly assassin who fired a high-powered rifle from a camouflaged vantagepoint estimated to be some 100 yards away. He was killed instantly and fell just steps from friends, family and his elderly mother, Jennie Rachel Catron, who had accompanied him to an outdoor candidates-night gathering and fish fry at a rural volunteer fire station.

By Monday, very efficient and capable state and local investigators had arrested the alleged assassin and two alleged conspirators, including one of the sheriff's opponents in his race for reelection.

A particularly cruel irony is that the Sheriff's father was gunned down by an assassin in similar fashion as Somerset (county seat of Pulaski County) Chief of Police 38 years ago. Both shootings were in the presence of the Sheriff's mother and the Chief's wife.

Pulaski County Sheriff Sam Catron won election on his first attempt for the office in 1984. He had previously served as chief of police in Ferguson, Kentucky, and as a deputy sheriff in Pulaski County. He was a member of the City of Somerset-Pulaski County Rescue Squad, an Eagle Scout and a Kentucky Colonel. Ray Stoess, the former executive director of the Kentucky Sheriff's Association, says Sheriff Catron was perhaps the best Kentucky sheriff of the last 30 years. A former Sheriff of the Year in Kentucky, he was considered one of the hardest-working law officers in the state, often staying on the road until the early morning hours answering calls from citizens and investigating crimes.

A licensed pilot, Sheriff Catron performed his own helicopter searches for marijuana, helped other departments track suspects with the use of his police dog and he was even known to keep firefighting equipment in his vehicle so he could lend a hand in any kind of emergency. Sheriff Catron had recently cooperated with John Walsh of the TV program America's Most Wanted in an effort to track down a man wanted by police in Eastern Kentucky. Ironically, that episode of the program premiered on national television this past Saturday night, less than two hours after Sheriff Catron was gunned down.

Sheriff Catron loved being the chief law enforcement official of our county. He was a very capable lawman. But he also performed thousands of kindnesses to the people he dearly loved. As such, Sheriff Sam Catron is an example of a law officer who lived to serve the people he represented. He worked tirelessly for the citizens of Pulaski County, who today have a heavy heart, yet they are now relying on their deep wellspring of faith, their abiding sense of community, their loving families and their inner strength.

The people are trying to heal in many ways, including the spontaneous display of brown and yellow ribbons—colors worn by the members of the Pulaski County Sheriff's Office who put their lives on the line each and every day.

But among the outpouring of heartfelt tributes, memorials and flowers, perhaps a hand lettered, red-white-and-blue sign spotted in the Pulaski County town of Ferguson said it best:

''Goodbye Sammy. We will miss you, our friend.''

IN HONOR OF MYRON McKINNEY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. BLUNT. Mr. Speaker, I rise today to salute Myron McKinney on his 33 years of service to Empire District Electric Company. His exceptional career with Empire began on June 5, 1967 as a sales consultant and will end on April 30, 2002, as President and Chief Executive Officer of Empire.

Myron McKinney was the recipient of numerous awards, including Outstanding Citizen for 1999 by the Joplin Area Chamber of Commerce. He was also the Outstanding Alumnus in 1997 for Bolivar High School, and in 2000, was voted Outstanding Alumnus for Missouri Southern State College.

Myron McKinney has served the Joplin area for many years by volunteering countless hours for local service clubs and community boards. He is a former president and board member for the Joplin United Way and the Jasper County Association for Social Services. Mr. McKinney is a Missouri State Chamber of Commerce Board Member and a former president and board member for the Joplin Area Chamber of Commerce. He also served on the Joplin Business and Industrial Development as their chairman and board member. He is on the Freeman Hospital Board and served as chairman of the board for the Ozarks Public Telecommunications board. Mr. McKinney served as the chairman and board member for the Joplin Southern board and is a former board member of the Joplin Family Y.

Myron McKinney was born on September 9, 1944 in Santa Paula, California, to O.S. and Hazel McKinney. He grew up in Bolivar, Missouri, graduating from Bolivar High School in 1962 as the vice-president of his class. He attended Joplin Junior College and served as the president of the Student Senate and was the captain of the football team. He graduated from Southwest Missouri State University in 1967 with a Bachelors Degree in Business Administration. In 1964, he married Janet Manard. They have 2 daughters and one grandson.

Mr. Speaker, it is clear that the Empire District Electric Company will miss the exemplary leadership that Myron McKinney has provided. I would like to personally wish him well in this new stage of his life. I know that he'll continue his service to Southwestern Missouri and am certain that my colleagues will join me in honoring this remarkable man.

TRIBUTE TO FORMER CONGRESSMAN PHILIP RUPPE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. KNOLLENBERG. Mr. Speaker, I rise today to pay tribute to former Congressman Mr. Philip Ruppe. I would also like to thank my colleague from Michigan for offering this resolution to pay tribute to a great man.

Philip Ruppe is a prime example of the outcome of hard-work and determination. Before serving his constituents for twelve years as their Representative to Congress, he was a successful banker. Before that, he defended our great nation and served in the Navy during the Korean War.

I have known Philip Ruppe for over twenty years and was active in supporting his campaign for the U.S. Senate in 1982. His passion for politics was only trumped by his loyalty to his constituents. He was the first Congressman representing the district to have district offices, no easy task considering the size of his district.

Because of his dedication and hard work, I wish to congratulate Phil on his lifelong achievements and wish nothing but the best in his future endeavors.

UNITED STATES TEXTILE INDUSTRY

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. BALLENGER. Mr. Speaker, yesterday I introduced four measures which will help the United States textile industry in its efforts to compete on the global playing field.

Many American textile companies are fighting for their survival due to unfairly undervalued imports produced by low-wage foreign manufacturers. One competitive advantage that the U.S. industry still has is its productivity. The American textile industry is one of the most productive in the world, but American companies must constantly modernize to retain that edge.

Unfortunately, much of the machinery the American textile industry needs to compete is no longer produced here in the United States, so the industry must seek such equipment from foreign sources. However, they must still pay duties on those machines. At a time when our domestic industry is suffering its most severe economic crisis since the Great Depression, with hundreds of closed mills and nearly 70,000 jobs lost in the past year, it makes no sense to require companies to pay duties on equipment that is not produced domestically.

Some of our leading American textile companies have entered Chapter 11 of the Bankruptcy Code, others are experiencing substantial losses, and even some of those who are profitable are barely so. For these companies, if we suspend the duties, the money they could save when purchasing new equipment can be put to better use, and we could save more American textile jobs from being lost.

Congress has acted previously to suspend the duties on these particular machines, but that suspension has now expired. Accordingly, I am introducing legislation to temporarily suspend the collection of duties on these four types of machines that are no longer produced in the U.S.

The machines in question include certain ink jet and other textile printing machines, certain shuttle type power looms, and certain shuttleless power looms. The detailed description of these machines, including their Harmonized Tariff Schedule numbers, are found in the bills themselves. All four types of equipment are essential to various textile producers, large and small, throughout the United States.

I urge the Ways and Means Committee to act swiftly to approve these bills.

THE AMERICAN DREAM DOWNPAYMENT ACT

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ROGERS of Michigan. Mr. Speaker, turning the key in the door of your very own home for the first time is a thrill that few families ever forget. For generations, the ability to purchase your own home has symbolized the hard work, thrift and personal responsibility that embodies the American Dream.

For some, the idea of owning their own home is but a dream, an unattainable dream. Across our nation, families get up, go to work every day, and play by the rules; but, they find that the downpayment on a home is a hurdle that keeps them from making that important investment in themselves and their community. These are families who, after paying the rent, buying groceries, and meeting their children's needs, have a tough time saving enough money to get past the first step of home ownership—the downpayment and closing costs.

To help first-time, low-income families overcome those highest barriers to home ownership, I am introducing the American Dream Downpayment Act. This legislation will give effect to President Bush's proposal to help 200,000 low-income families achieve the dream of home ownership over five years.

The President's Fiscal Year 2003 budget request included $200 million in grants to assist first-time, low-income home buyers. As part of his call to expand home ownership opportunity, the Fiscal Year 2003 budget quadruples the President's Down Payment Assistance Initiative from its 2002 level.

In announcing the funds provided in the budget, Housing and Urban Development Secretary Mel Martinez said it best: ''Opening the doors to home ownership to more and more Americans is one of this Administration's goals. The American Dream Downpayment fund will accomplish much more than that. By giving as many Americans as possible an opportunity to become stakeholders in their community, we believe it will help to stabilize some neighborhoods and completely revitalize others.''

When I reviewed the President's budget, I knew this would be important for all Americans, especially families in Michigan's metropolitan areas such as Lansing, Flint and Detroit. In giving the President's proposal legislative effect, the American Dream Downpayment Act will provide communities throughout America with $200 million in annual grants in Fiscal Year 2003 thru Fiscal Year 2006 to help home buyers with the downpayment and closing costs, the biggest hurdles to home ownership.

Upon enactment, the American Dream Downpayment Act will be administered as part of HUD's existing HOME Investment Partnerships Program (HOME). HOME is a successful program that helps communities expand the supply of standard, affordable housing for low-income and very low income families by providing grants to states and local governments.

The flexible program will enable more than 400 local and state governments to help communities provide low-income families with rate reductions, closings costs and downpayment assistance. Specifically, the focus of the proposal is on low-income families who are also first-time home buyers. To participate, recipients must have annual incomes that do not exceed 80% of the area median income.

I believe that the American Dream Downpayment Act will help increase the overall home ownership rate in the United States, especially among minority groups who have lower rates of home ownership compared to the national average. For example, more than two-thirds of all Americans own their own home, while fewer than half of African-Americans and Hispanic families are homeowners.

I look forward to working with my House colleagues on a simple, but powerful, proposal to move more American families into their own homes—and making their American Dream a reality.

EQUAL PAY DAY—APRIL 16, 2002

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. BONIOR. Mr. Speaker, I don't need to tell you how far women have come in the workplace. Women now make up roughly half of all workers. They're breaking into traditionally male fields, from medicine to law enforcement. Women are attending professional and graduate schools at ever increasing rates. Yet, one thing holds women back—unequal pay.

Despite the fact that women's earnings have been growing faster than men's since 1975, women still make only 74 cents for every dollar men earn. More women than ever are participating in the workforce, yet minority women earn only 64% of what men earn. Despite all of these accomplishments, studies show that the pay gap in management positions is actually increasing. It is long past time to stop this wage discrimination.

Unequal pay hurts not just women, but entire families. Tragically, single mothers and their families have a poverty rate of roughly 28%. The number is as high as 40% for African-American single mothers and their families. We cannot sit idly by while families such as these fall deeper and deeper into poverty. These women and children all deserve an equal chance to be financially secure.

Income lost to the pay gap represents lost opportunities for these families. If women in my home state of Michigan earned as much as men, each family would see an income increase of $5000 per year—income that could

offset some of the costs of child care, provide after-school music or athletic lessons, and could be put away to provide for education.

Pay Equity is something we need to work on everyday, not just on Equal Pay Day. We need to enact the Paycheck Fairness Act to provide solutions for women who are not earning equal wages for equal work. It's been 30 years since the passage of the Equal Pay Act, yet working women still suffer. I am committed to continuing the fight for equal pay until the gap no longer exists. This is an issue of equality, economic security and civil rights. We cannot rest until women are being paid what they deserve.

THE ALAMEDA CORRIDOR: A MODEL FOR PUBLIC WORKS PROJECTS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. HORN. Mr. Speaker, today, I want to pay tribute to one of the most successful public works projects in our nation's recent history. A $2.4 billion engineering masterpiece that will greatly bolster U.S. trade with Asia and Latin America and benefit our economy well into the future. The project, which covers a large portion of my district in Long Beach, California, is a 33-foot deep, 50-foot wide trench that allows freight trains to travel underground to and from the ports of Long Beach and Los Angeles to downtown Los Angeles.

The 20-mile long corridor eliminated more that 200 railroad crossings and erected 30 new bridges. It will provide residents and travelers throughout southern California with much needed relief from traffic congestion and air and noise pollution. The corridor also reduces travel time for trains by more than half—allowing for increased trade goods to flow in and out of the ports.

The Alameda Corridor celebrated its grand opening on April 12th. I joined with my congressional colleagues, Reps. DAVID DREIER and JUANITA MILLENDER MCDONALD, as well as my good friend Secretary Norman Mineta and many other public officials who contributed significantly to the project's completion on schedule and within budget.

Since planning for this project began in the eighties and continued throughout the early nineties, many hands contributed to its progress. But few were as instrumental in giving this project its wings. One of them was my predecessor, former congressman Glenn Anderson. He was chairman of the House Committee on Transportation and Public Works. He gave excellent support to the Alameda Corridor when he was in good health. Former Congressman, and now Secretary of Transportation Norm Mineta followed him as chairman and continued with strong support. And Gil Hicks, without question, is the visionary who started the ball rolling with the planning group.

I also want to mention another one of Norm Mineta's colleagues . . . Federico Pena, the former Secretary of Transportation. Without his judgement on putting up the money, nothing would have happened throughout the nineties. Other strong supporters were then Speaker Newt Gingrich, then Senate Majority Leader Bob Dole, and then Governor Pete Wilson. Every one of them was very helpful. And particularly the Congressional delegation from Los Angeles County. We had all sorts of things going at that time. The County was experiencing deep unemployment at the time. With the end of the Cold War, the major airplane manufacturing firms, and hundreds of suppliers closing their doors. The C–17 was the only airplane under production. But Mayor Riordan of Los Angeles and Mayor O'Neill of Long Beach persevered. They both came to Washington on numerous occasions. They were always successful in garnering support from the White House. With these people oiling the wheels, a lot was accomplished by a lot of people. And the winds of trade from Asia and Latin America are moving up that corridor and democracy is thriving. I want to thank all these fine people for what they have done. This project would not have happened without their hard work. The Alameda Corridor will serve as a model for congested cities across the country for years to come.

BUSINESS INTEREST CHECKING FREEDOM ACT OF 2002

SPEECH OF

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. GONZALEZ. Mr. Speaker, H.R. 1009 contains a provision, Section 7, entitled Rule of Construction, regarding certain real estate escrow accounts. This provision is substantially the same as Section 7 of H.R. 974, the Small Business Interest Checking Act of 2001, which passed the House last year. The provision makes clear that the current treatment of certain services and benefits provided by banks in lieu of interest in connection with escrow accounts for real estate closing transactions remains the same. There are some minor technical changes to this section from H.R. 974. These changes make the provision more straightforward, and clarify the specific banking statutes to which this provision applies. This provision does not alter the current legal definition of interest or the legal treatment of real estate closing escrow transactions. It is my understanding that current Federal legal standards, including regulatory interpretations, regarding the definition of interest on deposits will continue to stand.

Currently, the Federal Reserve's Regulation Q provides that services and benefits can be given by banks in lieu of interest to depositors. The Regulation also specifically provides that the provision or the receipt of such services and benefits does not constitute interest. Such services and benefits include for example, free printed checks, safe deposit and night depository facilities, low-interest loans, and armored car services. In Texas, numerous small title agencies, underwriters, and attorneys benefit from these services. The average title agency in Texas is a small, locally based family businesses, usually employing no more than six or seven employees. These agencies are mainstays within their communities and provide service to individual customers who are purchasing homes. Maintaining the current regulatory interpretation of interest is important to the health of many of these businesses. In our nation's highly developed financial system, Federal banking law and regulations have operated to facilitate the smooth and efficient flow of real estate transactions and promoted American homeownership. I am optimistic that these services will continue to be provided in the current efficient manner when H.R. 1009 becomes law.

REGARDING THE INTRODUCTION OF DUTY SUSPENSION BILLS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to introduce 13 bills to suspend the duty on the importation of products used by a manufacturer in my home state of Rhode Island. Several of these products are organic colorants used in manufacturing processes requiring unique characteristics beyond the mere addition of color. For example, some of the products are used in the manufacture of plastics; they combine the characteristics of stability in high heat as well as maintaining the color of the plastic for long periods of time. Others are used for automotive coatings, and they replace older colorants based on metals such as lead, chromium, molybdenum, cadmium and mercury.

Also among the products for which I am seeking temporary duty relief are colorants that can maintain their exact shade even when used in manufacturing processes exceeding 200 degrees centigrade. Other products are intermediate chemicals used in the manufacture of pigments.

The temporary suspension of duty on products imported into the United States is sound public policy so long as there is no domestic producer of the same products or directly competitive products. I have been assured there are no domestic producers of the 13 products for which I am seeking duty relief. Eliminating the duty on these products will allow the Rhode Island manufacturer to maintain its competitiveness in the international market. The products for which I am seeking duty suspension are manufactured overseas by the sister companies of the Rhode Island manufacturer. In addition, I was pleased to learn that the Rhode Island company invested several million dollars to expand domestic manufacturing capacity in Rhode Island for a product that formerly received a suspension of duty.

IN TRIBUTE TO MATTHEW AND MICHAEL FLOCCO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to a son and his father who exemplify what is best about the United States of America. Matthew Flocco who died on September 11, 2001 in service to his country at the Pentagon, and his father, Michael Flocco, who has set an example for all Americans who love their family and their country.

On the reconstruction site at the Pentagon, Michael Flocco wears a hard hat displaying stickers that read ''Pentagon Renovation Program'' and ''Proud to be a Union sheet metal worker.'' Known to his fellow sheet-metal workers as a gregarious character, Michael is part of a one thousand person team of faithful Americans working to reconstruct the Pentagon in the wake of the September 11th terrorist attacks.

But the events that led Michael to assignment at the Pentagon set him apart from the workers around him. In fact, for Michael Flocco, installing duct-work for the heating and air conditioning systems in the Pentagon is not just work, it is part of a healing process and a wonderful tribute to his son Matthew.

Michael and Sheila Flocco raised Matthew, their only child, in Newark, Delaware. Matthew, a quiet and reflective young man, was liked and respected by all who knew him. Matthew joined the United States Navy after graduating from high school in 1998.

Fully committed to serving his country, Matthew rose to the top of his Navy class in meteorology and was quickly spotted by an admiral who gave him an important assignment at the Pentagon. As an Aerographer's Mate Second Class, Matthew performed important duties at the National Ice Center for the Departments of Defense and Transportation. He used his expertise as a weather analyst to safeguard ships traveling in ice-covered waters.

But in a tragic twist of fate, this young American's bright future was cut short on September 11th, 2001, during the terrorist attack on the Pentagon. Matthew was only 21 years old.

When the news of their only son's death reached Sheila and Michael Flocco, they were devastated.

But Michael, a third generation sheet metal worker, knew exactly what he had to do. Working on the construction of the new courthouse in Wilmington, Michael approached his superiors and requested a transfer to the Pentagon rebuilding project.

In January 2002, Michael pulled his 24-foot recreational vehicle into a Maryland R.V. park. Now, the man who lost his son less than ten months ago rises at 4:00 a.m. every day, throws on his brown jacket with ''Floc,'' his nickname, scrawled in permanent marker on the back, and heads to work with one thing in mind. Michael Flocco is determined to, as he says, ''fill that hole in the wall and fill that hole in my heart.''

Michael plans to continue working on the rebuilding project through September 11th, 2002, a date that marks the one year anniversary of his son's death, as well as a formal reopening ceremony of the Pentagon. Michael Flocco's response to his son's death is an inspiration to every American.

Today we are here to pay tribute to a son and his father; We are here to recognize an outstanding example of dedication to the United States of America; We are here to honor the best character of Americans—refusal to be defeated in the face of tremendous adversity.

We are here today to dedicate this field, which forever will be a symbol of Matthew's love for baseball and love for America.

THE ONCOLOGY NURSING SOCIETY'S 27TH ANNUAL CONGRESS

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. WICKER. Mr. Speaker, in 2002, more than 1.2 million Americans will hear the words ''You have cancer.'' More than 500,000 Americans will lose their battle with this terrible disease. Oncology nurses are on the front lines in the battle against cancer. Every day, they see the pain and suffering caused by cancer. They understand the physical, emotional, and financial challenges that cancer patients face throughout their life.

The Oncology Nursing Society is the largest organization of oncology health professionals in the world with more than 30,000 registered nurses and other health care professionals. There are three chapters of the ONS in my home state of Mississippi located in Brandon, Ocean Springs, and Tupelo. These chapters provide important benefits and services to oncology nurses throughout Mississippi.

This week more than 5,000 oncology nurses from around the country have traveled to Washington, DC, to attend the Oncology Nursing Society's 27th Annual Congress. This year's theme is aptly titled ''The Many Faces of Oncology Nursing.'' The attendees will increase their knowledge of the newest cancer treatments, learn the latest developments in cancer nursing research, and enhance their clinical skills. In addition, approximately 550 of these nurses, representing 49 states, will come to Capitol Hill to discuss issues of concern to oncology nurses. I encourage my colleagues to meet with these nurses and to listen to the expert advice of these expert health care professionals.

I commend the Oncology Nursing Society for all of its efforts and leadership over the last 27 years and I thank the Society's members for their ongoing commitment to improving the quality of care for all cancer patients and their families.

IN COMMEMORATION OF SMITHFIELD, NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. ETHERIDGE. Mr. Speaker, today I rise in commemoration of Smithfield, North Carolina. On April 23, 2002 Smithfield will celebrate its 225th Birthday. Smithfield is located in the heart of Johnston County in the 2nd Congressional District of North Carolina. Established on the banks of the Neuse River as the seat of Johnston County Government in 1777, it is one of the oldest towns in the United States.

Though Smithfield is a town with just over 11,000 residents, the residents carry themselves with a pride representative of the entire state of North Carolina. It is a community that supports traditional family values, southern hospitality and that offers a high quality of life. Into this inviting environment has come a myriad of large and small businesses, drawn by a dedication to hard work. The pride of the community is shown in the excellence of its school system—in its facilities, educators and students. An example of this excellence is Johnston Community College housed in Smithfield.

Smithfield is known worldwide for its ham and yams, and each year the town celebrates during the Ham & Yam Festival. The festival is held the first weekend in May each year, and features arts, crafts, commercial vendors, a carnival, dancing and youth activities. Smithfield's heritage is rich in Civil War and agricultural history.

The strong work ethic and dedication of the people of Smithfield has made Johnston County the number two county in the nation in growing flue-cured tobacco. Not only does Smithfield raise great crops but also great individuals. Among Smithfield's finest is Actress Ava Gardner. Ava Gardner grew up near Smithfield and is buried in Sunset Memorial Park. Today she is honored in a local museum celebrating her Hollywood career with more than 100,000 items.

Mr. Speaker in closing I will like to send my best wishes and gratitude to the people of Smithfield, North Carolina in wishing them a Very Happy Birthday! I know that our nation is stronger today because of their contributions.

MARY HILAND HONORED FOR 25 YEARS OF SERVICE TO THE PEOPLE OF SANTA CLARA COUNTY

HON. ZOE LOFGREN

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. HONDA. Mr. Speaker, today we rise to recognize the achievements of Mary Hiland, President and Chief Executive Officer of Alliance For Community Care of Santa Clara County. We would like to recognize Ms. Hiland's extraordinary and tireless efforts to the people of Santa Clara County and thank her for her 25 years of service in the nonprofit mental health field.

Mary Hiland served as President/CEO for the Alliance For Community Care from January 1977 to March 2002. One of the largest nonprofit mental health agencies in Silicon Valley, ALLIANCE was formed on January 1, 1997, through the merger of four nonprofit agencies. Under Ms. Hiland's leadership, the resulting new organization grew significantly. Today, ALLIANCE serves over 4,000 youth, adults and older adults affected by mental illness through a comprehensive array of in-home, crisis residential, vocational, outpatient treatment and rehabilitation programs.

Ms. Hiland's career in the nonprofit mental health field began after she graduated from San Jose State University with both a Masters degree in Social Work and Public Administration. In 1986, she joined the faculty of SISU College of Social Work part-time and taught courses in public policy and management. Her community service includes serving on several Boards of Directors, task forces, and participation in numerous committees. Ms. Hiland is past president both of the Association of Mental Health Contract Agencies and the Association of United Way Agencies. She currently serves on the Board of Directors of the California Council of community Mental Health

Agencies and the Center for Excellence in Nonprofits.

Ms. Hiland was the recipient of the 1994 Soroptomist Woman of the Year Award for he advocacy for people with mental illness. In 1999, she received the National Society of Fund Raising Executive Spirit of Philanthropy award for her contributions in building a new United Way. In 2001, she was honored as a Community Champion for Mental Health and received the first Silicon Valley Excellence in Nonprofit Leadership Award.

We wish to thank Mary Hiland for her contributions to the field of mental health in Santa Clara County.

HONORING STEPHEN P. YOKICH, PRESIDENT OF THE UAW, ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. DINGELL. Mr. Speaker, I rise today to recognize my good friend, Stephen P. Yokich, on the occasion of his retirement after nearly 35 years of dedication to the UAW, including his impressive two terms as President of the organization.

Steve is a natural born leader and has been a driving force within the UAW. He has played a leading role in re-energizing the labor movement, developing new strategies to address the challenges of the global economy, expanding the UAW's organizing activities, and cementing close ties with other major unions.

Steve's long and impressive career in the labor community began when he was appointed by UAW President Walter Reuther to the Region I staff in 1969. Since then, Mr. Speaker, Steve has worked to make the UAW the strong and diversified organization that it is today.

A former director of the UAW's Organizing Department (from 1983 to 1989), Steve has made organizing a top priority of the Union. An early advocate of diversifying the UAW's membership, he planned and directed the highly successful 1985 organizing drive that brought 22,000 State of Michigan employees into the UAW.

Mr. Yokich also has impeccable collective bargaining skills which were displayed on several occasions, including his 1999 and 1996 negotiations with the major automakers. Under Steve's leadership, the contracts achieved with the Big Three automakers in 1996 bolstered hallmark job and income security programs, and further expanded the widely respected ''People Programs,'' that benefit members and their families.

In the weeks leading up to the traditional opening of contract talks with the Big Three in 1996, Yokich's bargaining innovation and savvy took the floor. He surprised the companies and industry observers by refusing to designate one company a ''strike target.'' As he told the press, ''Our members elected us to bring back agreements, not to go on strike.''

Just a few days prior to contract expiration, Yokich announced that the Ford Motor Company would be the lead company for the Union's all-out settlement efforts. The results validated Steve's innovative new approach to auto negotiations. The Union gained wage and benefit increases in each year of the three-year Ford agreement, and greatly strengthened existing job and income security programs. Other key gains included: cost of living protection for retirees, health care improvements and the enhancement of many other programs.

Mr. Yokich made an historic breakthrough with the first company-paid tuition assistance for post secondary education of dependents of UAW members, as well as tuition assistance for retirees. Similar contracts then followed at Chrysler and General Motors.

Mr. Speaker, Steve has also been a forceful leader in bringing women and minorities into top UAW leadership positions. He has always been a strong believer that the UAW leadership must accurately reflect the make-up of the membership.

Mr. Yokich not only believed in diversifying the UAW, but he also fought for improvements in workplace health and safety and for education and training for UAW-represented workers and their families. Steve was widely praised for his pioneering role in developing Employee Assistance Programs to help workers with problems such as drug and alcohol abuse.

Steve has had a hand in virtually all facets of the UAW including the UAW's Agricultural Implement Department and the Skilled Trades Department. He is also a veteran political activist. Steve has coordinated and participated in numerous statewide and national campaigns.

As if all of the above was not an impressive enough list of accomplishments, Mr. Yokich is also involved in a wide range of labor, civic, and charitable organizations. He is a member of the NAACP and the Coalition of Labor Union Women (CLUW), and serves on the boards or steering committees of the Economic Alliance of Michigan, Michigan Blue Cross-Blue Shield, the Michigan Cancer Foundation, and the Father Clement Kern Foundation.

Mr. Yokich and his wife, Tekla, are the parents of two children, Stephen A. and Tracey, and have one grandson, Michael Stephen. Hopefully, his retirement will allow him to enjoy more time with his family, as well as devoting more time to golfing, hunting and fishing.

Mr. Speaker, as Steve leaves after nearly thirty-five years of dedication to the UAW, I would ask that all my colleagues salute him and his efforts on behalf of American workers.

JOHNSON COUNTY ''MOVERS AND SHAKERS'' RECOGNIZE YOUNG COMMUNITY VOLUNTEERS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. MOORE. Mr. Speaker, I rise today to take note of an upcoming event that will be held by the Volunteer Center of Johnson County, Kansas, to recognize local young people who have recently performed meaningful, voluntary community service in our local area.

Young people from Johnson County, ages 5 to 18, have been nominated by teachers, counselors, principals and nonprofit agencies to receive recognition for their community service efforts. The Volunteer Center of Johnson County is proudly hosting the second annual Movers and Shakers Recognition Event to honor these outstanding young residents of the Third Congressional District on May 7th. I am proud to report that volunteering has become a vital part of these children's education and I join with the Volunteer Center to recognize these dedicated, caring young people of Johnson County.

Annalisa Barelli, Shawnee Mission East;
Lindsay Barker, Shawnee Mission East;
Kim Beverlin, Shawnee Mission North;
Ariel Brody, Shawnee Mission NorthWest;
Kathleen Carey, Shawnee Mission East;
Stephanie Chen, Blue Valley NorthWest;
Jared Cole, Shawnee Mission East;
Kyle Douglas, Shawnee Mission West;
Abbigall Eli, Mill Valley High School;
Jeanne Firth, Shawnee Mission East;
Maxwell Fisher, Blue Valley NorthWest;
Sollie Flora, Blue Valley NorthWest;
Chelsea Fogleman, Olathe East;
Jennifer Gampher, Shawnee Mission West;
Stephen Green, St. Joseph Grade School;
Ashley Haddad, Shawnee Mission South;
Carolyn Hummel, Trailridge Middle School;
Elaine Jardon, Olathe East;
Ashley Johnson, Shawnee Mission North-West;
Brenden Konczal, Shawnee Mission West;
Lisa Kornfeld, Shawnee Mission West;
Bridget Mayer, Blue Valley NorthWest;
Kaley McManamon, Blue Valley High School;
Alicia McWhorter, Mill Valley High School;
Stephen Meeker, Shawnee Mission South;
Kathleen Murray, Blue Valley North;
Simin Nomani, Blue Valley North;
Katherine Pfeffer, Cure of Ars Catholic School;
Liz Pishny, Blue Valley High School;
Travis Preston, Shawnee Mission West;
Lauren Repine, St. Thomas Aquinas;
Julie Richerson, Trailridge Middle School;
Alix Santa Maria, Blue Valley Middle School;
Adam Schieber, Shawnee Mission North-West;
Danay Stanislaus, Olathe East;
Erika Swenson, Shawnee Mission South;
Shannon White, Blue Valley High School;
Kim Williams, Shawnee Mission South;
Matt Woehrle, Blue Valley High School;
Richard Zernickow, Shawnee Mission West.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2689–S2756

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 2132–2137, and S. Res. 242–243. **Pages S2722–23**

Measures Passed:

Health Care Safety Net Amendments: Senate passed S. 1533, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, after agreeing to the following amendment proposed thereto: **Pages S2754–55**

Reid (for Kennedy) Amendment No. 3134, in the nature of a substitute. **Pages S2754–55**

Energy Policy Act: Senate resumed consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto: **Pages S2696–S2717**

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute. **Pages S2696–S2717**

Kerry/McCain Amendment No. 2999 (to Amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks. **Page S2696**

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available. **Page S2696**

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees. **Page S2696**

Landrieu/Kyl Amendment No. 3050 (to Amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment. **Page S2696**

Graham Amendment No. 3070 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard. **Page S2696**

Schumer/Clinton Amendment No. 3093 (to Amendment No. 2917), to prohibit oil and gas drilling activity in Finger Lakes National Forest, New York. **Page S2696**

Dayton Amendment No. 3097 (to Amendment No. 2917), to require additional findings for FERC approval of an electric utility merger. **Page S2696**

Schumer Amendment No. 3030 (to Amendment No. 2917), to strike the section establishing a renewable fuel content requirement for motor vehicle fuel. **Page S2696**

Feinstein/Boxer Amendment No. 3115 (to Amendment No. 2917), to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004. **Page S2696**

Murkowski/Breaux/Stevens Amendment No. 3132 (to Amendment No. 2917), to create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self determination of the Inupiat Eskimos and to promote national security. **Pages S2696–S2717**

Stevens Amendment No. 3133 (to Amendment No. 3132), to create jobs for Americans, to strengthen the United States steel industry, to reduce dependence on foreign sources of crude oil and energy, and to promote national security. **Pages S2696–S2717**

A motion was entered to close further debate on Stevens Amendment No. 3133 (to Amendment No. 3132 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, April 18, 2002. **Page S2714**

A motion was entered to close further debate on Murkowski/Breaux/Stevens Amendment No. 3132 (to Amendment No. 2917) (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, April 18, 2002. **Page S2714**

Senate will resume consideration of the bill on Wednesday, April 17, 2002.

Nomination—Agreement: A unanimous-consent agreement was reached providing for consideration of the nomination of Lance M. Africk, to be United States District Judge for the Eastern District of Louisiana, at 10 a.m., on Wednesday, April 17, 2002, with a vote to occur thereon. Page S2755

Nominations Received: Senate received the following nominations:

Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2005.

Vinicio E. Madrigal, of Louisiana, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

L.D. Britt, of Virginia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for the remainder of the term expiring May 1, 2005.

Linda J. Stierle, of Maryland, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2007.

William C. De La Pena, of California, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

James E. McMahon, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

David William Thomas, of Delaware, to be United States Marshal for the District of Delaware for the term of four years.

Stephen Robert Monier, of New Hampshire, to be United States Marshal for the District of New Hampshire for the term of four years.

Jose Gerardo Troncoso, of Nevada, to be United States Marshal for the District of Nevada for the term of four years. (Reappointment)

Gary Edward Shovlin, of Pennsylvania, to be United States Marshal for the Eastern District of Pennsylvania for the term of four years.

Thomas M. Fitzgerald, of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of four years.

Randy Paul Ely, of Texas, to be United States Marshal for the Northern District of Texas for the term of four years.

Ruben Monzon, of Texas, to be United States Marshal for the Southern District of Texas for the term of four years.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. Pages S2755–56

Executive Communications: Pages S2721–22

Additional Cosponsors: Page S2723

Statements on Introduced Bills/Resolutions: Pages S2723–32

Additional Statements: Pages S2718–21

Amendments Submitted: Pages S2732–54

Authority for Committees to Meet: Page S2754

Adjournment: Senate met at 11 a.m., and adjourned at 6:57 p.m., until 10 a.m., on Wednesday, April 17, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2755.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—FAA

Committee on Appropriations: Subcommittee on Transportation concluded hearings on proposed budget estimates for fiscal year 2003 for the Federal Aviation Administration, focusing on aviation safety and capacity issues, after receiving testimony from Jane F. Garvey, Administrator, Federal Aviation Administration, Department of Transportation.

ADVANCED TECHNOLOGY PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the authorization and reform of Technology Administration and the National Institute of Standards and Technology programs, focusing on the Advanced Technology Program, after receiving testimony from Samuel Bodman, Deputy Secretary of Commerce; Anne A. Armstrong, Virginia's Center for Innovative Technology, Herndon; Lewis M. Branscomb, Harvard University John F. Kennedy School of Government, Cambridge, Massachusetts; and Scott Donnelly, General Electric Company, Niskayuna, New York.

U.S./MEXICO RELATIONS

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded hearings to examine U.S./Mexican relations issues, including migration, drugs, economic trade, the North American Development Bank (NADBank), the Border Environment Cooperation Commission (BECC), and border issues, after receiving testimony Representative Reyes; Alan P. Larson, Under Secretary of State for Economics, Business and Agricultural Affairs; John B. Taylor, Under Secretary of Treasury for International Affairs; James W. Ziglar, Commissioner, Immigration and Naturalization Service, Department of Justice; and Barbara

Shailor, AFL–CIO, Steven M. Ladik, American Immigration Lawyers Association, Gregori Lebedev, U.S. Chamber of Commerce, and M. Delal Baer, Center for Strategic and International Studies, all of Washington, D.C.

DRIVER'S LICENSE INTEGRITY

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine problems relating to the availability and use of fake or fraudulently issued driver's licenses, focusing on what state and federal governments can do to improve the system, after receiving testimony from Kansas State Senator Barbara P. Allen, Overland Park; Richard J. Varn, Iowa State Information Technology Department, Des Moines, on behalf of the National Association of State Chief Information Officers and National Governor's Association; Betty L. Serian, Pennsylvania Department of Transportation, Harrisburg, on behalf of the American Association of Motor Vehicle Administrators; Mary Ann Viverette, Gaithersburg Police Department, Gaithersburg, Maryland, on behalf of the International Association of Chiefs of Police; Barry J. Goleman, American Management Systems, Inc., Fairfax, Virginia; J. Bradley Jansen, Free Congress Foundation Center for Technology Policy, Washington, D.C.; and Theodore W. Wern, Chicago, Illinois.

MEDICAL PRIVACY

Committee on Health, Education, Labor, and Pensions: Committee concluded oversight hearings to examine medical privacy issues, focusing on the Standards for Privacy of Individually Identifiable Health Information (Privacy Rule), and the proposed modification to those standards, published by the Department of Health and Human Services, after receiving testimony from Claude A. Allen, Deputy Secretary of Health and Human Services; Janlori Goldman, Georgetown University Institute for Health Care Research and Policy Health Privacy Project, Washington, D.C.; Sam Karp, California HealthCare Foundation, Oakland; Richard Harding, University of South Carolina School of Medicine, Columbia, on behalf of the American Psychiatric Association; John D. Clough, Cleveland Clinic Foundation, Cleveland, Ohio.

VIOLENCE AGAINST WOMEN OFFICE

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded oversight hearings on activities of the Violence Against Women Office of the Department of Justice, including coordination, collaboration, and multi-disciplinary partnership in addressing domestic violence prevention and intervention issues, after receiving testimony from Diane Stuart, Director, Violence Against Women Office, Office of Justice Programs, Department of Justice; Laurie E. Ekstrand, Director, Justice Issues, General Accounting Office; Georgia Attorney General Thurbert E. Baker, Atlanta; Vincent J. Poppiti, Family Court for the State of Delaware, Wilmington; Lynn Rosenthal, National Network to End Domestic Violence, Washington, D.C.; and Casey Gwinn, San Diego City Attorney, San Diego, California.

House of Representatives

Chamber Action

Measures Introduced: 230 public bills, H.R. 4231–4460; 5 private bills, H.R. 4461–4465; and 5 resolutions, H. Con. Res. 377–379, and H. Res. 387 and 389, were introduced. **Pages H1333–38**

Reports Filed: Reports were filed today as follows:

H.R. 3955, to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, amended (H. Rept. 107–409);

H.R. 3421, to provide adequate school facilities within Yosemite National Park, amended (H. Rept. 107–410, Pt. 1); and

H. Res. 388, providing for consideration of H.R. 476, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions (H. Rept. 107–411). **Page H1333**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. **Page H1291**

Private Calendar: On the call of the Private Calendar, the House passed over without prejudice, H.R. 392, for the relief of Nancy B. Wilson. **Pages H1292–93**

Recess: The House recessed at 12:42 p.m. and reconvened at 2 p.m. **Page H1292**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Joseph W. Westmoreland Post Office, Jay, Florida: H.R. 3960, to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building"; **Pages H1293–95**

Philip E. Ruppe Post Office, Linden, Michigan: H.R. 1374, to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building" (agreed to by a yea-and-nay vote of 408 yeas with none voting "nay", Roll No. 92); **Pages H1295–96, H1305–06**

Honoring the 94th Birthday of Mr. Lionel Hampton—Jazz Great and Goodwill Ambassador for the United States: S. Con. Res. 101, extending birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday; **Pages H1296–99**

Clergy Housing Allowance Clarification Act; H.R. 4156, amended, to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property (agreed to by a yea-and-nay vote of 408 yeas with none voting "nay", Roll No. 93); and **Pages H1299–H1302, H1306–07**

Family Farmer Bankruptcy Extension Act: H.R. 4167, to extend for 8 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted (agreed to by a yea-and-nay vote of 407 yeas to 3 nays, Roll No. 94). **Pages H1302–05, H1307**

Motion to Instruct Conferees on the Farm Security Act: Pursuant to clause 7(c) of rule XXII, Representative Smith of Michigan announced his intention to offer a motion tomorrow to instruct conferees on H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011, to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and to insist upon an increase in funding for (A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the Senate amendment; and (B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment. **Page H1307**

Recess: The House recessed at 3:45 p.m. and reconvened at 6:30 p.m. **Page H1305**

Senate Messages: Message received from the Senate appears on page H1291.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H1305–05, H1306–07, and H1307. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:14 p.m.

Committee Meetings

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on NIH Panel: Disease Prevention and Health Promotion. Testimony was heard from the following officials of the Department of Health and Human Services: Claude Lenfant, M.D., Director, National Heart, Lung and Blood Institute; Francis Collins, M.D., Director, National Human Genome Research Institute; Kenneth Olden, M.D., Director, National Institute of Environmental Health Sciences; Paul Sieving, M.D., Director, National Eye Institute; Lawrence Tabak, M.D., Director, National Institute of Dental and Craniofacial Research; Patricia Grady, M.D., Director, National Institute of Nursing Research; Donald Lindberg, M.D., Director, National Library of Medicine; Raynard Kington, M.D., Acting Director, National Institute on Alcohol Abuse and Alcoholism; and Kerry Weems, Acting Deputy Assistant Secretary, Budget.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies continued appropriation hearings. Testimony was heard from public witnesses.

EQUAL EDUCATIONAL CHANCES FOR PARENTS

Committee on Education and the Workforce: Held a hearing on Equal Educational Choices for Parents. Testimony was heard from public witnesses.

CORPORATE AND AUDITING ACCOUNTABILITY, RESPONSIBILITY, AND TRANSPARENCY ACT

Committee on Financial Services: Ordered reported, as amended, H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs and International Relations held a hearing on Combating Terrorism: Axis of Evil, Multilateral Containment or Unilateral Confrontation? Testimony was heard from Jeanne J.

Kirkpatrick, former Ambassador to the United Nations, Department of State; Brent Scowcroft, former National Security Adviser; Richard Perle, former Assistant Secretary of Defense; and a public witness.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1906, to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park; H.R. 2717, to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971; and H.R. 3936, to designate and provide for the management of the Shoshone National Recreation Trail. Testimony was heard from Representative Mink of Hawaii; the following officials of the Department of the Interior: Larry Finfer, Assistant Director, Communications, Bureau of Land Management; and Dan Smith, Special Assistant to the Director, National Park Service; Gloria Manning, Associate Deputy Chief, National Forest System, Forest Service, USDA; Dave Morrow, Deputy Director, Division of Parks and Recreation, Department of Natural Resources, State of Utah; and public witnesses.

CHILD CUSTODY PROTECTION ACT

Committee on Rules: Granted, by voice vote, a closed rule providing 2 hours of debate on H.R. 476, Child Custody Protection Act. The rule waives all points of order against consideration of the bill. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner.

MEDICARE—PROMOTING DISEASE MANAGEMENT

Committee on Ways and Means: Subcommittee on Health held a hearing on Promoting Disease Management in Medicare. Testimony was heard from Ruben King Shaw, Deputy Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

HUMAN INTELLIGENCE

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on Human Intelligence. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 17, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2003 for the Corporation for National and Community Service, 9:30 a.m., SD–138.

Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 2003 for the missile defense budget, 10 a.m., SD–192.

Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2003 for the Offices of the Secretary of the Senate and the Architect of the Capitol, 10:30 a.m., SD–124.

Subcommittee on Treasury and General Government, to hold hearings on the proposed budget estimates for fiscal year 2003 for certain law enforcement activities, 1:30 p.m., SD–192.

Committee on Indian Affairs: to hold oversight hearings to examine subsistence hunting and fishing issues in the State of Alaska, 2 p.m., SR–485.

Select Committee on Intelligence: to hold hearings on the nomination of John Leonard Helgerson, of Virginia, to be Inspector General, Central Intelligence Agency; to be followed by closed hearings (in Room SH–219), 2:30 p.m., SH–216.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine levels of jurisdiction within the Office of Homeland Security, 9:30 a.m., SD–226.

Subcommittee on Constitution, to hold hearings to examine the application of the War Powers Resolution to the war on terrorism, 2 p.m., SD–226.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and Judiciary, on SEC, 10 a.m., and on FCC, 2 p.m., H–309 Capitol.

Subcommittee on Interior, oversight hearing on Energy Research-Measuring Success, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Department of Education Panel: Foundations for Learning, 10:15 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on Budget Overview, 9:30 a.m., B–300 Rayburn.

Subcommittee on Transportation, on Transportation Security Administration, 10 a.m., and, executive, to continue hearings on Transportation Security Administration, 2 p.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on Secretary of the Treasury, 10 a.m., 2362B Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on NASA, 9:30 a.m., 2359 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 4092, Working Toward Independence Act of 2002, 10:30 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled "Creating a Medicare Prescription Drug Benefit: Assessing Efforts to Help America's Low-Income Seniors," 10 a.m., 2123 Rayburn.

Committee on Financial Services to mark up H.R. 3717, Federal Deposit Insurance Reform Act of 2002, 10 a.m., 2138 Rayburn.

Committee on International Relations, hearing on AIDS Orphans and Vulnerable Children in Africa: Identifying the Best Practices for Care, Treatment, and Prevention, 10:15 a.m., 2172 Rayburn.

Subcommittee on Europe, hearing on The Future of NATO and Enlargement, 1:15 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration and Claims, to mark up the following: H.R. 2623, Posthumous Citizenship Restoration Act of 2001; H.R. 3214, to amend the chapter of the AMVETS organization; H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization; H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Maquis de Lafayette; and private relief measures, 2:30 p.m., 2237 Rayburn.

Committee on Resources, hearing on the following bills: H.R. 103, Tribal Sovereignty Protection Act; H.R. 3534, Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act; and H.R. 3476, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land, 10 a.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following bills: H.R. 3558, Species Protection and Conservation of the Environment Act; H.R. 3908, North American Wetlands Conservation Reauthorization Act; and H.R. 4044, authorize the Secretary of the Interior to provide assistance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged by nutria, 2 p.m., 1334 Longworth.

Committee on Science, hearing on New Directions for Climate Research and Technology Initiatives, 10 a.m., 2318 Rayburn.

Committee on Small Business, to mark up the following: the Small Business Advocacy Improvement Act; H.R. 2867, Small Business Opportunity Act of 2001; and S. 174, Microloan Program Improvement Act of 2001, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on How Transit Serves and Benefits U.S. Communities, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, to continue hearings on Proposals for a Water Resources Development Act of 2002, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, hearing on Integrating Prescription Drugs into Medicare, 10:30 a.m., and to mark up the following measures: H.J. Res. 841, disapproving the action taken by the President under section 203 of the Trade Act of 1974 transmitted to the Congress on March 5; and H.R. 3930, Water Quality Financing Act of 2002, 3 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing regarding U.S. intelligence relationships with parties in the Israeli-Palestinian conflict, 1:30 p.m.; and, executive, hearing on National Imagery and Mapping Agency, 2 p.m., H–405 Capitol.

Joint Meetings

Conference: meeting of conferees on H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011, 10 a.m., 1300 Longworth Building.

Joint Economic Committee: to hold hearings to examine the monetary policy and the economic outlook in the context of the current economic situation, focusing on the economic rebound now underway, 10 a.m., 2118 Rayburn Building.

Next Meeting of the **SENATE**

10 a.m., Wednesday, April 17

Senate Chamber

Program for Wednesday: Senate will consider and vote on the nomination of Lance M. Africk, to be United States District Judge for the Eastern District of Louisiana; following which, Senate will continue consideration of S. 517, Energy Policy Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, April 17

House Chamber

Program for Wednesday: Consideration of H.R. 476, Child Custody Protection Act (closed Rule, two hours of general debate).

Extensions of Remarks, as inserted in this issue

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