United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

*Vol. 148* WASHINGTON, THURSDAY, MAY 2, 2002 *No. 53*

# *House of Representatives*

The House met at 10 a.m.

The Reverend Monsignor Michael J. Bransfield, Rector, Basilica of the National Shrine of the Immaculate Conception, Washington, D.C., offered the following prayer:

God, our Creator, You formed us in Your own image and likeness and call on us to act in righteousness and faith.

Bless our Nation and sustain it by Your grace.

Make it an example and promoter of harmony and goodwill.

Give the Members of this legislative body wisdom, prudence, and courage in conducting its affairs in service to the American people.

Let its actions today and always be inclined toward true justice and marked by diligent, noble initiative.

Preserve our troops at home and abroad, keep them safe from harm in their efforts to protect our freedom and welfare.

Grant peace and mutual respect to the peoples of the Middle East; may they enjoy both security in their lands and serenity in their hearts.

Finally, we thank You for Your merciful attention to the supplications offered throughout the United States on this national day of prayer.

We are grateful for Your continuing sustenance and desirous of fulfilling Your will for peace and prosperity in our Nation and the world. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. BEREUTER 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.

## WELCOMING CANADA'S PRIME MINISTER

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

Mr. BEREUTER. Mr. Speaker, America is blessed to have in Canada not only a neighbor but also a steadfast ally and true friend. While our geographic bonds are obvious, it is our deep cultural, political, and economic ties that will forever bind us. Therefore, it is my distinct honor to welcome to Washington today the Honorable Peter Milliken, the Speaker of the House of Commons of Canada.

Mr. Speaker, I remind Members that this past October, only 1 month after the fateful September day, parliamentarians from all NATO nations met in Ottawa, Canada, for the fall meeting of the NATO Parliamentary Assembly. At that meeting, the assembly endorsed the use of force responsible for the horrific attacks on America. Our Canadian hosts that day, as all parliamentarians, knew the significant risk associated with the endeavor.

So it is with great sadness that we stand here today following the deaths of four Canadian soldiers, killed while on a mission to fight terror in Afghanistan.

Mr. Speaker, I say to Speaker Milliken and to all Canadians, we remain deeply saddened by their loss and America thanks them for their steadfast partnership.

## EXPRESSING DEMOCRATIC WELCOME TO SPEAKER OF THE CANADIAN PARLIAMENT

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

Mr. LANTOS. Mr. Speaker, I am proud to join my good friend on the Republican side, Mr. BEREUTER, to express to the distinguished Speaker of the Canadian Parliament Democratic support and appreciation of the generations-long friendship and solidarity the Canadian people have shown to us.

There is no nation on the face of this planet which is a more dependable and a more solid and a more persistent ally and friend of the United States than is Canada. Through many wars we have stood together, and we have prevailed as we shall in this war on global terrorism.

War inevitably entails losses. No losses are more tragic and more heart rending than the ones we call losses related to ''friendly fire.'' This means we kill our own by mistake, by error, through a tragedy. That is what happened, in Afghanestan, to four Canadian soldiers, and the American people are as one in expressing our heartfelt condolences to the families of these four heroes and to all of the Canadian people.

We want to assure Speaker Milliken that Canada and the United States will stand together forever on behalf of defending freedom, democracy, human rights, the rule of law, the right of civilized societies to live in peace and security. We appreciate the friendship of our Canadian friends, and we want to assure them of our solidarity and respect.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain further 1-minutes at the end of business today.



Printed on recycled paper.

## FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 403 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 403

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume.

Mr. Speaker, H. Res. 403 waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read.

Adopting this rule would allow the full House of Representatives to consider the conference report to accompany H.R. 2646, the Farm Security and Rural Investment Act of 2002.

Yesterday, the Rules Committee approved this rule, which is a standard rule governing consideration of the conference report.

Before closing, I want to acknowledge my friends and colleagues on the House Agriculture Committee, the gentleman from Texas (Mr. COMBEST), the chairman, and the gentleman from Georgia (Mr. CHAMBLISS), the subcommittee chairman, who have spent a considerable amount of time on this measure.

Mr. Speaker, I urge my colleagues to support the rule on the conference report.

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

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

I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

This rule will waive all points of order against the conference report to accompany H.R. 2646. This is the Farm Security and Rural Investment Act of 2002.

I want to commend the chairman of the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST), and the ranking member, the gentleman from Texas (Mr. STENHOLM), and their staffs for their hard work on this bipartisan legislation. I also want to express my appreciation to Senators HARKIN and LUGAR, chairman and ranking member of the Senate Agriculture Committee for their tireless efforts as well.

I would also like to single out the gentlewoman from North Carolina (Mrs. CLAYTON) and Senator LEAHY for their contributions to the bill and their steadfast work as champions of hungry people in this country and around the world.

This bill will increase farm program spending by $73.5 billion over the next 10 years. The measure boosts government subsidies for major crops, while at the same time it directs more conservation payments to small farmers. The measure also provides funding for trade promotion, nutrition programs, for rural development, and agriculture research.

Mr. Speaker, I am deeply grateful that this legislation includes the Bill Emerson-Mickey Leland Hunger Fellows Program. This is a fitting tribute to our late colleagues, and it honors their legacy by training leaders in the fight against hunger.

I am pleased that the measure provides $100 million in fiscal year 2003 for the Global Food for Education initiative, and I am particularly gratified that this legislation authorizes the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. This initiative, commonly known as the Global School Lunch Program, will continue and expand the good work of the Global Food for Education Initiative.

The Global School Lunch Program was inspired in a bipartisan fashion by former Senators George McGovern and Bob Dole, and it began as a pilot program in July of 2000. Under the bill we are considering today, this initiative will make a real difference in the lives of tens of millions of children all over the world. The program will feed not only hungry children, but it promotes education abroad, in addition to assisting American farmers.

This program is already doing a wonderful job encouraging children to attend school, especially girls. One example is in Pakistan, near the border with Afghanistan. Partnered with the World Food Programme, the Global School Lunch Program provides families with cooking oil if their daughters go to school. This is boosting attendance and improving performance; and important to our own national security, this program keeps the kids away from the madrahsas, schools funded by radical Islamic militants where students are fed a diet of hate for America. Because of the Global School Lunch Program, the students learn that America cares about them.

Mr. Speaker, the conference report includes an amendment I offered on the House floor which was accepted by the gentleman from Texas (Mr. COMBEST) and adopted by the House. The amendment allows greater flexibility to use assistance funds for transporting food where it is needed. This provision will remove a bottleneck which can hinder the abilities of both the World Food Programme and private charities to distribute food aid.

In our own country, this measure restores food stamps to legal immigrants who have lived in the United States for 5 years. This is a needed change from the Welfare Reform Act of 1996, and it was a top priority of the antihunger community.

The bill provides an overall increase of $6.4 billion for domestic nutrition programs. This includes increases for the TEFAP program and the WIC Farmers Market Nutrition Program. These programs do help hungry people. They put food on the empty plates of Americans in need.

Finally, Mr. Speaker, I do want to express my concern about the future of international food aid. This bill does increase slightly the Food for Progress program. However, if the administration follows through with its stated intentions to reduce surplus commodity donations through section 416(b), this will amount to a drastic cut in overall food assistance. This could result in a loss of almost $1 billion to feed hungry people next year.

This is totally unacceptable anytime, but it is even more tragic when the serious threat of famine looms in southern Africa, and the situation in wartorn Afghanistan is still shaky at best. I hope the administration will use the flexibility it has to ensure food aid is not cut.

American farmers are the most productive in the world, and our compassion is second to none. We need to strengthen that bond between our generosity and abundance and the outstretched arms and empty stomachs of the world's hungry people.

This bill is a step in that direction. We have a long journey still ahead to end hunger in our world. Mr. Speaker, I support this rule and the bill.

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

□ 1015

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time. With respect to this bill before us today, there is no doubt that the bill is imperfect. One could argue it spends too much. One could argue it should probably do more to reform some of our USDA programs. But let me say this: In the area of dairy, this is a historic win for dairy farmers all across America.

In my home area in Wisconsin, we are losing some 3 to 4 dairy farms each and every day. There are 3 reasons why this bill will help. Number 1, it creates a new countercyclical program for dairy; a program I hope never goes into effect. We all hope dairy prices remain strong. But in the event the dairy economy crashes, as it did a few years ago, this will give them a safety net. This is money they can take to the bank.

Number 2, this program is national, not regional. For years our policies

have pit farmer against farmer, States against State, region against region. And we will still do that in the area of milk marketing orders, but with respect to the new countercyclical program, we break away from that. This is a historic step towards a new national policy.

And number 3, this program pays out without regard to end use of milk. Even though the trigger price for this countercyclical program is pegged to Class I, the payouts will go to all classes of milk whether it remains fluid or whether it goes into manufactured milk products.

There is more work to be done on the dairy front, to be sure, but this is a great step forwards. I congratulate the chairman of the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST); the chairman of the Subcommittee on Livestock and Horticulture, the gentleman from California (Mr. POMBO); and the ranking member, the gentleman from Texas (Mr. STENHOLM), and all the conferees. I urge my colleagues to vote ''yes'' on the rule and ''yes'' on the bill.

This is a big win for the dairy farmers in Wisconsin.

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

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

Mr. MORAN of Kansas. Mr. Speaker, for the last 68 days, I have joined my House colleagues, 11 of them, to work on resolving differences in a farm bill between a bill we passed last summer and a bill passed a few months ago by the United States Senate.

During those 68 days, I have come to greatly admire and respect the leadership in our Committee on Agriculture, the gentleman from Texas (Mr. COMBEST), our chairman, and the gentleman from Texas (Mr. STENHOLM), our ranking member. But why have we made this effort? Why does it matter? I think the answer is because we care about the future of our farmers and our ranchers, and we care about the future of the communities in which they live.

There is absolutely no doubt but that the times in agriculture country are tough. They are not getting better, they are getting worse. The profit margins are squeezed.

Last month, I conducted 66 town hall meetings from A to Z, Almena to Zurich. Record low prices for weather conditions paint a terribly bleak picture for our farm families. This week's headlines in the Kansas press: ''High Input Costs, Lower Livestock Income Cut Kansas Farm Income 28.6 Percent''; ''Bankers Indicate That Farm-Related Businesses Continue To Struggle''; and ''Falling Prices Mean Big Losses for Cattle Feeders.''

The average farm income for a Kansas farmer totaled less than $28,000 per farm. Total farm expenses increased 7 percent. The average debt for a farmer increased 34 percent. Farmers used to spend $81 for every dollar's worth of product they sold. Today it is $87. Cattle prices are down, meaning that our producers have lost $120 on every animal they sell. For a 10,000-head feed yard in Ashland, Kansas, that feeder has just lost $1.2 million.

These are the stories I have heard over the last month in 66 locations across my district. It is time for us to step forward.

I have a farm bill, a sale bill, that a constituent sent me, indicating that her neighbor was selling out the farm because they could not make it. And the note was, I have a young man who wants to take over my farm.

This is why we need a farm bill, so that that next generation has the opportunity to be farmers, to feed the world. It is about maintaining the safest and most abundant supply and having our consumers receive the safest food supply at the grocery store. It is about preserving our environment for future generations, conserving our natural resources, protecting our water quality and air. It is about helping rural communities sustain their economies. It is about ensuring adequate nutrition for all Americans, especially our children. But for Kansas it is about avoiding the headlines that say, ''On the Auction Block: Farmers Getting Out, Putting Items, Land Up For Sell During Tough Economic Times.''

This bill is valuable to the Kansas economy and it is valuable in our efforts to keep farmers on the land, to keep shoppers on our main streets, and to keep children in our schools. If we do not act now, next year will be too late for many family farms.

The wheat crop is in the ground. In just over a month we will begin harvest in my State, and planning is under way for our other crops. Farmers need details of a farm bill sooner, not later, and I urge my colleagues to support this farm bill and to vote for the conference report.

Mr. Speaker, I submit for the RECORD the Kansas press article I referred to earlier:

[From the Garden City Telegram, Apr. 11, 2002]

ON THE AUCTION BLOCK

GETTING OUT: FARMERS PUTTING ITEMS, LAND UP FOR SELL DURING TOUGH ECONOMIC TIMES

(By Kathy Hanks)

Gary Brooks is sifting through a collection of nuts, bolts and used tractor parts deciding what to sell Saturday at his farm auction.

Brooks and his wife, Carla, have farmed in the Healy area for 37 years. And though he describes the upcoming sale as ''bittersweet,'' the Brookes are ready to get out of farming and make a life change.

''We can see the handwriting on the wall. We've been pretty small farmers, and we just can't get enough for what we raise,'' Brooks said. ''My machinery is older, and it takes about two years of crops to fix something that breaks.''

The couple has made some major decisions in the past months.

''If your mind is made up, then it's a positive thing. If someone else is telling you that you have to get out, then that's sad,'' Brooks said.

They had a land auction earlier this year; selling about three-and-a-half quarters of ground. After Saturday's sale, the couple plans to move to Hays, where they will be close to children and grandchildren.

''I don't know what kind of job I'll get, but I sure don't want to work on commission; I've been doing that for years,'' he said. ''I want a job with a regular paycheck. I have a degree in botany, but I don't know what kind of work I can find with that.''

Brooks, however, said he is not too concerned.

''This is our decision. We'll walk away with a little money. And I'll be grinning all the way,'' he said.

Every weekend in April, Russell Berning, owner of Berning Auction, Marilenthal, has a farm auction scheduled somewhere in western Kansas.

''I wouldn't call these forced sales. I'd call them encouraged sales. The owners can see there's no future, and they want to get out while they still have something left,'' Berning said.

He has been in the auction business since the late 1980s, beginning just as the bad economic times and forced sales were ending.

Though farm sales are on the increase, he said what he is observing today is nothing compared to the 1980s, when many farm families were forced out of operation.

''At least for now, the mood is more of relief to be getting out of farming,'' Berning said.

There are no ''Penney Auctions'' taking place where the neighbors come and buy your land and machinery for pennies, then return it to you.

Instead, your neighbor is more likely to buy your ground.

''In western Kansas, we are seeing dry land sell for upwards of $725 per acre. People are buying the land. There are some guys still willing to take a chance with low interest rates,'' Berning said. ''And there is the old money farmers who have been on the land for generations. That's where most of the sales are coming from.''

Berning described the typical farmer selling his land as in his 50s and wanting to do something different with his life.

''I know some guys who are going into the insurance business, working as federal crop adjusters. That's a job where they still will be able to use their knowledge and still be involved with the farming aspect,'' he said. ''I see them selling their land and looking forward to doing something different.''

According to Berning, several of his recent sales have been in the Healy area of Lane County.

''They have had some dryer years in the past then some areas around them. It has just hit them earlier. If we don't get any more moisture, and prices don't change, we're going to see more of this. I think we're just on the verge right now,'' Berning said.

Along with land, he is selling a lot of farm equipment.

''A lot of what I'm selling is good, modern equipment in good shape, that is bringing in good money,'' Berning said. ''The older, smaller equipment has taken a significant drop in price.''

At Scott Auction, Garden City, Kent Scott was observing a similar situation with farm auctions.

''I'm not seeing an increase in forced sales. Instead, I see farmers trying to get rid of things on their depreciation schedule that they have quit using on the farm,'' Scott said. ''They may be cutting back their operation because of economics. Prices are not good. So, some are selling out now when they still have their equity.''

Berning agrees with that scenario.

''I have seen farmers selling their farm equipment and then just look for other work. They want to sell their land while they still

have some money left to start a new life.'' Berning said. ''Things aren't bad right now. It could get worse. And they do appear that they will get worse before they get better.''

In the southwest corner of the state, Jim Carrithers, owner of Carrithers Auction of Johnson City, said he is not seeing a noticeable change in farm sales.

''I can't seen any increase in farm sales with farmers going out of business,'' said Carrithers, who conducts auctions in southwest Kansas, eastern Colorado and the Oklahoma panhandle. ''We have always had farmers who made the decision to get out. They can see they aren't getting anywhere and would prefer to work for a company with insurance benefits.

''I am seeing just an average year, no different than what I've observed in the past 30 years of being in the business. Farmers just need some rain and a better farm program.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), who has been a great representative. We are going to miss her, and she is a great fighter for this issue.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time, and this Congress is going to miss the gentleman from Ohio as well, but he is going to serve in another great capacity.

I wanted to say that after almost 2 years, the House and the Senate have finally come together on a farm bill, and the rule that we will vote on is a rule that is appropriate and I will vote for the rule.

Is this farm bill a perfect farm bill? Absolutely not. Is it a farm bill that will help many farmers? It indeed will. Are there areas I wish it had gone further? There are. Are there areas where I think it went too far? Yes. As in all legislation, there are winners and losers in this. But all in all, this farm bill speaks to providing a safety net that is critical.

I want to spend just a moment saying it does do things that we would be very, very proud of. It provides $6.4 billion over the next 10 years for nutrition. In addition to that, it provides $100 million for global food services that will provide education and food to a lot of children, making a difference in their lives, not only to girls, but families.

When girls learn, their families learn. It has been demonstrated that when young girls have an education, not only is that education good for themselves but it is good for the families. So when we indeed provide food for young children to learn, we are enabling their families to be more productive and healthy.

I would be remiss not to make mention that this global food program has been kind of the brainchild of the gentleman from Ohio (Mr. HALL), the gentlewoman from Missouri (Mrs. EMERSON), and the gentleman from Massachusetts (Mr. MCGOVERN). They have labored tirelessly. It is called formally the Dole and McGovern bill. Both of them wanted this bill.

This is an opportunity for us to share our bounty, to make a difference in the lives of those we help through our foreign affairs. This goes a long way to say who we are as human beings; that our American farmers wish to share their bounty with the people of the rest of the world.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. DAN MILLER).

Mr. DAN MILLER of Florida. Mr. Speaker, I rise in opposition to this agriculture welfare bill we will be voting on later this morning.

In 1996, this Congress passed 2 historic pieces of legislation; one was Welfare Reform and one was the Freedom to Farm. The idea was to get people less dependent on government, to get people more opportunity and more freedom. The Welfare Reform bill has been a success. We have reduced the welfare rolls by 50 percent, but, more importantly, we have given people the freedom and opportunity for their American dream, to not have to rely on a check from the Federal Government. And that was the concept with Freedom to Farm, but it did not work out quite right. We are just pouring money into the program every year classified as emergency spending, and now this year we are going to make it all entitlement spending and make more people dependent on the Federal Government.

This bill, sadly, goes in the wrong direction, in that it costs more for the American taxpayer, it costs the American consumer more, and it is this same reliance on Federal Government handouts that is so unfortunate. Most of the money goes just to a handful of crops; wheat, rice, corn, cotton, and soybeans. But it goes into a lot of other areas, and that is how it gets its widespread support on the floor of the House. We got rid of wool, mohair, and honey subsidies in 1996, but they are back. So now the taxpayers are going to subsidize wool, mohair, and honey.

We have added some things, like small chickpeas, dry peas, and lentils. I do not know why the Federal Government has to be in this business. The peanut program, and I like peanuts, but it is going to be, I think, like a $4 billion cost to the American taxpayers. This whole bill, they say, is only 77-some billion. But that is on top of the $100 billion entitlement right there now. So it will cost $170 billion. And if we really look at the true cost of this and base it on how poorly they estimated the cost in the 1996 bill, we are probably talking about a $340 billion cost.

A $340 billion bill, and we are trying to find more money for the Pell grants, the war on terrorism, homeland security, cancer research and biomedical research. We have a lot of needs for money, but we will spend $340 billion on this.

Now, what this bill does is it encourages overproduction. Take the sugar program. We produce too much sugar because we have a program that encourages too much. Last year, the Federal Government bought $430 million worth of sugar and we are storing it. We are storing it. And what we will do with this bill is encourage more production so we can store more sugar. And this is true with wheat, and corn, and cotton, and rice. All we are going to do is just produce more and more and store more and more, and the whole thing, in my opinion, will implode.

This hurts the small farmer. Eighty-eight percent of the money goes to the top 20 percent of the farmers. Bottom 80 percent, the smaller farmers, only get 12 percent of the money. So I encourage my colleagues to oppose this.

For liberals, it is good to oppose this because it costs the consumer more. It costs the consumer more. It is estimated at $2,500 more per consumer. And the environmental organizations are all opposing this because it does not do enough for the environment.

For my conservatives, it should be a no-brainer. This just expands the role of Federal Government and makes people more dependent on the Federal Government.

And for everyone else, this is just bad economic policy. Because what we really should believe in this country is to give people more opportunity and freedom, rather than coming to Washington to beg for a check and creating yet another new entitlement program.

I think this has gone in the wrong direction, it is unfortunate, and I hope we can defeat the bill today.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to urge my colleagues to support the conference report and support the rule for the Farm Security and Rural Investment Act crafted by the chairman and ranking member and those on the committee who did, I think, an excellent job in balancing the needs for agriculture.

The previous failure of the Freedom to Farm bill failed to live up to its promise of an adequate safety net for American farmers and, consequently, year after year Congress was asked to step in and provide billions of dollars. While this bill is not perfect, it goes a long way in meeting the needs. I will not go into the details, others will talk about that as we go on, but I am pleased this conference report does many of these things.

While there is much to like in this report, North Carolina growers can be especially pleased that it reaches out and does many of the things they need. However, we have to understand that compromise is the cornerstone of successful legislation, and no bill is perfect by everyone's standards.

Mr. Speaker, before I yield the floor, I would like to engage the chairman of

the Subcommittee on Specialty Crops and Foreign Agriculture Programs, the gentleman from Alabama (Mr. EVERETT), in a colloquy.

Traveling through North Carolina, the number 1 topic of discussion in tobacco communities is the growing support for reform in the current Federal tobacco quota system. Tobacco farmers want to eliminate quotas so they can grow their crops without paying rent to quota holders, thereby cutting the costs and making their product more competitive in the world market. Quota holders are willing to support such reform provided they are adequately and fairly compensated for the quotas they now own.

Several different approaches for revamping the program have been introduced, one by the gentleman from North Carolina (Mr. MCINTYRE), the gentleman from North Carolina (Mr. BURR), and the gentleman from Indiana (Mr. HILL). There is another plan being drafted by the gentleman from Virginia (Mr. GOODE), the gentleman from Virginia (Mr. BOUCHER), and many others will have one in. All have strengths and weaknesses.

□ 1030

Now that the work of the Committee on Agriculture on the farm bill is completed, can we expect the committee to turn its attention to the crop left behind, the tobacco program?

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

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

Mr. EVERETT. Mr. Speaker, the gentleman from North Carolina (Mr. ETHERIDGE) is a strong and tireless advocate for the tobacco growers of his State, and I understand his interest in the future of the tobacco program.

The reform of the tobacco program is something that deserves and requires a great deal of thought and debate. I look forward to holding hearings in my subcommittee on this topic. I know several members are interested in this issue, and I can assure the gentleman from North Carolina (Mr. ETHERIDGE) that the committee will take a hard and serious look at the Federal tobacco program later this year.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise in support of H.R. 2646, the Farm Security and Rural Investment Act of 2001, and I commend the chairman, the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM).

This bill does help us increase clean energy. The bill is great for Minnesota agriculture and our many renewable energy sources. With six ethanol plants in my district, I am very familiar with ethanol. Ethanol is not only a domestic and renewable source of energy, it is oxygen rich and, therefore, helps gas burn more completely, resulting in cleaner air for us to breathe.

Another source of renewable and domestic, home-grown energy is biodiesel, which can be derived from soybean oil which helps diesel oil burn cleaner. Both ethanol and biodiesel help generate jobs in rural communities, and expand demand for our farmers' products; and I am proud Minnesota has played a leadership role in both of these. I am a strong supporter of expanding both the use of ethanol and biodiesel.

Wind energy is also an important energy source in my district. The Buffalo Ridge in southwest Minnesota is one of the most ideal locations in the country for generating wind energy. Many windmills have already been constructed bringing both clean energy and alternative sources of revenue for area farmers. When it comes to alternative energy, these are exciting times in southwest Minnesota.

This farm bill includes many provisions that reward farmers and others for using renewable energy sources. Two provisions in the energy title award loans and loan guarantees to individuals and businesses that use renewable energy sources or make efficiency improvements.

One of the strongest provisions is the ''Value-Added Agricultural Market Development Grants.'' These grants have been expanded to include wind power.

Mr. Speaker, although this bill is not perfect, it is a very good bill for clean energy and a great bill for Minnesota agriculture. I strongly support passage, and urge my colleagues to do the same.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), who has been a tremendous leader in a lot of these programs, especially in the school lunch program that the gentleman has pushed so successfully, along with the gentlewoman from Missouri (Mrs. EMERSON).

Mr. MCGOVERN. Mr. Speaker, I rise in support of the rule. I especially want to express my support for section 3107 of the conference report, the George McGovern-Robert Dole International Food for Education and Child Nutrition Program, which is included under title III of this bill.

The conference report establishes this global school feeding initiative as a permanent program and provides $100 million for fiscal year 2003 to act as bridge money to sustain the current pilot program projects currently operating in 38 countries, currently feeding 9 million children, until continuing appropriations are made by Congress.

I want to thank the conferees who worked so hard to include this provision in the final conference report. I especially thank the gentleman from Texas (Mr. STENHOLM) for his work on this. I also thank the majority leader and the chairman of the Committee on Agriculture and the ranking member from the other body for all their help, and I thank the gentleman from Ohio (Mr. HALL) for his hard work to make this provision a reality.

Mr. Speaker, the International Food for Education Program named after the two visionary Senators who developed this proposal, George McGovern and Robert Dole, aims to provide at least one nutritious meal each day in a school setting to more than 300 million children who go to bed at night hungry. Some 130 million of these children will not go to school this week because their parents need them to stay home or go to menial jobs, or because they are orphaned by war, natural disaster, or diseases like AIDS, or because they are girls.

School feeding programs are a proven method of reducing the incidence of hunger among children, attracting them to school, especially girls, and keeping them in school. When part of an integrated education strategy, they further contribute to improving academic performance.

In these perilous times, I firmly believe that the dollars we spend today on feeding and educating the neediest children around the world promote our national security, combat terrorism, and ultimately result in economic growth in new markets at home. Nine of today's top 10 importers of U.S. agricultural projects are former recipients of food aid. Today's hungry children, who get the chance to go to school and get a nutritious meal, will become tomorrow's teachers, doctors, computer programmers and entrepreneurs, the leaders of their nations.

I know that our farmers and our private voluntary and development organizations are proud to contribute to ending hunger, poverty and desperation through this type of program. I look forward to working with my colleagues and administration officials to make sure this program has adequate funding in the future. Again, I thank the conferees for their assistance with this.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, this farm bill is the product of months of hard work by the Committee on Agriculture colleagues, and it deserves our support, and I rise in strong support of the rule. I thank the gentleman from Texas (Mr. COMBEST) and the committee for coming to us with a bill that will help keep our family farmers operating across the country and will keep our supermarkets filled with fresh products at the best price.

In northeastern and central Pennsylvania, I have seen dairy farms disappear all my life. Farmers have had difficulty surviving the price fluctuations that can cripple their family income. I have made a priority to do something to help the small dairy farms in my region. The farms support not only the farmers that live on them, but they support the communities and the schools and the churches and the very rural infrastructure that has made our country great.

This bill, for the first time, gives us a counter-cyclical dairy payment which will be good for all producers. It is a national program which will provide a much-needed safety net for our farmers across America by providing direct payments in times of low prices. It is not a regional program. It is nationwide, and it will help all farmers. It will be immensely important to Pennsylvania's 10,000 dairy farmers.

This bill is good for consumers. It is good for producers. It is good for the rural areas of our country, and it is good for the environment. It keeps people on the land. It keeps the dairy farms spread out across the country, which is a great thing to have in times when we worry about bioterrorism and the things that have happened since September 11. This bill is good for America. I thank the conferees for coming back to us with much-needed help for the families and communities whose livelihoods depend upon dairy farming. I urge my colleagues to support this conference report.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today in strong support of this rule on the conference report. Overall this report represents a balanced bill that provides a good combination of safety net and flexibility. In so many ways, the Farm Security Act of 2002 is a renewed commitment to rural America at a time when it is needed.

As a member of the conference committee, I would like to offer my thanks to the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM). I believe they provided the strongest leadership possible, and they negotiated a good bill for everyone. They were driven and tough, but yet they were understanding. Both of the gentlemen from Texas represented not only the interests of the House, but they also represented the best interests of American agriculture.

This bill is not perfect, and one of my disappointments is that we were not able to get a disaster provision in this bill. Members said there would be a point of order raised against it, so it was not possible; but we are going to continue to work to see if we can include it in the supplemental.

I am pleased with the dairy program where we have, for the first time, gotten everybody together. We have a national program that treats everybody the same that is going to be a big help when prices are low; and yet it is going to be the least disruptive to the marketplace. And, lastly, it is going to be focused on the smaller family farmers which are the ones that we are having a hard time keeping in business in this country.

We have provided some predictability with the commodity section, so with this 6-year bill, farmers are going to be able to update their bases and yields, have a target price, and have some kind of understanding what kind of help is going to be available from the government during these times of low prices that are being caused by these trade agreements and the high value of the dollar.

On conservation, the Sportsman's Caucus and the others that I have worked with are very pleased with the conservation program where we are putting money into proven programs like CRP, WRP, WHIP, and other programs that have served us so well and have a backlog, and this is going to be very positive.

In the sugar area, I come from an area that is big in sugar production, and we are glad to have the predictability, and being able to get rid of the marketing assessment and putting in market allocations so we can manage this industry on a level playing field with the market.

Lastly, in the energy area, I represent an area that has a lot of ethanol, and we are now moving into biodiesel. This bill will give us some strong emphasis on resources, and resources to be place on renewable energy. In the area of wind turbines and biomass, we are given greater latitude in conservation programs. And there is going to be a commitment to biodiesel, which is one of the exciting things we are going to be working. In Minnesota, the legislature just made a big commitment to biodiesel, and we are excited about getting this industry established.

This is a good bill for the country. It is a good bill for American agriculture. Again, I commend all of the members of the conference and the staff that worked so hard to put this together, and I encourage my colleagues to support the rule and the bill.

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

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we have a House rule that says we cannot debate the motion to recommit. There is going to be a motion to recommit this afternoon, so allow me to explain that motion to recommit now since we are not going to have a chance to talk about it when the motion is made by the gentleman from Wisconsin (Mr. KIND).

There are a lot of things good about this bill. Farmers need some help; but there are some bad things about this bill. One is the fact that there is a loophole where farmers, where the huge farmers, the megafarms, can receive millions of dollars in price support payments every year. The Senate put in the provision to include generic certificates as part of the total price support limit that any farmer can have.

We have a couple of States where many farmers exceed the limit and the lobbying has been tremendous. I have been receiving hundreds of calls saying we understand you are killing the farm bill, and then I explain to them what the motion to recommit does, and then they say, is that all it does.

The only way this is going to kill the farm bill is if the chairman and the ranking member decide to take this back to committee and kill it themselves. Here is what the motion to recommit does: It is what we suggested in the motion to instruct on April 18 by a two-thirds vote when we instructed the conferees to include the provisions in the Senate bill that put an absolute payment limit on how much any farmer could get from price supports. The so-called loophole of generic certificates was included in the limit.

I think in the long run, it is going to hurt our farmers and our chances to have legitimate Federal farm policy that helps the average farmer. The loophole helps a couple of States, Texas, California, Arkansas and Mississippi, gain more from the generic certificates than almost all of the rest of the States put together.

□ 1045

There is a tremendous lobbying effort. Let us look at what is good policy, look at what is going to eventually help mainstream family farms in the United States. That is my request to this body. Vote for the motion to recommit.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I do identify with the comments of my colleague from Michigan, a family farmer who is focusing on the priority needs of agriculture in this country.

I look at this bill before us, and I argue against the bill; I argue against the rule. It is a lost opportunity for farmers, for people in my State, in Oregon, for conservation and water quality, and, most definitely, a lost opportunity for American taxpayers and consumers.

We are going to hear a lot of talk about conservation, and clearly conservation is a critical need for American agriculture. The rural-urban interface to protect farmland and their suburban neighbors is absolutely critical. Yet this bill struck important Senate provisions for conservation; and even though there is a huge increase in the dollar amount for agriculture, so large we do not know how much is going to be spent under this bill, at the end of the day, it devotes a smaller percentage for conservation than the 1996 bill.

It stripped out or watered down animal welfare provisions. This House approved provisions dealing with animal fighting, cockfighting. It reduced those penalties and delayed its implementation for a year.

Also dealing with downed animals. It is not a good bill in terms of animal welfare.

There are those, sadly, who think the only way you are going to help agriculture is to be able to pile more benefits on the very largest producers. They

ignore the fact that already there are almost 200,000 unmet applications for water conservation funding. These average only $9,000 per payment. What they have done is to expand these programs to the very largest producers, further subsidize these large feedlot operations, increase the benefits to $450,000 for years to come, and ignore being able to put more money to those who need it most.

It does little or nothing to deal with the needs of 80 percent of agriculture in my State and around the country, and it focuses on the largest elements.

Sadly, Mr. Speaker, we are presented with the next 10 years of agricultural policy that comes down to this: huge increases in dollars, no one knows how much, and a lost opportunity to forge a program for the needs of agriculture for the next century.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I want to commend the gentleman from Texas (Chairman COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), for the excellent and diligent work they did on a most challenging bill.

I would like to just remind my colleagues to harken back to the 1996 Freedom to Farm bill and the fact that it was going to decrease subsidies, so to speak. But it was also based on three major components: number one, we would have lower taxes; number two, we would have fewer regulations; and, number three, we would have more markets in which to sell our commodities.

We all know Freedom to Farm did not work. We do not have fewer regulations; we have more. We do not have more markets; we have the same or fewer. And while no farmer wants to depend on the government for anything, it is critical that we provide a safety net to our producers.

I only wish that our colleagues who oppose this bill because of subsidies, and most of those folks I do want to say represent suburban districts, I wish that they would understand that in the United States we have a very cheap food policy. We spend 11 cents of every dollar on food, while in Europe they spend about 22 cents. In Russia they spend about 50 cents. We are very, very fortunate.

We have the safest, most abundant food supply anywhere in the world. I think that the conferees have done a remarkable job on this bill, given all of the challenges posed to them.

I do want to say one thing to our colleague from Oregon who said that we decrease funds for conservation. In fact, we increase funds by 80 percent. So that is incorrect.

Let me also take one moment to commend the gentleman from Massachusetts (Mr. MCGOVERN) for the steadfast commitment he has had and the work he has done on the Global Food for Education initiative. I greatly appreciate that work he has done, as well as our conferees, in funding this very, very important initiative that will help poor children in countries go to school and also get the nourishment they need.

Mr. Speaker, this is a good bill. It is important that we support it and certainly vote down any motion to recommit.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I thank my friend from Ohio for yielding me time.

Mr. Speaker, as a Member of the Committee on Agriculture, I know and truly appreciate how hard it is to form a consensus farm policy with so many different competing regions, experiences, different interests and ideas, in what should constitute the farm bill. You throw in an important election season, and it makes it very, very difficult. And I appreciate the work that has gone in from the leadership on the committee and the staff in particular. But this has not been about personalities, it has been about process and the policy; and unfortunately, it has been a bad process, and it has resulted in bad policy.

That is why later today at the end of general debate, I am going to be offering a motion to recommit with instructions based on a motion to instruct conferees that passed the House by 265 votes a little over 2 weeks ago. It would establish a meaningful payment limitation cap, consistent with the Senate language, of $275,000, without exceptions, without loopholes.

Now, if you believe it is good farm policy for the next 10 years to continue to heap more and more taxpayer subsidies on a few but very large commodity producers in this country, then you probably should vote against my motion to recommit.

But if you believe, as I do, that we can do better, that we can produce a more fair and balanced farm bill that helps all our family farmers in all regions of the country, maintain fiscal discipline, and also maintain the opportunity for trade opportunities for our farmers, then I would encourage my colleagues to support the motion to recommit.

It is drafted clearly, very simply. The committee can adopt the language and report right back with the farm bill. This does not have to be a deal-killer; this does not have to ruin the ability to be able to provide a meaningful and balanced farm bill for all of our family farmers and to give them certainty in the upcoming planting season.

That is really what is at stake, in what direction we are going to go; whether we can have the courage to be consistent, where a majority of the Members of the House, a majority of the Senate are already on record of supporting a meaningful payment cap of $275,000; or if we are going to revert back to the old style farm policy. I encourage my colleagues to support the motion to recommit with instructions.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

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

Mr. Speaker, I stand in support of the rule, but in opposition to the overall bill. I think we as Republicans in particular ought to worry about what we are doing here. In 1964 in a speech for Barry Goldwater, Ronald Reagan reminded us, he said: ''There is no such thing as a left or a right, only an up or a down; up to the maximum of individual freedom consistent with order, or down to the ash heap of totalitarianism.'' He said: ''Those who would trade freedom for security have already embarked on that downward course.''

Now, what we did last week in the conference is we traded the Freedom to Farm Act for the Farm Security Act. I think we as Republicans ought to think twice about what we are doing here.

We hear a lot about the cheap food that we have in the U.S. Well, if you wonder why our food is so cheap, you have to realize part of the reason is because we are subsidizing it. It will cost the average American family over the next 10 years over $1,800 in direct taxes simply because of subsidies to farm products. Do you want to know why products are cheap? It is because we are paying for it in other ways.

You have to also realize they should be cheaper. The average American family will pay $2,500 in addition to the $1,800 for a total of more than $4,000 over the next 10 years, simply because of inflated food prices because of the price supports inherent in this bill.

We ought to wonder what we are doing. There is no such thing as a free lunch, and Americans across the country are being stuck with the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me time and rise in strong support of the rule and the underlying bill.

In reference to the remarks of the preceding speaker, let me just tell you that our Nation's farmers deserve more, much more, than to be pawns in some kind of ideological or partisan clash. That is why I so commend the leadership of the chairman and the ranking member of the Committee on Agriculture in bringing the bill before us today and the strong work they have done to craft a bill, get it passed and get it through the conference committee.

The bill restores a safety net for our Nation's farmers and sends a signal to them as they head into the fields this spring that we stand committed to family farmers as the primary element of the production of our Nation's food supply.

The bill restores a safety net for our Nation's farmers when prices collapse. No critical aspect of Freedom to Farm so failed our farmers as the failure to have a safety net price response. The bill makes that right.

The bill also increases conservation funding significantly, adds funding behind Market Value Development grants, and funds a Rural Strategic Investment program to help the financial health of our struggling rural communities, all of these very positive additions over present farm law.

It is a good bill, but it is not a perfect bill. I have to note some disappointments. The disaster assistance so badly needed by the farmers in my State, losses that were not compensated through the crop insurance program, were deleted from the bill. We have to make another run at finding another source to get that disaster funding put in place. Payment limitations should have been made more strict; they were not made more strict.

But I would respond to my colleagues that want to derail this bill today with their motion to recommit by saying at this point, I have got to part company with you. I support payment limits, but today is not the day to vote on that. We voted on it several times. Today is the day we put a farm program in place for our family farmers.

I believe if the program is derailed today, sent back to conference committee yet again, we will never get this in place for the upcoming crop year; and at this late point in time, that is the overarching priority, and that is why we ought to pass this legislation.

The bill is not the medicine that cures all that ails our farmers, but it is a good step forward; and I urge its passage.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

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

Mr. Speaker, I rise to support the rule and the underlying bill. I represent a rural area. We lost 1,000 farmers last year, lost 5,000 over the last 6 years, and have the three poorest counties per capita in the United States. I have not seen Scottie Pippen out there, and some of those who have received $200,000 payments broke even or lost money.

We are currently in the worst year of 5 years of record low prices. The European Union supports their farmers $350 per acre, Japan well over $1,000 per acre. We provide $43 per acre, and we say that is too much. I do not understand that.

I would have liked to have maybe seen some tighter payment limits, maybe more restrictive rules on packer ownership. It is easy to throw rocks and cast stones and say I do not like this or like that, but I do not think most people realize how difficult it is to coordinate all of the different agricultural regions in the country and to write a comprehensive bill.

Somebody earlier complained about the process. This thing went on over 2 years, 47 hearings. It was done in the full committee. The ranking member and the chairman could not have been more fair. Everybody had their shot. There was nothing done behind closed doors. It could not have been a better process.

So what the bill does is this: it eliminates emergency payments. The last 4 years we have spent $24 billion a year on agriculture with emergency payments. This bill should average $17 billion a year. That is not throwing money away, as far as I am concerned; that is fiscally responsible.

The 80 percent increase in conservation certainly does not ignore conservation interests. That is a huge increase. We have significant increases for research, 350 percent for agriculture research, and promotion of foreign trade, nutrition, rural economic development, which we badly need, and we also have some renewable fuel economies.

So if this bill is rejected, we will start over in the middle of an election cycle, and we will make the 1,370-page bill that the other body presented us look very small in comparison. I urge support of the rule and passage of the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

□ 1100

Mr. SKELTON. Mr. Speaker, today I rise in support of the rule and the farm bill conference report.

Farmers throughout the 23 counties of Missouri's Fourth Congressional District have been facing some of the lowest crop prices in a generation. The 1998 Freedom to Farm Act was adopted when times were pretty good and with the notion of providing more flexibility for our agriculture producers. Unfortunately, it did not provide an adequate safety net and it failed to yield the tools we need to address hard times like the current farm recession. Consequently, since 1998, Congress has approved billions of dollars in ad hoc farm income assistance.

In contrast, this year's farm bill provides a meaningful safety net for America's agriculture producers and gives certainty and support to farmers who might otherwise be forced to leave farming.

The bill is comprehensive. It is a 6-year measure that covers subsidies to producers, conservation, food safety, nutrition and trade. For commodities, it continues the direct payment program in marketing loans, but also adds a countercyclical initiative that would make payments when farm prices are so low. Importantly, the bill also undertakes price supports for dairy farmers and increased funding for apple producers.

The farm bill expands USDA's conservation programs, including helpful funding for the Environmental Quality Initiative Program so that Missouri's farmers can address conservation problems and comply with expensive, but important, environmental regulations. It also extends and improves the food stamp program and other nutrition initiatives while renewing our emphasis on rural development, agriculture research and energy, including language that reauthorizes and funds both biomass and biodiesel initiatives.

Mr. Speaker, the farm bill is long overdue, and I commend the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. COMBEST) and their counterparts from the other body in working together on behalf of America's farmers.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of the rule and the underlying bill.

Mr. Speaker, I have been listening to this debate and I cannot help but just think about how much we take for granted here in the United States, how spoiled we are. We take our farmers for granted every single day.

We take for granted that we have the cheapest food in the world. When there is any kind of an emergency in the world, who does the world turn to first? The American farmer. In fact, literally, before we had troops on the ground in Afghanistan, we were putting together food supplies to make certain that the folks in Afghanistan did not starve to death. That is true in every hot spot in the world. American farmers are taken for granted.

Mr. Speaker, there is something else we take for granted. Here is a chart. This is how much we pay for food in the United States as a percentage of the per capita income. It is only 10.9 percent here in the United States. We take that for granted every single day that we will have an abundance of cheap food on every supermarket counter all across the country.

For example, in India, it is 51 percent. Even some of our close friends like the United Kingdom, it is 11.2; Sweden, 14.6; in France, it is 14.8. We take that for granted every single day. We take so much for granted.

I hear this debate and people say, oh, my gosh, we are going to spend $73.5 billion over the next 10 years. Well, that is what we agreed to last year. That is what we formally agreed to this year in our budget resolution. It should not come as a surprise. The gentleman from Nebraska recently said we had 47 hearings on this. We went all over the country. We learned a lot about agriculture, whether one is in California or Pennsylvania or down South, in the upper Midwest, and this is a wonderful compromise.

I want to congratulate the ranking member and the chairman. Frankly, I think when this thing is all over we ought to send them to the Middle East to try to bring these people together to

come up with a compromise that people can live with, which is almost impossible.

As I say, there are 2 things that we take for granted in this country every single day. One is cheap food and the other, I think, is even more important, and that is an unlimited supply of young farmers who are willing to go out there and take a chance at it. We take that for granted every day. I think part of the reason we ought to pass this bill today is because we need to send a message to younger farmers that when we do things here at the Federal level that make it difficult for farmers to compete in the world marketplace, we ought to be there to provide a shock absorber, and when we send that message, we are going to have those young farmers out there willing to take a chance at it.

Let me show my colleagues the second chart. Some people say we are spending too much on farmers. Well, even with the passage of this bill, the old number was $49 per acre that we subsidize agriculture, and with the passage of this bill it will go to $54 an acre. Yes, that is a lot of money. But when we compare it to our trading competitors, the European Union is $309 per acre, and in Japan it is over $4,000 an acre.

Now, we are asking our farmers to compete in that world marketplace. What about leveling the playing field?

Finally, some people say we need payment limits, and I am in favor of payment limits. But understand that farming is changing. So when we look at these numbers, they look like big numbers, but if one is a full-time farmer, some people say, well, 80 percent of the benefit will go to 20 percent of the farmers. That is the farmers who produce the food for us and the rest of the world. I think we need to pass this today.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule and in support of the legislation.

As others have indicated, when we put together a bill of such magnitude, of so many commodities, of so many different parts of the country, it is difficult stuff and, at the end of the day, nobody is going to be 100 percent happy, but this is basically a good bill, and I applaud the gentleman from Texas (Mr. COMBEST) and I applaud the gentleman from Texas (Mr. STENHOLM) for their efforts.

To my mind, the great crisis facing this country in terms of agriculture is that every single day we are seeing family farmers being forced off the land, people who, in some instances, have been, their families have been on that land generation after generation after generation. This is true in my State of Vermont, it is true in the Midwest, it is true in the South, it is true all over this country.

Some people say, well, what is the big deal? So what. Let the market work. So what if we end up with 3 companies who control the production and distribution of food in America? I say that is not good. I say that will be a disaster for the consumer. Think about what food prices will be when we have a few agribusiness companies controlling what we eat and the prices that we pay. Think about what it means to the environment when family farmers all over this country are forced off the land and shopping malls and parking lots take their place. What does that mean for suburban sprawl?

Think about food security for the United States of America. Every Member of this body is concerned about our dependence on Mideast oil. What will it mean when we are forced to import food to feed our people?

Vermont is a dairy State. We brought forth the North East Dairy Compact which protects New England and I thought and believe today that was good legislation. Other people in this body disagreed with that. What made sense for us was to work with our friends in the Midwest, work with our friends in the South, and say let us develop national dairy policy which protects farmers not only in the Northeast, but in the Mid-Atlantic, in the South, in the Midwest. I am proud that we were able to craft legislation that will give strong protection to dairy farmers, family farmers all over this country.

I want to thank all of the representatives from the Midwest, from the South, for their help in that effort.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

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

Let me start off by thanking the chairman of the committee, the gentleman from Texas (Mr. COMBEST), and the ranking member, the gentleman from Texas (Mr. STENHOLM). I know a lot of people have started off by saying that today, but I just want to tell my colleagues, having worked very closely with these gentlemen for the last 10 weeks and particularly over the last 2 years, 2½ years, almost, now, to construct this farm bill, these men have done yeoman work for the American farmer and they deserve every bit of the congratulations they are getting today.

Let me tell my colleagues how this farm bill came about. Two years ago the chairman decided that we wanted to approach the new farm bill a little bit different than we had approached any other farm bill. We went all across America. We held 10 hearings around the country. We did not talk to commodity groups and we did not talk to commissioners of agriculture; we talked to farmers. We said what is working with the current farm bill? What do you want to see maintained out of that farm bill? And what do you want to see, what type of different approach do you want to see?

Based on what we heard from farmers, the chairman and the ranking member came back, along with all of us who attended those hearings, and again, those of us who did our own hearings. I did a hearing in my subcommittee on the West Coast and the Midwest rural agriculture area and one on the East Coast, again, talking to farmers. We developed a philosophy that is entirely different from the approach in the current farm bill that we are operating under, but it is an approach that will allow our farmers to get a decent return on the investment they make every year.

Most people in America do not understand that every farmer in America gambles his life savings every single year when he turns the ground and puts seeds in the ground and fertilizer on top of it and hopes that at the end of the day, he is going to be able to get some kind of return on that investment that he has had to make.

This farm bill, irrespective of what crop it is, guarantees that our farmers will have an opportunity to plan right, to use good, sound business decisions to be able to get a decent return on their investment.

There has been a lot said about payment limits up here. Well, I am one of those States that is criticized for the high payment limits that our farmers have. Let me tell my colleagues what that means to my farmers. My farmers would just as soon not get one dime from the Federal Government. They would much rather rely on the market. But the simple fact of the matter is that prices today for commodities that my farmers grow and every farmer across America grows are lower than what they were or equal to what they were almost 50 years ago. But yet the cost of a tractor, the cost of a combine, the cost of a cotton picker, the cost of chemicals, the cost of fertilizer, have skyrocketed.

Our farmers deserve a break. Our farmers deserve to have an investment made in them so that every single individual who goes to the store or goes to the grocery store or the department store to buy food products or shirts or suits or whatever they may be can be assured that they are going to get a quality product at a reasonable price. We have seen the numbers up here about how much money the average individual in America spends on food products compared to what people spend around the world. The reason that is so is because of the investment the government makes under this payment limitation provision.

Let us support this rule, let us support the underlying bill and, most importantly, let us support the American farmer.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I represent the most productive agricultural congressional district in the United States, not only in production, but in diversity of crops, and I go home every week and I talk to my farmers and they ask me, when is somebody going to get up and say that these farm bills really do not protect farmers? I have heard a lot of discussion here today.

What this protects is farmers if they grow those crops in your district or in your State, but the majority of people out there who are planting the seeds that the gentleman from Georgia (Mr. CHAMBLISS) talked about do not benefit from that program. They go to market and if the market price is low, they have to eat it. If the crop fails, they have to eat it. They do not get help from the Government. I think that the problem with the farm bill is it states for the next 5 years what our U.S. policy, and U.S. policy about agriculture is that if you are in a special commodity program, the Government is going to help you. If you are outside of it, you just have to take the risk and bear it.

Until we get a farm bill that is fair to everyone and fair to totality, the holistic approach to our community, to land use, to animal husbandry, to humane practices and to making it fair for every farmer in America, we are not going to have a good farm bill. I urge a no vote.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

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

Mr. GANSKE. Mr. Speaker, I am for the rule, but after listening to and learning from many of Iowa's leading farmers, I will vote against this farm bill conference report. It is fair to say that many farmers in Iowa have deep reservations about this bill. This farm bill conference report is not in the Nation's or my State's best long term interest. We need to go back to the drawing board. This bill fails in many ways.

The conference payment limitations provision is a sham. The Grassley proposal would have brought the limit down to $275,000 and have eliminated the 3-entity rule. The conference report favors the large southern producers of cotton and rice and is so full of loopholes that it does not even qualify as a step forward.

For instance, a 25,000-acre cotton farm could receive as much as $8.4 million in total annual payments because of loopholes. In 2000 and 2001, 85 percent of the 2 billion certificates went to farmers in large agribusinesses in just 4 States: Arkansas, Mississippi, Texas and California. Riceland Foods of Arkansas alone collected $221 million, and that continues under this bill.

The Grassley proposal for a ban on the packer ownership of livestock was endorsed by the Iowa Farm Bureau, the Iowa Pork Producers, the Iowa Cattleman's Association, the Iowa Farmers Union and the National Farmers Union. It is not usual for all of these groups to agree on farm policy, but on this they were unanimous, and the conference completely ignored this important issue.

Some aspects of this bill remind me of a return to the failed farm policies of the 1980s and early 1990s. Because it is tilted so heavily to agriculture in the South, it will encourage production in marginal areas with high crop failure rates. This will keep commodity production higher than it would be under free market conditions.

□ 1115

It is in the Nation's interest in terms of conservation to take marginal land out of production. CRP helps, but it will be buried by the push in this bill for higher production for marginal lands, and that will lower prices even further.

Mr. Speaker, we can do better than this conference report, and we should.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Speaker, I reluctantly rise in opposition. After a decade of work, I had been tremendously pleased to see that my amendment to ban the marketing and movement of downed animals at auctions in stockyards was included and accepted by the House, and I am disappointed today that this commonsense legislation to protect the safety of the food supply and to end the suffering of downed animals was neutered by the conference.

The transport and marketing of these incapacitated, sick, and crippled animals creates a tremendous human health concern, as well as humane concerns. This is only one-tenth of 1 percent of the market, and they are not euthanized only because at that point they could not be used for human consumption.

The downed animal amendment has 165 sponsors, was accepted by both Houses. The House should know that meat from downed animals has an increased risk from bacterial contamination and other diseases, including neurological afflictions such as mad cow disease. The Veterinary Services Department of the USDA itself said that downed animals is the number two risk for mad cow disease.

We have prohibited the use of this product in the school lunch program; McDonald's, Burger King, Wendy's have banned the use of this, California bans the use of this. How on earth do we justify using the meat of these poor downed, crippled, sick animals in our own food supply?

Mr. Speaker, I rise today in opposition to the Farm Security Act Conference Report. After over a decade of work, I was tremendously pleased to see that my amendment to ban the marketing and movement of ''downed animals'' at auctions and stockyards and to require that these animals be humanely euthanized was included in both the House and the Senate version of the Farm Security Act.

Today I am disappointed to report that this commonsense legislation to protect the safety our Nation's food supply, and to end the suffering of downed animals was severely neutered during conference committee negotiations.

The transport and marketing of these incapacitated sick or crippled animals creates tremendous human health concerns as well as humane concerns. Downers make up only one-tenth of 1 percent of the market. And not to euthanize them just because then they couldn't be marketed for human consumption, is indeed a sin.

The downed animal amendment cosponsored by 165 members, was accepted by the House and the Senate and offered a solution that would protect both the public health and downed animals.

Meat from downed animals has an increased risk for bacterial contamination and other diseases, including neurological affictions such as mad cow disease. This is not a fringe idea.

Last year, the USDA itself instituted a policy precluding the purchase of beef from downed animals for the national school lunch program because of these safety concerns.

How on God's Earth can they justify marketing this to the rest of the country, when they say it is unsafe to put in our school lunch program?

In addition to this, the fast food chains are doing the appropriate thing. Chains such as McDonald's and Burger King and Wendy's have all banned the use of meat from downed animals in their products. And who else? California, the largest cattle producer in the country, Colorado and Illinois, have already prohibited the entry of downed animals into the food supply. Why just them? All Americans must be protected from this risk.

And yet, and yet, there are some who kowtow to the few irresponsible folks within the industry in order to protect only one-tenth of 1 percent of the market.

Last year a Zogby America Poll of 1,000 people in our country found that four out of every five opposed the use of downed animals for human food.

I want to emphasize that my downed animal amendment passed both bodies; it has 165 cosponsors; and that it gives USDA the authority it needs and does not interfere with the USDA's current disease-testing program.

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

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

Mr. Speaker, I support the rule and I support the bill. The bill is not a perfect bill, but there is no perfect piece of legislation that I have ever seen pass the Congress or pass the House of Representatives.

But this is an important piece of legislation. It is not only an important piece of legislation for farmers, but for hungry people as well, and also for us as consumers. It affects millions and millions of people, and I think what the gentleman from Texas (Chairman

COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), have done, and their staffs, everybody who has worked on this, is a tremendous task.

They are to be congratulated for all the different provisions that they put in there: for nutrition, for legal immigrants, for hungry people overseas, the TFAB program. So many programs that are important are incorporated in this legislation.

Mr. Speaker, I hope we are able to pass this legislation. I see no reason why we cannot.

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

Mr. LINDER. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas (Mr. COMBEST), the chairman of the Committee.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Texas (Mr. COMBEST) is recognized for 1½ minutes.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding time to me. I simply want to thank the Committee on Rules for their warm acceptance of our testimony yesterday before them, for granting this rule, and for the kind words of support that have been indicated by the members of the Committee and others.

Mr. LINDER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. COMBEST. Mr. Speaker, pursuant to House Resolution 403, I call up the conference report on the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 1, 2002, at page H1795).

The SPEAKER pro tempore. The gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 30 minutes.

Mr. BOEHNER. Mr. Speaker, is the gentleman from Texas (Mr. STENHOLM) opposed to the bill?

Mr. STENHOLM. I most certainly am not, Mr. Speaker.

Mr. BOEHNER. Mr. Speaker, I claim the time in opposition to the bill.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXII, the gentleman from Texas (Mr. COMBEST), the gentleman from Texas (Mr. STENHOLM), and the gentleman from Ohio (Mr. BOEHNER) each will control 20 minutes.

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

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

Mr. Speaker, before I get into the discussion of the heart of this bill, I want to take a moment to thank my friend and my colleague, the ranking member on the Committee on Agriculture, the gentleman from Texas (Mr. STENHOLM).

Two-and-a-half years ago, we literally linked arm in arm to try to move down a path of finding an answer to what had been plaguing the agricultural economy in America for a number of years, and we have seen it continue to exist and grow. This was done in a strongly bipartisan manner. We included all of our committee.

We went across this country and had hearings and listened to people tell us what their concerns were. We have heard and we will hear throughout this day opposition by people who, certainly their opposition in their mind is as justified as it is part of our process.

But I would say that looking at this in total and in whole, and looking at this from the standpoint of where we are if this conference report does not pass, I would say that to anyone who has a true care about agriculture and rural development and rural America and nutrition and conservation and research and trade, that there is no other option. It is either basically this or it is nothing.

I want to thank my friend for those long plane rides and those long hearings, for those hours of discussion that we moved through together. Because without that effort and without that opportunity, I do not believe that we would be where we are today. So I thank my friend.

Mr. Speaker, I rise today in strong support of the conference report on the farm bill. This is the end product of over 2 years of very hard work by members of the Committee on Agriculture. After dozens of hearings in Washington and around the country, and hundreds of hours of work, we brought a farm bill to the floor last October that passed this House with 291 votes. We went into a difficult conference over 60 days ago, and after a great deal of effort and compromise, we produced the conference report that Members will have before them today.

Because we could not finish a bill last year, the time needed to put in place a new farm bill for this crop year is almost gone. If the House does not pass this conference report today, there will be no strengthened safety net for farmers this year. Instead, the House will be faced with passing a fifth temporary emergency spending bill for farmers.

Both farmers and taxpayers are shortchanged by slapping Band-Aids on the problem of the farm economy. Farmers are facing the fifth year of record low prices, and the lowest real net cash income since the Great Depression. As a result, Congress has spent nearly $30 billion over the last 4 years in emergency assistance.

While desperately needed, these ad hoc payments always left producers and their lenders in a state of uncertainty. There was no ability to use this money efficiently.

One of the primary reasons for acting quickly on the farm bill was to end dependence on the ad hoc legislation. The conference report we have before us provides better, more flexible help for farmers. While the emergency bill averaged $7 billion per year, this farm bill, according to its scoring, averages less than $5 billion a year in additional spending to help farmers.

Clearly, putting in place an improved farm bill, beginning with this crop year, is better for everyone. But we have reached in the 11th hour. In a matter of days it will be too late to implement an improved program for this year. Congress will then be left with the option of yet another emergency spending and the job of redrafting a farm bill.

I want to emphasize to my colleagues that today's conference report is the best compromise we are likely to see. In addition to desperately needed help for farmers, it contains the largest single increase in conservation funding in history, significant gains for food stamps and nutrition funding, more resources for agricultural research, increased incentives for renewable fuels production, and a strengthened commitment to our rural communities. It is all accomplished within the limits of the budget.

Failure to act decisively today to secure the gains in this conference report would jeopardize the future of our farmers and all of the others who benefit from this work that went into the farm bill. This bill is supported by dozens of farm groups, ranging from the Farm Bureau to the Farmers Union to the Food Research Action Center to Ducks, Unlimited.

Yesterday, the Secretary of Agriculture said she would recommend the President sign the legislation. Today we have a statement from the President commending this legislation. They all know that this conference report benefits everyone.

Mr. Speaker, let us not pass up the opportunity to help American agriculture and rural communities. I would strongly urge my colleagues to support this conference report.

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

Mr. STENHOLM. Mr. Speaker, I yield myself 2 minutes to briefly summarize where we are.

Mr. Speaker, I rise in strong support of this conference report. I, too, want to begin by congratulating my friend, my neighbor, and the chairman of my committee for his work and action over the last 2½ years. His leadership has been exemplary, and for that, I am very appreciative.

Speaking from the minority side, from the very beginning, the hearings that we held all over the country in which we asked for solutions when bringing the bill to the full floor of the House, after full deliberations in the committee in which every minority interest was heard, as well as every majority interest, and then coming to the floor of the House and having the full discussion under an open rule in which

every Member of this body was permitted to have their say, and now, the last 4 weeks, in a very difficult conference with the other body, Mr. Chairman, the chairman's leadership has brought it to this point. I am proud to have ridden shotgun with the gentleman in this endeavor.

Now we have urgency before us. It is time to report this bill out of the House, out of the Senate, and get it to the President, where he will sign it, as he has said today.

Mr. Speaker, this conference report is well-balanced. It restores the safety net for producers, it boosts spending on farm conservation programs by over 80 percent, it restores food stamps to immigrant children and the disabled, it addresses critical needs in rural development, and it tightens payments limits, and it is fiscally responsible.

We have stayed within the $73.5 billion that the Committee on the Budget gave us. As we have already heard from several speakers, if we really want to be fiscally responsible, we will pass this bill. We will not continue to depend upon emergency ad hoc spending, which has, as we have just heard, has been $30 billion over the last 4 years.

This bill is fiscally responsible. It does most of the things, even though it cannot please all of us. There are still those on the Committee on Agriculture and in this body that do not agree with everything that we have done, but I commend this as a reasonable compromise.

Mr. Speaker, I am in strong support of the conference report and oppose any motion to recommit.

Mr. Speaker, I want to thank all of my colleagues for the debate we have had. House consideration under an open rule resulted in passage of the bill by a vote of 291 to 120. After the Senate debated the bill for weeks, we had conferees from 10 House committees and the Senate come to agreement on the conference report that is before the House today.

Mr. Speaker, I particularly congratulate the chairman of the Agriculture Committee, my friend and neighbor, LARRY COMBEST. His leadership from the beginning has been outstanding. Under his guidance the Agriculture Committee, the full House, and finally the conference committee developed a refined farm bill that brings together a wide variety of interests.

Mr. Speaker, we need to pass this conference report without delay. It has been several years since we could say that things were going well in American agriculture.

Right now, corn is valued at under $2 per bushel, wheat—about $2.75; soy beans—about $4.60; and cotton is under 35 cents a pound. Our ability to export is hampered by an unfavorable exchange rate. The bottom line: Our producers need this farm bill.

Mr. Speaker, the conference report is a well-balanced package: It restores the safety net for agricultural procedures; it boosts spending on Farm Conservation programs by over 80 percent; it restores food stamps to immigrant children and disabled; it addresses critical needs in rural development; and it tightens payment limits.

Mr. Speaker, I know that many of my colleagues wish there was more in this conference report. So do I. I know there are colleagues who wish that some provisions were not included in this conference report. So do I. But we had to compromise and respect the views of our colleagues from the other body. The bill is not perfect, but it will do a great deal of good for our Nation. Agricultural producers will have greater financial security, hungry people will be fed, and natural resources will be protected and preserved.

Mr. Speaker, all of my colleagues should be clear about this. Regardless of the instructions, a motion to recommit will kill this conference report and everything in it.

I ask my colleagues to vote ''no'' on any motion to recommit and vote yes on the conference report.

Mr. Speaker, I rise in strong support of the conference report. We have brought to the House a well-balanced bill, and I believe that a strong vote for its adoption will demonstrate the House's agreement. I want to thank my colleagues in the House for their cooperation and assistance in bringing this bill forward. My colleagues on the Agriculture Committee, on both sides of the aisle, deserve a great deal of credit for their willingness to get the farm bill off to a good start last July. Since then, it has sometimes gone slowly but we have persevered and can be gratified with the final result.

Mr. Speaker, I would also like to thank all of my colleagues who served on the conference committee, including those from the nine committees other than the Agriculture Committee. The broad support of the conferees who signed the report is another testament to the balanced and inclusive approach that was taken to develop this important legislation.

Finally, Mr. Speaker, I must take a moment to congratulate the Chairman of the Agriculture Committee, my friend and neighbor, LARRY COMBEST. His leadership from the beginning has been outstanding. Under his guidance, the Agriculture Committee, the full House, and finally the conference committee developed a refined farm bill that brings together a wide variety of interests.

Mr. Speaker, on October 5 of last year, after a full debate under an open rule, this House passed the farm bill by a strong bipartisan vote of 291 to 120. On February 13, the Senate passed its version by a vote of 58 to 40, after weeks of floor consideration. Following Senate passage, conferees from the Agriculture Committees—and nine other House committees—have worked daily to develop the compromise that is before the House today. As we usually see with conference reports on important issues, no one involved is completely happy with the final result. It is a truly balanced package, however, and there are many reasons to support swift passage of this conference report.

Mr. Speaker, the conference report before the House has many features. First and foremost, it provides for a strong safety net for our Agricultural producers. The bill retains the flexibility in production and reliability of decoupled assistance that were provided for in the 1996 Farm Act. Above and beyond that, the countercyclical payments it provides to program crop producers will alleviate the need for Congress to provide additional, ad hoc, income support when prices are in decline. Marketing loan tools will continue to be available to program crop producers.

Mr. Speaker, farm program support will be governed by new payment limit provisions. The conference compromise reduces the limit on fixed payments by 20 percent: the limit on countercyclical payments—in comparison to the House bill—are reduced 13 percent, and loan deficiency payments and marketing loan gains are cut in half. The total dollar limitation on program assistance under the conference compromise is reduced by 35 percent in comparison to the House bill. We have maintained the ability of producers to use generic certificates in order to continue to support them in these times of very low prices. New transparency rules regarding payment provisions are being included, allowing us to gather information in order to provide a clearer view of the distribution of program payments.

Mr. Speaker, the conference report extends the dairy price support program through 2007, and restores the program's budgetary baseline. In addition, the conferees propose a modification of the Senate's direct dairy payment program. Under the provision, a countercyclical payment will be made to dairy producers for any month during which the class I price for Boston under Federal milk marketing orders is lower than $16.94. A participating producer would be eligible for payment on all production up to 2.4 million pounds per year. While some Members will oppose any direct payments to dairy farmers, the conference has substantially improved the program in comparison to the Senate's provision. This is a temporary program that will help ease the sting of the loss of the Northeast Dairy Compact—which is not extended by the bill—for dairy farmers in the Northeast. It also provides fair support to producers throughout the Nation when milk prices fall.

Mr. Speaker, the conference substitute follows the House bill by ending the quota program for peanuts. Under this dramatic reform, peanut quota will be retired, and producers will become eligible for the types of marketing loan, countercyclical, and fixed payment benefits that apply to program crops.

The bill extends the sugar program and provides needed support for sheep and goat ranchers, as well as for beekeepers.

Mr. Speaker, the conference compromise also provides for extension of chapter 12—Small Family Farmer Bankruptcy provisions. The chapter will be extended to run until December 31, 2002.

The conference report provides for truly dramatic increases in spending on farm conservation programs. I know that many of my colleagues are hearing from one organization or another that the report falls short in this area. Sometimes those folks attempt to make their case without providing the facts. Here are the facts, based on the actual provisions of the conference report:

$17.1 billion is added to farm conservation programs over 10 years. This bill is an 80 percent increase in farm conservation spending.

Conservation Reserve Program acreage will rise from 36.4 to 39.2 million areas.

The Wetlands Reserve Program acreage cap rises from 975,000 acres to 2.275 million acres.

New Grasslands Reserve Program to protect 2 million acres.

Farmland Protection Program—A 20-fold increase.

Wildlife Habit Incentives Program—A 10-fold increase.

EQIP—Annual spending will rise to $1.3 billion, compared to $200 million under current law.

New Conservation Security Program to provide incentive payments for stewardship on working farms.

Mr. Speaker, the bill also allocates additional resources for nutrition program spending. In solidarity with the Bush administration, we propose to restore food stamp benefits for immigrant children and for disabled immigrants, as well as for immigrants who have been in the country for 5 years. Transitional benefits are provided for households leaving the TANF program, Temporary Assistance to Needy Families. As a result of this legislation, the food stamp quality control system is reformed and procedures are aligned with other welfare programs. The Emergency Food Assistance Program and other feeding programs are extended and expanded under the provisions of the bill. Altogether, nutrition program spending is increased by $6.4 billion above baseline levels.

Mr. Speaker, in addition to the programs I have mentioned, funding is provided to reduce backlogs in the rural water and waste programs, to reaffirm our commitment to helping farmers compete for foreign markets, to boost research on agricultural production, and to continue the Global Food for Education Initiative, GFEI.

The conference report also establishes a requirement that food labels identify the country of origin of meat, fruits and vegetables, fish, and peanuts. The Secretary must provide guidelines for voluntary labeling by September 30, 2002, and the program would become mandatory in 2 years. There are many concerns that have been raised by the affected parties regarding the implementation of country of origin labeling. I want to assure everyone interested in this issue that the committee intends to closely monitor the establishment of this program and to fine tune it as necessary before the final mandatory program becomes effective.

Lastly, Mr. Speaker, I need to speak to the budget aspect of this legislation. I must admit, it greatly disturbs me to come to this floor and support a conference report with $73.5B in spending, given our current projections on deficit spending. However, when I sit down and try to analyze a better solution, I can find none. When I look at our past actions on disaster and income assistance, I quickly come to the conclusion that the only way we can avoid more costly year-by-year assistance to agriculture is to provide a reliable long term agricultural policy that includes a programmatic response to low prices as well as disasters. I believe that this bill will save money in the long run because it lessens our need to rely on disaster and income assistance.

Mr. Speaker, I know that many of my colleagues wish there was more in this conference report. So do I. I know there are colleagues who wish that some provisions were not included in this conference report. So do I. But we had to compromise and respect the views of our colleagues from the other body. The bill is not perfect, but it will do a great deal of good for our Nation. Agricultural producers will have greater financial security, hungry people will be fed, and natural resources will be protected and preserved.

I strongly urge my colleagues to embrace these objectives and to vote for the adoption of the conference report.

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

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

Mr. Speaker, I rise today very, very reluctantly to oppose this bill. I have worked very closely with the chairman, the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM) over the course of the last several years trying to craft a sensible farm policy.

I do want to congratulate them for all of their hard work, their tenacity, and their ability to produce a bill in a very difficult political environment.

But maybe it was the political environment itself that causes us to be here. We have a closely divided Congress, we have big elections in November, and as a result, trying to do good sound farm policy in the midst of this frankly is almost impossible.

But they have, in fact, produced a bill that they are very proud of, and I am very proud of them for bringing a bill out.

□ 1130

But in the end we have to make decisions as Members of Congress about whether it is the right policy. And as I look at the bill that we have before us, I stand to reluctantly oppose it. And I do so for a number of reasons, but at this point I would like to talk about the overall and overriding reason why I am in opposition to the bill.

For 60 years in America we put a hand, a lid, over the abilities of farmers' opportunity to succeed, all in an effort to be helpful to them. We had a system of loan rates and price guarantee, acreage reduction; and we did it from 1935 until 1996. Farmers did not have a chance at succeeding because we always had the lid over the top of the commodity prices, never gave them a chance to succeed. In 1996, we made a break from that policy and we went to Freedom to Farm. It worked well for a couple of years, but then when we had the Southeast Asian problem, prices began to collapse. We had the strength of the dollar that also inhibited our ability to export products around the world.

Then in a closely divided Congress fighting for control in the House and the Senate, got into a bidding war as to who could be the biggest friend of agriculture. And over the last few years we have had generous, very generous, emergency payments. But instead of staying the course and trying to allow farmers the opportunity to get their income from the market where farmers want to get their income, what we are doing is we are going back to what we know did not work for 60 years; and that is because the loan rates in the bill that we have before us and the target prices that we have will in fact drive more production. It will bring more marginal lands into production because of these high loan rates that will further decrease the commodity prices that we have today.

And what happens then? We expose the taxpayer to pick up the difference between those low commodity prices and the loan rates that we are setting. Farmers will have no chance to succeed, no chance of letting the marketplace ever work; and as a result small farmers are going to continue to go by in the way of a dust storm and only the biggest and strongest producers who frankly do not need this help will be getting most of the help.

I do not think that is what we want to do. I just think that American agriculture does in fact want the market to work. Farmers do not want checks from the Federal Government; they want them from the market place. But in my view of the bill we have before us, ask where it will lead us over the next several years. We will in fact see a collapse of commodity prices and as a result the 10 years' number of an additional $73.5 billion will in fact get eaten up in my view rather quickly over the next couple of years. And then we will have a real disaster on our hands. So my opposition to the bill is to say let us fix it now before we get ourselves into a box where we have excess products laying all over the country, very low prices and huge government expenditures.

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

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS), chairman of the Subcommittee on Conservation, Credit, Rural Development and Research of the Committee on Agriculture.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in strong support of the farm bill. Today, I believe, is a great day for America's farmers and for rural America. This bill shows the true commitment of Congress to the future of production agriculture. I am proud to have been a part of a process where we actually asked producers what they wanted to see in the next farm bill. Farmers told us they like the flexibility and the fixed payment system of the old farm bill, but there was a key element missing: producers wanted a safety net, and we responded by including a safety net in this bill.

Producers asked us to give them an option of receiving an LDP payment on wheat they grazed out. It was decided that that was the more economical thing to do than harvest it. This bill gives the producers that option and allows them to make decisions that are best for their operation.

Producers told us that the current conservation programs were working. The only problem was there was not enough funding. We responded by increasing the funding for conservation programs by 80 percent and the basic cost-share conservation program by six times. Producers pushed Congress to include a country-of-origin labeling

and their work paid off. When given this option, I believe consumers will pick American produce over our foreign competitors. I strongly support this farm bill. I urge my colleagues to vote for final passage and show their support for America's farmers.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN), who has been a valued member of the conference that helped us bring us to this point.

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

Mr. Speaker, I rise in strong support of the conference, report and I want to congratulate and commend the chairman and the ranking member for their hard work and determination in bringing this regionally balanced piece of legislation to the floor.

I ask all of my colleagues to support this legislation, but I particularly want to urge my Pennsylvania and the Northeastern and Mid-Atlantic State Members to support this conference report. Historically, we have felt left behind when it comes to USDA policy, but this conference report changes that. We have a true safety net for our dairy farmers. Agriculture is still the number one industry in Pennsylvania, and certainly dairy is the most significant form of agriculture in Pennsylvania.

What we have here is a safety net that protects the first 2.4 million pounds of production. That will cover herds of up to 135 cows. That will overwhelmingly cover the majority of milk produced in Pennsylvania. We heard talk of an 80 percent increase in conservation in this conference report. That is so important in Pennsylvania. We have almost a billion dollars in this conference report for farm land conservation. Pennsylvania has already retired 194,000 acres in the Farm Land Protection Program. This will allow us to continue the fight to protect against urban sprawl and to keep our family farmers in business.

Rural development. We have over a billion dollars in rural development investment in this conference report; 360 million of that is directed towards the backlog in water and sewer projects. That is so desperately needed in the Northeastern part of the country, something that has also been very valuable in Pennsylvania as we attempt to clean up our streams and rivers and watersheds.

Again, I want to commend the chairman and the ranking member and all the conferees and everyone who has worked very hard on this legislation. It is balanced, and it is good for American agriculture.

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

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT).

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

Mr. EVERETT. Mr. Speaker, I rise in strong support of this bill. It is good for the American farmer, and it is good for the American people.

Mr. Speaker, the U.S farm economy continues to experience one of the worst cycles of depressed prices for most of the major commodities, while the costs continue to escalate for major inputs. Our farmers and ranchers have been without a safety net to protect them during periods of low market prices. Fortunately, we are about to change that with this new farm bill. We began this process over two years ago with field hearings around the country to hear from producers about what they wanted to see in a new farm bill. I am happy to say that much of what we heard from producers is represented today in this farm bill, The Farm Security and Rural Investment Act of 2002.

I am confident the safety net provided to producers by this bill will insure they remain competitive and viable, even in times of depressed prices. A strong, effective farm policy is essential if our producers are to continue to provide us with the safest, most affordable, and most abundant food and fiber supply in the world. While our producers are some of the most efficient in the world, they have been forced to compete on an unlevel playing field, but I believe this bill will help to level that field.

It has been a long process before arriving at this point, but I believe we have produced a bill that will benefit all farmers, ranchers, and rural communities across America. In addition to the strong safety net this bill provides for producers, it contains conservation programs that represent an eighty percent increase in spending for conservation. There are also improved trade, nutrition, credit, research, and forestry titles and a new energy title focusing on renewable energy and bio-based products. Also, the strong rural development title will help bring new businesses to rural America and strengthen our rural communities.

As farmers are now in the fields planting their crops, I am pleased that they will now be able to focus on producing a crop, knowing we have taken the necessary steps to provide them with an effective safety net. I urge a yes vote on this conference report and no on the motion to recommit, so that this report can be approved quickly by both chambers and the bill signed into law, allowing the implementation process to get underway immediately.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

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

Mr. THUNE. Mr. Speaker, I thank the chairman for yielding me time. I want to thank the chairman and the ranking Democrat, the gentleman from Texas (Mr. STENHOLM), for their great work in doing this and having the opportunity as a member of the House Committee on Agriculture and participating in the hearings around the country that led up to where we are today. We even had one hearing in Sioux Falls, South Dakota, and farmers and ranchers in South Dakota made it very clear that they want to see a number of provisions in the new farm bill. The countercyclical target price system that is in the bill will give farmers needed assistance when times are tough.

The conservation provision. The Conservation Reserve Program, the Farmable Wetlands Pilot Program that was extended as part of an amendment that I offered on the House floor when it was debated here. The conservation security program is legislation that I sponsored in the House and that will give farmers incentives to do conservation practices on working lands, provisions like value-added that will enable our producers to reach up the ag marketing chain and become price makers rather than price takers. They are important value-added provisions that I worked hard for to have made a part of this farm bill.

The bio-energy program that encourages the production of bio-fuels such as ethanol and bio-diesel. These are all things that are going to be important to the future of agriculture.

Country-of-origin labeling, something as well that is important not only to the producers of this country but also consumers so they know where their products are coming from.

There are a couple of provisions, Mr. Speaker, that I would have liked to have seen in this bill that would prevent anticompetitive practices: a ban on packer ownership of livestock. I also would like to have seen a disaster declaration for the Black Hills National Forest that would allow us to treat the mountain pine beetle epidemic that we are dealing with there.

But on balance, Mr. Speaker, this is legislation that will move agriculture in a positive direction. I appreciate the chairman's and the ranking member's hard work.

Mr. Speaker, as a Member of the House Agriculture Committee, I had the opportunity of participating in the two years of hearings that led up to this final conference report, even hosting one in Sioux Falls, South Dakota. Farmers and ranchers in South Dakota asked me to push four important goals in the farm bill: a countercyclical safety net, a strong conservation title, a commitment to value-added agriculture and creation of more competition in the agricultural marketplace. This bill goes a long way toward meeting these goals.

The commodity title of this bill establishes a new counter-cyclical target price system that will give farmers needed assistance when times are tough. Congress will no longer have to pass emergency legislation that, while much appreciated by farm country, does not provide the security that farmers need.

This farm bill increases our commitment to conservation by 80 percent. It is the ''greenest'' farm bill ever. It enhances current incentive programs, such as the Conservation Reserve Program by extending my Farmable Wetlands Pilot Program. It also creates a new Conservation Security Program that I sponsored in the House. The Conservation Security Program will give farmers incentives to do conservation practices on working lands.

Value-added agriculture has helped farmers in my state reach up the marketing chain to become price makers, rather than price takers. This farm bill includes two programs that are a result of my legislation to assist producers in

creative value-added enterprises. The first is the Value-added Market Development Grants that can be used for technical assistance and feasibility studies. The second is the Bioenergy Program that encourages the production of biofuels, such as ethanol and biodiesel.

This farm bill will enhance producer competition by requiring mandatory country of origin labeling for agricultural competition. In my tenure in Congress, I have always supported legislation for country of origin meat labeling. After offering an amendment during the committee consideration of this bill, I am pleased that it is in the final conference report.

Despite all of the bill's merits, I am disappointed the bill does not include two of my provisions that I fought to have included in the bill. First, there is no ban on packer ownership of livestock or other anti-trust provisions to protect farmers and ranchers from anti-competitive practices. However, I appreciate that the Chairman and Ranking Member have committed to hearings on this issue

There is also another issue that should have been addressed in this bill, which is a disaster declaration for the Black Hills National Forest. Two areas of the Black Hills are at high fire risk because of fuel on the ground and the mountain pine beetle epidemic. This disaster declaration would have allowed the Forest Service to manage these areas for fire prevention. I want to thank Chairman COMBEST and Subcommittee Chairman GOODLATTE for giving their best effort to include this provision in the bill, but I am disappointed that it was not included in the final conference report.

Mr. Speaker, we need to complete this bill today. This legislation provides the certainty that producers need. Vote ''yes'' on the farm bill conference report.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2646, The Farm Security and Rural Investment Act, and I want to thank the chairman and ranking member and conferees for their hard work on this balanced farm bill. I think this is the product of 2 years of bipartisan work that included extensive input from a wide spectrum of agriculture and conservation groups.

This farm bill will benefit farmers in my congressional district of central and southern Illinois, as well as across the country, for it provides a needed $73.5 billion in initial funding for agriculture which has been facing historic low prices, low income and increased costs. The farm bill provides producers with more options to implement progressive conserving practices on their land and increased technical assistance to producers. Several conservation programs were included in this bill and increased, such as Conservation Reserve Program, Wetlands Reserve Program, Wildlife Habitat and Incentive Program and Grasslands Reserve Program.

As vice chairman of the Sportsmen Caucus, I feel this legislation provides a balanced approach to meeting conservation needs. Although the House version did not address or contain an energy title, I am pleased to see the conferees adopted many of the Senate energy provisions. Throughout my career, I have worked to expand bioenergy and biofuels. Both ethanol and biodiesel are renewable sources and will greatly benefit the country.

I am pleased this balanced bill has reached us today. I urge Members' support.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to our colleague, the gentleman from Iowa (Mr. LATHAM).

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

Mr. LATHAM. Mr. Speaker, I thank the chairman very very much for the opportunity to speak on this farm bill; and I want to give my personal thanks to the chairman of the committee and the ranking member for working very, very hard on a farm bill, holding, I think, 47 hearings around the country and for putting forth a strong effort in a very difficult situation.

My belief is any farm bill should help the family farm, the medium-, small-size family operator. And it is with great reluctance that I am going to oppose this farm bill because I think this takes us in exactly the wrong direction. This farm bill will hasten the demise of the family farm. It will subsidize the largest producers with an advantage over the medium-small producers, a dramatic advantage. It breaks all of our trade agreements. There is no question that the provisions in this are in direct opposition to what we have stood for as far as free, open trade. There is more money for conservation and environmental portions in this farm bill and those titles. The problem is they are rendered useless because all of the incentives on this farm bill are for more production. And I know farmers. I am one. And we are going to produce every possible bushel that we can to make sure that when these high payments are made that we are going to be able to reap the benefits. So those provisions I think are virtually useless in this farm bill.

One provision I think that causes great concern in Iowa is certainly the fact that one of the largest megahog producers, who has been a habitual offender as far as the environment, under this farm bill is going to be eligible and entitled to 450,000 tax payer dollars as a reward for not taking care of the environment. It is with great reluctance that I must oppose this farm bill.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BONILLA), chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations.

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

Mr. Speaker, I rise in strong support of this bill today. I must commend, first of all, the chairman of the Committee on Agriculture along with the ranking member, the gentleman from Texas (Mr. STENHOLM).

The gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have done an incredible job of standing up for the rights of producers in this country under a great challenge, especially considering what some people in this town and elsewhere were proposing from a different part of the capital.

It is a good bill overall. There are some problems that we have to work through as we support this and move forward. The labeling provision is something that we know the chairman tried to work hard to not include in the bill but, unfortunately, it is in there along with the dairy provisions that are in there that are not good for some of our producers in our part of the country.

We also have some concerns with numerous new mandatory spending programs, programs that historically and rightfully fall under the discretion and funding jurisdiction of the Committee on Appropriations. I hope that Members do not forget the money associated with these new entitlement programs as my subcommittee attempts to respond to their funding requests in the FY 2003 agriculture appropriations bill. However, as Members of the Congress, we must base our votes on the positive areas of this bill. This is again a good bill overall for farmers and ranchers in this country and all associated with the bill. We are very pleased as well especially with the wool and mohair marketing loan provision that was put in the bill by our conferees. It is a good bill. I stand in strong support of this today.

□ 1145

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to, first of all, thank the chairman, the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM). I think every one of us in this body owe them our respect and gratitude for the great job they did on this bill.

There have been many things said about this bill, and if there is one thing this body stands for, it is that right for any Member to express their opinion and vote in that way, and I respect that. We have had many things said about this bill, but I can tell my colleagues one thing, we have people come and talk about how we are going to produce too much. Having too much food is like having too much money. It is pretty hard to do. We do not want to run out of either one of them, and when we do, we have got a major problem.

This is a good bill. It is a balanced bill. It treats everyone as fairly as we can with the resources that we have at our disposal.

The objective of a farm bill is food security. It is not a social program. America's farmers have served this country well. They deserve our support

and to be recognized with this bill, to continue to produce the cheapest, safest food supply in the history of this country.

I urge passage of this bill.

Mr. COMBEST. Mr. Speaker, could the Chair give us an accounting of the time?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Texas (Mr. COMBEST) has 11½ minutes remaining. The gentleman from Texas (Mr. STENHOLM) has 14 minutes remaining, and the gentleman from Ohio (Mr. BOEHNER) has 14 minutes remaining.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas (Mr. COMBEST) for yielding me the time, and I congratulate him on a hard fought battle with the Senate, and I think that on balance he has prevailed in sticking to the bill that we attempted to bring forward from the House.

We have made concessions that I do not like. There are things in this bill that I do not like, but on balance, I think there are far more things in here that will help to assure the American public that they have an abundant, affordable and safe supply of food for the next several years.

I am also pleased that we were able to include in this the funding to make it possible to bring local television service into every home in America within the next few years, and I am also very pleased that we are providing additional funds for food banks, a far more efficient way to deliver food to those people in greatest need in this country than the food stamp program, which is still, unfortunately, in bad need of additional reforms.

Overall, I think this legislation will help America's farmers. It will help America's consumers, and as a result, I am pleased to lend my support to it.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me the time, and I commend him and the gentleman from Texas (Mr. COMBEST) for producing this conference report, and I rise in guarded support of this conference report.

Basically I view the bill as a holding action. America obviously cannot undermine our farmers at a point when 70 cents of every farm dollar is coming from the government, and we ought to produce a different program that permits farmers to earn from the market. But this bill does have some historic titles that are important to building that future, importantly, the historic inclusion of an energy title. This title will really focus the Department of Agriculture on biofuels in every way, biomass for energy production, biobased products, et cetera.

There are some other important provisions in the bill, such as enhanced conservation and farmland protection, Global Food for Education, and many of our international programs that help feed hungry people throughout the world and relieve the surplus on our market. We want to compliment the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Massachusetts (Mr. MCGOVERN) for their terrific work there.

I think the bill falls far short in the area of assisting specialty crop producers to be included. Also, it does not do enough to break up concentration that is causing higher food prices, and really, a narrowing of those who can bring product to the market in this legislation.

I am not pleased with what was done on changing the language dealing with labelling of irradiated foods. But overall, we cannot undermine our farmers at a point when they need our support to maintain U.S. food security. I would urge my colleague's support of this legislation.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me the time.

Mr. Speaker, I think this is a sad day for our country. We are taking a big step in the wrong direction. I would say in the direction of Soviet style agricultural policy. It is hard to know where to begin with this bill, but let me start with the cost.

Here we are, a Nation at war, running a wartime budget, substantial deficits this year. We have got a budget baseline that already commits us to spending $100 billion in farm subsidies over the next 10 years, and this bill commits us to add to that considerably more than the advertised additional $75 billion. I say more because this bill knowingly uses dated commodity price assumptions that lowball the total cost. It also uses gimmicks such as creating a whole new $100-million-a-year program and then pretending that that will only be funded for 1 year.

The truth is, the American taxpayer cannot afford this bill, but it is, in particular, a sad day for Republicans because we know better than to do this. This is a massive government subsidy of crops that is going to cause overproduction, that is going to cause further decline in crop prices and make a bad situation worse, especially for small farmers such as those in Pennsylvania.

We, who generally believe in freedom and independence and personal responsibility in the marketplace, we are in danger of systematically turning farms into dependent serfs of the Federal Government, already dependent on government for an average of 46 percent of their income. This bill will increase that to well over 50 percent.

This is a sad day for my Democratic colleagues, who often pride themselves for their support of the working people and the poorest in our society. This bill is a massive transfer of wealth from poor people, and especially urban poor, to many large and wealthy corporations.

The Environmental Working Group observes that two-thirds of farm subsidies will go to 10 percent of farms, many of which have an average income of a quarter of a million dollars a year. The cost for the average American household is going to average $4,400 over the life of this bill, $1,800 in higher taxes, $2,600 in higher food prices because of the price support mechanism.

Mr. Speaker, one of the great lessons of the 20th century clearly was that command control economics, government-run subsidies, government manipulations of the marketplace does not work. It leads to a misallocation of capital, distortion of the marketplace and prices, and economic ruin, but that is exactly the direction we are taking today with regard to farm policy in America.

I would urge my colleagues to support the motion to recommit, but if that fails, vote against passage of this bill.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE) who has done a wonderful job on the committee in these last 2 years.

Mr. PENCE. Mr. Speaker, I commend the gentleman from Texas (Mr. COMBEST), the chairman, and the ranking member, for the outstanding work that they have done in producing the Farm Security and Rural Investment Act.

Despite, Mr. Speaker, what my colleagues may have read in the newspapers around the country this morning, those of us that represent farm districts in America know this is the right farm bill for America today. We know that American farmers are facing their fifth straight year of record low prices, record high costs of production. We know that real net farm income is at its lowest since the Great Depression, and we know that American agriculture is competing in a global economy where our trading partners are subsidizing their farmers at considerably more than our country does before this bill.

We are simply equipping our farmers in America with the ability to compete and survive while we set the table, if I may add, Mr. Speaker, for presidential trade promotion authority, negotiating down trade barriers, negotiating down subsidies, to move toward that vision of a free market global agricultural economy.

Let the fields rejoice and all that is in them. We have a farm bill that will make American agriculture and America's food supply safe and secure.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me the time, and I rise again in strong support of this bill. I want to focus a

little bit on this issue of the use of certificates, which has been debated here on the floor and was debated in the conference.

I come from a part of the country where certificates are not used a whole lot, and I have to admit that I did not have a good understanding of this program until we had considerable debate in the committee.

I think the people that are concerned about this whole payment limit question and use of certificates, first of all, should understand that in this bill there is language that will be law that is going to require us to look at this issue. So it is not going to go away, and we have set up a commission that is requiring USDA to come back to us with a study of this to find out who is actually getting this money and, if we made these changes, what would be the impact on farm income, land values and the infrastructure of agriculture.

In this area of certificates, I think that folks that do not represent farm country, and this is a complicated area, should understand what the implications are. If we do not have the certificate program, what will happen is that these folks that hit these limitations will forfeit these crops to the CCC. So the elimination of certificates will not change much what is going to happen, other than it will cost the government more money because this will be forfeited, and then we will incur the cost of storage, the cost of disposal of these crops that are forfeited to the CCC.

So actually, the use of certificates is a savings to the government, and we debated whether there should be reform in this area but, frankly, could not come to a resolution on what would be a better system. I think people need to understand that limitation in that area is not necessarily going to change a whole lot other than to cost the government more money.

Lastly, in this whole area of people should also understand that we put a limitation on adjusted gross income for individuals and net income for corporations. So that anybody that exceeds $2.5 million of net income is going to be limited in getting these payments.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me the time.

When I stood a week or so ago to oppose this bill, it was said from the other side, well, that fellow does not know anything about agriculture. If my colleagues look at the end of my right index finger, it is missing. It was cut off in a wind rower at age 5 on an alfalfa field.

I have been away from the farm for a long time, but I still know manure when it is shoveled, and a lot of it is being shoveled here today.

This farm bill is bad for Americans. It will cost the average American family over $4,000 in terms of direct taxes and price supports, inflated prices because of price supports over the next 10 years. We are abandoning the Freedom to Farm Act, and in its place, putting in a Farm Security Act.

We as Republicans should not be doing this. Democrats should not be doing it either. We ought to look past special interest politics and look at what is best for American families across the country, and at this point I am going to insert an article from The Wall Street Journal.

[From the Wall Street Journal, May 2, 2002]

BLOAT WATCH

(By Jeff Flake)

As a young kid growing up on a farm in northern Arizona, one of my more unusual chores was what I called ''bloat watch.'' I would sit atop a hill with knife in hand, watching cattle grazing on the green alfalfa field below. As soon as the first critter assumed the bloated ''I've fallen and I can't get up'' position, I would rush to the victim, raise the knife and stab just behind the last rib high on the left side—then taken cover as pent-up gas and alfalfa spewed heavenward, raining down on boy and bovine. I'm sure that being stabbed in the side wasn't pleasant, but the alternative was to be unceremoniously dragged over the hill to the bone yard.

As we debate the newest farm bill in Congress, I find myself instinctively reaching for my old knife. There are many examples of bloated government in Washington, but none are just begging for the knife as much as our farm policy.

Last week, House and Senate negotiators approved a farm bill expanding payments to farmers by nearly $50 billion over the next decade. The bulk of this increase, more than 90%, will go to farmers producing just five crops: wheat, corn, rice, cotton and soybean. Two-thirds will go to just 10% of farmers. The passage of this bill will mark a full scale repudiation of the Freedom to Farm Act of 1996, which sought to wean farmers off government assistance.

That the new farm bill is bad policy is not seriously disputed. It distorts the free market, wreaks havoc with incentives, further institutionalizes dependency and jeopardizes our export economy. But it is more than just bad policy—it is bad politics for Republicans.

The farm bill's $173.5 billion price tag over 10 years make sour claim as the party of fiscal discipline purely relative. It is estimated that this legislation will cost the average American household $4,377 over the next 10 years—$1,805 in taxes and $2,572 in inflated food prices because of price supports. That doesn't sound like a message this Republican wants to run on.

As evidenced in 1994, Republicans win elections when they draw a sharp contrast with Democrats. When Congressional Republicans seek to blur the lines, as we've done for the past several years, Democrats gain ground, as they've done for the past several years. There is an old political axiom that goes ''You can never out-Democrat a Democrat.'' While we Republicans have tested that axiom's limits of late, we ought to understand that voters will eventually go for the genuine article. With this approach we might eke out another election with our slim majority intact, but our days are numbered.

On the other hand, if presented with an articulate ''freedom'' vs. ''security'' argument, most voters will opt for the former. The dilemma for Republicans is that we've not only abandoned the freedom argument in principle, we've dropped the rhetoric as well. Last week, at the same time Republican conferees on the farm bill were replacing the Freedom to Farm Act with the Farm Security Act, other House Republicans were holding a press conference where they slammed the Democrats for stealing the Republican Conference's ''Securing America's Future'' theme. Frankly, I'd rather be accused of stealing that patronizing theme than coining it. Let the Democrats have it.

In a 1964 speech, Ronald Reagan reminded us that there is no such thing as ''left'' or ''right.'' Rather, there was only an ''up'' toward freedom or a ''down'' toward totalitarianism. ''Those who would sacrifice freedom for security,'' Mr. Reagan said, ''have already started down the downward path.''

It is probably too late for Congress to reverse course on this farm bill. We can only hope that President Bush is watching, pen in hand, as Congressional Republicans abandon all discretion and graze on green alfalfa right along with the Democrats. Being stabbed with a veto pen might not seem pleasant, but it sure beats ending up in the political bone yard.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I want to first thank the chairman of this committee for his extraordinary efforts on behalf of the farmers and ranchers in Klamath Basin.

I intend to actively support this bill today because of what it is doing to solve the water problems we face not only in the Klamath Basin, but across the West. The increase of 80 percent in funding of conservation programs are what is going to make the difference so that our farmers get water this year.

It was little over a year ago that the Federal Government cut off the water to the 1,400 farm families in the basin. Many of them have gone bankrupt. Most of them had no income. It is an incredible tragedy that has been allowed to occur.

The chairman was successful in the conference in getting $50 million earmarked specifically for an environmental quality investment incentive program that will help solve some of the problems and has been very supportive of our efforts to resolve the long-term water needs and problems in this basin to improve water quality and quantity. This is an extraordinary step forward that will bring real long-term solutions to the Klamath Basin.

I thank the Chairman for his diligence, his tireless efforts on behalf of those farmers and ranchers and for the other work in this farm bill that is going to make an extraordinary difference for the men and women who make their living off the land in Oregon.

Mr. Speaker, I thank the gentleman for the time.

As I have repeatedly informed my colleagues since last April, the past year has seen a terrible crisis in the Klamath Basin of southern Oregon and northern California. On April 6 of last year, nearly 1,400 farmers and ranchers were denied water during the 2001 growing season in large part due to Endangered Species Act issues. Yet, earlier this

year the highly regarded National Academy of Sciences, NAS, which reviewed the Government's actions, found that there was ''no substantial scientific foundation at this time for changing the operation of the Klamath Project to maintain higher water levels in Upper Klamath Lake, or higher minimum flows in the Klamath River.'' In other words, the Government's decisions that crippled the livelihood of farming and ranching families were not backed up by the science. The Government's actions were devastating in many ways, causing economic damage between $135 million and $200 million, depriving wildlife refuges of water and feed, and dumping lethally hot water into the Klamath River, thereby threatening the endangered coho salmon the Government was entrusted to help.

However, just because the Government made poor decisions doesn't mean there are not significant water quality and quantity problems that must be dealt with in this basin. That's why I support this farm bill and the $50 million in funding for the Klamath Basin that is included in the Environmental Quality Incentive Program section of the bill. It is a wonderful way to make sure that those funds are spent where they will do the most good for fish, farmers, and waterfowl.

Since December of last year, the National Academy of Sciences issued its report criticizing the decisions made by the Government. That critique has now been included in the new biological assessment, BA, issued by the Bureau of Reclamation. In addition, the President has created a cabinet-level task force to address the unique and complicated issues in the Klamath Basin. The farm bill provides an 80 percent increase in conservation funds to pay for the very types of projects that must be done if we are ever to solve the water quality and quantity issues in the basin.

I have refused to forget that this is the farm bill, and the purpose of what we do in the farm bill is to make sure that we have a vibrant agricultural economy in the Klamath Basin and throughout this country. The steps taken in the bill will improve fish habitat, will improve water quality and quantity, and will improve the health of the national wildlife refuges. By doing all of these things we will improve significantly the chances that farmers and ranchers in the Klamath Basin will get the water they need and everyone comes out a winner.

Additionally, the conference committee was kind enough to include a feasibility study I crafted that was passed unanimously by this House last October, only to languish in the other body. This feasibility study is needed to address an imminent endangered species habitat claim against the Chiloquin Dam is southern Oregon, which is the Modoc Point Irrigation District's current gravity flow diversion source. This dam blocks endangered suckers from reaching 95 percent of their former spawning and juvenile rearing habitat in the warm water reaches of the Sprague River. Several parties have identified the Chiloquin Dam as constituting a significant habitat problem for endangered suckers. They include: The Klamath Tribes, U.S. Fish and Wildlife, Bureau of Reclamation, Oregon Department of Fish and Wildlife, and the Klamath Water Users Association. This feasibility study was constructed in consultation with both the Modoc Point Irrigation District and the Klamath Tribes.

The study will include: Review of all alternatives for providing passage, including the removal of the dam; determination of the most appropriate alternative; development of recommendations for implementing the alternative; and examination of mitigation needed for upstream and downstream water users as a result of such implementation.

Mr. Speaker, as you can see we have been working on this issue diligently for some time and I would be remiss if I did not thank a few Members and staff for their support during this process. I would like to especially thank Chairman COMBEST for putting these provisions in the farm bill. Congressman POMBO also gave me great counsel throughout the process. Chairman HANSEN and Chairman YOUNG, the conferees from the House Resources Committee, were invaluable. And finally, Doug Yoder and Steve Petersen from the Resources Committee and Lance Kotschwar and Bill O'Conner from the Agriculture Committee went to great lengths to secure this needed help for the Klamath Basin. I'm indebted to all of them.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me the time.

I also want to congratulate him and our chairman for their diligent work and that a word needs to be said about the process. It was an engaged process. It was over 2 years. Many individuals and representative companies and organizations had their day. Rather, everyone had their day. I am not sure but certainly it was not for a lack of trying, was not lack of openness and effort to be involved in it. So process does help as well as the end product.

This is not indeed a perfect bill. With any bill this size there will be winners and losers. It is not perfect by any means. There are indeed winners. The winners hopefully will be our farmers who indeed will have opportunity to know about what rules will work.

There are some things that go too far in my judgment, but it is a bill that is basically going to ensure a safety net for our farmers, and it also takes the uncertainty out of our market fluctuation.

More importantly for me, Mr. Speaker, there are indeed some great strides made for constituents that I represent and constituents in disadvantaged communities throughout this country. I believe that the food stamp program is one of the most effective tools we have to ensure that no parent in America is unable to feed their children. It is our Nation's largest child nutrition program, and through this bill we make a number of modifications that allow working families, children, elderly to have food. Additionally, we also make provisions internationally as well.

I would be remiss not to say that my peanut farmers are desperately needing some certainty of that. Indeed that is a costly program, I will admit that, but it is costly when we ask sectors of our economy to make tremendous change and transition. So American taxpayers are being asked to assist in this transition.

It is a bill that is worthy of our support. It is a bill indeed if it is to go back to conference to be rewritten means that our farmers will have more uncertainty than they have now.

Mr. Speaker, I believe that the food stamp program is one of the most effective tools we have to ensure that no parents in America are unable to feed their children. It is our Nation's largest child nutrition program. It helps us fulfill our basic responsibility to assist the neediest among us in meeting their most basic need, proper nutrition. In my years on the Agriculture Committee, I have worked to strengthen the food stamp safety net so that it can help provide nutritionally adequate diets to families in our Nation's rural and urban areas alike.

I am delighted that the nutrition title of the farm bill that is before us today contains many significant improvements that are targeted toward low-income families with children, particularly the working poor. It goes a long way toward restoring food stamp benefits to legal immigrants and their families by ensuring that all legal immigrant children are eligible for food stamps and by incorporating the administration's proposal to make food stamps available to all otherwise eligible legal immigrants after they have lived in the United States for 5 years. The bill will allow transitional food stamps for families that are leaving welfare to help keep them connected to this critical work support program. It also simplifies the program, which will reduce paper work and red tape and remove some barriers that eligible families face in trying to receive food stamps.

And, on another positive note, the title contains additional money for the Emergency Food Assistance Program to help our Nation's food pantries and soup kitchens respond to the growing demands they have faced in recent years.

I thank Mr. STENHOLM and Mr. COMBEST for their leadership on the farm bill and on the nutrition title in particular. I want to associate myself with Mr. STENHOLM's statement on the nutrition title and I would like to add a few remarks on some of the key provisions.

The bill makes a remarkable improvement to food stamp eligibility for legal immigrants. I am pleased that many of my colleagues from the other side of the aisle have joined with President Bush to recognize that the restrictions on immigrant eligibility from welfare reform went too far and put too many low-income immigrant families with children, many of whom are citizens, at risk.

The final agreement restores food stamps to all eligible legal immigrant children and does so without requiring sponsor deeming. This should simplify the message that States and advocates provide to needy families. Poor children are eligible for food stamps, period.

We conformed food stamp eligibility rules for legal immigrant adults to those in TANF and Medicaid. This should make it easier for the States to administer the three programs jointly. Qualified immigrants who came to the United States at least 5 years ago will be eligible for food stamps. Of course, this is subject to the sponsor deeming rules. Because USDA's rules on sponsor deeming are sensible and balanced, we choose to continue the current

USDA sponsor deeming rules. We have no intention of sabotaging this restoration by making low-income sponsors that live with eligible immigrants and receive food stamps to incur a liability because their family member is part of their food stamp household.

Another important benefit improvement in the bill is the reform of the food stamp standard deduction for all households. Prior to 1995, the food stamp standard deduction had adjusted for inflation each year to reflect that fact that the cost of basic and necessary expenses that households have to make before purchasing food rise each year. The standard was frozen in 1995 for cost savings and has been $134 ever since. Under this legislation, the standard will be adjusted for inflation each year. In addition, it will be scaled to household size to reflect the fact that larger households have higher basic living expenses. This provision will take effect this fall, which may be difficult for some states. I encourage USDA to be flexible with states that are doing the best they can but who cannot implement on time.

Despite these critical benefit improvements, I am deeply disappointed that the final agreement on the farm bill does not include a Senate provision that would have modestly eased one of the very harshest provisions of the 1996 welfare law, the 3-month time limit on participation by unemployed childless adults. The provision denies food stamps to some of our Nation's most vulnerable individuals. The provision disproportionately affects African-Americans, veterans, and the homeless, among other groups. While I have been pleased with the steps USDA has taken to implement this overly restrictive provision in regulation and urge the Secretary to continue to do everything she can to ease the harsh effects of this provision, I hope that Congress can revisit the eligibility rules for this group at some point in the future.

While we did not ease the 3-month time limit, the farm bill does eliminate the 80 percent set-aside of unmatched Federal employment and training funds for individuals subject to the time limit. Nonetheless, the new rules require USDA to give this population, and States that elect to serve them, special consideration when allocating employment and training funds among states. States that serve large numbers of unemployed childless adults should continue to have the resources to do so.

On a positive note, this bill gives States more opportunity to develop employment and training services that do not meet the strict definition of a work activity under the 3-month time limit. Services such as job search and programs lasting less than 20 hours per week may not be funded with these monies. While individuals subject to the time limit who participate in these activities will not meet the definition of work for purposes of the 3-month time limit, the services may help them find employment before the three months expire.

Turning toward another provision, one of our most important goals in designing this food stamp reauthorization was to make sure that families leaving welfare stay connected with the food stamp program. Currently as many as two-thirds of households leaving cash assistance for work, a time-limit or other reasons do not continue their enrollment in the food stamp program. These families still have very low incomes and are still eligible for food stamps. It was a priority to us to find a way to ensure that these families keep receiving these critical nutrition benefits. States and client advocates have said that families fall off the program because clients are confused about their ongoing eligibility and that they often fail to complete paperwork requests from state agencies which result in their termination from the food stamp program.

The legislation gives States a very attractive new option that should make it quite simple to continue food stamps with no paperwork whatsoever to families leaving TANF. When a household leaves TANF, the States would simply recalculate its food stamps by subtracting the cash benefit from the family's income. No questions would be asked of the household. This new transitional food stamp amount would be the correct amount for the next 5 months.

Under this new option, we can be sure that poor families receive the nutrition assistance that they need to feed their families without any hassles or risks of losing the benefits for procedural reasons. If, at some point during the 5-month transitional period, the family thought that they might be eligible for more food stamps because their circumstances changed, they could always reapply for a higher benefit amount. This new approach should result in a dramatically higher share of families leaving welfare for work to continue receiving food stamps.

This legislation also responds to requests from States and clients to make the food stamp program simpler to administer and easier to understand. Unfortunately, just over half of eligible low-income families participate in the food stamp program. Many poor families are frustrated that they have to provide the State agencies with too much paperwork on unimportant details of their life and finances. And they are unhappy about having to reapply for benefits so frequently.

The nutrition title responds to this complaint by allowing for 6 months of continuous eligibility—unless the household's income rises above 130 percent of the poverty line or the State has some reason to believe that the family is ineligible. If States do not want to provide continuous eligibility, they can freeze households deductions, eliminating many reporting requirements in between certification periods. In this case a household would have to report changes in their earnings, but all other change reporting would be optional. States would only have to respond if the household reported a change in earnings or if they moved.

The bill also allows States to align the definitions of income and resources in the food stamp program with the ones that they apply in their Medicaid and TANF programs. This will give States unprecedented authority to align these aspects of eligibility across the three programs. USDA must now allow States to use data from their child support systems to determine what a household's child support deduction will be even if that data is somewhat old. This will relieve the household of having to keep track of every change in the payments that they make.

The utility component of the shelter deduction has been dramatically simplified. States now have an option that would require a household to only show one utility bill, other than a phone bill, in order to get a standard utility allowance. These changes should ensure that many more eligible families find it easier to get the help that they need.

I do wish that we had found ways to ease paperwork and office requirements on the elderly and disabled. It is my hope that USDA will explore this area and attempt to ease those burdens administratively.

I am delighted that we were able to work with the Senate and the administration to reform the food stamp quality control system. The current system set up half the States for failure by sanctioning all States with error rates above the national average. That is unfair. At least until very recently, it also has created inappropriate disincentives for states to serve large numbers of earners or immigrants because these households typically are more error-prone.

The new system targets sanctions at those states with persistently high error rates rather than any State above the national average. It also refocuses bonus payments away from just payment accuracy and will institute a new set of performance measures that will balance payment accuracy along with other measures of strong administration such as client service.

One element of the Senate-passed bill that interested me a great deal was adjustments to sanctions for States doing a particularly good job of serving low-wage working families or immigrant households. As it happens, however, we did not need to include this in the conference report because USDA assured the conferees that it would continue past practice and adjust sanction liabilities to eliminate the impact of high or rising proportions of working poor households or low-income immigrants. Given the Department's commitment to the adjustments, we saw no need to include adjustments in the statutory changes to the system.

Mr. Speaker, I am proud of what we have achieved in this nutrition title. I believe that the farm bill strengthens the food stamp program by improving benefits and easing access for our low-income working families. This outcome is good for families, good for communities and good for farmers.

Mr. COMBEST. Mr. Speaker, could the Chair please give us once again the remaining time.

The SPEAKER pro tempore. The gentleman from Texas (Mr. COMBEST) has 8½ minutes remaining. The gentleman from Texas (Mr. STENHOLM) has 9 minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 10½ minutes remaining.

□ 1200

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

Mr. STENHOLM. Mr. Speaker, I reserve the balance of my time, other than my closing on the floor.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

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

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

Mr. Speaker, to understate the phrase, this has been a very difficult process, trying to put together a farm bill and projecting out in future years the needs of our family farmers, but we can still produce a better result. We need a farm bill, a farm bill that will

be a more fair and balanced farm bill for all our family farmers in all regions of the country.

That is why, Mr. Speaker, I intend, at the conclusion of the debate, to offer a motion to recommit with instructions, based on a motion that already passed this House a little over 2 weeks ago with 265 Members of this House on record supporting a $275,000 meaningful payment limitation cap consistent with the language that is already in the Senate bill and consistent with the majority wishes in the United States Senate.

There exists a majority in both the House and the Senate now to take this approach to farm policy, so we cannot only have a safety net for our family farmers but also be able to do it within the realm of fiscal responsibility and fiscal discipline; being able to provide more benefits to family farmers in all regions, while also maintaining the hope and promise that we can open up greater market access to agriculture products produced in this country. That has to be a part of any long-term farm policy.

Without a meaningful payment limitation cap, the next round of trade talks are in serious jeopardy, in my opinion. We are hearing the clash of the international community coming down on this Congress with the farm bill that is before us today, telling us it will jeopardize the ability to negotiate fair trade agreements for our American producers.

With the money and resources that are freed up with this payment cap, we would have more for volunteer and incentive-based conservation programs, programs that will lead to better watershed management, quality water supplies, the protection of wildlife and fish habitat, and, ultimately, the protection of productive farm land itself. We would be able to have additional resources for agriculture research, for rural development and nutrition programs, but also for the new energy program, relying on biomass and biofuels, which is the wave of the future.

Now, this is the way it should be decided, through a debate and by a vote. It should not be a clash of personalities; rather, an honest debate over ideas. I believe this motion to commit will produce a better farm bill at the end of the day and I encourage my colleagues to support it.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS), chairman of the Subcommittee on General Farm Commodities and Risk Management.

Mr. CHAMBLISS. Mr. Speaker, again I would like to commend the chairman and ranking member of the Committee on Agriculture for crafting what I think is good sound farm policy and it will be a tremendous benefit to every farmer in America with this farm bill.

My State is the largest peanut-producing State in the country, and my district happens to be the second largest peanut-producing district. We are very proud of that. We have a long and rich heritage. The peanut program in this bill is getting completely restructured and retooled for the reason that we have had a fight over the peanut program every year that I have served in this body.

There has been a philosophical objection to the way the peanut program was crafted because of the quota program that existed within that peanut program. Well, this year our peanut industry has gotten together as a whole and has made a decision we need to do what is best for the long-term interest of the peanut industry, and so we have drastically changed the peanut program within this farm bill, a program that now is going to benefit our quota holders, our producers, as well as our industrial base within the peanut community.

I am very pleased with the results we came out with. Is it perfect? No. But it does provide benefit to every aspect of the industry, and allows the peanut industry, particularly in my State, to have a long-term viable future. I urge the passage of this bill.

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

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

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time, and thank him and the ranking member for their great work on this bill. I think our conferees worked hard, did a tremendous job, kept this on focus, and my belief is that it was as likely as not that we could have wound up at the end of that conference without a farm bill if it had not been for the great dedication of the House conferees to make this happen.

This is a good bill. It sets the stage for several years of agriculture stability, provides a much-needed safety net that was not present in the last farm bill, it continues to decouple payments, allows updating of acreage, and does good things in dairy. More importantly, it establishes the rules and does that early enough that it may even have some positive impact this year.

We all worked hard to get this bill out. Of course, the House passed a bill months ago. Again, our conferees, the chairman and the ranking member, as they bring this bill to the floor, have a lot to be proud of. Farm families in America have a lot to look to with appreciation for the job we have done, the job I believe we will do today as we pass this bill, and I look forward to its implementation.

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

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

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time. I have been involved in writing Federal farm legislation since the 1960s, when I was Michigan chairman of Agricultural Stabilization and Conservation Service, and then I got an appointment in 1970 to be Deputy Administrator for Farm Programs in USDA down here in Washington.

I appreciate the effort that the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. COMBEST) have gone through in arguing how they resolved many of the disputed issues in this bill as we try to get something for the whole country. But it seems to me, and I would suggest to my colleagues, that our goal in farm policy should be that we develop and help the mainstream family farmers in this country.

And you can argue how big is a family farm, but if you are talking about 20,000, 40,000, 60,000, 80,000 acres owned by the big landholders, that now have a loophole provision that is not subject to any payment limitation, then you are talking about a situation that puts the average family farmer at a disadvantage. The average commercial farm operation in this country is a little over 900 acres.

I am disappointed. This House, on my motion to recommit on April 18, voted overwhelmingly, 265 votes, to have the Senate provisions on payment limitations. This was not acknowledged by the conferees. The conferees should not be the House, they should reflect the will of the House.

Senator GRASSLEY just called me and said, look, we have done some whipping; we originally passed that provision for payment limitations by a little over two-thirds; we will accept the motion to recommit of the gentleman from Wisconsin (Mr. KIND) to reinstate the Senate payment limitations.

The Senate per farmer, per year payment limitation gets rid of the loophole. The loophole is the fact that benefits from generic certificates are not included as part of the pay limitation. Without getting into detail, it is a maneuver where the loan price support programs do not come into play. As long as there is the tremendous pressures, special interest pressure, to have unlimited payment limitations that place our family farms at a disadvantage, I am very concerned about the future of ag legislation in the country.

The SPEAKER pro tempore (Mr. SWEENEY). The Chair wishes to inform Members that the gentleman from Texas (Mr. COMBEST) has 6½ minutes remaining, the gentleman from Texas (Mr. STENHOLM) has 9 minutes remaining, and the gentleman from Ohio (Mr. BOEHNER) has 6½ minutes remaining.

Mr. COMBEST. Mr. Speaker, the gentleman would also inquire as to the closing rights.

The SPEAKER pro tempore. The Chair would inform the Member that the gentleman from Texas (Mr. COMBEST) has the right to close.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I would like to thank the chairman and the ranking member and the conference committee for their hard work in putting this good conference together.

There has been much said that this bill does not help family farmers and it helps big corporate farmers. Well, the provision that is in this bill, that I have worked for for 3½ years and that I am so proud of, is the dairy provision, and that is for family farmers. That is for every dairy farmer in the country. And there is a limit to the size of production that can receive a countercyclical support payment.

So that is very good for family farmers, and it is very good for conservation because it spreads the animals out across the country, and it is good for consumers because it assures us of a locally produced fresh supply of milk throughout this country.

So I would ask all the Members from both sides of the aisle who are in the dairy coalition to support this bill.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

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

Mr. Speaker, I rise in support of this conference report. This agreement provides a strong safety net for our Nation's family farmers as well as for the small and disadvantaged farmers. It ensures a flexible, affordable, and top quality food supply for our consumers while strengthening our national security. It provides a 6-year reauthorization of the farm, rural development, conservation, and nutrition programs that are administered by USDA.

The bill provides nearly 80 percent more funding for conservation programs than the current law provides, providing environmental benefits for all Americans. The bill will help producers of all commodities stay on the lands that they hold and that they love so much so that they continue their livelihood while conserving our natural resources for future generations.

While not perfect, the agreement today also addresses many of the needs of those in southwest Georgia, in the second district, in terms of making strides in restructuring the crucially important peanut program. Let us not allow the perfect to be the enemy of the good. Let us pass this conference report today for our farmers so that we can move forward with this year's planting season and have American agriculture continue to be the best in the world.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. DOOLEY), my friend and colleague on the Committee on Agriculture.

Mr. DOOLEY of California. Mr. Speaker, I rise in opposition to this bill with a great deal of personal anguish because of the respect I have for the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM). But as a Member of Congress serving on the Committee on Agriculture, and as a farmer, I believe this is not the right policy for U.S. agriculture in this new century.

Henry Wallace, back in the 1930s, when he was Secretary of Agriculture under President Roosevelt, said when they instituted programs very similar to these that these were temporary solutions to deal with an emergency. We are still dealing with the same temporary solutions. And where has it gotten us?

□ 1215

It has gotten us to the point where last year 40 percent of net farm income in this country was government taxpayer dollars. And with the bill that we are passing today, that 40 percent will increase to 50 percent in the near term. Too many times we hear people do not understand how little of agriculture is actually receiving these taxpayer subsidies. Eighty percent of the agricultural products that are produced in this country receive not 1 cent of taxpayer money.

We can go into any supermarket and walk down the produce aisle, and every product in that produce aisle does not get a taxpayer subsidy. The meat and poultry aisle, there is not one product that gets a direct subsidy from the taxpayer. We can go down the canned fruit and canned vegetable aisle, and not one product there gets a subsidy from the government. We are passing a program that is going to ensure that 20 percent of the agricultural commodities that are grown in this country are going to get 70 percent of $170 billion over the next 10 years, and that is wrong.

I am concerned that policies in this bill are going to ensure that we are going to continue to see overproduction because of the way that we have structured our marketing loan programs and our counter-cyclical payments.

Mr. Speaker, it is important for us to have a safety net, but we need to do so in a manner that does not distort the marketplace, and this bill does that at the expense of taxpayers. It is not only at the expense of taxpayers, this bill creates distortions against other farmers throughout this country.

There has been a lot of talk about the peanut program which is crying out for reform. It does not cost taxpayers a dollar right now. But the reform that is embodied in this bill will result in taxpayers spending $4 billion over the next decade. That is not appropriate. What it also will ensure is that it will increase the supply of peanuts that are in the marketplace.

When I represent a district that has an almond industry that is twice the size of the peanut industry, they are going to be facing increased competition with peanuts that being subsidized by the taxpayer, that are going to drive down the price of the pistachios, walnuts and almonds that receive no taxpayer support because of the taxpayers stepping in providing $4 billion to a competitive product in the snack food market. That is wrong.

We also have another problem in the dairy program. We are embarking on a path with the dairy program that is going to result in taxpayers most likely putting out $2 billion. What are they going to get for that $2 billion, increased production, which is also going to require these same taxpayers to purchase more butter and powder so they are going to be out more money.

What are other dairy farmers going to face? They are going to see lower prices because of this new taxpayer subsidy, which is going to result in farmers in California, dairy farmers, losing over $6 million in the next 3 years.

Mr. Speaker, we had an opportunity to pass a policy that would move us into a new direction that could have invested in products and enhanced the productivity and competitiveness of our farmers, and we lost that opportunity. I encourage my colleagues to vote no on this bill.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise today in support of the conference report and to commend the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for their leadership as we do a bill that is good for our farmers, good for the environment, conservation, and good for our catfish farmers in Mississippi as we stop the Vietnamese imports of false labeling, of the taking the good name that we have developed in the southeast of the good catfish, good flavor, the good taste.

I also want to say that this is good for research as we see our land grant universities increase in research, for our rural communities, and as we see our key infrastructure needs being met.

As a sportsman, it will be good for wildlife as we see the CRP and WRP programs almost double. I support this legislation which establishes a safety net so we can plan and plant and prosper in Mississippi and across the country in agriculture. This is good legislation, a good farm bill, and I thank the chairman for his good work.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I commend the Committee on Agriculture for the good job that they have done. I have some serious concerns about this bill, and my concerns are that our sugar program continues to drive food processors and candy makers out of business in my community. We are continuing to lose jobs by the hundreds because they cannot afford the high cost and the high prices that they are paying for sugar.

I also have some concerns that the civil rights, that the concerns expressed by minority farmers are not adequately addressed. I grew up on a small farm, and so I know what minority farmers are feeling and what their experiences are.

I hope as we continue to develop our agricultural policy, that we take those concerns and put them at the top of the list rather than the bottom of the list. Again, I commend the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for the work that they have done, but I cannot support a bill that will not provide for the food processors in my community to stay in business.

The SPEAKER pro tempore (Mr. SWEENEY). The Chair wishes to inform Members that the gentleman from Texas (Mr. COMBEST) has 4½ minutes remaining. The gentleman from Texas (Mr. STENHOLM) has 7 minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 3 minutes remaining.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture.

Mr. POMBO. Mr. Speaker, I rise in support of the bill; but it is not a perfect bill. There are problems. I have had the same problems that the chairman and the ranking member had in trying to work through this particular piece of legislation to get the best possible bill that we could to be enacted into law.

For those Members who have stood up this morning and talked about how they were concerned about it being bad farm policy. I would caution them on the motion to recommit. If Members think that there is a problem with the current bill, look at the motion to recommit. That is the worst possible farm policy that we could adopt in any way. We turn it into a welfare program. We try to say that the purpose of farm policy is to support those small, disadvantaged farmers so that they can get a welfare check. Well, if that is what we really want, we should just make it a welfare program. That is a huge problem.

It also transfers money into conservation title. At a time when we are fighting to open markets for us to ship into and other markets to ship into us, they want to take as much land as they possibly can out of production and ship that production offshore.

Mr. Speaker, that is the worst possible farm policy that we could possibly come up with as the U.S. Congress. No matter what we do on this bill, Members have to vote, begins the motion to recommit.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, earlier I pointed out my broad concern with the high loan rates that we have in this bill and the fact that it will depress commodity prices requiring more of net farm income to come from the government. Last year's figure was 40 percent of net farm income came from the government. I believe with lower prices as a result of this bill, that number will exceed 50 percent quickly.

There are other problems with the bill. I think the message this sends to our trading partners around the world is the wrong message. These payments will violate our trade agreements with the World Trade Organization, and send a strong signal to our allies who worked with us to reduce trade barriers around the world that we are not serious about this. It tells our competitors we are going to continue to do what we have been asking them not to do.

Secondly, when it comes to the issue of labeling, I think it violates our agreement with our neighbors, Mexico and Canada, and I think it is discriminatory against our other trading partners around the world. So from a trade standpoint, I think we are sending some mixed and bad messages.

The dairy program that we have contained in this bill is totally unnecessary. Over the last 4 years, in all of agriculture, dairy prices were at record highs. Dairy farmers had the best 4 years they ever had. Why do we need to spend $2 billion for dairy? Pure and simple, for political reasons coming from the other body. It is unnecessary, it will drive down prices, and will drive up exposure to the taxpayers.

But as I close, as Members of Congress, we are here, and we are here to make decisions on behalf of our constituents. As I said earlier, this is not an easy decision on my part or others who are opposing this bill. We have great respect for the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) who have guided this process; but we have to make a decision as Members of Congress, and the decision I have made, reluctantly, is to oppose this bill because in the end, it will lead to much bigger problems.

We have heard that if we do not pass this bill, we will have really big problems. We can do an emergency supplemental to fix those problems in the short run, and we can produce this bill in a much more sane political environment that will give us a much better product after the election early next year.

Mr. Speaker, the point I want to make to my colleagues is that we can do better. I know that it is a difficult process to come up with a uniform policy for the whole country, but the fact is that we can do better. We must do better to balance the interest amongst those in agriculture, and to balance the interest of those in agriculture with the interest of the taxpayers and others who are always here seeking our government help.

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

Mr. BOEHNER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I think the gentleman would feel better if he recognizes, as I do, that in this bill there is a continued movement by the farm communities towards market orientation, and that should help the gentleman.

Mr. BOEHNER. Reclaiming my time, I would argue that the opposite is exactly true. I reluctantly urge Members to vote no on this bill.

Mr. STENHOLM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to take the remaining time and correct some of the misstatements that have been made concerning this bill.

To those that suggest that we need a little more time, where were they for the last 2½ years when the committee and subcommittees held numerous hearings all over the country? I did not notice many of my colleagues being the most vocal being in many of the hearings much of the time.

To those that suggest that these are too high loans for cotton, which has come under a little bit of discussion, the loan rate for cotton in this bill is 52 cents. That is exactly what it was in 1986. So to those that suggest we have too high loans, they are completely ignoring market reality.

To those that said that we are getting 40 percent of our income from the government, the 2000 figures from WTO show that the United States farmer receives 22 percent of his income from the government, which I agree is too high, but the farmers in the European Union gets 38 percent of their income from government.

A lot of the other comments today, particularly some of the editorial comments that we have had on this bill, reminds me what President Eisenhower said in the 1950s: ''Farming looks mighty easy when your tractor is a pencil, and you are a thousand miles away from the corn patch.''

I think many of the comments that have been made in the editorial pages are completely ignoring the market reality that we have down on the farm, particularly when we see conservation, that we did not do enough on conservation. There is an 80 percent increase in this bill, the largest single increase in conservation spending, I believe, in the history of the Congress.

Budgetary responsibility, take a look at what we have done time and time again regarding emergency ad hoc disaster assistance: $30 billion over the last 4 years. What we do in this bill is put in predictability. The lion's share of spending in this bill does not go to stimulate production, only $2.8 billion goes toward marketing loans. The rest goes for nutrition, trade, conservation, and rural development. That is not quite what was stated on this floor.

□ 1230

Mr. Speaker, we have heard a lot about the $73.5 billion. This year the American farmer and rancher will export $54.5 billion worth of our commodities. If you multiply that by 10, that means the return on investment for the

United States taxpayer will be $545 billion, assuming we do not gain any additional market share.

Now, I think it is particularly interesting that some of our foreign competitors are lending their voices to criticism of the work of the bill that we put before the full House today.

The European Union Commissioner has said that the United States should receive a failing grade on the farm bill. He recently said in a statement of April 30, ''I am astonished by claims made in the United States Congress that much of these price-linked subsidies would not be counted against U.S. commitments. The U.S. will have to respect WTO rules.''

Absolutely we will respect WTO rules. Nothing in this bill and what the Committee on Agriculture has recommended in this conference bill has anything other than we will respect WTO rules. I say to the Agriculture Commissioner of the European Union that his facts are wrong and that this conference report will comply with all of the U.S. trade obligations within the WTO.

In fact, it is interesting to me, the European Union's commissioner is saying this because he seems to be trying to draw attention away from his own problems subsidizing agriculture.

Basically what we are doing with this bill, we are saying loudly and clearly as we enter the next WTO round, the United States Government will stand shoulder to shoulder with our producers in the international marketplace and we will negotiate down these subsidies, but we will demand that other countries do an equivalent amount, instead of what has happened to us time and time and time again in previous negotiations. We seem to be the ones to cut.

When you have a situation today in which European farmers are subsidized by over $300 an acre, and we are in the $40 range, is that fair? Is that a level playing field? I say to my friends until Europe, let us negotiate them down. Let us recognize that, yes, all farmers would be better off if we did not have as much government involvement, but we are not going to unilaterally disarm our farmers. And those who choose to vote for the motion to recommit or against this bill, that is exactly what you are doing.

Finally, in conclusion, Mr. Speaker, time and time again we ignore this one fact: we as a Nation are blessed to live in a country that has the most abundant food supply, the best quality of food, the safest food supply at the lowest cost to our people of any other country in the world. That does not happen by accident.

That happens because, time and time again, we have had agricultural programs that recognize the importance, yes, of the safety net to our producers, but also to conservation, to food stamps, to feeding people, to addressing the critical needs in rural development. We have always done this. And this bill today, one of the strongest titles is the nutrition title. It distinguishes itself as one of the most important pieces of food stamp legislation since the landmark 1977 act 25 years ago.

The most significant program simplification since the 1977 act is in this bill. Many of the title provisions are targeted toward low-income families with children, particularly the working poor. The bill will allow transitional food stamps for families that are leaving welfare. The things we have said over and over that we want to accomplish, this bill accomplishes it in the nutritional title.

Mr. Speaker, I encourage my colleagues to vote ''no'' on the motion to recommit. It will not make the bill better. I encourage my colleagues to support this balanced bill that does not only what our American farmers want done but the 280 million American consumers that will benefit from that which we are about to pass.

Mr. Speaker, I have always believed a strong nutrition title is a crucial part of any farm bill. That is particularly so when we can improve our ability to support hard-working low-income families and to ensure that all Americans have the opportunity to obtain a nutritionally adequate diet. Doing so gives balance to the bill and benefits both production agriculture and low-income Americans. I am pleased that this year's farm bill has a nutrition title that all of us can be proud to support.

The nutrition title stands out in several respects. It strengthens incentives for families to work and thereby promotes welfare reform goals. It does so by making food stamps better available to low-income working poor families that do not want to get welfare. It does so by facilitating the transition from welfare to work. It does so by targeting relief on needy families with children, particularly the working poor. And, it does so by simplifying the program. Under this bill, States and low-income households alike should find less paperwork and red tape. We can reduce errors while also removing some obstacles to eligible working families receiving food stamps.

The nutrition title contains a number of reforms that the states have been calling for on a bipartisan basis, including restored eligibility to legal immigrants that play by the rules. In addition, the title adds funding for the Emergency Food Assistance Program to help food banks and food pantries meet the needs they face.

I would particularly like to thank Chairman COMBEST, Representative GOODLATTE and Representative CLAYTON as well as all the members of the House Agriculture Committee for their work on this title. I am pleased that we have developed a title with strong bipartisan support believe that it will make concrete improvements in the nutrition safety net for low-income families.

Of course, I know that most Members have not had the opportunity to pore over the dense legislative language of the nutrition title in detail. I therefore would like to take this opportunity to explain some of the key food stamp provisions on behalf of myself and Representative CLAYTON, the ranking member on the Department Operations, Oversight, Nutrition and Forestry subcommittee of the Agriculture Committee, so that Members can have an idea how much this title has achieved and what an important component it is of this overall legislation.

One of our top priorities in this legislation is to help low-income families make the transition from welfare to work. Significant research shows that many families that leave the TANF cash assistance program do not receive food stamps even though they have very low-incomes and remain eligible. The Urban Institute found that only 40 percent of families that leave welfare continue to receive food stamps. This has meant that hundreds of thousands of low-income families that worked their way off welfare, only to lose one of the most critical work supports available to them—food stamps,

Food stamps can mean the difference between whether these families have enough income to put food on the table every day. It is in everyone's interest for these families' difficult transitions to be successful. A family is unlikely to regard its transition from welfare to work as a success if it cannot feed itself.

This legislation offers states a new option called transitional food stamps that would eliminate food stamp paperwork requirements for those families leaving TANF. This should enhance the food stamp program's ability to support families moving from welfare to work. States can provide this new transitional benefit to any category of eligible household that they choose except certain households under sanction for misconduct.

When a household leaves the state's cash assistance program, the state would simply recalculate their food stamp benefits without the cash benefits. This new amount would be the correct food stamp amount for all purposes and would be frozen for the next 5 months. There would be no contact between the state and the household at the beginning of the transitional period. Thus, the household would not have to comply with any procedural requirements to remain on the program.

We would give states the flexibility to make this a transitional benefit a freeze or to make adjustments for changes they become aware of in other programs. These changes could include a cost of living adjustment in Social Security benefits or a newborn child whom the state is covering under Medicaid or SCHIP. Of course, states would always have to adjust for automatic changes in the food stamp program such as the Thrifty Food Plan or the standard deduction.

As is always the case during a certification period, a household would retain the right to reapply to have its food stamps recalculated based on its current circumstances. Some households likely will experience major changes that render their transitional benefit amounts inadequate. These could include the loss of employment or the birth of a child. In these cases, the household may decide it is worth its while to go through the process of reapplying to have its benefits adjusted accordingly.

I am very pleased that the nutrition title will make significant strides toward simplifying the food stamp program. This can only help states, eligibility workers, working poor families, and everyone else connected with the program.

Last year, America's Second Harvest released a report entitled, ''The Red Tape Divide.'' This report detailed how long and complicated food stamp applications around the

country are. Some of the problem is because some states have yet to take steps to simplify their applications. But another part of the problem is that federal food stamp rules require far too much detail from households on unimportant matters.

This legislation provides states with several new options to streamline the food stamp program. These should result in less paperwork for those households already participating in the program as well as shorter food stamp applications. USDA should work with states to ensure that states are able to implement these provisions on the effective dates and need not wait for regulations.

Arguably, the biggest impact will come from the provision allowing states to extend ''semiannual reporting'' to a broader group of households. Currently, states may only apply semiannual reporting to households with earnings. Semiannual reporting eliminates a household's reporting obligations for 6 months at a time unless its income rises the program's gross income limit. The household provides information once every 6 months and the state relies upon this snapshot to issue benefits for the next 6 months.

This will significantly reduce paperwork and other administrative burdens on both participating households and state agencies. It directly responds to states' request to have more latitude within this option. This should encourage more states to adopt the option. It also should held align reporting rules among food stamps, TANF, and Medicaid. We encourage USDA to work with HHS to issue joint guidance on how states may use this new option to reduce overall reporting burdens for families as well as to better coordinate reporting requirements.

For example, we are concerned that under the current option that when a household reports a change for the purposes of the Medicaid program it could threaten the household's receipt of food stamps. This could be true even though the household remains eligible for food stamps. That makes no sense. A household should not be at risk of losing its food stamps unless the state has reason to believe that the household is no longer eligible for food stamps.

In crafting this proposal, we assume that the Department's major procedural rules for monthly reporting will apply to this option as well. For example, if a household files a late or incomplete semiannual report, it should be given an opportunity to supply the missing information.

We were disappointed not to have found a way to reduce reporting burdens significantly for the elderly, the disabled and other groups excluded from periodic reporting. I hope USDA will explore options that could ease their reporting requirements for these households as well so that we can build upon this legislation's momentum.

The bill allows states to align the definitions of income and resources in the food stamp program with the ones they apply in their Medicaid or TANF programs. Of course, the food stamp income and resource eligibility thresholds will remain, but these two provisions should give states sweeping new authority to eliminate unnecessary questions on their food stamp applications form about livestock, plasma sales state work study programs, individual retirement accounts, interest income, etc. We do include modest lists of items that states may not exclude under the new authority to conform. Obviously these lists are intended only to limit exclusions under the new paragraphs we are adding to the act. They do not affect exclusions under other paragraphs of sections 5(d) or (g). We urge the Secretary to add to these lists only where absolutely essential to ensure that food stamp benefits reasonably reflect need.

Along with simplifying the reporting and counting of income, we also simplified the deductions states apply to determine households' incomes. The shelter deduction targets food stamp benefits to households that have the most trouble affording a nutritious diet because their incomes are so low they have little left over for food after paying their shelter costs. Households typically can deduct utility expenses in addition to their rent or mortgage, other payments they must make to get or keep ownership of their homes, fire insurance, and a few other costs.

Since utility expenses vary so much from month to month, the program allows states to calculate households' utility costs with a fixed estimate, or standard utility allowance, in lieu of computing each household's particular utility bills. In welfare reform, we allowed states to require that all households's shelter deductions be calculated based on such a standard utility allowance or SUA.

In this bill, we further simplify the SUA by allowing some states to eliminate some of the current restrictions on when households may claim it. This provision would apply if the state took the option from welfare reform to require household to use the standard instead of their actual utility bills. In these states, if a household can show that it has at least one utility bill, other than just a telephone bill, the household would receive the SUA. It would not matter if the household was doubled up with another family or individual.

In recent years we have seen the utility costs households face soar in certain areas of the country because of various energy crises. I expect that these mandatory standards will be updated each year to reflect rising utility costs in the state. That will ensure that needy families do not have to choose between buying food for their families and paying their heat and other utility bills.

I am pleased that we were able to craft this legislation so that the new simplification options can begin to make a difference soon. On several of them USDA is likely want to promulgate rules. States will not have to wait for USDA to do so, however, before implementing the new options. For example, they can conform their definitions of income and resources to those in TANF or Medicaid without waiting for USDA to promulgate regulations about the items that cannot be excluded in the name of conformity.

Similarly, they can implement the provision allowing them to ignore most changes in households' deductions between certification periods without waiting for USDA to promulgate new regulations. They would, of course, still have to comply with existing USDA rules on when changes in earned income must be reflected in recalculated benefits. And, states would have to adjust benefits when a household elects to report that they have moved. The new rules, however, give states many options for minimizing the number of changes that require action. Freezing households' deductions is unlikely to cause significant hardship since the household can always reapply before the end of its certification period if a major rent increase, large new child care costs, or other deductible expenses render the household's current allotment inadequate.

Despite Congress's best efforts over the years, child support payments are not always as regular as they ought to be. This has caused states concern about when they should anticipate that a household will make or receive a payment. We examined this question closely. Fortunately, a large part of the answer can be found in longstanding USDA regulations on anticipating income. Whether a state is determining gross income or net income, these regulations provide that it may only count amounts reasonably certain to be received during the month in question. Last year, USDA amplified these regulations with some extremely helpful guidance that also gave states new options for simplifying the treatment of child support payments that a household receives.

This legislation builds upon that effort by extending the simplification to replace the deduction for child support payments made with an optional income exclusion. States now can exclude any legally obligated child support payments made by a household completely from income calculations. Thus, these potentially volatile payments need no longer be considered when applying the gross income eligibility limit. We did not mandate this change to avoid forcing states to undertake costly reprogramming of their computers purely to implement this provision.

In addition, the legislation directs USDA to establish procedures that permit states to rely on information from the state child support enforcement agencies in calculating households' incomes. We expect USDA will allow states great flexibility to rely on older information that might otherwise be appropriate. States' child support enforcement agencies often have computers that do not mesh effectively with the systems states rely upon to calculate food stamps. The value of simplification in this area seems far more important than that of requiring the household to verify the most current possible information. Of course, a household that chooses to submit information about recent changes in its child support obligations or payments should receive whatever food stamps those changes justify.

Finally, the legislation includes an experimental approach to providing food stamps to persons residing in certain kinds of institutions. Where a drug or alcohol rehabilitation center or similar facility would have served as the households' authorized representative anyway, the legislation allows states to provide a food stamp benefit directly to the home. As long as the claimant lived in the institution, the benefit would be calculated under a standardized formula that would not require the institution to gather a great deal of detail about the circumstances of each resident.

These procedures only apply in facilities that qualify as institutions under USDA's rules. Those regulations correctly limit the definition of an institution to a place that provides the majority of meals to its residents over the course of a month. The new group home procedures would not apply to a facility that does not regularly provide most of each resident's meals.

Also, we do not intend it to limit in any way the ability of victims of domestic violence or

others that are capable of managing their own benefits to participate under regular food stamp rules. We certainly do not want to compound the tragedy of domestic violence by stripping a woman of her food stamps.

This experiment should be a great convenience to centers as well as state agencies. In return for that convenience, we expect USDA and the states will require participating centers to have reliable systems for passing along notices to households and providing forwarding addresses to the state agency when a household moves. Residents leaving these centers in mid-month should not have to try to get by without adequate food assistance.

Upon investigating a few of the Senate bill's simplification proposals, we were delighted to find that USDA's regulations already provide states the option to simplify the program. For example, I was pleased to learn that the current rules allow states to simplify the conversion of weekly and biweekly amounts of earned income deduction in the food stamp program if they have done so in TANF. Under this authority, Maryland multiplies weekly paychecks by four to calculate monthly income in both TANF and food stamps. Thus, we saw no need to adopt a Senate provision in this area that would have reduced the earned income deduction.

Similarly, the Senate bill included a complicated provision that would have converted the food stamp recertification process into a redetermination system. Although this long has been a problem in the food stamp program, we discovered that recent changes USDA has made in its regulations address the major concerns. No one disputes the principle that a household should be able to receive food stamps continuously as long as it remains eligible. Also, no one intends that certification periods be so rigid as to create unnecessary burdens on either state agencies or households. On the other hand, we do believe it is important that states periodically confirm that a family in the food stamp program remains eligible just as they would for a family in any other on-going public benefit program.

Recent USDA regulations give states broad flexibility to extend certification periods without going through recertification processes. They also allow states to undertake reviews in the middle of an unexpired certification period by sending a request for contact where the state knows an important change has occurred but does not have enough information to act on that particular change. In both instances, the key is eligibility rather than an arbitrary review schedule set months in advance. The transitional food stamp provisions in both USDA regulations and this legislation similarly avoid entrapment in rigid certification periods.

The only question the Senate provision raised, then, was one of procedure. We preferred to maintain the one we had. Switching to a redetermination model would require states to undertake a costly reprogramming of their computers. It also could have allowed some inattentive eligibility workers to ignore review schedules and send food stamps to indisputably ineligible for many months.

Not only did we seek to simplify by changing the program, we also sought to promote innovative approaches to simplification within the existing structure of the program. Each year, USDA will have a significant pool of money it can use to fund creative uses of the discretion states already have to ease access for low-income working families and others in need. For example, my state has pioneered centralized change reporting centers that ensure that someone is always available to receive a household's report of an increase or decrease in its monthly wages. I hope that USDA will use some of this money to fund efforts to create joint applications for food stamps, Medicaid, and other work supports for households that do not want to receive welfare. In this regard, USDA should not hesitate to fund a promising idea that would improve the food stamp program just because its benefits might spill over into other areas.

Beyond these simplification provisions, we have made numerous other improvements in nutrition programs. We have streamlined the employment and training program to allow states easier access to these funds. This will give states flexibility to serve other groups of people that cannot receive employment and training services from other programs. For example, some households in which the parents are ineligible based on their immigration status might nonetheless be appropriate for food stamp employment and training assistance if some children in the household are getting food stamps. These children will benefit, and their need for food assistance will decline, if their parents can increase their earnings.

Because this fund is limited, however, we have retained the current prohibition on spending these funds in ways that effectively supplant funding available through the TANF block grant. The Food Stamp Employment and Training Program should be the funder of last resort for these programs.

We remain committed, however, to serving people subject to the three-month time limit. Unlike other applicants and recipients, these individuals cannot receive the food assistance they need unless they have the opportunity to work it off. The legislation requires USDA to give particular attention to this population when allocating the money among states. States that have elected to serve large numbers of unemployed childless adults should continue to have the resources to do so.

This change will expand states' ability to provide employment and training services that do not meet the definition of a work activity in the part of the law creating the 3-month time limit. These could include routine unsupervised job search activities and training programs lasting less than twenty hours per week. Months spent in these activities usually will not count as months of work for purposes of the 3-month time limit, but they may nonetheless help the individuals in question find private-sector employment. States already have broad authority to decide how to coordinate these various employment-related requirements under the act. This change will give them the funding flexibility to take advantage of that authority.

The conference report does not include Senate-passed provisions modifying the 3-month time limit. A major factor in this decision was our examination of the commonsense regulations USDA promulgated last year. We may want to revisit this provision of the law at some point in the future, but USDA reduced the urgency of that with the series of pragmatic and fair-minded choices it made.

The final bill does, however, eliminate the current $25 cap on the amount states may reimburse E&T participants for expenses other than dependent care. This cap was unreasonably limiting states' flexibility in designing their own programs. We expect USDA will continue its longstanding policy of giving states broad flexibility in how they provide these funds to participants. With states paying half of the cost, we have no need to impose federal paperwork burdens on States and households.

My own state of Texas was one of the first to issue food stamp benefits to households through electronic benefit transfer, or EBT, rather than paper coupons. The first generation of EBT contracts have begun to expire, and we are close to having a nationwide system of providing food stamp benefits via EBT. It therefore seems appropriate to take stock of the current system and some of the challenges that it present both to states and clients.

This legislation requires USDA to issue a report on the current status of EBT. I am particularly interested in what information the Department can share on ensuring that claimants have full access to EBT systems and on ensuring that those systems fully meet their obligation to comply with the Americans with Disabilities Act and the Rehabilitation Act. It is not acceptable to have eligible, needy individuals effectively denied food stamps because they lack the physical or mental skills necessary to use the equipment in a safe and reliable manner.

The final bill does not include a Senate-passed provision to ensure that no households' EBT benefits are taken ''off-line'' or made inaccessible unless the household has left them idle for at least 6 months. I was comfortable with this decision because the Department has informed us that it is already planning to implement this policy via regulation.

I am pleased that this legislation will restore eligibility to legal immigrants. We were very fortunate to work with the administration, the Congressional Hispanic Caucus, the Congressional Black Caucus and many other members of Congress on this proposal. Legal immigrants' eligibility for food stamps was severely restricted in 1996, causing significant harm to these families. Many of these families contain poor citizen children who have left the food stamp program since the passage of the welfare law despite remaining eligible. We assume that this is because their parents have been confused about who in their family is eligible.

This bill would restore eligibility to qualified low-income legal immigrant children regardless of their entry date into the United States. In addition, qualified legal immigrant adults who have lived in the United States for 5 or more years with that status also are eligible. We decided to make these adults subject to sponsor deeming because the rules USDA implemented last year strike us as a sensible, equitable approach to balancing our desire not to provide food stamps to families that are being supported by their sponsors with the program's purpose of getting food to those in need. We do not expect USDA to make any changes in this area. In particular, these families should not be subjected to any additional paperwork requirements that may prove difficult to meet if the sponsor is uncooperative.

This restoration would bring food stamp policy for adults into conformity with the rules already in force in Medicaid and TANF. In each of the three programs, an adult becomes eligible for benefits 5 years after obtaining a qualified status. It does not matter if the immigrant

at one time was granted one qualified status, such as asylum, and now has another, such as legal permanent residency. The 5 years begin to run from the time the immigrant first obtained qualified status. This conformity should make these rules much simpler for states to administer and for immigrants to understand. Finally, the legislation would allow legal immigrants receiving benefits under specified disability-based programs to qualify for food stamps.

When we received cost estimates of this package from CBO and the administration on this proposal, neither projected any offsetting collections from sponsors as a result of immigrants receiving food stamps. This seems reasonable since so many low-income immigrants live with their sponsors. Over the years, Congress has consistently rejected proposals to require food stamp recipients to repay properly issued food stamp benefits. The OMB and CBO scores show that those agencies recognize that sponsor liability has never been intended as an end-run around that principle. No sponsor should incur a debt for food stamps that he or she receives along with the sponsored immigrants. The impact of this restoration would be compromised severely if eligible immigrants feared that their family members would be sent a bill as a result a their participation in the food stamp program.

This scoring guided our thinking in how to draft the proposals. Certainly, we do not intend to encourage affluent sponsors to abdicate their responsibilities. But we also do not intend for low-income sponsors who are a part of the food stamp household or family unit to incur a liability as a result of their family's or household member's participating in the food stamp program. How could an aunt who is also her nephew's sponsor elect to enroll that child in food stamps if it would simply result in the aunt receiving a bill for the value of those food stamps?

The bill also includes an important benefit improvement for all low-income households. The food stamp standard deduction, which operates like the standard deduction in the Tax Code, has been improved. First, the standard deduction will now be scaled to household size. Instead of a flat $134 deduction for all households, households will receive a deduction equal to 8.31 percent of that year's federal poverty guidelines. States must implement this provision by October 1, 2002. We understand that this effective date will represent a challenge for many states because it will require reprogramming their computer systems within a short period of time. We encourage USDA to work with states to provide some leeway for those states that are working diligently towards implementation but who may not be able to achieve the October 1 deadline. Of course, current law protect all states from quality control errors as a result of this provision for 6 months after the effective date.

One of the most profound reforms to the food stamp program included in the bill is the new direction for the quality control system. There has been longstanding agreement amongst states, antihunger groups, and the administration that the quality control system needs to be reformed. The reforms included in this bill will ease federal-state relations and allow state administrators to adopt a balanced approach to program administration. Payment accuracy will remain essential, but not to the exclusion of the program's basic goals. While continuing the program's commitment to payment accuracy, the new formula will restrict sanctions to the worst offenders, as recommended by the National Academy of Science's review of the quality control system.

The new system eliminates the feature of current law that puts about half of the states in sanction each year. This will allow USDA to focus its energies on states with persistent payment accuracy problems. Under the new system, the threshold for sanction is increased to exclude states with error rates very near the national average from fiscal penalties. In addition, states whose measured error rate may exceed the threshold only due to statistical uncertainty are exempt from sanction. Finally, no action is taken against states in the first year they exceed the threshold; these states are given an opportunity to improve their performance before they are subject to a penalty.

If USDA determines with statistical confidence that a state has triggered a sanction by exceeding the threshold in a second consecutive year, USDA has three choices.

First, it can require the state to reinvest up to 50 percent of the sanction to improve administration of the program. The legislation is deliberately open-ended about what kinds of program improvements can be the goals of reinvestment efforts. We believe each state is likely to be the best judge of what improvements it needs. Current USDA policy sensibly allows reinvestments seeking to improve program access as well as those that seek to improve payment accuracy.

Second, USDA can designate up to 50 percent of state's potential liability to be held at risk. The state must pay moneys held at risk from the previous year if the state's error again is subject to sanction. If the state is not subject to sanction in the following year, the amount held at risk is automatically waived.

Thus, the state would not pay any sanctions unless it exceeded the threshold for sanctions for the third consecutive year, determined again in a statistically reliable manner. USDA cannot collect sanctions during the year in which they are applied.

Finally, USDA can waive any portion of the sanction amount. Any sanctions that are not reinvested or held at risk must be waived. USDA should consider the causes of the state agency's problems and whether the state's error rate is falling along with other relevant factors when determining how much to waive of a state's sanction to waive. Where the state is clearly on the road to correcting its problem, even a complete waiver may make sense.

The final bill does not include an important feature of the Senate-passed bill, adjustments to sanctions for states doing a particularly good job of serving low-wage working families or immigrant households. Since 1998, USDA has adjusted the sanction liabilities of states to eliminate the impact of high or rising proportions of working poor households or low-income immigrants. Last year, the Department wrote to the states to assure them that it would continue to make these adjustments. USDA informs us that it has done so again with regard to states' error rates in fiscal year 2001. USDA reiterated to us its pledge to continue making these adjustments so that no state is thrown into sanction, or has its sanction increased, because it is serving a high or rising proportion of immigrants or earners. With USDA taking this action through its administrative authority, we saw no need to include in adjustments in the statutory changes to the system.

I must confess to some nervousness about the timetable for implementing this new system. On the one hand, the current system would remain in place for the current fiscal year. I hope USDA will apply its broad discretion to waive the sanctions of states estimated to exceed the sanction threshold by small or statistically unreliable margins as these states would not be sanctioned under the new system.

More significantly, under this legislation no state would be subject to automatic sanctions in fiscal year 2003, no matter how seriously and chronically it had failed to meet our payment accuracy goals. By extension, fiscal year 2004 could count as no more than a second year for states, even those with serious problems in 2002 and before. I fear this one-time relaxation in QC sanctions could lead to an unacceptable increase in the national payment error rate. None of us have any desire to yield back any of the hard-won gains of recent years.

Neither our bill nor the Senate's provided for gaps of this nature. We adopted this timetable solely at the suggestion of the Department. We trust that the Department will use its broad authority to sanction ineffective or inefficient program administration in the case of any state whose payment accuracy performance during this transition is seriously flawed. The Department must bear the responsibility of ensuring that this lengthy transition that it has requested does not undermine the program's integrity.

The legislation that gives USDA new authority to penalize those states that appeal their quality control error rate findings and that lose their appeal. This is provided to ensure that USDA is not barraged with patently frivolous appeals. Since states cannot be made fully whole for reinvested moneys that ultimately are found not to be owning, a state with a good faith dispute over a sanction could reasonably wait to begin reinvestment until its appeal is resolved. USDA should not deny these states the opportunity to reinvest any sanctions ultimately found due.

The bill also replaces the current system of enhanced funding for states with extremely low error rates with a system of high performance bonuses. The criteria upon which USDA awards these bonuses should reflect a balanced picture of the goals of state administration of the program. Payment accuracy is an important part of that system, but so are complying with the law's application processing deadlines and its requirements to make food assistance accessible to those in need. Measures focusing on administrative service, such as timeliness and denying only those applicant households that are ineligible, should be a significant portion of the bonus package. By requiring USDA to consult with states in developing its system of bonus payments, we by no means intend to suggest that USDA may exclude academics, claimants' advocates, and others from its consultations on this issue.

In conclusion, with this legislation, Congress will improve benefits for many of our nation's neediest families and accomplish historic simplification of the food stamp program, better enabling states to serve working families with this critical work support.

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

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Texas (Mr. COMBEST) is recognized for 3½ minutes.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

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

Mr. NUSSLE. Mr. Speaker, no farm bill is perfect, but this conference report deserves our support. I will support it.

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

Mr. Speaker, I include for the RECORD a list of the groups we have heard from just today in support of the bill.

National Cattlemen's Beef Association
South East Dairy Farmers Association
National Milk Producers Federation
The Alliance of Western Milk Producers
National Pork Producers Council
United Egg Producers
Alliance for Agricultural Conservation
National Association of Wheat Growers
Coalition for Food Aid
Food Research and Action Center
National Farmers Union
United Fresh Fruit and Vegetable Association
National Cotton Council
Renewable Fuels Association
National Corn Growers Association
Land O'Lakes
American Farm Bureau Federation
USA Rice Federation
National Grain Sorghum Producers
American Sheep Industry Association
Dairy Farmers of America
American Beekeeping Federation
U.S. Apple Association
American Sugar Alliance
American Sugarbeet Growers Association
U.S. Beet Sugar Association
American Sugarcane League
Florida Sugarcane League
Rio Grande Valley Sugar Growers Inc.
Hawaii Sugar Farmers
Sugar Cane Growers Cooperative of Florida
Illiinois Corn Growers Association
National Barley Growers Association
National Sunflower Association
USA Dry Pea and Lentil Council
U.S. Canola Association
American Soybean Association
US Rice Producers Association
CoBank
Independent Community Bankers of America
National Association of Conservation Districts
National Association of State Foresters
Ducks Unlimited
Center on Budget and Policy Priorities
Congressional Sportsmen's Foundation
Ducks Unlimited
International Association of Fish and Wildlife Agencies
National Rifle Association
Pheasants Forever
Quail Unlimited
The Wildlife Society
Wildlife Management Institute

Mr. Speaker, I heard concerns about how our trading partners to the south, our trading partners to the north, our trading partners in Europe may be looking at this. Mr. Speaker, this is a farm bill for rural America. This is not for rural Mexico, this is not for rural Canada, this is not for rural Europe.

I would also call to the attention of my colleagues, in the motion to recommit it mentions that parts of the money would go to conservation programs, parts of money would go to nutrition programs, parts of the money would go to rural development programs, parts of the money would go to energy programs. So for my conservative colleagues that think that this spends too much money, it does not change the spending; it simply puts it somewhere else.

Also, it may be great language for a recommit motion, but I would encourage my friends to read the conservation title, the nutrition title, the rural development title and the energy title. Those all have extensive programs. The decision of where that would go would take, I feel, a great deal of time, having spent the last 2 months working through a conference.

I would also say you do not create a conference report of this magnitude in a vacuum. Anytime you make a change in one area, you make substantive change somewhere else. It may be easy on the floor to say well, we could just do this and then move on.

That is simply not possible. It would take a tremendous amount of time to go back in and look at the programs that are in place that are based upon the conference report as was reported. It would take extensive amounts of time to go back in and try to rebalance those. We would have to look at all of the conservation payment limitations that are in fact in place. We would have to look at the payment limitations in other areas, such as the farmland protection areas. All this would take considerable time.

Mr. Speaker, we do not have the time. We are out of time. And let there be no doubt about it, if the motion to recommit passes, this conference report is dead. We will be back to writing a new program under a new budget score. And if we think it was difficult to write this over 2½ years, I cannot even imagine the difficulty in writing a new one.

Mr. Speaker, I appreciate the intensity of all of the Members who have participated today. This is a day that I have looked forward to for 2½ years.

I include the following:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, March 7, 2002.*

Hon. LARRY COMBEST,
*Chairman, Committee on Agriculture, Longworth Building, Washington, DC.*

DEAR MR. CHAIRMAN: We have reviewed the Senate amendment to H.R. 2646, the Farm Security Act of 2001, which is now before the Conference Committee. Under rule X of the Rules of the House of Representatives, the Committee on Transportation and Infrastructure has jurisdiction over ''pollution of navigable waters.'' Certain provisions of the Senate Amendment to H.R. 2646 fall within that jurisdiction, including:

Section 203—This section amends section 1243 of the Food Security Act of 1985 to authorize funding for, among other things, meeting the purpose of the Federal Water Pollution Control Act.

Section 213—This section amends section 1240 of the Food Security Act of 1985 to include as a purpose, assisting livestock producers in complying with the Federal Water Pollution Control Act.

Section 262—This section establishes a Klamath Basin Interagency Task Force that includes the Environmental Protection Agency, and includes as a duty, using existing Federal programs in the Klamath Basin for ''improvement of water quality.'' Existing federal programs for the improvement of water quality in the Klamath basin are programs under the Federal Water Pollution Control Act.

Our Committee recognizes the importance of this legislation and the need to conclude the conference expeditiously. While we have a valid claim to jurisdiction over the provisions outlined above, I have not asked that the Transportation and Infrastructure Committee be named Conferees. This is conditional on our mutual understanding that we are not waiving any jurisdiction over these or any similar provisions and that you work with us to resolve any concerns we may have about them.

I would also appreciate it if you would have this letter and your response inserted into the Record when the Conference Report on the legislation is considered on the Floor.

I look forward to working with you on this matter and thank you for your cooperation.

Sincerely,

DON YOUNG,
*Chairman.*

---

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
*Washington, DC, March 13, 2002.*

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure, Rayburn HOB, Washington, DC.*

DEAR CHAIRMAN YOUNG: Thank you for your letter regarding H.R. 2646, the Farm Security Act of 2001, which is now before the Conference Committee. I look forward to working with you on items within your jurisdiction in order to complete this important legislation in an expeditious manner.

Recognizing your Committee's jurisdiction under House Rule X, with respect to the Federal Water Pollution Control Act, I appreciate your cooperation in not seeking the appointment of conferees. I agree that your decision to forego the appointment to the Conference Committee will not prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on this or similar matters and I look forward to working with you to resolve the issues at hand.

I greatly appreciate your cooperation in this matter and I will insert a copy of our exchange of letters in the Congressional Record during consideration of the Conference Report.

Sincerely,

LARRY COMBEST,
*Chairman.*

Mr. COSTELLO. Mr. Speaker, I rise today in support of the conference report for the farm bill. Overall, I think this is a good bill and I thank the conferees for their hard work.

This bill makes significant improvements to our current farm policy, which has not worked as promised to help American farmers. This bill will restore counter-cyclical payments to provide support to farmers when market prices for a commodity drop below a target price, restoring the safety net that was cut with the 1996 Freedom to Farm Act. In addition, the bill

reauthorizes the existing programs that provides fixed annual payments and marketing loans to commodity producers and continues the planting flexibility that came out of the Freedom to Farm Act.

The bill also provides a significant increase in funding for conservation programs. such as the Conservation Reserve Program and the Wetlands Reserve Program. These programs are very important to the farmers in the Congressional District I represent, and I am glad to see that there will be adequate funding for the expansion of these key programs.

I am also pleased that the conference report includes $405 million for energy-related programs, including the Commodity Credit Corporation bio-energy program. This program pays producers who purchase commodities for the purpose of producing biodiesel and fuel-grade ethanol. Illinois is the largest producer of ethanol, and the continuation of this program is good news for our farmers.

Mr. Speaker, overall I believe that this is good legislation, and I urge my colleagues to join me in supporting this bill to help America's farmers.

Ms. DEGETTE. Mr. Speaker, I have no choice but to oppose the conference report before us today. I agree that there are some excellent provisions. I support the increase in spending for conservation, as well as the country-of-origin labeling and research subsidies. I also support the restoration of food stamps for legal immigrants, and indeed, have voted numerous times during my tenure to support restoration of food stamp benefits to legal immigrants.

But I cannot in good conscience vote for this bloated bill. What we hope will come out of a conference is a well-reasoned and reasonable compromise. In reality, the end result is frequently an agreement to split the difference. Today, we are presented with an even less appealing compromise—an agreement that is completely out of proportion to the requests of either the House or Senate bill. This is hugely irresponsible in a time of economic duress and budget shortfalls.

It is the sins of omissions that are the downfall of this bill. I am sorely disappointed to see that the conferees chose to ignore the will of the House and of the Senate and not implement the recommended subsidy payment limitations. The result would cost this country billions of dollars while benefiting the largest corporate farms and big agro-business. This does not help the small farmer. In fact, these huge handouts would aid corporate farms in buying out the small farmers the bill purports to protect.

And there are other glaring omissions. Gone are the provisions that would improve animal welfare. Many important conservation measures have been gutted. As a percentage of the total, the conservation portion is actually less than it was in the 1990 Farm Bill.

For these reasons, I oppose this conference report. The bill represents a missed opportunity and it is a failure.

Mr. LANTOS. Mr. Speaker, I rise in support of the conference report on H.R. 2646. I want to commend the Chairman and Ranking Member of the House Committee on Agriculture and the Chairman and Ranking Member from the other body for their hard work in getting this bill through conference.

The Committee on International Relations also has a substantial interest in H.R. 2646, as the Committee has jurisdiction on trade and export programs as well as international food aid, all of which we addressed in Committee consideration of Title III.

The conference report strikes an appropriate balance between international food aid programs and trade promotion. I am pleased to note that the report also preserves the reform's to the Food for Peace authorities in substantially the same form as the Committees recommendation and contains further reforms for the Food for Progress suggested by the Senate.

By strengthening our international food aid programs, this bill helps to ensure that tens of thousands of hungry men, women and children do not starve to death simply because they were born in a country with chronic food shortages, civil war or poor governance.

While U.S. food aid programs authorized by the bill before us today cannot end world hunger, they can play a crucial role in helping our nation meet its moral obligation to alleviate human suffering in places like sub-saharan Africa, the Middle East and South Asia while at the same time help to support thousands of American farm families. As we have seen, suffering and despair can often be manipulated and turned into a breeding ground for evil and hate.

I am also very pleased that we have been able to include two new but very important provisions. This bill will permanently authorize the Global Food for Education Initiative launched by Ambassador George McGovern and former Senator Bob Dole, and provides $100 million in bridge funding for the pilot program while additional funding is being identified.

The second provision is the Farmers for Africa and the Caribbean initiative, first introduced by Congresswoman EVA CLAYTON as H.R. 1894 which will help bring American farming expertise to the countries that most need if through farmer to farmer type programs.

This legislation will also increase American agricultural exports, which support thousands of farm families around our nation. Considering that agricultural exports account for nearly one fourth of all farm income, it is vital that we continue to support or trade promotion programs.

Mr. Speaker, these programs epitomize the true American spirit and the values we hold dear. Through these programs, we are able to take the bounty of our lands and share it with the needy and the hungry around the world. At the same time, we are able to help sustain the family farms and help producers and growers expand their markets. It is no wonder that these programs enjoy such widespread support.

Finally, Mr. Speaker, I would like to recognize the tremendous work by the staff on the Committee on International Relations on this legislation. In particular, I would like to pay tribute to Nisha Desai and Paul Oostburg, without whom essential issues relating to U.S. international food aid would have been far less robust than the bill before the floor today. People around the world owe them their thanks.

I hope that all of my colleagues will support the conference report.

Mr. NADLER. Mr. Speaker, I rise today with much disappointment that the animal protection provisions once included in the Farm Bill were stripped out during conference committee.

As a long-time champion of animal rights, I have been a cosponsor of The Downed Animal Protection Act, The Bear Protection Act, the ban on cockfighting, and similar pieces of legislation since my early days in Congress. And with each year that they are introduced and re-introduced, the House comes closer and closer to passing them, but yet we always fall short. The Farm Bill was the best vehicle in recent memory for finally having these protections signed into law. But, alas, we find ourselves back at square one.

Despite this missed opportunity, I ultimately decided to support the Farm Bill because it contains several positive provisions that will greatly benefit many of my constituents. The Nutritional Title within the bill is one of the most important pieces of food stamp legislation in 25 years. It invests almost $7 billion over ten years in crucial improvements in the program, including a restoration of benefits to all documented immigrant children and to immigrant adults who have resided in the country for five years. The bill also provides families with transitional food stamps as they leave welfare and move into jobs, making the difficult transition much more stable.

In addition, the Farm Bill includes $275 million for the Watershed Rehabilitation Program which will provide much-needed resources to protect and preserve the New York City Watershed. The bill also contains provisions that will be beneficial for fruit and vegetable growers and dairy farmers in Upstate New York.

While I am pleased that the Farm Bill made vital improvements in the Food Stamp Program and invested in important agriculture initiatives, I do not approve of the conferee's decision to strip out the animal rights protections. It is my sincere hope that Congress will quickly revisit and implement these crucial protections that have been put off for far too long.

Mr. NUSSLE. Mr. Speaker, as I've traveled across Northeast Iowa and listened to members of the agricultural community over the last few years, the shape and the content of the new farm bill has been the centerpiece of our discussions. I've heard from many farmers about the challenges they face, their preferences for this legislation and their hopes for a quick resolution.

I voted for the original Freedom to Farm legislation in 1996. Freedom to Farm was working until the United States fell prey to a trade war, a currency collapse and substantially subsidized overproduction in South America. Accordingly, as Chairman of the House Budget Committee, I constructed the fiscal year 2002 and fiscal year 2003 budgets to set aside necessary funding. I did this so Congress could write a new farm program as soon as possible to meet these challenges farmers have faced since the implementation of Freedom to Farm.

As Chairman of the Budget committee, I am pleased that the conference agreement fits within the amounts assumed for reauthorization of a farm bill within the fiscal year 2002 budget resolution. Our budget resolution accommodated these amounts by establishing a 302(a) allocation for the Committee on Agriculture for fiscal year 2002 that could be used at the committee's discretion for emergency relief or reauthorization of a farm bill. It set aside the rest in a reserve fund that can only be used for reauthorization of the farm bill.

Our budget resolution also allocated $7.35 billion in fiscal year 2002 and $73.5 billion

over the period of fiscal years 2002 to 2011. According to the Congressional Budget Act, bills may not exceed the appropriate levels in the budget resolution. This conference agreement meets this standard. Chairman COMBEST, Ranking Member STENHOLM, and their staffs have worked hard to ensure that this bill complies within the Budget Committee guidelines and I recommend them for this.

Farmers needed and deserved a farm bill last year to adequately prepare for 2002 crops. I believe allowing this debate to go so long was irresponsible and unsympathetic to the challenges Iowa's farmers face each crop year.

I am extremely disappointed that the final conference agreement failed to include a ban on packer ownership of livestock. Because I realized how critical it is for Iowa's livestock producers, I introduced separate legislation on this issue in February. The leaders of the conference committee promised to continue investigating packer ownership of livestock and its effects on producers. I plan to remind them of that promise and will pursue every avenue remaining to find a solution.

My second major concern about the conference agreement is that it fails to address payment limitations in a meaningful manner.

I fear the lack of these two provisions will drive more family farmers in Iowa to experience the harmful effects of consolidation in the marketplace.

I am also concerned about the new Conservation Security Program included in the final bill. As a new, unproven entitlement program, it potentially takes dollars away from conservation programs that have proven successful in the past such as the Environmental Quality Incentives Program (EQIP). We will need to closely monitor the effects of this initiative.

While the conference agreement is clearly far from perfect, I believe there are numerous strengths that must be considered as well.

The overall package placed before us today is an improvement over the status quo when it comes to the support and safety net the Iowa farmers have requested. That is precisely what I provided funding in my budget to accomplish, and that is why I voted to approve the conference report.

Overall, the new farm bill provides necessary stability for agriculture by maintaining planting flexibility and implementing countercyclical payments to help farmers deal with poor weather conditions and unfavorable market conditions.

I am very pleased that his legislation includes much needed funds for rural development including rural business investment, emergency personnel and firefighters and high speed internet access for rural areas.

This legislation also includes important provisions for the improvement of trade for Iowa's farmers. The legislation includes funding for the Market Assistance Program as well as the Foreign Market Development Cooperator Program. I am also pleased that this legislation include a National Dairy Program intended to help all dairy producers and significantly increases conservation programs, an 80 percent increase over Freedom to Farm.

While a new farm program is indeed the centerpiece for a prosperous future for Iowa's farmers, further action is still necessary to ensure a strong and healthy agricultural economy. We must continue to press for better trade agreements, including the approval of Trade Promotion Authority for the President. Agriculture also deserves improved treatment under the tax code. Opportunities also exist to benefit farmers in pending energy legislation and regulatory relief.

While one size will never fit all when it comes to agricultural legislation, the Farm Security Act provides the support and safety net that Iowa farmers have asked for. As such, I vote to approve the Farm Security Act.

Mr. UDALL of Colorado. Mr. Speaker, I rise in reluctant but real opposition to the Conference Report for H.R. 2646, the Farm security Act.

My opposition is reluctant because I do think Congress should enact a new farm bill this year, to establish sound policies for agriculture and to do such essential things as the extension and expansion of the food stamps program and further the use of renewable sources of energy.

But my opposition is real because this conference report not only falls short of the ideal—as does most legislation—but also fails the fundamental tests of fairness and responsible public policy.

In 1996, Congress passed the Freedom to Farm Act. I was not a Member of Congress at that time, but I understand its basic purpose was to allow more flexibility to farmers to plant different crops depending on market demands. It was also supposed to reduce government involvement in farming and save taxpayers money.

It seems clear to me that experience since 1996 has shown that the legislation needed revision—but this bill goes far beyond a mere revision. Instead, the principles of the 1996 legislation have been abandoned, and now we are faced with a farm bill that increases spending by more than $73 billion dollars.

The Commodity Title of this bill, which is supposed to provide farmers with ''security,'' is seriously flawed. First off it provides government payments to only a few commodity producers, those who produce corn, rice, wheat, cotton, soybeans, sorghum, barley and oats. And even for those producers it is structured so that it will provide the most subsidies to the largest producers. As a result, the small family farmers will get a little government assistance, while some of the largest farms will receive the bulk of the subsidies. In my opinion, this is not the way to really provide security for America's farm families or to stabilize commodity prices in a sustainable way. Instead, this title will encourage farmers to overproduce the favored commodities because they are guaranteed a price for their crop, and taxpayers will make up the difference between the set price and the market price.

Equally important, the conference report's conservation provisions are simply inadequate.

There are a number of farmer conservation programs that have had a history of success that are authorized by the farm bill. The biggest problem with these programs is that they have been underfunded and many farmers who qualify and want to participate in these programs can't. The House farm bill provided $1.6 billion for these programs and the Senate bill provided $2.4 billion. But the Conference report only provides $1.4 billion for these programs. This bill does not go far enough with these conservation programs that farmers support.

So, while the conference report does have some provisions that deserve support—from school lunch programs, to WIC—overall it does not deserve enactment.

Farmers need some sort of security program to protect them from poor weather conditions, rapid price fluctuations, disease, and other perils. They need security, but this bill does not do that. This bill will have Colorado taxpayers—including both farmers and consumers—pay out more money to subside out of state farmers than Colorado farmers and the environment will receive in benefits.

We need a better bill to provide security to all farmers.

Mr. SANDERS. Mr. Speaker, American agriculture now stands at a crossroads. The question that we as a society have to answer is do we want an agricultural system that is comprised of very few, very large corporate producers—probably owned by one of the largest supermarket chains and probably overseas—or do we want a decentralized system of family based agriculture that produces food in rural communities across the nation.

Foe me, the answer is clear. We need to support and preserve family based agriculture throughout the Nation in all commodities. Why do I say this? Why should Americans care that their food is produced overseas on large corporate farms? While overseas producers are not as efficient as US farmers, they are in many cases lower cost producers because the cost of land and labor are, to excuse the pun, dirt cheap. And the health and safety standards and environmental standards are far more lax than ours, if they exist at all. So, Americans may get food that is produced more cheaply overseas. But is that the only consideration that should dictate the shape of American agriculture. I don't think so. For a host of reasons it is increasingly clear that corporate controlled farming is bad for the Nation.

First, I consider the preservation of the family farm a question of national security. Everyone in this room will agree that we are far too dependent on foreign oil. With all the troubles today in the Middle East we see how vulnerable our economy is to foreign upheavals over which we have little or no control. In 1991, when Iraq invaded Kuwait, this nation went to war quickly in order to protect our oil supply from the Middle East. How vulnerable will we be if we become dependent on foreign nations for our food?

Secondly, small decentralized farms are important for our environment. When farming is spread out it has less impact on the environment. In addition, family farms help reduce the blight of suburban sprawl that is gobbling up so much open space in this country.

Thirdly, family farming is an integral and critical part of our rural economy. They support not only their own families, but also a host of related businesses like feed stores, equipment dealers, and local retailers. They also maintain the scenic landscape that is so important for the tourist industry in Vermont and elsewhere.

Finally, consumers are ultimately the winners when food is produced on family run farms across the country. As I mentioned earlier, one of the reasons that American farmers can be undersold is that we have some of the highest food safety standards in the world. While that makes our food more expensive to produce, it also means that American consumers can be more certain that the food they are buying is high quality and safe for their families. And as for the cheaper cost of production overseas, consumers are unlikely to

benefit. Consolidation in the retailing and processing industry means that lower cost food from overseas is more likely to provide increased profits for them rather than lower consumer prices.

Those are just some of the reasons that, in my view, we need to promote a system of family based agriculture. But as you know that trends are currently against those of us that support family farmers. In 1950, there were 5,388,437 farms in the U.S. By 1997, that number had fallen to 1,911,859. That's a loss of 3,476,578. Or to put it another way, in just 47 years, almost two-thirds of the farms in the U.S. had vanished.

But while farms were getting fewer, they were also getting bigger. The average farm in 1050 was 216 acres. By 1997, the size of the average farm had more than doubled to 487 acres.

Just as troubling and perhaps more troubling for farmers is that the people who buy their product—namely the processors and retailers—have become larger and larger to the point that they have far, far too much control over the price that farmers get for their milk.

In 2000, the top five food retailers controlled 42% of retail sales in the U.S. This represents a staggering fast consolidation because the top five retailers in 1993 only controlled 20% of food sales and as late as 1997 the top five only controlled 24% of food sales.

The same is true among dairy processors. As of 2000, the top four dairy processors controlled 35% of the fluid milk market. That's over a 34% increase in only 2 years.

And regionally, control is even more concentrated. Although Suiza entered the dairy processing industry in 1993, by 2000 it controlled 70% of fluid milk processing and distribution in 13 Northeastern states.

This consolidation is not limited to dairy, it is happening in every agricultural commodity. The top four beef packers control 81% of the market. Among pork packers, the top four control 59%. The top three corn exporters control 81% of their market. Those top three corn exporters also are the top three soybean exporters and they control 65% of that market.

In a business environment like this, family farmers are getting squeezed harder and harder as fewer and fewer buyers control the marketplace. It's true for dairy, it's true for apples, it's true for commodities across the spectrum.

This imbalance in the marketplace and this consolidation in the among producers is being accelerated by the increased amounts of foreign trade in agricultural products.

In 2000, the U.S. was importing enough cheese and dairy ingredients to replace some 10.6 billion pounds of domestic milk production. The U.S. exported the equivalent of 4.3 billion pounds. That's a trade deficit of 6.3 billion pounds of milk.

And this pattern is going to get worse as processors and retailers look to cheaper sources of food to fatten their profit margins.

In fact, a 2001 report from the University of Missouri noted that if there was completely free trade in dairy, the world milk price would always be lower than the U.S. cost of production. This led the researchers to conclude, and I quote, ''If the dairy lobby is successful in opening up global trade through the World Trade Organization (WTO), we will find most of the remaining 90,000 US dairy farms exiting rapidly.'' What an absolute tragedy that would be.

Now if you agree with me that America needs family farmers; and if you agree with me that we, at a minimum, need to protect small farmers from the increasing power of the concentrated processing and retailing sectors, what should we do?

What we need to do is make sure that we have agricultural policies that protect, promote and empower family farmers in this country. That means for a start that we do not put American farmers at the mercy of world milk prices.

We also need a federal agricultural policy that doesn't focus its help on large farms. Under the failed 1996 so-called ''Freedom to Farm'' program, only 40% of farmers in the US received subsidies. 60% did not. The top ten percent received 70% of the subsidies. Fifty percent of farmers received only 2%. Companies like DuPont, Archers Daniel Midland, Boise Cascade and others have received hundreds of thousands of dollars.

I am therefore disappointed that the payment caps I voted to support and that the Senate included in its version of the farm bill were not included in the final bill. As the votes demonstrated, there is majority support in both bodies of Congress for this provision.

However, even though the payment caps were excluded, as were other positive proposals, this Farm Bill represents a major victory for family dairy farmers in Vermont and across this country. When the Northeast Dairy Compact expired last fall, family farmers in New England were left at the mercy of the outrageously low $9.90 support price. I am also pleased to say that the entire Vermont delegation pulled out all the stops to extend and expand the Compact. But we were opposed by the dairy processors, who were working with large producers in the West, and Congresspeople from the Upper Midwest who, mistakenly in my view, thought the Compact hurt their farmers.

Last October, I introduced an amendment on the floor of the House to create a national dairy program that would provide family dairy farmers across the country with benefits equal to what New England dairy farmers received under the Compact. We were opposed by the top Republican and the top Democrat on the Agriculture Committee, both of whom are from Texas. Much to everyone's surprise, we received 194 votes after just two weeks of organizing. Much of the credit for the strong showing that this amendment received goes to colleagues from the Midwest and the South who joined with myself and other Northeastern members in support of this national plan. It is fair to say that without the courage and leadership of those Midwestern and Southern Members was critical to our success.

Vermont's Senators then took that concept into the Senate where a version was included in the Senate bill. Now the House and Senate conferees have completed working out the differences between the House and Senate versions of the Farm Bill and the final version includes a new national dairy program that will accomplish what we have been fighting.

The new national program would provide virtually the same benefits as did the Compact with the difference being that the money would come from the Federal Government as opposed to the processors. Now I, as much as anyone, want the processors to have to pay a fair price for their product. But without the Compact, family dairy farmers in Vermont and across this country need this safety net. My hope is that in years to come we can shift the funding source back where it belongs, on the processors so that farmers are getting their money from the market. But it makes no sense to let thousands of family farmers go out of business while we work to make that happen. This program will also help make sure that farm subsidy payments are more evenly distributed across the country. Right now, the vast majority of the money goes to the Midwestern and Southern states who produce program crops.

Of course, that Federal Government has much more to do if we are to save family farming in this country. In addition to making sure federal ag policy benefits small farmers, we have to address the concentration issue among processors and retailers by enforcing our current antitrust laws and perhaps enacting new ones if current law doesn't offer enough protections.

The road ahead for family agriculture is not going to be an easy one. But farmers will not have to fight it alone. There are millions and millions of Americans who do not live on farms or in rural communities who understand the value—from a national security standpoint, from an environmental standpoint, from an economic standpoint, from a consumer standpoint—of decentralized family based agriculture in the country. They will be your allies. At the same time, farmers have to realize that the corporate, agribusiness interests are the opponents of family-based agriculture. They need to be cut loose so that, for example when they want outrageous free trade agreements that allow them to purchase agricultural products overseas at a fraction of the U.S. price, family farmers all over this country stand up and say no. It will be a tough fight but together we can reshape American agriculture for the better.

Mr. SHAYS. Mr. Speaker, we have done a tremendous job fixing our system of social welfare, and the reforms have been a tremendous success in my district and across the nation. We did the heavy lifting in 1996 and we will reauthorize those reforms later this year.

I find it extremely troubling that our Nation's agricultural policies seem to follow a philosophy completely opposite that of our social policies: a hand out, not a hand up. At the same time we're preparing to strengthen our social welfare reforms, we're completely repealing any semblance of agricultural reform.

This Farm Bill will bring our total agricultural spending to $208 billion over 10 years. It not only perpetuates crop subsidy programs, it virtually doubles them. It represents business-as-usual for our nation's heavily-subsidized agriculture community.

Our Nation's agriculture policy is possibly the most disgraceful aspect of the entire federal government. If I had my way, I would scrap the wasteful, bureaucratic Department of Agriculture and all its programs, and start from scratch! The Department has an astonishing 99,000 full-time employees. By comparison, the Department of Education has just 5,000 employees.

We need to come to grips with the fact that our farms are growing too many crops, which has led commodity prices to plummet. Yet, in the face of such convincing evidence, we refuse to take any market-oriented approach. Instead, we will be exacerbating the problem by providing even more subsidies, thereby encouraging marginal farmers to continue to

overproduce and send prices further downward. Why is agriculture immune to basic economics? Because, I suspect, America has a romance with the family farm. Farming represents all that is good and pure in America.

This motion is recommit will make two extremely modest improvements to our farm policies. First, it will limit annual farm payments to $275,000 for a married couple per year. Second, it will shift the money saved by these limits to conservation programs.

Mr. Speaker, I strongly oppose this Farm Bill because it continues our failed, wasteful, anti-competitive agriculture policies. I urge my colleagues to vote for the motion to recommit and against the underlying bill.

Mr. MORAN. Mr. Speaker, for the last 68 days, 11 of my House colleagues and I have worked to resolve differences with our Senate counterparts and finish a farm bill.

The House Agriculture Committee began writing this bill more than two years ago. We held 47 hearings in Washington and across the country, and heard testimony from 368 producers and the organizations that represent them. More than 2,500 farmers and ranchers participated in the process of crafting the House bill, which was approved unanimously by the Committee and was passed last October by the full House with bipartisan support, on a vote of 291–120. This bill reflects a broad effort to respond to the concerns and needs of agricultural producers, rural citizens, and American consumers.

Why this effort to approve a farm bill? Because our farmers need it, rural America deserves it, and our consumers demand it.

The American farmer is the most efficient producer of food and fiber of anyone in the world. For an example of the benefits of agriculture we enjoy in America, let's consider a loaf of bread. I purchased this loaf of bread this morning at my neighborhood grocery store for $1.69. Each bushel of wheat, for which the farmer receives about $2.50, yields 65 loaves of bread. That means the farmer receives about $.04 for each loaf sold—when was the last time you purchased a loaf of bread for 4 cents, the amount actually going to producers? It's easy to see why farmers grow increasingly frustrated by the widening gap between the prices consumers pay and the commodity prices they receive.

There's no doubt that times are tough in farm country. The ag economy continues to suffer the burden of low market prices and rising costs of production, and producers, already squeezed by narrow profit margins, pay the price.

Last month, I completed my 66-country tour and story was the same in each town hall meeting from Alemena to Zurich. Record low prices and poor weather conditions paint a bleak picture for farm families.

This week's headlines in Kansas read: ''High Input Costs, Lower Livestock Income Cut Kansas Farm Income 28.6%''; ''Bankers Indicate the Farm-related Businesses Continue to Struggle''; and ''Falling Prices Mean Big Losses for Cattle Feeders.'' Average net farm income in Kansas last year totaled less than $28,000 per farm. Total farm expenses increased 7 percent and average farm debt climed to 34 percent of assets, up 32 percent from the year before. In 2000, a farmers spent $81 for every $100 worth of farm products sold. In 2001, those input costs climbed to $87 for the same level of market returns.

Even more recently, the market price drops have been dramatic. The breakeven price for the average cattle feeder on May 1 was about $70 cwt. On April 29, cattle prices were $62—down from $73 on March 1, just two months earlier. That means that producers lost around $120 on every animal they sold. Multiply that number for an individually-owned, 10,000 head feedyard in Ashland, KS, and that feeder has just lost $1.2 million. These are the stories I heard all across the First District of Kansas.

Our farmers and rural communities need help to survive, and looking at the farm economy over the past 20 years tells why. In 1970, a combine cost $7,000; today it is $170,000. Tractors have increased five-fold in price. Fuel was $.30 per gallon; today it's $1.30. The amount of seed corn for planting that could be purchased for $25 in 1972, now costs $140.

Income, on the other hand, has gone the opposite direction of input costs. In 1973, soybeans sold for $12 per bushel; yesterday, they were at $4.28. In 1974, wheat hit $5 per bushel; yesterday, it was $2.45.

So it should not come as a surprise when farmers turn to us in desperate times, or send sale bills like this one—with the note inside from a farm wife—''This is the reason we need a decent farm bill! I have a young man, with farming in his blood, eager to take over our ground—Please make it possible for him to continue the family tradition and earn a decent living from the farm to provide for this family.''

There are many reasons we need a farm bill, and a farm bill is about much more than just agriculture. It's about maintaining the safest, most abundant, most affordable food supply our consumers expect and deserve. It's about preserving the environment for future generations, conserving natural resources and protecting the quality of our water and air. It's about helping rural communities sustain their economies. It's about ensuring adequate nutrition for all Americans, especially our children.

But for Kansas, it's also about avoiding this headline: ''On the Auction Block: Farmers getting out, putting land for sale in tough economic times.'' This bill is worth $318 million to the Kansas economy this year alone, to keep farmers on the land, shoppers on Main Street, children in our schools.

If we don't act now, next year may be too late for some family farms. The wheat crop is in the ground, just over a month from the beginning of harvest, and planting is underway for other crops. Farmers need details of a farm bill sooner, not later.

I urge you to support the farm bill and vote for the conference report.

Mr. BEREUTER. Mr. Speaker, this Member carefully reviewed the provisions in the conference report for H.R. 2646. Although it contains numerous positive features, in many ways the conference report is disappointing and unimaginative. This Member is also concerned that it will lead to dramatic increases in production, lower farm prices, and thereby will lead to an early exhaustion of the $73.5 billion increase in funding called for over the next decade.

In making a judgment on the conference report, this Member considered the following positive and negative features of the legislation. Specifically, this Member is pleased that the conference report for H.R. 2646 includes these positive aspects: Provides a counter-cyclical approach which will establish a greater safety net for farmers and should eliminate the need for annual emergency assistance. This provision is an especially important and positive feature of this legislation.

Retains the planting flexibility, a feature of the current farm program which has been extremely popular with producers.

Although the bill is far from perfect, it does provide additional income assurances for producers.

To the benefit of the sorghum producers of the Great Plains region, the sorghum loan rate is raised to the level of corn.

Gives producers the option to update base acres and yields.

Increases funding for conservation programs by 80 percent. Included in the increase are these positive provisions:

The Conservation Reserve Program acreage is increased from 36.4 million to 39.2 million.

The Wetlands Reserve Program acreage cap is increased to 2.275 million acres.

The Conservation Security Program is established which will provide incentives to maintain and improve stewardship practices.

The Environmental Quality Incentives Program receives an increase from $200 million to $1.3 billion annually over the next six years. This program is especially important help for livestock producers in a national effort to protect our environment.

The program for the rehabilitation of aging small watershed structures that have been constructed over the past 50 years is provided $275 million in funding.

Funding for the Market Access Program is increased to $200 million annually by 2006.

Funding for the Foreign Market Development (Cooperator) Program is increased from $27.5 million to $35 million per year.

An energy title is included and funding is provided to promote ethanol and biodiesel.

Funding is provided for broadband service in rural areas and rural local TV broadcast signal loan guarantees.

Funding is included for value-added agricultural market development grants.

Funding is provided for the Rural Business Investment Program.

The Global Food for Education Initiative (McGovern-Dole) is continued as a pilot program for FY2003.

Commercial airlines are required to carry baby chicks as ordinary mail. While this might seem like a small item, it is very important to a number of Americans, a part of the American farm heritage, and a personal interest of this Member.

However, Mr. Speaker, there are also some very significant deficiencies in this conference report. Among them are the following:

The conferees failed to address the concerns related to increased concentration in the agriculture sector. There is a growing concern which has been consistently expressed to me by constituents in recent years that there is too much concentration of economic power and too little competition on the input, production, and marketing sides of agriculture. Unfortunately, the conference report dropped initiatives designed to address these concerns.

The conferees allowed a disproportionate amount of the funding to go to very large farm operations. There is no real reform of payment limitations and large producers will continue to reap most of the benefits. In the past 5 years, 10 percent of the producers received two-thirds of the payments. This conference report

does little to change that situation. The incentives are in this conference report to cause the big farm operations to get bigger to the detriment of most Nebraska and American family farmers.

The conference report dropped the ban on packer ownership of livestock which the Senate approved, a ban which is also overwhelmingly supported by the great majority of Nebraska farmers and livestock producers.

After balancing the beneficial aspects and deficiencies of this legislation, the conference report for H.R. 2646, this Member has decided to vote ''aye'' since the measure is an improvement over the status quo.

Mr. BLUMENAUER. Mr. Speaker, this Farm Bill Conference Report represents a missed opportunity on many levels to finally redirect agricultural policy to reflect today's realities and respond to tomorrow's challenges. It represents a lost opportunity for taking care of the environment. It is a lost opportunity to provide meaningful assistance to the family farmer. It is a lost opportunity for farmers in Oregon. Since the Farm Bill has so many direct and indirect impacts on urban and rural economies, it also contains other opportunities too numerous to list.

We could have easily done much more. Instead, the Conferees repeatedly ignored the wishes of a majority of Senators and Representatives. They have cloaked their actions in language of concern about family farms and the environment. Yet they repeatedly struck provisions that would have made a meaningful difference to both. A few of the more egregious examples include ignoring Senate and House votes to set reasonable limits on subsidies and provisions agreed to by both the House and Senate to protect and enhance environmental clean up payments to family farms by limiting payments to corporate livestock producers. They dropped the Senate provision to limit overproduction on sensitive lands. The 80 percent ''increase'' in conservation funding claimed by supporters is misleading. Critical conservation programs are cut by almost $3 billion from the Senate bill and national conservation priorities are not addressed. The percentage of the farm bill devoted to conservation is actually less than the 1996 Farm Bill.

This farm bill does not help the majority of farmers. Because subsidies increase with the amount of crops produced, this bill benefits primarily the largest agribusinesses. It has been estimated that up to 73 percent of farm subsidies go to just 10 percent of farms, most with annual incomes over $250,000. The conference report provides little support to the majority of farm families, directing only 12 percent of the funding to the bottom 80 percent of farmers.

This Farm Bill is not good for Oregon. The imbalance of payments maintained in this bill disadvantages states like Oregon, where we don't grow as many commodity program-supported crops as other states. Negotiators dropped key language to address one of the state's most pressing environmental crises in the Klamath Basin. This was a lost opportunity to redirect our farm policy and restore the natural hydrology of the basin and to ensure that all federal agencies were implementing their federal trust responsibility with Native Americans.

An overwhelming majority of the public supports redirecting our agricultural funding to protecting the environment. In the end, despite all the talk of the importance of conservation this Conference Report will shrink conservation spending as a percentage of total farm spending. As stated by the League of Conservation Voters, ''The version of the Farm Bill . . . is a missed opportunity to support meaningful conservation of America's farm lands.''

The Conference Report requires taxpayers to foot the bill for helping corporate livestock producers clean up their waste, even though they are already required to do so under the Clean Water Act. Currently, the average payment for the Environmental Quality Incentives Program is only $9,000 and almost 200,000 applications are left without funding. Instead of directing more funding to clean-up this backlog, the conferees have opened the flood gates for mega producers to expand and divert badly needed money away from small and average size family farms.

While farmers in some states receive over 20 cents for each dollar of product they generate, farmers in significant agricultural states like Oregon, Florida, Pennsylvania, and California receive 3 cents or less. Even though the number of farmland acres lost to sprawl doubled over the last six years, negotiators cut $1.25 billion out of the only federal program to help farmers curb sprawl. They also failed to adopt Senate language that would have ensured conservation programs work in every state and don't discriminate against farmers and ranchers in areas with high land values, an important provision for my state.

It is a lost opportunity for improving animal welfare. Both the House and the Senate passed important animal rights provisions. Unfortunately, one by one, these provisions have been stripped in conference, against the will of the majority of Members in the House and the Senate. We had the chance to close loopholes that would have limited the barbaric practice of cockfighting already illegal in 47 states and to stop the potential export of these birds across state lines. Instead, the conferees ignored identical language in both the House and Senate bills to impose stiffer penalties on those engaged in illegal transport of these animals across state lines. They also extended the effective date from 30 days to one year giving illegal cockfighters an extra eleven months to continue their practice.

The final bill strikes provisions dealing with downed animals at slaughter facilities. This issue bears on human health as well as animal welfare. It is not healthy to have sick and traumatized animals in the food chain. This conference report represents a lost opportunity for improving food safety and protecting consumers.

This Farm Bill is not good for the taxpayers. Because of how it is structured we won't know for years how expensive this bill will ultimately be. Ironically, much of this cost goes into paying subsidies that create surpluses and further depress crop prices. Stung by the embarrassing revelation about who really benefits from farm payments, House conferees attempted to amend the Freedom of Information Act to hide part of the payment information instead of adopting reasonable limits. Luckily, the Senate language prevailed and the information on all subsidies, which will be more disturbing in the future, will be available to the public.

The conferees turned a blind eye to the recent House vote which passed 265–158 in favor of the Senate's $275,000 payment limit and instead today's bill imposes a $360,000 payment limit that is largely meaningless through its exemptions for large scale agribusiness such as those who participate in rice and cotton certificate programs.

This Farm Bill is not good for tribal governments because the federal government does not fulfill its trust responsibility in regards to Native Americans. Language that passed in the Senate but was dropped by the Conferees that would have authorized a Forest Service assistance program for tribes seeking grants and provided informed and uniform guidance in the Agency's widespread relations with tribes. This was a missed opportunity to promote greater cooperation between the U.S. Forest Service and forest conservation by tribal governments.

Finally, this farm Bill is not good for international trade. U.S. farm subsidies send the wrong message to other regions such as Europe and Japan that have more protectionist policies than we do. We cannot freely compete in those markets and we don't have the moral authority to object when we are subsidizing our farmers. Several provisions of this Farm Bill will qualify as ''price-distorting'' practices and the World Trade Organization can be expected to impose trade sanctions on American farm products, and this would have a devastating effective on U.S. exports.

Even though we were unsuccessful in the effort to change the Farm Bill and capture many lost opportunities it is now clear that it is past time to modernize our farm policies. I am hopeful that this flawed bill and process nonetheless will help usher in a new era of agricultural support and protection for this new century.

Mr. BENTSEN. Mr. Speaker, today I rise in support of the conference report on H.R. 2646, The Farm Security Act.

First, all Members should support H.R. 2646 because it represents a return to truth in agricultural budgeting. In 1996, Congress approved the Freedom to Farm Act, which attempted to eliminate farm payments. In the following years, Congress was then forced to appropriate $33.5 billion dollars to farm support programs, in form of ''emergency'' payments that are not accounted for in the budget. Freedom to Farm failed, as I and others who opposed the bill believed it would. Today, we can correct that error.

Why do America's agricultural communities and economy need federal assistance to remain healthy? At this time, there are two very important reasons. First is the reality of heavy agricultural subsidization around the world, including by the trading partners who criticize our policies. Editorials and rhetoric notwithstanding, the fact remains that America's agricultural producers are the most technologically advanced and efficient in the world and have the benefit of some of the most productive agricultural land in the world. In a global agricultural economy truly free of subsidization, America's farmers would not need subsidies to remain profitable. However, from developed nations to emerging economies, agricultural production across the world is incredible subsidized, resulting in a vicious cycle of increasing subsidies and falling prices that cascades around the globe.

For example, the EU's Common Agricultural Policy, CAP, is notorious for its subsidization levels, which are generally much higher than

America's. According to the Organization for Economic Cooperation and Development, OECD, the EU spent $21 billion more than the U.S. on farm support, including emergency payments, in 1999. Frankly, for our European friends to then issue press releases decrying H.R. 2646 is hypocritical. The solution to the vicious cycle of global agricultural subsidies is cooperative international negotiations, not unilateral action by the U.S. Congress to drastically reduce our subsidies, which would not likely be followed by our friends around the world.

Exports are the second economic arena where American farmers are hit extremely hard by global financial conditions far beyond their control. The strength of the dollar relative to other currencies, a result of our international standing, resilient economy, and political stability, makes imports from other countries—especially those with weak currencies—relatively cheaper and our exports of all kinds relatively more expensive. The increasing instability of Asian and Latin American nations in the last five years has greatly exacerbated this situation, leading the dollar to perceptions of risk by investors around the world.

With the levels of efficiency and productivity inherent in American agriculture, American farmers should be exporting more commodities and livestock, but they are prevented by the global financial equivalent of a flood. A strong dollar is a good thing, but a deluge of global dollar demand can be very damaging to our exporters. Currently 25 percent of Texas agriculture is exported, much of it shipped through the Port of Houston in my district.

Although I represent an urban and suburban district, I am acutely aware that agriculture is the second largest sector of the Texas economy, ranking only behind energy and petrochemicals. Further shocks to Texas agriculture will reverberate around the state and limit Texas' potential for future growth. As I mentioned earlier, agricultural exports are important for the Port of Houston, where they rank second to energy and petrochemicals in terms of export value and tonnage. America's agricultural economy is not isolated from the larger economy, and I would urge other urban and suburban members to look into how businesses in their own districts and regions would be adversely affected by a crash in the farm economy—which might well happen if the Farm Security Act fails to be enacted soon. Already agricultural banks and lenders are reluctant to continue their relationships with hundreds of thousands of American farmers without a clear statement of farm policy from Congress.

In short, I support the conference report on H.R. 2646 because it represents a return to truth in budgeting and will maintain the viability of Texas farmers in a global economic environment characterized by heavy agricultural subsidies around the world and an extremely unfavorable export environment.

In closing, I would like to also mention two of the most controversial issues in the 2002 Farm Bill debate: conservation and payment limitations. Contrary to the rhetoric by opponents of farm support, significant changes for the better have been made in both of these areas. First, conservation spending in the conference report is increased by 96 percent over current levels. The final level of $17.1 billion over 10 years represents a $1.3 billion increase over the House-approved level and a significant movement by the House conferees who had provided an 80 percent increase in their version of the Farm Bill. Second, the maximum payment allowed by the conference report is $190,000 less than the maximum allowed in the House version and $100,000 less than current law. Currently a small number large producers have been able to obtain over-sized payments beyond their necessity, and I believe great progress is being made to remedy that situation in this conference report.

For those who recognize the great important of the agricultural economy and support increasing conservation programs like the Conservation Reserve Program and Wetlands Reserve Program, the conference report represents a win-win situation. For those who want to support farmers faced with higher levels of subsidization abroad and monetary trade barriers without allowing certain individuals to game the system, this conference report represents a win-win situation. Unfortunately, those who do not recognize the importance of the agricultural economy will probably never fail to find fault with federal farm policy, even though their ultimate goal—a complete phase-out—was tried in 1996 and miserably failed.

Mr. Speaker, I urge my colleagues to support the conference report on H.R. 2646, the Farm Security Act, and send this bill to the Senate and to the President's desk.

Mr. GRAVES. Mr. Speaker, I rise in strong support of this farm bill. This is a good bill that meets the needs of America's farmers and the American consumer. It certainly does not solve all the problems we have in agriculture, but it sure does take a big step forward. A vote for this farm bill is a vote for an affordable food policy. American families can continue to enjoy the fact that their food is the most affordable, safe, and abundant in the world.

I am particularly pleased with the new counter-cyclical program. Over the last five years, we've seen record lows for farm outputs and record highs for farm inputs. The counter-cyclical program will help farmers bridge these problems and help secure high quality, low cost food for our nation.

I also am pleased with the new emphasis that this legislation places on value-added agriculture. More than anything else we can do, giving greater incentives to family farmers to add value to their commodities will create new opportunities to survive and remain profitable. Producing ethanol, preserving the identity of commodities for niche markets, expanding biodiesel production, and a whole range of new and exciting farming ventures will reinvigorate the farming community and create new employment opportunities on the farm and in the agricultural industry as a whole.

In closing, let me thank Chairman COMBEST, the committee's ranking member Mr. STENHOLM and all the conferees for their good work. I urge my colleagues to reject the motion to recommit and adopt the farm bill conference report.

Mr. BACA. Mr. Speaker, I am proud to support to the Farm Bill Conference Report.

We owe Representatives STENHOLM, CLAYTON, and Chairman COMBEST a great deal for their leadership.

This bill provides $6.4 billion in nutrition programs.

Restores food stamp benefits for legal permanent residents, children, and the disabled.

Includes provisions to simplify and streamline the Food Stamp Program so needy families can get food with less red tape.

As opposed to what some have claimed, this bill is good for California.

California is the largest agricultural State, but we mostly produce fruits and vegetables, otherwise known as specialty corps.

The conference report provides for the largest investment in conservation ever—$17.1 billion—fully 80 percent above the levels of the Boehlert conservation amendment to the 1996 Farm Bill.

Let us also remember that farmers are workers too—equally deserving of good wages and benefits.

They are the soul of our Nation. They feed us. They keep our Nation alive.

Support farmers, the working poor, and our dairy and cattlement—support the conference report on the farm bill.

I yield back the balance of my time.

Mr. BALDACCI. Mr. Speaker, I rise today in support of this Conference Report on the long-awaited Farm Bill legislation. As a member of the House Agriculture Committee, I want to thank my colleagues and those in the other body for their tireless work to produce this much-needed reauthorization of agriculture programs.

I am especially proud of the successful effort to create a National Dairy Program to benefit producers across the country. I strongly support providing much needed assistance to dairy farmers, and I am pleased that farmers in all states will have a safety net to protect their operations when prices are low, as they are right now. Dating back to December of last year, the Dairy Program would have provided approximately $3 million in payments to farmers in my home state of Maine through the month of May. Since milk prices are expected to remain low, this Dairy Program will help stem the tide of small family farmers forced to sell their operations, just as the Dairy Compact once did.

Furthermore, I would like to thank my colleagues for their support in extending the Senior Farmers Markets Program. This is a critical program that benefits farmers and low-income seniors alike. Through State coupon programs, farmers' markets will have a steady base of customers, and America's elderly will have a reliable source of locally grown fresh fruits and vegetables. It's a win-win situation, and I am pleased that this Farm Bill will continue to fund these local efforts.

Finally, I would like to comment on the historic boost in conservation spending contained in this bill. My district in Maine will benefit greatly from the generous increases in the Environmental Quality Incentives Program, Farmland Protection Program, and Forest Land Enhancement Program, to name a few. In a state that grows few program crops, the emphasis on conservation program in the Farm Bill will help my farmers to adopt good stewardship practices on their lands and protect wildlife habitats and local watersheds.

Again, I want to thank the Conferees and all my colleagues on the Agriculture Committee for their hard work in seeing this Farm Bill through to completion. I look forward to the Senate's ratification of the Conference Report and the President's signature on the bill. The programs and assistance outlined in this legislation will help to secure the farmers of America and ensure the health and growth of our nation's food supplies.

Mr. GILMAN. Mr. Speaker, I rise in strong support for the Farm Security Act of 2002 conference report. I want to commend Chairman COMBEST and all of the conferees for their diligence and efforts on behalf of our Nation's farmers.

This conference report is an example of what can be accomplished when Congress decides to work towards a compromise to benefit all parties involved. Not only will his conference report provide crop supports through fixed and countercyclical payments, loan rates and target prices; but it will also create yield updates available to producers across the country; and a strong farm safety net

In addition, the conference report before us today will provide the large increase in farm bill history for voluntary conservation measures taken by farmers and landowners. In fact, an 80 percent increase in budget support over current levels will be allocated for important environmental and conservation programs.

More importantly, this conference report will provide needed assistance to our onion farmers in Orange County, NY. These farmers have experienced over 5 years of devastation crop and market losses, due to rain, flood, hail, high winds and drought. The assistance to be provided in this conference report will allow family farmers the opportunity to continue to farm. I thank Speaker HASTERT and Chairman COMBEST for their efforts on behalf of our hard working Orange County farmers.

I urge all of my colleagues to support this farmer and conservation friendly farm bill.

Mr. CONDIT. Mr. Speaker, I rise today in qualified support of the conference report to H.R. 2646, The Farm Security and Rural Investment Act.

While California is the top agricultural state economy in the United States, the bulk of this legislation's spending—$47.8 out of $73.5 billion—benefits only 9 percent of California's agriculture value. Again, it will be those midwest states that only produce 20 percent of the total value of U.S. agriculture that benefit most from federal farm legislation.

The National Dairy Program is another unfortunate aspect of the bill which threatens California's thriving dairy economy. While our dairy herds continue to increase in size, production and efficiency, we will be drawn into a national program designed to address region-specific problems in other parts of the country, specifically the Northeast. There is simply no reason to meddle in a healthy national market to the benefit of only a few. $2 billion, which would have been better spent on research or nutrition, will be distributed to regions that contribute the least to our national economy.

It was with great diligence and constant effort that gains were accomplished for the State of California. Specialty crop producers received more assistance in this bill than any other farm legislation passed by Congress to date.

Specialty crops have been especially successful at accessing foreign markets. This bill supports these international efforts by providing technical assistance to combat trade carriers, as well as increasing funding for the Market Access Program. Country of origin labeling will be mandatory for fruits, vegetables, fish, meat and peanuts in two years. This is a consumer-right-to-know issue that brings us to parity with labeling practices of other countries.

While California growers are as burdened as other producers in this country by environmental regulations, traditional farm conservation programs have historically been unresponsive to unique specialty crop conservation issues and practices. Increased funding for EQUIP and the Farmland Protection Program; a Water Conservation Program to address ground water and irrigation issues; and the Conservation Security Program all provide more conservation benefits to California than ever before. Of particular interest to Central Valley farmers, this bill requires a study on providing insurance to farmers suffering losses due to regulatory droughts caused by government failure to deliver on CVPIA contracts.

Our attempts to heighten awareness of the unique needs of specialty crops, and to craft legislation that is responsive to the needs of specialty crop producers, will continue. Progress should be marked by commodity spending that is proportional to those products' market share, productivity and efficiency. We should focus on achieving benefits in farm policy that accrue to as many taxpayers as possible.

Although this farm bill makes strides towards helping California farmers, many challenges beyond the farm bill remain if agriculture is to remain viable in California. Specifically, water issues, regulatory reform, and fair treatment of Central Valley agriculture interests will continued to be the key battles for California agriculture.

All the farm-friendly agricultural policy has been, and will continue to be undercut if we do not have a sufficient and reliable water supply. Agricultural leaders must take every opportunity to place this goal at the centerpiece of not just our agricultural policy, but of our water policy, our budgetary policy, our infrastructure policy, our economic development policy and our environmental policy. For example, progress on CALFED must be predicated on progress on increased water storage opportunities. Inclusion of environmental restoration projects in state and federal budgets and in state water bonds must be conditioned upon funding for water storage projects. Infrastructure improvements in California must include improvements to our water delivery systems, including increased water storage.

Since being elected to the Congress, I have pursued every opportunity for regulatory reform—bringing common-sense into our regulatory process. Examples abound of senseless waste of our government resources, our natural resources, and of tremendous economic impact to business in the name of environmental protection. Our government regulators owe it to the public to avoid these consequences, where possible. Even so, economic impacts will be felt where sound scientific principles have shown a need. Unfortunately, and all too often, environmental protection regulations have produced obscured consequences in order to provide minimal, and at times, unproven benefit to the environment. In some instances, we've had to rein in federal agencies with budget control language or with demanding a change in policy. We've even had to rein in the Congress by passing the Unfunded Mandates Reform bill, which requires the Congress to assess the impact of proposed legislation on state and local governments. The fight is far from over. Legislation, which I have introduced, the Private Sector Mandate Information Act, would require Congress to consider the impact to private business of its proposed laws. Passage of this legislation, which requires federal agencies to engage in a ''risk assessment/cost benefit analysis'' of their proposed regulations, is also essential.

We must demand equity and fair treatment of Central Valley and agricultural interests. Unfortunately, examples abound of the agricultural industry and of our region being treated unfairly. For example, I voted against NAFTA and other trade agreements because our U.S. negotiators traded away our agricultural interests in an effort to save our ''favored'' industries, such as high-tech. This is not ''free'' trade, but ''unfair'' trade. Our air pollution and water pollution laws are illustrative of the unfair treatment that our region receives. Bay Area interests pressured state and federal agencies to challenge our use of irrigation water and agricultural pesticides and have challenged our dairy production practices. These same Bay Area interests have gotten state and federal agencies to look the other way when Bay Area refineries discharge pollutants into the SF Bay. Also, Bay Area legislators successfully obtained an exemption from the SMOG II program, while at the same time, forcing the program in our area.

Elected officials from this region must demand fairness to the Central Valley and to agriculture. From budgetary fairness, fairness in our regulatory laws and regulations, and in trade agreements, we must be vigilant in this cause.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in opposition to the conference report on the farm bill. The conference report's provisions on sugar will impose an undue burden on the working people in my congressional district.

The conference report fails to reform the sugar price support program so as to accommodate the interests of consumers and workers in the Chicago area. Of even greater concern, it takes a bad sugar program and makes it even worse by repealing the sugar forfeiture penalty and imposing marketing allotments.

Employment in the Chicago confectionery industry has fallen 11 percent since 1991. The sugar program has contributed to this decline. Sugar price supports and import quotas keep the cost of U.S. sugar at least twice as high as the world price. Besides raising consumer prices, increasing taxpayer costs and threatening the environment, the price gap creates an artificial incentive to move domestic food and confection manufacturing operations offshore. And this has happened in my own back yard in Chicago with the announcement of plant shutdowns by candy makers.

By repealing the forfeiture penalty, the conference report will effectively increase price supports.

By imposing a complicated system of production controls, the conference report will further disrupt the marketing of sugar and raise sugar prices for consumers.

Mr. Speaker, the people hurt by the conference report provisions on sugar will be ordinary taxpayers, consumers and workers who do not get subsidies or protection like wealthy sugar producing companies do. That is not right. And so I must oppose the conference report.

Mr. OSE. Mr. Speaker, I am troubled by various provisions in the Farm Security Act of 2002 (H.R. 2646). Today, I would like to mention one specific provision, which appears in

four titles in the bill—in Titles I, Commodity Programs (Sec. 1601); Title II, Conservation (Sec. 2702); Title VI, Rural Development (Sec. 6103); and Title X, Miscellaneous (Sec. 10105). As Chairman of the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, I have responsibility for oversight over regulatory reform and paperwork reduction measures. This includes compliance with the due process notice and comment provisions of the Administrative Procedure Act (APA) and the centralized review and approval provisions of the Paperwork Reduction Act (PRA).

H.R. 2646 exempts certain Agriculture regulations both from the APA's due process protections for affected parties and the PRA's required review and approval by the Office of Management and Budget (OMB). Under the PRA, OMB is charged with assuring practical utility to all information collections imposed on the public. Also, the PRA includes a public protection clause, which assures that the public cannot be penalized for not providing information in unauthorized paperwork.

The Department of Agriculture has one of the worst track records in terms of compliance with the PRA. In fact, Agriculture has had the most or second most number of violations of the PRA in each of the last several years—116 in Fiscal Year (FY) 1999, 96 in FY 2000, and 67 in FY 2001. On April 11, 2002, an Agriculture witness at our Subcommittee's annual hearing on the PRA was unable to answer our questions about its mis-management of the paperwork it imposes on the public. Agriculture promised explanations by the next day; however, I have received nothing to date. In addition, last May, I wrote OMB Director Daniels and Interior Secretary Norton asking them to work with Agriculture to eliminate duplication of reporting, especially for farmers. Sadly, there are no results to date.

The Joint Explanatory Statement of the Committee on Conference includes no justification for this significant change in regulatory and paperwork promulgation procedures. This is unacceptable.

Mr. CHAMBLISS. Mr. Speaker, I rise today in strong support of the conference report to H.R. 2646, the Farm Security and Rural Improvement Act of 2002.

I believe this compromise contains the best possible commodity title for Southern agriculture.

Reforming the farm bill effective for this year has been a top priority for Georgia producers. Since passage of the 1996 farm bill, my producers have fully utilized planting flexibility, and the result has been a major shift in acreage from feed grains and oilseeds to cotton. Because producers wanted farm program benefits to more accurately reflect their most recent plantings, it was imperative that they have the option to update their bases. As this was a popular provision in the House bill, the Senate included it in their bill, and the conference report contains the measure.

For the first time in my Congressional career, peanut producers, shellers, and manufacturers joined together in proposing a peanut program dramatically different from the decades-old quota program. Due to their unity, trade concerns, and political realities, the House Agriculture Committee took the proposal under serious consideration. The conference report retains these reforms by putting the peanut program on par with traditional commodity programs and fairly compensates holders of quota for their losses under the new program, which will infuse over $500 million into the State of Georgia.

Of particular concern to Southern producers was the strict, burdensome payment limitations contained in the Senate bill. The Senate bill failed to take into consideration regional differences in farm size and structure, and would have yielded many unintended consequences. In anticipation of the Senate provision, producers in Georgia this year prepared land to substitute other corps, such as corn and soybeans, for cotton. The net effect, had the Senate provision been adopted, would have been a wreck of Midwestern crop markets. We did compromise with the Senate in the conference report on payment limitations, but not to the extent that would compromise agriculture in this country.

This farm bill not only brings predictability to federal farm policy but also greatly expands and improves our soil and water conservation programs. The federal investment in these programs is increased by more than 80% above current program levels and costs $2 billion over the House-passed bill, adding $17.1 billion into conservation programs over the next 10 years. The bill makes needed changes to the CRP and EQIP programs to make them more usable and accessible to all producers in all regions of the country.

As the title suggests, The Farm Security and Rural Investment Act makes significant investments in, and improvements to our rural development programs. These programs are important to sustaining rural communities by investing in programs that will aid in the development of rural infrastructure and create jobs in rural areas. The trade title of the conference report is designed to comport with the United States' international trade obligations under the WTO, and thereby to promote more free and fair trade for the future. It reauthorizes important programs related to trade, including the Food for Progress and Food for Peace Programs.

The conference report illustrates to the research community that Congress recognizes the critical need for research and makes a significant new investment in research programs that will help reap rewards for producers and society for many years to come.

The forestry title strengthens the commitment of Congress to sustainable forest management practices. In addition to assisting states in carrying out programs of forestry research, the forestry title provides enhanced community fire protection by directing the Administration to coordinate with local communities in implementing rural fire protection and control strategies. It also enables the Administration to undertake a variety of activities aimed at preventing fires on both federal and non-federal lands.

For the first time, the farm bill contains an energy title to further our investment in energy research and encourage the production of biodiesel and fuel grade ethanol.

This conference report seeks to ensure access to an adequate diet and the fruits of a productive agricultural economy to all eligible Americans. This farm bill includes a number of changes to simplify the food stamp program, gives greater flexibility, remove unnecessary barriers to participation, and increase assistance to working families.

The Farm Security and Rural Investment Act of 2002 provides for the very basic elements of life that we take for granted: food on the table provided by our nation's farmers, food stamps for those who cannot afford nourishment, grants to communities to provide safe and adequate quantities of drinking water, grants to help rural residents access their local television stations, and grants to provide training to rural firefighters and emergency personnel.

Serving as a conferee on this bill over the past 10 weeks has not been an easy task, but I am pleased to see the conference come to a close. I can say with clear conscience that every aspect of this bill was thoroughly debated. As with any bill the Congress submits to the President, it's not perfect, but it is the best possible bill that could be reported out of conference. We have fought the good fight and have a balanced bill—regionally and substantively—that will contribute to the betterment of agriculture.

I thank LARRY COMBEST and CHARLIE STENHOLM for their diligence in guiding the Committee in the spirit of bipartisanship and for providing the necessary leadership over the past 2 years in getting this bill done.

To my farmers back home, you can stop watching and waiting on Washington—get in the fields and plant.

Mr. KOLBE. Mr. Speaker, I rise in opposition to the Farm Security Act conference report (H.R. 2646). I appreciate the work of the Agriculture Committee to bring a bill to the floor, but this effort falls short of real reform for our farm programs and seriously infringes on our trade policy.

I supported the Freedom to Farm Act in 1995. It set us on a path—slow but steady—toward removing the heavy and costly hand of government in managing crop programs. Subsidies were to become a thing of the past. Unfortunately, this bill reverses that course. It sets us on a path toward increased and never-ending taxpayer subsidies of basic commodities.

In addition, this legislation is incompatible with our commitments to the World Trade Organization, and I am not alone in this opinion. Let me read some excerpts from a Congressional Research Service report that was issued just a few days ago:

> The 1994 Uruguay Round Agreement on Agriculture commits member countries of the World Trade Organization (WTO) to discipline their domestic agricultural support programs . . . The goal of the Agreement is to ''establish a fair and market-oriented agricultural trading system'' through a series of reforms that also require WTO members to lower barriers to agricultural imports and to reduce their farm export subsidies. The [Uruguay Round Agreement on Agriculture] was unprecedented in that it was the first time (after seven previous trade rounds) that countries promised to make substantial changes in their domestic agricultural policies to facilitate more open trade.

The report further states:

> WTO members bring to the new negotiating round a divergence of viewpoints on how to handle domestic farm supports. These range from countries that will seek continuing and deeper reductions in farm subsidies, to those that are likely to defend their internal subsidies as necessary for various national policy reasons. Meanwhile, Congress is now widely expected to adopt a new farm bill that would provide billions of dollars in new farm subsidies annually (i.e., above current service policy projections).

These new subsidies, and their potential to perpetuate market distortions, undermine the U.S. argument in the Doha round that the world's agricultural subsidies should be further disciplined, critics argue. A number of foreign officials, and some U.S. analysts, have pointedly noted that the likely new U.S. farm policy raises questions about the sincerity of the U.S. negotiating position.

We should not be undermining our negotitating efforts at the WTO, and this conference report will unfortunately do just that.

Further, I am extremely disappointed that this final agreement requires mandatory country of origin labeling for meat, fruits, vegetables, fish, and peanuts. In order to meet the threshold of being labeled a ''USA product,'' it must be born, raised and processed in the United States.

This is ridiculous. I grew up on a ranch in southern Arizona, and my family bought calves in Mexico to be raised and sold on our ranch. So I guess if I bought a small calf in Mexico and raised him for 5 years on my ranch in the United States, he would still never be a ''U.S. calf.'' Even immigrants coming to the United States are allowed to obtain U.S. citizenship after 5 years, but no such luck for a calf. He would be treated like a future U.S. President under the Constitution. If you're not born here, you can't become President. And if a calf is born in Mexico—even if his mother is a ''U.S. cow'' that went through a cut border fence to have her calf in Mexico and returned a few days later—this calf will never be able to be labeled as a ''USA product.''

Is this what our national policy should be? I find this outrageous and am surprised that something like this is on the road to becoming law.

It was my hope that we would be able to fashion a new farm policy that helps the farmers, increases conservation efforts, reduces the price of food for the American people, and fulfills our obligations to our trading partners around the world.

Unfortunately, the conference report before us today does not accomplish these goals.

Mr. ISTOOK. Mr. Speaker, due to the death of my stepmother last night, I will miss the vote on the farm bill, as I am traveling to Fort Worth, TX, to be with my father and other family.

Had I been able to cast my vote on this bill, I would have voted ''no.''

The genuine problems of America's farmers and rural communities will never be fixed by these enormously-expensive subsidies. The biggest costs have nothing to do with helping family farmers. Although the House and Senate each voted that nobody should receive more than $275,000 per year in subsidies, the final bill says there's no limit on the amount! That typifies the problems with this bill.

American farmers, consumers and taxpayers need more free enterprise, not more big-government subsidies. I'll keep voting to help farmers by expanding world markets, diversifying agriculture, encouraging rural economic development and providing fairer tax treatment to farmers.

We have enormous expenses for the war on terrorism and for homeland security, and we've got to provide whatever it takes to protect America. But that's no excuse for huge escalation in other spending. We're undermining our future if we don't get better control over spending taxpayer's money. Unless we adopt the Balanced Budget Amendment to the Constitution, requiring a balanced budget in peacetime, we may never get spending back under control.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. KIND

Mr. KIND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. KIND. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KIND of Wisconsin moves to recommit the conference report on the bill, H.R. 2646, to the committee of conference with instructions to the managers on the part of the House to—

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

(2) increase—

(A) the amounts within the scope of conference provided in title II of the conference report for conservation programs by an amount equal to 50 percent of any reduction in Federal spending resulting from agreement to the provisions referred to in paragraph (1);

(B) the amounts within the scope of conference provided in title IV of the conference report for nutrition programs by an amount equal to 15 percent of any such reduction;

(C) the amounts within the scope of conference provided in title VI of the conference report for rural development programs by an amount equal to 25 percent of any such reduction; and

(D) the amounts within the scope of conference provided in title IX of the conference report for energy programs by an amount equal to 10 percent of any such reduction.

Mr. KIND (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. COMBEST. Mr. Speaker, I respectfully object, because this is the first time a lot of Members have seen this. There is no debate on this. Consequently, as short as it is, I think it should be read.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk concluded the reading of the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. KIND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—ayes 172, noes 251, not voting 11, as follows:

[Roll No. 122]

AYES—172

| | | |
|---|---|---|
| Ackerman | Hoeffel | Nussle |
| Allen | Hoekstra | Obey |
| Andrews | Holt | Olver |
| Baldacci | Honda | Owens |
| Baldwin | Hostettler | Pallone |
| Barrett | Houghton | Pascrell |
| Bass | Hoyer | Pastor |
| Becerra | Inslee | Payne |
| Bereuter | Israel | Pelosi |
| Berkley | Jackson (IL) | Petri |
| Berman | Johnson (CT) | Pitts |
| Biggert | Kanjorski | Rahall |
| Bilirakis | Kaptur | Ramstad |
| Blumenauer | Kelly | Rivers |
| Bonior | Kennedy (RI) | Roemer |
| Borski | Kerns | Rothman |
| Boucher | Kildee | Roybal-Allard |
| Brady (PA) | Kilpatrick | Royce |
| Brown (OH) | Kind (WI) | Sanchez |
| Capito | Kleczka | Sawyer |
| Capps | Kucinich | Schakowsky |
| Capuano | LaFalce | Schiff |
| Cardin | Langevin | Sensenbrenner |
| Castle | Lantos | Serrano |
| Chabot | Larson (CT) | Shaw |
| Collins | Latham | Shays |
| Cox | Leach | Sherman |
| Coyne | Lee | Slaughter |
| Crowley | Levin | Smith (MI) |
| Davis (CA) | Lewis (GA) | Smith (WA) |
| Davis (FL) | LoBiondo | Solis |
| Davis (IL) | Lofgren | Stark |
| Davis, Tom | Lowey | Stearns |
| DeFazio | Luther | Strickland |
| DeGette | Lynch | Stupak |
| Delahunt | Maloney (CT) | Sununu |
| DeMint | Maloney (NY) | Tancredo |
| Deutsch | Markey | Tauscher |
| Dicks | Matheson | Thune |
| Dingell | Matsui | Tiberi |
| Doggett | McCarthy (MO) | Tierney |
| Doyle | McCollum | Toomey |
| Ehlers | McGovern | Udall (CO) |
| Engel | McInnis | Udall (NM) |
| Eshoo | McKinney | Upton |
| Farr | McNulty | Velazquez |
| Filner | Meehan | Waters |
| Flake | Meeks (NY) | Watson (CA) |
| Frank | Menendez | Waxman |
| Gallegly | Miller, Dan | Weiner |
| Ganske | Miller, George | Weldon (FL) |
| Goss | Mollohan | Wexler |
| Green (TX) | Moore | Wolf |
| Greenwood | Moran (VA) | Woolsey |
| Harman | Morella | Wu |
| Hefley | Myrick | Young (FL) |
| Hinchey | Nadler | |
| Hobson | Neal | |

NOES—251

| | | |
|---|---|---|
| Abercrombie | Boswell | Conyers |
| Aderholt | Boyd | Cooksey |
| Akin | Brady (TX) | Costello |
| Armey | Brown (FL) | Cramer |
| Baca | Brown (SC) | Crenshaw |
| Bachus | Bryant | Cubin |
| Baird | Burr | Culberson |
| Baker | Burton | Cummings |
| Ballenger | Buyer | Cunningham |
| Barcia | Callahan | Davis, Jo Ann |
| Barr | Calvert | Deal |
| Bartlett | Camp | DeLauro |
| Barton | Cantor | DeLay |
| Bentsen | Carson (IN) | Diaz-Balart |
| Berry | Carson (OK) | Dooley |
| Bishop | Chambliss | Doolittle |
| Blagojevich | Clay | Dreier |
| Blunt | Clayton | Duncan |
| Boehlert | Clement | Dunn |
| Boehner | Clyburn | Edwards |
| Bonilla | Coble | Ehrlich |
| Bono | Combest | Emerson |
| Boozman | Condit | English |

Etheridge
Evans
Everett
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinojosa
Holden
Hooley
Horn
Hulshof
Hunter
Hyde
Isakson
Issa
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kennedy (MN)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McDermott
McHugh
McIntyre
McKeon
Meek (FL)
Mica
Miller, Gary
Miller, Jeff
Mink
Moran (KS)
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schaffer
Schrock
Scott
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stenholm
Stump
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Towns
Turner
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOT VOTING—11

Cannon
Crane
Fattah
Istook
Jefferson
Millender-McDonald
Murtha
Ros-Lehtinen
Roukema
Sullivan
Traficant

□ 1303

Ms. BROWN of Florida, Mrs. BONO, and Messrs. BAIRD, ARMEY, PICKERING, SAXTON, and LINDER changed their vote from ''aye'' to ''no.''

Ms. SOLIS, Ms. McCARTHY of Missouri, and Messrs. GALLEGLY, HOBSON, McINNIS, and DICKS changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SWEENEY). The question is on the conference report.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 141, not voting 13, as follows:

[Roll No. 123]

YEAS—280

Abercrombie
Aderholt
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bentsen
Bereuter
Berkley
Berry
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Camp
Cantor
Capito
Carson (IN)
Carson (OK)
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cooksey
Costello
Cramer
Crenshaw
Cubin
Cummings
Cunningham
Davis, Jo Ann
Deal
DeLauro
DeMint
Diaz-Balart
Dicks
Dingell
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Filner
Fletcher
Foley
Ford
Frost
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
LaFalce
LaHood
Lampson
Larsen (WA)
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mink
Moore
Moran (KS)
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ross
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sessions
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Turner
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NAYS—141

Ackerman
Akin
Allen
Andrews
Armey
Baldwin
Barr
Barrett
Bass
Becerra
Berman
Biggert
Bilirakis
Blumenauer
Boehner
Bonior
Brady (TX)
Brown (OH)
Calvert
Capps
Capuano
Cardin
Castle
Chabot
Collins
Conyers
Cox
Coyne
Crowley
Culberson
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLay
Deutsch
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Eshoo
Farr
Ferguson
Flake
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gibbons
Harman
Hayworth
Hefley
Hobson
Hoekstra
Holt
Honda
Israel
Issa
Johnson (CT)
Johnson, Sam
Kennedy (RI)
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
Langevin
Lantos
Larson (CT)
Latham
Lee
Lewis (CA)
Linder
LoBiondo
Lofgren
Maloney (CT)
Markey
Matsui
McDermott
McInnis
McKeon
McKinney
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Moran (VA)
Morella
Myrick
Northup
Obey
Owens
Oxley
Pallone
Paul
Payne
Pelosi
Pitts
Portman
Pryce (OH)
Ramstad
Rivers
Rohrabacher
Rothman
Royce
Ryun (KS)
Sanchez
Saxton
Schiff
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Smith (WA)
Stark
Stearns
Sununu
Tancredo
Tauscher
Tiberi
Tierney
Toomey
Udall (CO)
Wamp
Waters
Watson (CA)
Waxman
Weiner
Wolf
Young (FL)

NOT VOTING—13

Burton
Cannon
Crane
Fattah
Istook
Jefferson
Millender-McDonald
Mollohan
Murtha
Ros-Lehtinen
Roukema
Sullivan
Traficant

□ 1311

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, on May 2, 2002, due to a family commitment, I was unavailable for rollcall vote No. 123. Had I been here, I would have vote ''yea.''

## PERSONAL EXPLANATION

Mr. SULLIVAN. Mr. Speaker, due to official business concerning water quality issues in my Congressional district, I missed rollcall votes 122 and 123. Had I been present I would have voted ''nay'' on rollcall 122 the motion to recommit and ''yea'' on rollcall 123 final passage.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Mollohan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4. An act to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4) ''An Act to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BINGAMAN, Mr. HOLLINGS, Mr. BAUCUS, Mr. KERRY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. REID, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LOTT, Mr. CRAIG, Mr. CAMPBELL, and Mr. THOMAS, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1646. An act to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1646) entitled ''An Act to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIDEN, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. HELMS, Mr. LUGAR, and Mr. HAGEL, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3295. An act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3295) ''An Act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes,'' requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. DODD, Mr. SCHUMER, Mr. DURBIN, Mr. MCCONNELL, and Mr. BOND, to be the conferees on the part of the Senate.

The message also 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. 103. Concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes.

## GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2646 just adopted.

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

There was no objection.

## PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 404 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 404

*Resolved,* That it shall be in order at any time on the legislative day of Thursday, May 2, 2002, for the Speaker to entertain a motion that the House suspend the rules relating to the resolution (H. Res. 392) expressing solidarity with Israel in its fight against terrorism. If the Speaker entertains such motion, debate under clause 1(c) of rule XV shall be extended to one hour.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 404 is a rule providing for the consideration of House Resolution 392 at any time on the legislative day of today, Thursday, May 2, under suspension of the rules.

The rule further provides 1 hour of debate on the suspension measure, rather than the customary 40 minutes. This is a fair rule that would allow consideration, Mr. Speaker, of an important resolution.

Mr. Speaker, I am a proud cosponsor of the resolution before us today. It expresses strong solidarity by this Congress of the state of Israel. Israel continues to be victimized by acts of terror. This resolution reaffirms the Congress' belief that Israel has a right to self-defense in the face of cowardly attacks against innocent civilians.

The United States has been a proud friend of Israel since President Truman promptly recognized the Jewish state in 1948. If there is one issue that unites us in this Congress, Republicans and Democrats, conservatives and liberals, it is and it should be our support for Israel.

□ 1315

As the resolution states, since September on a basis proportional to the United States population, approximately 9,000 Israelis have been assassinated by homicide bombers, three times the number of innocent civilians killed in the terrorist attacks of New York and Washington on September 11.

Israel has been under attack in recent months, ferociously and viciously attacked. Friends can best show their friendship when friends are precisely under attack. Our friend, Israel, is today under attack and so today once again we reiterate our friendship with Israel.

I would like to lend my supporting commendation to the efforts of President Bush and Secretary Powell and all of those involved in the difficult search for peace. I also would like to thank the gentleman from Texas (Mr. DELAY) and all of my fellow co-sponsors of this resolution for introducing and for pressing for its passage at this time.

Mr. Speaker, the Committee on Rules this afternoon brings to the floor a rule such as this to allow the House to consider very timely measures. I urge all of my colleagues to support this very straightforward rule.

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

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Texas (Mr. FROST) is recognized for 30 minutes.

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

Mr. Speaker, this rule permits the House to consider today under suspension of the rules 1 hour of debate on H. Res. 392, expressing solidarity with Israel in its fight against terrorism.

I urge the House to approve this rule so we can immediately demonstrate our strong support for the State of Israel, bypassing the underlying resolution.

Mr. Speaker, we face a historic turning point in the Middle East. All of us, Democrats and Republicans, want peace in the region and all of us want a strong vital State of Israel to prosper. In order for that to happen, the United States must reaffirm its longstanding support for Israel as we attempt to achieve a peaceful solution to the problems of the region. There should be no misunderstanding in the rest of the world: we are Israel's friend as she deals with the wave of terrorism directed against her by her enemies. That does not mean that we cannot

make constructive suggestions to our ally and work for a solution that provides two states in the region, one Israeli and one Palestinian.

But key to all of this is the clear understanding that Israel is our ally. She is the only democracy in the region and has always been our friend. And now in her time of need Israel stands virtually alone. Much of Europe has turned its back on Israel and few in the Arab world are willing to stand up to the radical elements that conduct terrorism against innocent civilians, including women and children.

The resolution that we will vote on later today is somewhat different from the original one drafted by the gentleman from California (Mr. LANTOS), the ranking Democrat on the Committee on International Relations. Some of us might reword portions of the resolution if we had that option. But we would not change the basic thrust of the resolution, that America stand by its ally at this critical juncture. The procedure chosen by the majority does not give us the opportunity to change one word in the resolution. It is unamendable and subject to a straight up-or-down vote. That being the case, it is my hope that the resolution will receive an overwhelmingly bipartisan vote at the end of the day.

Americans must speak with an unequivocal voice at this juncture in history. We stand with Israel in its fight against terrorism, and we urge the Palestinians to reject the extremists in their midst and to work for peace. We must also reject the pessimists who say that there is no solution for the differences that divide Israel and Palestinians. The United States is the only nation in the world that can mediate this dispute. It is my hope that the Bush administration will continue to be engaged at the highest level in seeking a peaceful solution.

But make no mistake about our role. We are not a neutral bystander with no stake in the outcome. We stand for a strong vital Israel and should continue to play a constructive role to ensure both peace and Israel's future.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), my good friend and colleague from the Committee on Rules.

Mr. LINDER. Mr. Speaker, I rise today to urge my colleagues to support the rule on H. Res. 392, a bill expressing the United States' solidarity with Israel in its ongoing fight against terrorism.

H. Res. 392 supports Israel's efforts to dismantle the terrorist infrastructure in Palestinian areas and reiterates the United States' commitment to Israel as an ally by reproaching acts of terror condoned by Arafat and other Palestinian leadership. It also demands that Palestinian leadership adhere to dismantling terrorist groups. Finally, the bill challenges Israel's Middle Eastern neighbors to set a good example to the Palestinians by pursuing a policy of peaceful relations with Israel.

Mr. Speaker, I have been to Israel on three occasions; and each time I went, the vulnerability and terror were more and more palpable. These are people living in terror on a daily basis. We have responded to terror in our midst in a ferocious way. We should expect Israel to do the same. We simply cannot ask our citizens to continue to live under terror.

Approving this rule that brings H. Res. 392 to the floor is a good step we can take as a Nation and we can take it today to help heal Israeli-Palestinian relations. I urge my colleagues to join me in supporting both the rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise in support of the rule and the resolution. This resolution expresses the solidarity of the Congress and the American people with Israel in a struggle against the forces of hatred and violence. It is both fitting and appropriate for us today to declare our support at a time when Israel had been subjected to repeated acts of terror.

Israel is our most reliable friend in the Middle East. It is our only democracy, a beacon of hope in the region of the world for the freedom we all take for granted. Freedom of speech, freedom of press, freedom of religion, freedom to challenge your government nonviolently without fear of retribution simply do not exist. Israel is the only country in the Middle East that guarantees all of these freedoms.

The Congress stands here today to condemn and reject this paths of violence led by Chairman Arafat. Instead, we must return to the path of peace. Israel must have a partner who is willing to say no to those who will use terror and violence.

Chairman Arafat must take action against those Palestinians who would block the path to peace.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to my distinguished friend, the gentleman from New Jersey (Mr. FERGUSON).

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

Mr. Speaker, I rise in support of this rule and certainly as a strong supporter and core sponsor of the underlying legislation. I am also proud today to stand with my colleagues to express our solidarity with the people of Israel and our steadfast support in their fight against terrorism.

The people of Israel have become a target of a sustained campaign of violence that does not discriminate between soldier and citizen, and will yet target the innocent. The victims of this violence are citizens who put themselves in danger merely by going to work or conducting their daily routine. They are indiscriminately struck down as they go to the market, eat at a cafe, or simply walk down the street. This barbarism cannot and will not be tolerated. And as a country that loves freedom, we can only be supportive of our friends in Israel during their time of need.

Our partnership began with Israel at its very birth as a nation in 1948, and it remains strong today. Israel is the sole democracy in the Middle East; and, therefore, the United States and Israel share a common bond. Our connection is strong and deeply rooted in our citizens' love for freedom. The connection between our two countries is now extended because of a new similarity, our common destain for terrorism and our commitment to stop those who perpetuate it.

Mr. Speaker, last August I had an opportunity to visit Israel for my second trip; and as I left my wife was understandably nervous, concerned about violence in the Middle East. And upon my return, just a few weeks later here on our own soil, Americans, and particularly so many communities in my district in New Jersey, were devastated by the attacks of terrorism. We understand now firsthand the pain, the emotional pain, the physical pain, the economic loss and all of the problems and the heartache that come with terrorism.

It is now our opportunity to stand today to support this rule and to support our friends in Israel by standing in solidarity with them.

Mr. FROST. Mr. Speaker, I yield 3¼ minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, when a democracy is under siege from terrorist assault, it must defend itself. I am proud of our Nation's response to the horrors of September 11. For the last 18 months, Israel has been a democracy under siege; and it has responded in the only way that any democracy must, it has defended itself. It has not asked for this war any more than we asked for ours against al Qaeda and the Taliban. But when democracies come under terrorist attack, it is morally incumbent upon us as the world's leading democracy to express our solidarity. That is what this resolution does.

Since September 2000, terrorist suicide bombers have claimed 180 innocent Israeli lives, a number proportional to 9,000 Americans, three times the lives we lost on September 11. This past weekend on the Jewish sabbath, Palestinian terrorists murdered four Israeli civilians, including a 5-year-old child. This was not collateral damage, Mr. Speaker. This was the deliberate and premeditated murder of an innocent little girl.

Mr. Speaker, there is no difference between the pain and anguish felt by a bereft Palestinian mother or father who lost their innocent child and the heart broken Israeli mother or father who lost theirs. But as we mourn equally the innocent causalities on both sides, we dare not treat equally

those who act out of self-defense and those who act out of terrorist designs. There is no moral equivalence in this struggle.

Our bipartisan resolution, Mr. Speaker, is not neutral as some would have it. It does not equivocate. It draws a bright line between terrorist aggression, and self-defense. It clearly distinguishes between the side that made a historically generous offer of peace, and the side that spat on that offer and started a blood bath instead.

□ 1330

This resolution is not for those who seek a neutral stance in Israel's struggle against terrorism. This resolution is for those who are committed to defend democracy against terrorism and stand shoulder to shoulder with Israel in our shared struggle.

In its 54-year battle for survival, Israel has suffered numerous attacks like ours of September 11. It has never waivered in its commitment to democratic values and human rights. Now, as its very existence is again challenged, we must not waiver in our support for Israel.

I urge all of my colleagues to vote to reaffirm our strong support for our democratic ally, the state of Israel.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Mr. Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I rise today in support of the state of Israel and this rule. We must continue to support Israel in its fight against terrorism. The citizens of Israel suffer undeserved death as suicide bombers terrorize Israeli cities almost daily. These bombers are not trying to achieve peace. They are trying to inflict mass murder throughout the country.

Mr. Speaker, I have been to Israel. I have seen firsthand the fear Israelis must live with on a daily basis. Not knowing whether they or their family will survive each day is absolutely unacceptable. Israelis have the right to defend their country from these terrorist attacks.

Having visited Afghanistan during the last recess, I have witnessed the devastation decades of war produce. If we do not stand next to Israel with our full support, the most stable and successful democracy in the Middle East may well fall to ruins like the dusty towns of Afghanistan.

I will not let that happen to Israel. I support Israel, will continue to support Israel and urge my colleagues to do the same by voting yes on this resolution.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Rules Committee.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend the gentleman from Texas (Mr. FROST) for yielding me the time.

Mr. Speaker, I come to the floor today in support of this rule and the spirit of the underlying resolution. While we continue to consume ourselves rightly with our own war against terrorism, we cannot forget that Israel has been waging its own war against terrorism as well as its own fight for democracy for more than 54 years.

Today, I stand with my colleagues in sending a message to the people of Israel that the support Israel enjoys from the United States is stronger today than it has ever been. As we send this positive message to Israel, we must also recognize the unique role we play as moderator in the peace process.

On two occasions recently, once in February and again in March, I wrote to President Bush urging him to personally become engaged in this region's peace process, but to my disappointment, I have yet to receive a response.

Early last month I introduced a resolution condemning violence in the Middle East. I am not suggesting that my resolution is the end solution by any means. However, my resolution does something that this one does not. It recognizes that there are things that can be done by both Palestinians and Israel that will curb the ongoing violence and hopefully get the parties back to the peace table.

We need to understand that as we embark on this difficult journey we need to ask how do we educate and re-educate misinformed communities in the Middle East. We, in addition to that, need to bring to the attention of everyone the complex manifestations of ongoing violence in the Middle East, and we need to bring to this Congress' attention the increasing amounts of anti-Semitism and racism that are emerging in Europe.

This is a harsh reminder to those of us in the black and Jewish community that the fight against racism and prejudice is far from over.

Mr. Speaker, I come to the floor today in support of this rule and the spirit of the underlying resolution. While we continue to consume ourselves with our own war against terrorism, we cannot forget that Israel has been waging its own war against terrorism, as well as its own fight for democracy, for more than 54 years.

Today, I stand with my colleagues in sending a message to the people of Israel: The support Israel enjoys from the United States is stronger today than it has ever been.

As we send this positive message to Israel, we must also recognize the unique role we play as a moderator in the peace process. With that in mind, I ask, as a cosponsor of the underlying resolution, ''How does this resolution bring us closer to a comprehensive solution and ultimate peace accord?'' The answer, Mr. Speaker, is that I am not certain.

Over the past five months, we have watched violence in Israel and the Palestinian territories spiral out of control. We have watched hundreds of Israelis fall victim to suicide bombings, and we have seen the deaths of more than 1,000 Palestinians. And while the numbers of deaths increased and the likelihood of a peaceful solution decreased by the day, the Bush Administration remained largely silent.

On two occasions, once in February and the other in March, I wrote to President Bush, urging him to become personally engaged in the region. But much to my extreme disappointment, I have yet to receive a response.

There are many who claim the U.S. involvement will do little, if anything, in bringing a solution to this ongoing problem. To them I say, if we do not try, then that will become a self fulfilling prophecy. The Administration's vacillations in Middle East policy have left the U.S. in two precariously unfamiliar positions when it comes to the peace process—on the outside and unable to deliver. If we are to optimize our chances of influencing Israel and the Palestinians, then it must start from the top. The President must accept that the Israeli-Palestinian conflict is his problem and, ultimately, his responsibility to help remedy.

Early last month, I introduced my own resolution condemning violence in the Middle East. I am not suggesting that my resolution is the end solution by any means. However, my resolution does something that this one does not. It recognizes that there are things that can be done by both the Palestinians and Israel that will curb the ongoing violence and hopefully get the two parties back to the negotiating table, a place that both have been absent from for some time.

Mr. Speaker, if the United States is to continue down the daunting trail of bringing peace to the Middle East, we cannot and should not forget to address a variety of other complex manifestations of the ongoing violence in the Middle East. For example, Congress must address the increasing amounts of anti-Semitism and racism that are emerging in Europe. This is a harsh reminder to those of us in the black and Jewish communities that the fight against racism and prejudice is far from over.

Furthermore, as we embark on this difficult journey, we must also ask: How do we educate and reeducate misinformed communities in the Middle East? How do we stop countries such as Syria, Egypt, Iran, Iraq, Saudi Arabia, and others from teaching hate? Finally, how do we maintain the balance of cultural, religious and political differences in a region that, historically, has not desired such a balance?

In the end, Mr. Speaker, I will support the underlying resolution because I support Israel and its right to defend itself. Nevertheless, if we are to have success in bringing a real and lasting peace to the Middle East, then we must accept the realities that I have raised and hasten our resolve and engagement to assist in ending this seemingly endless conflict.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

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

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time.

Mr. Speaker, I rise in support of this rule, and I rise in support of House Resolution 392 which expresses our solidarity with Israel in their struggle to fight terrorism and provide security for the people of Israel.

Yasser Arafat and the Palestinian leadership have simply failed to adhere

to their commitments in Oslo which would require strict adherence to a peaceful resolution to the conflicts and renounce the use of terrorism and other acts of violence. In fact, the violence has escalated, as we all know, culminating in the recent killing of 46 Israelis during the week of Passover with suicide bombings where more than 100 additional were wounded.

Yasser Arafat has demonstrated that he is not a viable peace partner, and I am glad to see that President Bush is now dealing with others. The Palestinian Authority has failed to fulfill its commitment to dismantle the terrorist infrastructure in Palestinian areas.

Due to Arafat's unwillingness or inability to act Israel's military action is understandable. Israel has an inherent right to defend herself against armed attack and to utilize preemptive measures to prevent terrorist attacks on civilian populations, as we have done ourselves in our own war against terrorism.

H.R. 392 demands that the Palestinian Authority finally fulfill its commitment to dismantle the terrorist infrastructure. It also calls on Arab States to declare their opposition to all forms of terrorism, including suicide bombings. Israel has already begun to withdraw troops from the Palestinian areas and has released Arafat from confinement. In response, all nations in the regions must denounce terrorism and work to end the violence to stabilize the region if we are to realize a lasting peace in the Middle East.

I am calling on my fellow colleagues to support H.R. 392 to send a clear message to Yasser Arafat and the Palestinian Authority.

The United States demands that Arafat call for an end to violence and assume responsibility over the actions of PLO members and prevent their future acts of terrorism.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the resolution before us expresses our solidarity with Israel in its war against terrorism. We know from September 11 what it means to be attacked by a suicide or homicide bomber. We are fighting a just war 6,000 miles away in order to defend ourselves, and we should side with Israel as it fights for its very life against terrorists who are sent into Israel from operations only a few miles away.

The only way for peace is for the United States to make clear that we will demand that Israel be permitted to exist and live with peace and security.

The second way to peace is to stand up to terrorism. Palestinians killed when Israelis tried to root out terrorism in the territories, where they tried to root the infrastructure is a tragedy, but innocent civilians killed as the sole objective of murderers who are willing to kill themselves as well is abhorrent. It is vile. It should not be considered martyrdom or simply another tool to accomplish political objectives.

I know many Members would like to have various changes in this resolution, but the resolution before us ought to have the support of our colleagues, even if they would have preferred a different version, because the essence of this resolution is to stand with Israel and make clear to the Arab world, we want peace but we are not going to let them drive a wedge between the United States and Israel. They ought to forget about that.

Israel has been fighting for its very life since 1948 and has yearned for peace. It was willing to accept a Palestinian State in 1948 under the U.N. resolution. The Arabs rejected it. In 1967, the lines, the Arab world said they want to return to. They found it unacceptable in 1967 and declared a war against Israel, and Israel won that war, and has had the territory ever since, but Israel has been willing to take the risks for peace by talking about territorial changes.

It is Arafat, as the leader of the Palestinian people, who rejected the offer made at Camp David and Intaba and, rather than give a counteroffer, has gone to war. War should not be rewarded. Terrorism should not be rewarded. Only through negotiations of working out territory and security can there be peace, not a discussion of whether there ought to continue to be a state of Israel.

I urge members to vote for this resolution. Vote for it because in its very essence it puts the United States on the side of peace by assuring that there will be an Israel and that it will be secure and the terrorism will not be acceptable.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time.

I rise in support of the rule and the resolution. This is a resolution that commits this Congress and the country further to go down the path for peace.

We have had a long and unique relationship with the State of Israel, but we also desire peace for all those that live in the Middle East. There is no cycle of violence in Israel any more than there is a cycle of violence as we respond to terrorists that attack the United States. There is a response to terrorism, the kind of response that is so clearly in line with the response that we had to that cowardly attack on our country.

This resolution really begins to make the case more effectively, as I think recent weeks and months have made the case, that the leader of the Palestinians today, Mr. Arafat, is not prepared to be a partner for peace. The negotiators on the Israeli government side deserve a partner for peace. Palestinians who desire peace, and the vast majority of Palestinians do desire, and deserve to be led by someone who is willing to be that partner for peace.

Mr. Arafat's been given opportunity after opportunity after opportunity. As my friend the gentleman from California (Mr. WAXMAN) just pointed out, he was given in September of 2000 an incredible offer for a peace plan for Israel and for the Palestinian people as well. He walked away from that opportunity. He went back, it would appear from all the evidence we see, on the same path of his history in the past, a path that promotes and encourages terrorism. Certainly, not a path that seeks to end terrorism.

If, in fact, he is a viable leader, he needs to lead for peace. If he is not a viable leader, we need to seek aggressively to find someone who can be a viable leader for us to deal with, for us to be as helpful as all peoples who live in that incredibly important part of the world, seek peace in that part of the world.

This resolution sends a message to the world of where this Congress stands. I look forward to seeing it pass today. I look forward to seeing the message even more clear to Mr. Arafat and those who would encourage terrorism that we will not tolerate that on our shores, we will not tolerate that in the country of our friends, we will not tolerate that in any country anywhere, and this resolution addresses that.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

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

Mrs. LOWEY. Mr. Speaker, I am proud to stand in support of H. Res. 392, expressing the solidarity of Congress with Israel in its fight against terrorism.

Fifty-four years ago after the establishment of the State, the miracle so many fought and died for is once again under attack. Indeed, the ideals and values are under siege in this difficult time in the region, freedom, democracy and human rights, are not just Israel's. They are America's as well.

Today, Israel's fundamental right to exist within secure borders is being questioned by both sworn enemies and one-time friends of the Jewish state. The United Nations Human Rights Commission, which spent most of its recent session ignoring human rights violations around the world, voted to condone Palestinian armed struggle in pursuit of Statehood, declining to denounce terror.

□ 1345

Unbelievably, only six nations opposed the resolution.

But the United States, as ever, must stand with our ally. We must remind the world that the Israeli people have been prepared to give up land, to recognize a Palestinian state, to make other sacrifices to end hostilities and to return peace and security to the Jewish state.

That is why I join my colleagues here today. Peace has always been Israel's goal. In the words of David Ben-Gurion,

Israel's first prime minister, in the very declaration that established the state, and I quote, ''We offer peace and amity to all neighboring states and their peoples. The State of Israel is ready to contribute its full share to the peaceful progress of the Middle East.''

The Israeli people have been ready for peace, not just since Oslo in 1933, they have been ready for peace for 54 years. But peace requires a partner. It is clear that Yasir Arafat will not negotiate in earnest and will not keep his promises. He encourages suicide bombers. His actions threaten the security of Israel and the stability of the whole region. And they endanger our own country's war against terrorism.

My colleagues, we must remain actively and assertively engaged. Our message must remain unequivocal. Terror against any of us is terror against all of us, and it must stop.

Just as the United States decisively struck back against the terror perpetrated on our own shores, Israel must do the same. We have told Yasir Arafat what we expect, and he has met our requests with unreasonable demands and promises of violence. He has avoided real leadership, preferring to incite terror, hatred, and chaos. We must not bow to these tactics. I call on others in the region to put aside their dangerous flirtation with terror and push the Palestinian Authority towards the peace they claim to support. This is the only way progress can be achieved. The Israel-Palestinian conflict can no longer be a pressure valve for their failings and for the resentments of their people. They must save the region from its path of slow self-destruction.

Today, as this long and sad saga continues, Congress will reaffirm the strength of the United States-Israel relationship. Let there be no mistake why this friendship endures. We both cherish democracy. We are both committed to freedom of speech and human rights. And we stand together against terror. I urge my colleagues to support this resolution.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to express some concerns about the process that we are going through today.

I am on the Committee on International Relations, and we have not yet had a chance to really debate this. This was brought up rather rapidly last night. We had to not break the rules but bend the rules a little bit to get this resolution to the floor. It seems like it would have been reasonable to bring this up next week, but there may have been some other reasons why this is being pushed through today.

Certainly this would not have been the State Department's first choice. In talking with the State Department, matter of fact, they expressed some real reservations about this. They said it is not a very helpful approach, and they said we need to work with the situation as it is to be an honest broker.

This legislation is one-sided and, therefore, not very helpful. So here we are, as a Congress, in a desire to please certain people, moving quickly, even though it may affect what is going on in the State Department. And the State Department goes on to say that this one-sided legislation just comes when in the past 48 hours or so we have been making some progress.

Even our chairman of the committee was quoted in the paper this morning of saying, well, if he had his way, he would prefer a more balanced resolution. And he is a very, very strong supporter of Israel. Of course, I would like to see a more balanced resolution, too. I would like to see one where we balance America's interests as well as others.

There is a lot of talk about democracy and peace. I take a position of nonintervention in the affairs of other people. I believe very sincerely that it is consistent with the Constitution and very sincerely that it works to our best interest for national security and for defense; and that even though this is intended very sincerely to help Israel, motions like this, resolutions like this, can very well backfire and actually hurt Israel more so than they will help.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I rise in support of the underlying resolution which supports Israel's response to the attacks on its people. For many years, in the early 1990s, I was one of the most outspoken Members of this body urging the United States and its European allies to act with force, if needed, to stop the slaughter and ethnic cleansing of the Muslim community in Bosnia-Herzegovina. I believe that we had a moral imperative to confront the Milosevic-inspired evil and to take action to stop it. I stood squarely with the Muslim community seeking international justice.

I do not choose to be evenhanded or neutral in the face of despots who preach death and destruction to others. I believe Yasir Arafat is such a despot. In the name of legitimate grievances, he and his terrorist allies employ grossly illegitimate means. We must bring peace to this savage region of our globe, but we must not achieve peace at the price of justice. Justice for Israel, the only democratic state in the region, and her people, and justice as well for the Palestinian people.

Today, Mr. Speaker, I join in supporting this resolution because I strongly support the right of Israel's people to eliminate the genesis of unconscionable terrorist attacks against innocent men, women and children. The State of Israel, like every other nation on earth, has the right of self-defense. This resolution is an expression of American solidarity with Israel as it acts to maintain and secure its independence as a free and sovereign nation.

At the same time, it is incumbent upon the United States as well as the international community to continue to work with Israel and other States in the region to end this escalating cycle of violence, to relieve the suffering of all peoples of that region, and to work toward a permanent and stable peace. I absolutely believe the Israeli people share that goal. I pray that there are Palestinian leaders who share it as well. In his actions and his words, it is clear to me, however, that Yasir Arafat does not.

We must not shrink from our responsibility to stand for a just resolution of this continuing conflict, and we must surely avoid making muddled mistaken parallels between essentially justified defensive actions and terrorist tactics designed to inflame and destroy. We must be committed to helping the parties avoid violence and effect peace. We must be willing to help a Palestinian state realize economic stability. And we must be willing to be an honest broker to achieve these ends. But we must leave no doubt that we are absolutely and irrevocably committed to the survival of Israel and to its security and to its safety of its people. On that, my colleagues, there can be no neutrality.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I would like to first of all thank the majority whip, the gentleman from Texas (Mr. DELAY), and the gentleman from California (Mr. LANTOS) for their leadership in bringing forth this resolution.

As the men and women in uniform continue to fight our war against the terrorists in Afghanistan and continue to face resistance by al Qaeda forces, I think it is very important that we reflect upon the words of our President which he delivered on September 20. He said that any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

I commend the President for these bold words and would suggest, Mr. Speaker, that our success in fighting this war depends upon America's preserving the precise definition of America's struggle. We cannot allow for exceptions or conditions. We cannot permit safe havens from which terrorists can operate with impunity. And we cannot shrink from our responsibility to support free nations under siege, especially Israel.

That is why we are here today, Mr. Speaker. The underlying resolution that we are here today to debate speaks very clearly of the failure by Mr. Arafat and his Palestinian Authority leadership to abide by the terms of the Oslo accords, to embrace nonviolence and to renounce terrorism once and for all. Mr. Arafat has been unequivocal in his embrace of terrorism. The resolution points to the recent uncovering of evidence pointing to the direct financial support by Mr. Arafat and the Palestinian Authority to engage in the killing of innocent men, women, and children.

Mr. Speaker, it is important that we speak up and speak up with a clear voice in this House; that we support Israel in its fight against the terrorists; and that there is no such thing as one terrorist being another's freedom fighter. The intentional killing of innocent men, women, or children will not be tolerated by this country.

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

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

Mr. ACKERMAN. Mr. Speaker, I come to the floor today with a heavy heart, because with this resolution of solidarity the House formally acknowledges three critical policy failures:

First, we are owning up to the failure of our Nation's Pygmalion-like, romanticized notion that we could transform an Arab Che Guevara into a Palestinian Nelson Mandela. In the end, Yasir Arafat could not put down the gun.

Second, we are at last admitting that our policy of one more chance was understood by Yasir Arafat to mean that, no matter what, there would always be one more chance. We are declaring today that there are no more last chances.

Finally, Mr. Speaker, we are acknowledging the failure of our countless efforts to squeeze from Mr. Arafat even the smallest commitment to nonviolence. After trips by the Vice President, the Secretary of State, the CIA director, and the President's special envoy, Yasir Arafat still cannot put down the gun.

Today, Mr. Speaker, we are acknowledging failure. Not a failure of our making, nor one of our choosing. But this admission is the first step toward realizing our policy toward our ultimate goal of peace with security and a peace with dignity.

We are declaring today that there are no more last-chances left. His credibility is gone. His promises are hollow. The Congress, at least, has had enough.

Instead of sharing dreams of hope and plans of progress, as all great leaders have, he inspires young people to kill themselves to blow up babies and grandparents in pizzerias, or young girls going to a dance, or worshipers observing Passover. Nothing can justify the use of such evil depravity as a negotiating tool. He cannot put down the gun.

''Get re-involved,'' Mr. Arafat and the world told us. ''Get re-involved and the violence will stop. And so we did. But he couldn't put down the gun.

In February 2001, President Bush sent Secretary of State Colin Powell to the Middle East and Arafat couldn't put down the gun. The Administration endorsed the Mitchell Committee report, and sent CIA Director George Tenet to facilitate implementation of the Mitchell report, and Arafat couldn't put down the gun. At the UN, President Bush called for a Palestinian state, and in a major speech, Secretary Powell elaborated on the President's vision, and Arafat couldn't put down the gun. The President sent General Anthony Zinni as his special envoy, and the Vice-President offered to meet with Yasir Arafat, but Arafat couldn't put down the gun. The President sent Gen. Zinni again, and Arafat still couldn't put down the gun.

And finally, finally, after 19 months of daily drive-by-shootings, mortar attacks, rocket attacks and suicide bombings in restaurants, cafés, discos and religious observances, the people being murdered by Arafat's bombers said enough is enough. Israel has endured what no other nation would ever be asked to accept: the daily slaughter of its citizens by the very parties with whom others expected it to negotiate.

And so the IDF was sent into the hotbeds of Palestinian terrorism. And the results are quite clear. Just as our armed forces broke the back of Al-Qaida in Afghanistan, the Israeli Army has rightfully crushed the Palestinian terrorist infrastructure. Not surprisingly, there has been a real, sustained and significant reduction in Palestinian violence against Israel.

As did every Member of the House, I hoped that the Oslo agreement between Israel and the Palestinians would lead to peace. I still believe that peace is possible, but it is only possible if the Palestinians will finally put away the guns and bombs and seek their statehood at the bargaining table.

So yes, Mr. Speaker, we are acknowledging failure. Not a failure of our making, nor one of our choosing. But we are today recognizing a terrible truth: as it stands today, the Palestinian Authority is the author, solicitor, supporter, organizer and financier of Palestinian terrorism. In concert with Iran, it is an enemy of peace. And what about tomorrow? After all, it is the Middle East. Perhaps Mr. Arafat can be resurrected as a seeker of peace. But until then, what we have done has failed.

And this admission is the first step toward realigning our policy toward our ultimate aim: a just and lasting settlement between Israel and its Arab neighbors; a peace with security and a peace with dignity. Let us hope it begins today.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I want to thank our whip, the gentleman from Texas (Mr. DELAY), as well as the ranking Democratic member, the gentleman from California (Mr. LANTOS) for this resolution.

As President Kennedy said, ''America is great not because we do the easy things. We are great because we do the hard things. A powerful Nation fields armies and commands fear. A great Nation advances justice and human freedom.'' Our foreign policy is best when it reflects our values, supporting democracies like Israel. Terrorists do not hate Israel because it is a Jewish state, they hate Israel because it is a free, open and democratic state in a region of dictators. Iran and Iraq, enemies of the Gulf War, unite against Israel because of her democratic model.

And after September 11, we speak with moral clarity that America supports democratic allies in the war on terror. Israel has always been ready to sign a peace, but when faced with a homicide bomber, that little democracy needs a bottom line, and we are that bottom line for Israel and the other democracies of this world.

In tough times, we served as the arsenal of democracy, and we serve as that again. I am proud when America defends our values, who share our freedom and democracy, and that is Israel. And I thank the gentleman for moving this resolution.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, here we go again. Here we go again. How many times has this body passed resolutions of this nature that are so unbalanced, so one-sided. That we become the laughingstock of the world? How many times have we passed resolutions of this nature? Yet do we have peace today? Do we have peace today?

I support the state of Israel. I do not support the brutal humiliating policies of Ariel Sharon. I support a strong relationship with Israel. That is not the issue here today. I support Israel being our ally. That is not the issue here today. Yes, Israel is our ally. Yes, we have had, we have today, and we will continue to have a strong relationship with Israel. But, by golly, we need other allies in the region as well.

What about the moderate Arab allies that want to help us, to whom we only cast further embarrassment today by the passage of these one-sided resolutions? Let us not shut the door. Let us not shut the door on those in the region who want to help us pressure Arafat to stop approving of these heinous acts of terrorism against civilians. Let us not shut the door on those allies of ours around the world, including the European Union, who want to help us, who want to help Israel stop these brutal acts against innocent civilians. And I deplore them as much as the next person.

There are those in the region that want to be our friends. Let us look at America's interests, number one. Let us look at America's interests. Are we furthering America's interests today by the passage of this one-sided, unbalanced resolution? Let us look around the world and ask ourselves that question.

I urge defeat of this resolution.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume, prior to yielding to my friend from Colorado.

I would simply like to answer the question of whether it is in America's interests to pass this resolution today. When we stand with our friends, and when we reiterate our solidarity and our friendship with a nation that is our friend and that is under attack, the message that we are sending is that precisely we stand with our friends in good times and in bad times and that we are a friend worth having. And that is in the interest of the United States.

So because of our special friendship with Israel, because of the history of our friendship with Israel, and the ties

that bind us, and because we stand with our friends, we are passing this resolution.

□ 1400

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I appreciate the comments of the gentleman from Florida (Mr. DIAZ-BALART), who said it the best. When does it count being a friend? What is being a friend all about?

I heard the gentleman from Texas say why is this resolution necessary? I will tell Members why it is necessary, because the public relations machine in this world is rolling over Israel. They are making Yasir Arafat, who is a terrorist, look like Robin Hood.

Look at the Olympics. Take a look recently on Passover, when they send a bomber in to blow up a restaurant on Passover. The equivalent of that in the United States is showing up on Christmas Eve and killing Santa Claus. What do Members think we would be doing? We would be going after them.

Arafat is a terrorist. He was a terrorist 25 years ago, he was a terrorist 15 years ago, and he is a terrorist today. There is only one country in the world outside of the borders of Israel that has enough guts to stand up to that public relations machine and say enough is enough.

For those Members who have some sympathy for this cause, take a look at how these people speak in English. When they speak in English they speak in moderation. When they speak in their own language, they speak in extreme tongue. There should be no question whether or not this resolution is necessitated. It is necessitated by the fact, as the gentleman from Florida (Mr. DIAZ-BALART) said, they are our friends and we will stand with our friends against this kind of aggression. There is no justification for what that terrorist is doing.

Finally, in summation, one of my colleagues said I wrote the President and the President did not write me back on my solution. Give me a break. President Bush is fully engaged in this. Condoleezza Rice is fully engaged, Colin Powell is fully engaged, as is the whole cabinet. This resolution deserves our yes vote.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. Mr. Speaker, the House is right to condemn the horrific and heartless suicide bombings, and to reaffirm our support for Israel; but it is not right simply to voice our personal emotions and not to advance our national interests. This resolution should be stronger.

First, it should recognize the suffering of the Palestinian people. Many of the 1,500 Palestinians killed in this conflict are not terrorists or fighters, but innocent people.

Second, Congress should forcefully support strong U.S. engagement in pursuit of a negotiated long-term settlement to the conflict. All suicide bombings cannot be stopped by the Palestinian authority alone, nor will they be ended by Palestinian incursions into the West Bank and Gaza. Terrorism was stopped before, and can be halted again only through joint Israel-Palestinian security cooperation.

Beyond that, the dream of a secure Israel can be realized only alongside a politically and economically viable Palestine. Our own national interests demand that the U.S. serve as an honest, credible leader towards peace.

Mr. Speaker, the House is right to condemn the horrific and heartless tactic of suicide bombing. The House is right to reaffirm the unbreakable bond between the American people and the Israeli people. But Mr. Speaker, it is not right to simply voice our personal emotions and not advance our national interests. This resolution should be stronger.

First, it should recognize the suffering of the Palestinian people. Many of the 1,500 Palestinians killed in this conflict are not terrorists or fighters, but innocent people. Surely, the United States of America and its Congress consider the death of an innocent child to be equally tragic—whether she is Israeli or Palestinian, Jewish, Christian, or Muslim.

Second, Congress should forcefully support strong U.S. engagement in pursuit of a negotiated long-term settlement to the conflict. We are here to offer solutions, not merely to express emotions. All suicide bombings cannot be stopped by the Palestinian Authority alone. Nor will they be ended by Israeli incursions into the West Bank and Gaza.

Terrorism was stopped before—and can be halted again—through joint Israeli-Palestinian security cooperation. Let us not forget that when Israel and the Palestinian Authority were combating terror together, under the watchful eye of our CIA, Israelis enjoyed three of the most peaceful years in their history. That ended when the peace process collapsed. These peaceful days will only return in the context of a vigorous, renewed peace process led by the United States. The dream of a safe and secure Israel can be realized only alongside an economically and politically viable Palestine. And this will only become reality if our country—and our President—is fully engaged in diplomacy.

Last night, the flames at the Church of the Nativity were a stark and vivid reminder that the cycle of violence in the Middle East threatens to spiral out of control. But the agreement to end the situation in Ramallah, secured by the United States, reminds us of the valuable role U.S. intervention can play.

Today, the United States is engaged in a critical war against terrorism. In my view, the fight against global terror will only be strengthened when we secure a just and lasting peace agreement between Israel and the Palestinians. For the sake of the Israeli and Palestinian peoples—and for our own sake—the U.S. government must be an honest, credible leader toward the path of peace. Our national interests give us no alternative.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, it is a pleasure for me to rise not only in support of this resolution, but to be one of the original cosponsors or one of the sponsors of the resolution.

Let me just point out that I do not have a large Jewish community in my district. The vast majority probably do not vote for me. I am not here to win friends, I am here to do what is right. This resolution speaks the truth. There are some people who are not going to be happy with this resolution. I can understand why, because it speaks the truth. It says ''Yasir Arafat and the members of the Palestinian leadership have failed to abide by their commitments to nonviolence made in the Israel-PLO Declaration of Principles (the Oslo Accord).''

Jeepers, they have not only failed, Yasir Arafat goes on the radio calling for more martyrs. Young people strapping bombs around their waists going into restaurants and supermarkets, blowing up innocent women and children, and he is calling for more of that. To say he is a terrorist is an understatement. I mean, this resolution goes on to talk about the Karine-A affair, how they were trying to import into the Palestinian authority tons of weapons.

Mr. Speaker, we tend to gloss over the fact why we support Israel, and we will frequently just say Israel is a democracy, and then we move on to the next sentence. We need to dwell on that issue for awhile. To my knowledge, there have never been two democracies that have fought each other. There has never been a democracy that have done the horrible things the Palestinian authority has perpetrated against Israel. We have given the Muslim world a pass for too long. 1.2 billion people living under dictatorships where they have no freedom of speech, they have no freedom of religion, or political freedoms. This is the right resolution. This is the people's House. We listen to the people. The people want us to stand by Israel.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this resolution, and say that I would have preferred Members to have had an opportunity to vote on H. Res. 405 by the gentleman from Wisconsin (Mr. OBEY).

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support and proud cosponsor of H. Res. 392. Israel is under a state of siege from terrorist forces in the West Bank and Gaza. Palestinian offices in Ramallah harbored the accused assassins of an Israeli cabinet minister. The Palestinian authority proudly pays for posters to put up in

their cities glorifying these terrorist activities; they call them martyrs.

The way to peace in a Palestinian state is not through terror. If the Arab League wants to advance the peace process, they need to tell their membership to stop financing terrorism against Israel and stop demonizing the Jewish people. The Arab League needs to stop supporting terrorist organizations, stop funding suicide bombers on the West Bank and Gaza, and stop paying rewards for the attacks.

Everybody speaks about peace in front of the cameras, but continues to secretly fund terrorist organizations against Israel. I support Israel's right to defend their citizens and support their operations to destroy the terrorist infrastructure which has been created by the Palestinian Authority.

Mr. Speaker, Mr. Arafat could stop the violence if he restrained his forces and used his powers for construction instead of destruction. Israel only went on the offensive as a reflexive action to stop escalating terrorist attacks. If there are no more attacks, Israel is more than willing to restart the peace process. This resolution needs to be passed.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to this resolution which is one-sided and will not further the cause of peace. This resolution undermines President Bush's efforts to bring both sides together as an honest broker. Instead of compromising, this one-sided resolution will encourage excesses on both sides. It is anti-peace.

Clearly all of us are overwhelmed with a sense of outrage over the terrorist bombings that have left so many Israeli women and children, elderly people and other noncombatants dead or wounded. Strapping a bomb onto a young person and sending them out to blow up a Pizza Hut or a bus and to kill other noncombatants in order to terrorize a population is despicable beyond words.

But if we are going to bring peace to that troubled region, we must be scrupulously honest. There are piles of bodies in the Middle East. Many of the victims are noncombatants, and both sides of the conflict have engaged in the slaughter of innocents. I know the retort that many will use that the elderly and the children that have been killed by the Israeli Army was unintentional. Collateral damage. I have searched my heart to accept this argument. I cannot accept it.

I am asking my colleagues to search their hearts. Should we not be doing what we can to end the cycle of violence as our President and Secretary of State have been trying to do? We must seek out the good-hearted people on both sides rather than encourage the radicals and hate mongers on both sides, which this resolution will do.

I am sorry, but I do not put Mr. Sharon and Mr. Arafat in the camp of the good-hearted. The last thing we should do is give Mr. Sharon a green light to unleash his total war on the Palestinian people. The fact of life is that the Palestinians are not going to disappear, that Israel is not going to be driven into the sea. We need to bring both sides together in a spirit of peace and compromise. This resolution goes in the opposite direction.

No one has been more committed towards ending the Taliban and al Qaeda terrorist regime, or getting rid of Saddam Hussein than I have been. But this is a different situation, and we will fail unless we go at it as peacemakers. This is a pro-war resolution for a conflict that cannot be won. Let us be peacemakers and do the right thing.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Speaker, there is not enough time for all Members to speak, but I include my remarks for the RECORD. And I would just add, there have been no hearings on the underlying resolution.

Mr. Speaker, for over a month I have worked more intensively on this controversy than on any of the other pressing matters before us. My effort has been to convince my colleagues that—despite the very strong feelings many of them have on this matter—it is crucial that we promote and engage in honest dialogue. That dialogue must be marked by as much mutual respect as we can muster, and by a continuing effort to understand viewpoints we may not share.

Finger-pointing, reciting historical claims and hurtling charges may seem totally justified and important to express. But surely the goals of halting violence to achieve a resolution of the disputes requires that my words spoken here and my conduct are consistent with the necessity of having a dialogue in the Congress and in the Nation, as well.

Over the course of the last 5 weeks, I have spoken with many colleagues on both sides of the aisle, and on both sides of the capitol, urging that we create an inclusive forum in which different views could be freely expressed. On this controversial issue, it can truly be said, as Dr. King once reminded us, that: ''We are caught in an inescapable network of mutuality, tied in a single garment of destiny.''

My conversations have included the senior Senators from Delaware and South Dakota; the gentleman from Illinois (Mr. HYDE); the gentleman from New York (Mr. GILMAN), and the gentleman from West Virginia (Mr. RAHALL.) With the gentlelady from California (Ms. WOOLSEY) and the gentleman from California (Mr. LANTOS), I have been convening a series of weekly meetings with colleagues, to which all members have been invited, and also attended by representatives of Jewish, Muslim, Protestant and Catholic religious institutions and organization deeply concerned about the Middle East crisis. All attendees at those meetings have agreed on the importance of maintaining real dialogue and minimizing emotional exchanges that are inflammatory or divisive.

I supported the creation of the State of Israel. My continuing support of its security, safety and viability has never wavered. At the same time, my dedication to America's playing its proper role in the pursuit of a just, equitable and lasting peace for all people in the region is equally well known.

I am sure that my colleagues share these goals but at this delicate time, I have concluded that this resolution, however well-intentioned, would be counterproductive to achieving them. I also am convinced that the Israeli Government and people know that the United States' commitment to their security and survival is steadfast and will remain so.

I agree, that this President, like his predecessors, should be given the maximum flexibility—to maintain the credibility of the United States with all parties and to preserve the ability to broker a permanent resolution, with equal conviction, I urge the President to use those capabilities to the fullest.

Mr. Speaker, it simply defies belief that, during these perilous times, the legislative bodies of the single nation on earth that can bring this crisis to closure would compromise that nation's ability to do so.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I rise in support of the rule and resolution expressing solidarity with the state of Israel. Israel has been subject to the most horrendous series of terrorist attacks: Weekly suicide bombings targeting civilians in cafes, on buses and in markets; gunmen who go from home to home in search of innocent victims.

Today we resolve not only to support Israel in its time of need, our lone democratic ally in the region, but also to speak in a clear voice against the universal scourge of terrorism. As we saw on September 11, no nation, not even the most mighty, is immune from the poison of terrorism. We must realize that a threat to the life of civilians anywhere is a threat to civilization everywhere. I urge support of the resolution.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I pray for the peace of Jerusalem almost every day. As I listen to the gentleman from California speak about the tragic loss of life on both sides of this conflict, I know of his sincerity and greatly appreciate it.

But I rise today as an original cosponsor of the resolution; and more than that, I rise in support of the dream that is Israel. It is a dream that I would say with great respect to the Members of this institution of Jewish descent and ethnicity, that it is a dream shared by the overwhelming majority of all Americans, the dream that is Israel that languished for 1,800 years in the heart of the people known as the apple of God's eye.

It was a dream that in the wake of the brutality and the horror of the Holocaust, this Nation responded to, returning the people of Israel to their historic homeland in 1948, and there did

we become a partner with this nation, as no other nation partnered in the history of the world.

Yes, we should stand with Israel because she is the lone democracy in this part of the world. Yes, we should stand with Israel because she is a liberal democracy to boot. But mostly, Mr. Speaker, I believe we should stand with Israel today because this Congress is simply a megaphone for the heart of the American people.

□ 1415

This well should resonate with the hearts of our countrymen who believe in so many small buckboard churches that dot the landscape of districts like mine, that those who bless her, He will still bless, and those who cures her, He will cures.

Let us this day by this resolution send a deafening message from the heart of the American people to the world, that America stands with Israel in this, her darkest hour.

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

Mr. ISRAEL. I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of this rule and resolution. As Yasir Arafat plays the role of victim before the cameras of CNN, he continues to create a successor generation of Palestinian homicide bombers. These homicide bombers are indoctrinated by the curriculum of killing, the dialogue of death, the textbooks of terror poisoning the minds of the children of the West Bank and Gaza.

In the official textbook, ''Our Country Palestine,'' it says, ''There is no alternative to the destruction of the State of Israel.'' In the Palestinian textbook entitled, ''Our Arabic Language,'' a subject for a composition is ''How are we going to liberate our stolen homeland?''

Mr. Speaker, if one wishes to find a breeding ground of teenage suicide bombers, one need not look beyond the state-control of the Palestinian National Authority. Chairman Arafat's record should not be graded by his pathetic public relations hypocrisy, but rather by the progress he makes in second grade classrooms throughout the West Bank and Gaza.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand today without shame in support of this resolution. I stand today without shame in support of the ability of Israel to defend itself and to stand free and democratic. And I also stand without shame in recognizing the humanity and dignity of the Palestinian people. And for anyone to say that this resolution would act against peace and negotiations is wrong, because there is no way to prevent people who truly want peace to come to the table and negotiate.

I believe we should have engagement. President Bush, it is vital that Secretary Powell should go with this Nation's full support back to the Mideast. President William Jefferson Clinton should be asked for his involvement in this enormous challenge. We must do all to ensure that peace occurs.

So today let me simply say that I want to speak in the words of the late Prime Minister Rabin, spoken at Oslo in 1994, ''We are in the midst of building the peace. The architects and engineers of this enterprise are engaged in their work, even as we gather here tonight, building the peace, layer by layer, brick by brick. The job is difficult, complex, trying. Mistakes could topple the whole structure and bring disaster down upon us. And so we are determined to do the job well, despite the toil of murderous terrorism, despite the fanatic and cruel enemies of peace. We will pursue the course of peace,'' Mr. Speaker, ''with determination and fortitude, and we will prevail.''

That is what this vote stands for. We will prevail for peace and a free democratic and secure Israel and a freestanding peaceful Palestinian state. America is at its best when we can bring our power to bear to save lives and preserve the dignity of all peoples.

Mr. Speaker, I rise today in support of this resolution. I believe in Israel and its right to self-defense with the understanding that Israel must be engaged in crafting a comprehensive and lasting peace agreement in the Middle East. We must also consider the humanity of the Palestinian people and the need for an in depth, thoughtful statement on how the violence in the Middle East must stop. The United States must be actively engaged in the peace process and broker a new understanding between the Israeli and Palestinian people. This type of peace agreement will take real compromise and risk on all sides and a strong and continued effort by the United States in shepherding the parties through the process.

In engaging in the peace process, the United States must use all the resources at its disposal in a way to be helpful, President Bush is vital, past President William Jefferson Clinton can bring much, and Secretary Colin Powell must return now to the Middle East with the full support of this nation. This is the type of event that history is made of, where historic agreements such as the Oslo Agreements with the Palestinians and the Treaty of Peace with Jordan arose. We need eloquent words indicating true peace and respect for life such as those spoken by Prime Minister Yitzhak Rabin upon receiving the Nobel Peace Prize in Oslo in 1994,

We are in the midst of building the peace. The architects and the engineers of this enterprise are engaged in their work even as we gather here tonight, building the peace, layer by layer, brick by brick. The job is difficult, complex, trying. Mistakes could topple the whole structure and bring disaster down upon us. And so we are determined to do the job well-despite the toll of murderous terrorism, despite the fanatic and cruel enemies of peace. We will pursue the course of peace with determination and fortitude. We will not let up. We will not give in. Peace will triumph over all its enemies, because the alternative is grimmer for us all. And we will prevail.

We must also put these words into action. Positive action. We need to forge an agreement that renounces violence and terrorism, settles disputes through peace and negotiation, and acknowledges each peoples right to existence.

As I stated before, I believe in an Israeli state and a Palestinian state. I believe in the rights of the Palestinian people and the people of Israel. Some may believe we are favoring a friend and slighting another, and some may not agree with the words of this resolution, but we should not let this hinder our objective of peace. We must keep an eye toward a different future and give peace another chance. There must be on immediate close fire.

This resolution urges an unqualified opposition to all forms of terrorism and urges all parties in the region to pursue vigorously efforts to establish a just, and comprehensive peace in the Middle East.

This is the kind of effort and mindset we need to accomplish our goal. We know the role we must play to get rid of the poisonous past, the trail of blood and tears and forge a path to peace filled with hope and opportunity.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, my father was a refugee from Nazi Germany. If he had not made his way here and not made his way in America, I would not be standing here.

My story is the story of many Members, themselves refugees, like our friend, the gentleman from California (Mr. LANTOS), or the sons and daughters of refugees from oppressed places all over the world.

The only country in the world which always, always provides a homeland for Jewish refugees is Israel. As anti-semitism is on the rise all over the world, shockingly in France and Germany, Israel's existence and security becomes even more important.

President Harry Truman courageously recognized Israel 54 years ago and every administration since has strongly supported her. We must do so again today by strongly supporting this rule and this resolution. It is the moral thing to do. It is the strategic thing to do. It is the right thing to do.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. PRICE.)

Mr. PRICE of North Carolina. Mr. Speaker, many of us will vote for H. Res. 392 because we do indeed wish to ''express solidarity with Israel in its fight against terrorism.'' We are repulsed by the suicide terrorist attacks perpetrated by some Palestinian groups and gravely concerned by Chairman Arafat's failure to prevent such attacks and his encouragement of a violent uprising. The Israeli people need to know that they can count on the United States at this time of peril.

The resolution before us, however, falls far short of the kind of expression that might best contribute to stopping

the violence and moving toward a long-term settlement. The resolution appears designed to drive a ''wedge'' among friends of Israel for partisan purposes, and it risks misrepresenting the rationale behind the current efforts of President Bush and Secretary Powell to bring the parties together.

A more adequate resolution would reiterate our support both for the security and integrity of Israel and for justice and self-determination for the Palestinians. It would back a vigorous, sustained American peacemaking role. It would affirm Israel's right of self-defense, while noting the obligation to distinguish between uprooting terrorism and destroying the institutions and infrastructure of Palestinian self-government.

I regret, Mr. Speaker, that H. Res. 392 falls so far short. But its ninth clause captures a sentiment which I believe all of us share, urging ''all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East.''

May we as a body and as a government find ways to tirelessly advance this goal in the critical days and weeks ahead.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

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

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

Mr. Speaker, I rise in opposition to the legislation. I had hoped to offer an alternative and speak and have not been allowed.

Mr. Speaker, I completely agree with my colleagues that Israel is the best friend of the United States in the Middle East. Israel is our most reliable ally in the Middle East. Israel is the only democracy in the Middle East. I consider myself a friend of Israel.

However, the increasingly hard line stance being taken by the Israeli Government, and the current military offensive being conducted by Prime Minister Ariel Sharon, will do nothing to bring about lasting peace in the region.

I am also concerned that the totally one-sided resolution being considered on the House floor today does nothing to enhance US. leadership in the region, and, in fact, could actually harm our ability to broker a permanent peace. I offered a truly balanced resolution, H. Res. 394, which would help send the message that the United States is committed to a negotiated settlement. Unfortunately, we are not being allowed to debate alternatives today.

I have been to Israel. I have seen first-hand how this emotional and complicated dispute manifests itself in the daily lives of Israelis and Palestinians. Both sides consider the actions of the other as illegal under international law. Both sides also consider the lands under dispute to be their ancestral home. And, both sides claim religious sites, particularly in and around Jerusalem, as their own. This conflict has no military solution.

Peace will never come to the region until all parties are committed to working toward the goal. I had thought that teenagers blowing up other teenagers with suicide bombs might shake up the respective parties enough to stop the violence and begin permanent settlement negotiations. That is clearly not the case at this point.

Under no definition can Mr. Sharon on Mr. Arafat be considered men of peace. Neither can credibly claim the moral high ground.

Mr. Arafat has utterly failed in his multiple commitments to crack down on militants. He failed to seize an opportunity offered by President Clinton to create a Palestinian state. His leadership has been connected to terrorist organization.

But, prior to his election, Mr. Sharon intentionally visited a disputed holy site in Jerusalem in order to provoke a violent response. He has always been a vocal opponent of the Oslo Peace Process. He has advocated continued expansion of Jewish settlements in Palestinian territories. He ordered the Israeli military to reoccupy various Palestinian cities with weapons provided by United States taxpayers.

What this conflict needs is mature leadership. I commend President Bush for his April 4, 2002, statement in which he gave voice to the legitimate grievances of both sides. I was also relieved when the President sent Secretary of State Colin Powell to the region.

As President Bush noted in his April 4, 2002, speech, the parameters for a lasting resolution to this conflict are not really in dispute. What is lacking is the political will to reach a final settlement.

As the President, the Mitchell Commission, Saudi Arabia and the Arab League, the European Union and others have noted in similar ways, peace could be achieved through Arab recognition of Israel's right to exist, guaranteeing Israeli security approximately within its 1967 borders, creation of a viable Palestinian state, halting Jewish settlements in Palestinian territories, and sincere negotiations to determine the final status of Jerusalem and Palestinian refugees.

Mr. Speaker, we are at a dangerous crossroads in the Middle East. Unfortunately, there is no Itzak Rabin with a vision for peace.

Like all Americans, I unequivocally condemn acts of violence against both Israeli and Palestinian civilians.

I urge all parties to recognize that continued military attacks and terrorist activities will only lead to persistent, escalating violence with the potential to destabilize the entire Middle East.

I urge all parties to stop using state-controlled media or other means of propaganda to incite hatred and violence.

The United States must maintain sustained, high-level diplomatic engagement. The United States must bring the Israelis and Palestinians back to the negotiating table. It has become obvious to all but Sharon and Arafat and their most ardent followers that there is no military solution to this conflict. Hundreds of reservists in the Israeli Defense Forces are refusing to serve in the Palestinian terrorists because they understand there is no military solution.

I again commend the President and Secretary Powell for their efforts to mediate a peace and for their balanced view of the conflict.

I intend to vote against the unbalanced resolution on the floor today because it does nothing to advance peace.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I do not seek to pursue an evenhanded resolution. Mr. Arafat by his conduct does not deserve it. But this resolution makes all of its requests of the Palestinians, and none of Israel. It says nothing about the obligation of both parties under Resolution 242. It says nothing about the needs of Israel in the context of a final settlement to withdraw from settlements. It says nothing about the willingness to support a Palestinian state in the context of a full settlement.

It therefore, in my view, makes it harder for us to be seen as a fair-minded broker, and it makes it more difficult for the administration to persuade the Arab world to take the actions they must take to achieve peace; and that in the end hurts Israel, it does not help it.

I am going to ask people to vote ''no'' on the previous question so I can offer an alternative, the text of H. Res. 405, which makes clear our support for Israel in a more constructive way.

I fully support Israel's right to defend itself, but I do not support Mr. Sharon's efforts to hang onto the settlements and crush legitimate Palestinian nationalism.

This gag rule on the House this afternoon does no credit to this body.

Mr. Speaker, at this point in the RECORD I include the text of H. Res. 405 that I would offer if the previous question is defeated, as well as the text of a Washington Post editorial on the subject.

H. RES. 405

Whereas recent events in the Middle East, triggered by recent Palestinian suicide bombings, have created conditions under which the reestablishment of a nonviolent environment is highly unlikely without the active sustained leadership of the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) stands in solidarity with Israel's right as a frontline state in the war against terrorism to take military action to end terrorist attacks, to dismantle terrorist infrastructure, and to provide security for its people;

(2) remains committed to Israel's right to self-defense and to assisting Israel in exercising that right;

(3) will continue to assist Israel in strengthening its homeland defenses;

(4) condemns Palestinian suicide bombings and the ongoing support and coordination of terror by Yassir Arafat and other members of the Palestinian leadership;

(5) insists that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas;

(6) urges all Arab states, particularly United States allies Egypt and Saudi Arabia, to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing, and to act in concert with the United States to stop the violence;

(7) urges Israel to make clear, in the context of the full settlement described in paragraph (8), its willingness to withdraw from occupied territories; and

(8) urges all parties in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle

East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

___

[From the Washington Post, Apr. 24, 2002]

TERRORISM AND NATIONALISM

ISRAELI PRIME MINISTER ARIEL SHARON has insisted that his army's offensive in the West Bank has been aimed at uprooting the infrastructure of Palestinian terrorism, in the same way that the United States has used military force to drive al Qaeda from Afghanistan. That seems a worthy goal, and to some a valid comparison—and yet it doesn't explain why Israeli troops would have raided and deliberately destroyed the civilian ministries of the Palestinian Authority in Ramallah. At the Ministry of Higher Education, the Israelis stripped all the computers of their hard drives, then piled them together and blew them up. They also destroyed Palestinian television studios, knocked down radio antennas and looted Palestinian banks. Perhaps some of these acts were carried out by undisciplined troops. But the pattern of destruction also suggests a crucial distinction between Israel's campaign and that of the United States. Both invasions are aimed at crushing terrorist organizations that have carried out savage attacks on innocent civilians. But Israel also has another target: the Palestinian national movement, which aims at ending the Israeli military occupation of the West Bank and Gaza Strip and creating a Palestinian state in its place.

The problem with equating Israel's campaign against terrorism with that of the United States, as Mr. Sharon and some of his American supporters do, is that it overlooks this contest for territory and sovereignty underlying the Israeli-Palestinian bloodshed. Though it has been contaminated by suicide bombings and other acts of terrorism, the Palestinian national cause and its goals are recognized as legitimate by the Bush administration and the United Nations, and they were tacitly accepted by Israel when it signed the Oslo accords of 1993. Mr. Sharon and most of the rest of his government, however, have never accepted Oslo; on the contrary, they have devoted most of their lives to the dream of permanently establishing Israel's control over most, if not all, of the territories it occupied during the 1967 Six Day War. Few outside of Israel support that plan, but Mr. Sharon and his allies have for decades argued that Israeli occupation and settlement of the Arab lands were necessary to control the Palestinian threat to Israel.

The disastrous decision of Palestinian leader Yasser Arafat not to accept a negotiated settlement of Palestinian claims and his subsequent encouragement of a violent uprising against the Israeli occupation have justified an Israeli response. But they have also given Mr. Sharon and other Israeli nationalists the cover to pursue their own unacceptable ambitions. In the name of uprooting terrorism, they have systematically destroyed the institutions and infrastructure of Palestinian self-government. To back the Israeli invasion, as the Bush administration has mostly done, is not just to back the cause of counterterrorism, it is also to abet Mr. Sharon's drive to suppress Palestinian national rights.

The Bush administration's uncompromising opposition to terrorism following Sept. 11 is politically and morally powerful and has yielded impressive results, both in Afghanistan and in many other parts of the world. Nevertheless, if counterterrorism is to remain an effective cause, the administration must discriminate between terrorism and the sometimes legitimate political causes it is used for; and it must also differentiate between legitimate defense against terrorism and attempts to use counterterrorism to justify unacceptable aims. The Israeli writer Amos Oz has observed that Israel is engaged in two separate campaigns against the Palestinians—a legitimate war against terrorism and an ''unjust and futile'' bid for control of the West Bank and Gaza. The Bush administration needs a policy that can tell the difference between the two.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been an interesting debate today. I think it is very appropriate that this resolution is before us. It is a very important vote. Obviously, the vote on the previous question is a key vote.

What the proponents of this resolution, of which I am a proud cosponsor, are saying is basically let others be neutral. We should never be wary of standing with Israel. We should never be wary of standing with our friends, even when we are alone. That is one of the distinguishing and most honorable characteristics of this great Nation.

So with this vote today this Congress will be telling Israel that they can count on us; that Israel, our friend, can count on this Congress, can count on the United States of America. So I would urge all of my friends, all of my colleagues, on both sides of the aisle, to support this resolution.

Mr. STARK. Mr. Speaker, I rise in opposition to House Resolution 404, Expressing Solidarity with Israel. While some measures of this resolution may be accurate, it only provides one side of the story.

This resolution condemns the use of terrorism by Palestinians. I too, condemn these acts. This resolution also condemns Chairman Arafat for failing to take action to prevent terrorists from operating out of territory under his control. I also condemn this failure.

However, this resolution fails to condemn the excessive use of force by the Israeli government, it fails to call on Israel to allow United Nations investigators to go to the Refugee camp in Jenin to investigate accusations of human rights violations, and it fails to call on both sides to go back to peace talks to resolve their differences.

I am disappointed that the House Leadership brought this resolution to the floor instead of House Resolution 494, introduced by my friend Congressman DEFAZIO, of which I am an original cosponsor. H. Res. 494 is a balanced resolution that condemns the violent acts of both parties in this conflict, calls on both sides to protect human rights observers and aid workers, and calls on both sides to comply with United Nations Security Council Resolutions.

I urge my colleagues to oppose this resolution not because of what it says but for what it does not say.

Mr. DOGGETT. Mr. Speaker, my vote in solidarity with the State of Israel should not be read as a vote in solidarity with policies of Ariel Sharon that I view as misguided and counterproductive. My support for Israel is longstanding, but Ariel Sharon is not ''Israel.'' He was wrong in rejecting the successful peace process in Osla, in rejecting President Clinton's efforts at Camp David in 2000, in rejecting the talks between Israelis and Palestinians at Taba, Egypt in January 2001, and he was wrong in Sabra and Shatila. Without approving in any way actions of some of his adversaries or condoning their violence, he is wrong in continuing to reject measured answers to the Middle East crisis.

New York Times columnist Tom Friedman, hardly a Palestinian advocate, recently wrote: ''Many Israelis feel Mr. Sharon is so paralyzed by his obsession with eliminating Mr. Arafat, by his commitment to colonial settlements and by his fear that any Israeli concession now would be interpreted as victory for the other side that he can't produce what most Israelis want: a practical, non-ideological solution.''

A ''non-ideological solution'' is what this land—so small in size, and so great in meaning—requires. It is the spirit embodied both in the courageous efforts of Secretary of State Colin Power and in our country's United Nations vote for Security Council Resolution 1397 ''affirming a vision of a region where two States, Israel and Palestine, live side-by-side within secure and recognized borders.''

This is not the resolution that I would have drafted, but no amendments were permitted to it. This resolution fails to recognize the legitimate aspirations of the Palestinian people to live in peace and security or to acknowledge that innocent Palestinians also lost lives and homes.

As Secretary Powell has indicated, this particular resolution ''would be very unhelpful.'' It does not advance security for families threatened by violence, it may only lessen our ability to serve as an honest broker to secure a more lasting peace for all who suffer.

The Administration's months of inattention, indecision, and unwillingness to engage in the Middle East made a bad situation worse. Mr. President, heed Secretary Powell and General Zinni's counsel. Lead our foreign policy yourself—do not cede this critical mission to Ariel Sharon and TOM DELAY.

Mr. BILIRAKIS. Mr. Speaker, due to the start of the celebration of Greek Orthodox Easter and religious obligations in my district, I was unable to cast a vote on roll call 126. Had I been present, would have voted ''yea'' on H. Res. 392.

I strongly support Israel's right to defend its citizens and applaud their quest for peace. Israel is exercising its right to act in self-defense against the suicide bombings and other attacks on Jews. This is the time for the United States to stand with Israel, our ally for several decades, and to express our support for ending the violence in Israel.

Israel must squash the terrorism within its borders in order to maintain its status as a free, democratic and civilized society. Our pledge to eradicate terrorism everywhere it occurs should be taken seriously, and Israel should be commended for having chosen to help us.

Ms. DEGETTE. Mr. Speaker, I rise today to express solidarity and sympathy with the people of Israel, but also with innocent Palestinians who have suffered violence and injury. I believe it is important for Congress to condemn in the strongest terms terrorism wherever it occurs. I also strongly believe that the

U.S. must not forget that the highest goal of our foreign policy in the Middle East should be forging a lasting peace agreement. The U.S. must work toward a lasting peace for the vast majority of Israeli and Palestinian people who are non-violent and only seek peace and stability.

In its effort to help establish a concrete agreement for peace, the U.S. must first work aggressively through diplomatic channels with the Palestinians and the Israelis to help negotiate a cease-fire. All people in the Middle East deserve to live their lives in peace and security. Yet, only with a cease-fire and a reduction of fear and anger will there be any hope of future peace talks.

The goal of a lasting peace agreement is why the resolution that Congress is considering today should not be defeated. If this resolution were to fail, the wrong message would be sent to the people of Israel. The U.S. Congress would be seen as turning its back on the people of the Middle East in this time of horrible violence. The resolution's failure would have a dampening effect on America's ability to successfully negotiate a cease-fire, and eventually a lasting peace agreement that will benefit all the people of the Middle East.

Mr. CLAY. Mr. Speaker, I support H. Res. 392 in its expression of American solidarity with the people of Israel, our closest and most reliable ally in the region. I also support its declaration of our country's long-standing commitment to ensuring Israel's right to exist and its right to security in the region, although this commitment has never been in question. Given those two points, I will vote in favor of this resolution.

But at the same time, I am also deeply troubled by the timing of this resolution and the fact that it expresses no concern over the decades-long plight of the Palestinian people and their struggle for independence and security. Additionally, this resolution condemns only the sins of one side of this conflict, despite the fact that both parties share responsibility for the massive escalation of violence in the region over the last 18 months. Nor does this resolution provide any encouragement for either party to return to the negotiating table to work out a fair and lasting peace. Because of that, my vote in favor of this resolution comes with extreme reluctance.

I question the wisdom of the House Leadership for forcing a vote on this resolution at this time. This resolution has the potential to derail the current peace initiatives being offered by their own Republican Administration, initiatives that I and the vast majority of the American public support. It also has the potential of inflaming extremists on both sides to continue the violence, if the United States is perceived as a biased influence. This would be a disaster for both the Israeli and Palestinian people.

The United States has many vital strategic, economic and political interests in the Middle East. These vital nations interests require that the United States reconcile its simultaneous commitments to ensuring the security of the State of Israel; to supporting Arab allies to achieve regional stability; and to containing the proliferation of non-conventional weapons.

That is why a lasting peace between Israelis and Palestinians is an imperative and not merely an option for the United States. The U.S. goal of achieving regional stability, including security for Israel, is impossible without a comprehensive resolution of the Israeli-Palestinian conflict. I hope this resolution does not impede us from reaching that goal.

Mr. ISSA. Mr. Speaker, I rise in support of this resolution, not because it is perfect, or even because it is as balanced as it could be. I support this resolution because it says something that needs to be said and can never be repeated enough. It states, once again, that terrorism cannot and will not be tolerated, no matter where it occurs. Mr. Speaker, the series of suicide attacks that have been perpetrated by Palestinian terrorist networks against the people of Israel are attacks against hope itself, and they must be condemned in the strongest possible terms.

But Mr. Speaker, the efforts to rebuild hope has to begin with the realization that violence will never bring peace. Israel certainly has a right to defend itself, but it cannot assume that it will be able to beat the Palestinian people into submission. Palestinians need to have their dignity recognized, just like any of us. Unfortunately, Mr. Speaker, we often ignore the fact that many of the 1400-plus Palestinians killed in this violence were civilians who, like the rest of us, only want to build a home and family and live in peace with their neighbors. Let us be clear: we will not support the domination of one people by another. We do not believe that people should have to live in subjugation to their neighbors simply because of their place of birth, their religion, the language they speak, or their ethnicity. We affirm the rights of both Palestinians and Israelis to live side by side in a state of peace, and I, along with many of my colleagues have stated that principle over and over again.

Mr. Speaker, like many of my colleagues, I cling to a hope that peace in the Middle East will one day become a reality. I have personally committed myself to the issue of middle East peace, trying to reinvigorate the hope that seems to have been lost during the past year and a half of violence. I will continue to be sincere in my efforts. I urge my colleagues to examine their own hearts on this issue, and move forward in a way that is constructive and helpful. Peace is possible, Mr. Speaker, but it will take a courageous effort from everyone to make it so.

Mr. THOMPSON of California. Mr. Speaker, I am compelled to vote ''present'' on H. Res. 392 because I believe that consideration of this resolution is premature.

Secretary of State Colin Powell is in the midst of delicate negotiations to bring about a cease-fire and return all parties to the negotiating table. I strongly support this mission to bring a lasting peace to the Middle East.

I also firmly believe Israel's right to defend itself against terrorism and denounce the brutal Passover suicide bombing, which killed 28 people and injured nearly 150. However, the Administration's peace initiative must be given time to work.

At this point, Congress should support the Secretary's peace mission and not pass a resolution that could undermine these efforts. As Americans, we all must work together to end the acrimonious relationship between the Israelis and the Palestinians.

Ms. SOLIS. Mr. Speaker, during these delicate times of instability, I do not believe that this Congress should be voting on a resolution regarding the conflict between Israel and the Palestinian territories.

I believe that this resolution we are debating today—H. Res. 392—does not serve any great purpose but only serves to undermine the Administration's efforts to negotiate a peaceful settlement to the conflict in the Middle East.

Our overall mission should be a resolution to the fighting; debating this measure at this time does not accomplish that mission.

Mr. LANGEVIN. Mr. Speaker, I rise in unwavering support of House Resolution 392 to reaffirm strong relations between the United States and Israel.

The U.S. has a unique relationship with Israel—the only democratic nation in the Middle East. We must continue to support nations with similar ideological goals and that share the same commitment to democratic principles. Our history of friendship spans many decades, and the U.S. has been one of the strongest advocates for efforts to craft a long-term peace settlement in the region. We cannot waiver from our commitment to stability in the area, and the U.S. should serve as a facilitator for peace negotiations.

Recently Israel's people have suffered from unspeakable acts of cruelty. The United States, still healing from the attacks of September 11, must stand by Israel in these difficult times. I strongly condemn the acts of radical Palestinian groups that use violence against civilians, a tactic that we cannot tolerate. In February, I called on the President to add the al-Aqsa Matryrs' Brigade, the Tanzim, and Force 17 to the international list of terrorist groups. These organizations are responsible for countless attacks on the Israeli people, and the United States must take action against them.

I also call upon Chairman Arafat to curb these attacks, to denounce such acts of terror, and to reiterate his support for peace. Until the violence abates, I support Israel's right to take reasonable action to defend itself and its citizens from further harm.

We must continue our efforts in Congress to promote peace in the Middle East and maintain a strong United States-Israel relationship. I urge all of my colleagues to vote for the resolution before us today.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of House Resolution 392 and in support of efforts to bring lasting peace and security to the Middle East. The United States Congress today will, once again, reinforce its bond and our nation's bond with the people of Israel. I am proud to join my colleagues in sending this message of support for our close ally and friend, the State of Israel.

A short time ago, as families and as a people, Jews retold the story of our Exodus from slavery in Egypt. And Jews everywhere vowed, ''Next year in Jerusalem,'' because Jerusalem belongs to all of us. We tell that story to remind ourselves and our children how we once were slaves and now we are free.

A few weeks ago, we remembered the six million slaughtered in the Holocaust. We wept together and Jews everywhere vowed, ''Never again.'' We tell that story to remind ourselves and our children that even now, especially now, we cannot take our freedom for granted.

A few days ago, we celebrated the 54th anniversary of the establishment of our beloved State of Israel, the tiny spot on this planet where Jews everywhere know that, no matter what, we can go there and be free.

And today we gather here to make a commitment to freedom: that Israel will thrive and shine as a democratic, Zionist, Jewish homeland now and forever.

The resolution before us today tells our brothers and sisters in Israel that we stand with them; that we will not stand idly by while they are murdered by terrorists during a Pesah seder, or waiting for a bus, or going to a restaurant, shopping at a mall, going to a café or sleeping in their beds. We will walk with them, and we're doing that today, every step of the way.

Our message today to those who would desecrate our synagogues or attack our children in France or Belgium or the Ukraine or Canada or Los Angeles or Chicago: ''Never again'' will we allow your anti-Semitism to threaten our lives and our freedom, and we will hold any government that tolerates anti-Semitism accountable for its actions or inaction.

Last week at the AIPAC Conference in Washington, attended by hundreds of people from Illinois, you could also see in attendance, the largest gathering of members of the U.S. House and Senate anywhere outside of a joint session of Congress. Over half of the U.S. Senators were there; over one-fourth of the 435 members of the House. This is unprecedented. They were there because they stand firmly with us as friends of Israel.

This outpouring of support did not happen by accident. It is a tribute to the Jewish community, to our organizations, all of the synagogues, institutions and individuals, and their decades of work that so many of my colleagues, even those from states with small Jewish populations, understand the importance of Israel and the U.S./Israel relationship. Because of that diligence, the day in, day out educating of policy makers, I know that the United States of America will always, ALWAYS, stand firmly with Israel. I will never allow that bond to be broken.

Let me end by quoting some of the words spoken by Rabbi Michael Melchior, Israel's Deputy Minister of Foreign Affairs, at the incredible rally in Washington, D.C. two weeks ago. He referred to a Torah portion that describes the Biblical laws of holiness. ''The climax of these laws,'' he said, ''the peak of holiness is remarkable. It is the simple commandment—'Love your neighbor because he is as yourself.' This is Jewish holiness. We will never accept those who prevent this holiness, who subscribe to a doctrine of ''Kill your neighbor with yourself . . .' This fight seems overwhelming. A raging sea of violence ready to engulf us, and many of us have moments of despair. But our people, from its earliest days of creation have found ways of crossing such seas. I pray and truly believe that if we keep sight of the values for which we are fighting, we will cross this sea as well as reach the land of which we have so long dreamed, the land of peace.''

I urge all members to support this resolution. With its passage we make clear the U.S. commitment to the people of Israel. We will stand with Israel forever and we will guarantee that the people of Israel are free to live in peace and security. Today more than ever we need to reinforce that commitment. Passage of this measure joins the United States with all friends and allies of the people of Israel in saying Am Yisrael Chai! The people of Israel will continue to live—now and forever.

Mr. MARKEY. Mr. Speaker, I rise in support of House Resolution 392.

As Israel and its citizens undergo a daily bombardment from terrorists and sucicide bombers, we have an opportunity to stand in support of the only democracy in a desert of despotism. It is our responsibility to be the brokers for peace in the Middle East and ensure that two homelands exist—one for Israel and one for the Palestinians. But we cannot allow our pursuit of peace to ignore this rampage of Palestinian terror.

One of the most important moments in our modern history with the Middle East occurred in 1981. Israel knew that Saddam Hussein's Iraq was developing the Osirak nuclear reactor—the future of their nuclear weapons program. Israel had the prescience to deny Saddam Hussein the capacity to set up a nuclear bomb factory in Iraq when it sent a dozen F–16 fighters over the Saudi Desert to destroy the Osirak nuclear reactor. Israel was flogged with criticism from the world community, including the United States in a United Nations resolution.

Israel should have been commended, not reprimanded for taking out Osirak. This move set Saddam's Iraq's nuclear program back decades—the same Saddam who today will pay $25,000 to the family of each suicide bomber who kills innocent Israelis. Should we stand with Israel, when the rest of the world condemns it? Yes. Israel is our only Middle East, democratic ally against terrorism and nuclear proliferation. Vote yes on this resolution and stand in solidarity with Israel.

Mrs. ROUKEMA. Mr. Speaker, my ongoing medical treatment required my return to New Jersey today prior to the vote on H. Res. 392—Expressing solidarity with Israel in its fight against terrorism. Had I been present, I would have voted ''aye'' on this important measure.

Today the House of Representatives stands in solidarity with the people of Israel. The United States knows no more valuable ally in the Middle East than the nation Israel. The goals of our two democracies are identical: peace and freedom.

Today, our nation also stand for a just and lasting peace in the Middle East. We cannot wait idly while such violence continues in the Middle East. Mothers, fathers, and children have been slaughtered and terrorist attacks drive Israelis and Palestinians further and further apart. Peace cannot be negotiated in an atmosphere of terror.

I support the recent peace mission undertaken by Secretary of State Colin Powell at the director of President Bush and I urge the Bush Administration to continue its active involvement in the peace process in the region. The President and his Administration should know that he has the support of Congress for his efforts in the Middle East and the war on terror.

Ms. WOOLSEY. Mr. Speaker, I rise with sincere concerns about H. Res. 392. We should not be bringing this type of one-sided resolution to the floor now. Instead, we should be working on a resolution that encourages peace.

The United States does not need a political resolution to show that it is a friend of Israel. America has proven it is a friend of Israel, and I personally count myself as a long and loyal friend of Israel. But I am not pleased with the behavior of either side—Israel or the Palestinian Authority—right now.

When friends allow a fight to continue that neither side can win, inaction only prolongs the violence and killing. We must not allow our aversion to inaction spur us to unhelpful resolutions that do not help our friends. I will vote ''Present'' on H. Res. 392 because this unbalanced resolution does not benefit our friends. Instead, it fans the flames of hatred.

That is one of the reasons I am a cosponsor of Congressman DEFAZIO's resolution, H. Res. 394. That resolution is a balanced attempt to bridge the gap between the two sides in this conflict. The United States' approach must be evenhanded if we are to move the peace process forward. Languishing in a cycle of blame over the mistakes of both sides is counterproductive. We must recognize that all parties have made mistakes, and instead of rehashing what they have done wrong, start thinking about what they can do better in the quest for peace.

As in the DeFazio resolution, we must recognize that the first step toward peace is stopping the violence being perpetrated by all parties. Israel's recent incursions into Palestinian-controlled territories have caused extraordinary hardship for innocent Palestinians and exacerbated the crisis. Likewise, the Palestinian suicide bombing attacks against Israel cannot be justified and the Palestinian leadership must do more to prevent these murderous attacks.

We absolutely must support Israel's right to exist and defend itself as a sovereign state, but do so while also recognizing the Palestinian right to self-determination. In order for the U.S. to be an honest broker, it is extraordinarily important that we retain the trust of both sides. Only then will we be able to advance the cause of peace.

Peace will be achieved only when Israeli citizens are secure in their homes and shops, when the Arab nations recognize Israel's right to exist, and when the Palestinian people have a state of their own. Acknowledging that the conflict may not be resolved soon, no option should be eliminated, including the possibility that international observers help maintain peace in the region.

With emotions running high on both sides, acting as an honest broker requires courage, leadership and risking the temporary anger of both sides. But we must, because America is the world's best hope for peace.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of this resolution as one symbol of my solidarity with the nation of Israel as well as all those engaged in a momentous struggle against terrorism. Simply put, Israel has a right to defensible borders and a right to live in peace with its neighbors. Thus, the United States has a moral imperative to assist Israel in its defense.

In its 54 years of existence, Israel has been fighting an ongoing war against terrorists who sought to destroy her. These terrorists do not understand human mercy and kill indiscriminately men, women and children in service of a political cause that is the destruction of the Jewish state.

We were all heartened by President Clinton's attempt to create peace between Israelis and Palestinians beginning in 1993. But, unfortunately the Palestinians could not surrender their goal of eliminating Israel and pushing her citizens into the sea.

Almost 10 years after the Oslo process began we are facing the nightmare scenario for Israel. Attacked by terrorists inside her borders and from surrounding countries Israel has found little peace.

Much like our own war against terrorism, this effort pits a democratic society against a leader that uses murder as a regular type of statecraft. This resolution is important for the message that it sends to our embattled ally Israel, to her citizens, and to all our democratic friends around the world.

America stands by fellow democracies who share our values and our way of life. And, strong U.S. leadership is the best hope for bringing about a political process that can eventually pave the way for security and peace.

Knowing that we must do something to stop the violence, I call out to all peace-loving people throughout the region, especially those in Arab countries, who seek a better life for their children and grandchildren, a vibrant economy, and meaningful commerce and exchange, to join us in our quest for peace.

Mr. Speaker, this resolution is important because the message it sends will ring throughout the world wherever democracies are fighting terrorists and I urge its immediate passage.

Mr. SMITH of Michigan. Mr. Speaker, while I agree with the sentiments expressed by many of my House colleagues about the need for Israel to defend itself, I do not think that this is the right time for Congress to take sides in the Israel-Palestine affair. In foreign affairs America should speak with one voice. The president has said that this resolution only complicates an already complicated situation in the Middle East. Instead of having a separate congressional message, I believe we should be giving the President greater leeway to act as an honest broker between the Israelis and Palestinians and formulate a policy that will stop the violence and get negotiations going forward.

On April 10, I met with former Israeli Prime Minister Benjamin Netanyahu to discuss the current fighting in the Middle East. He stressed the difficulty of negotiating with the Palestinians, and warned that if the suicide bombings in Israel do not stop, then they may spread to the United States with 'suitcase bombs.' But the U.S., as a military superpower and an economic superpower as well, can exert considerable pressure on both sides to encourage a resolution.

Secretary of State Colin Powell confronted an almost intractable set of problems on his peace mission to the Middle East. The Israeli government continues to occupy parts of the Palestinian Authority's territory despite requests to desist and withdraw from President Bush. Too many governments in the region, including Yasser Arafat's Palestinian Authority, are ambiguous at best on their commitment to end terror. Although some Arab states have helpfully indicated their willingness to accept Israel, too many still confuse murder with martyrdom.

When the United Nations mandated the creation of Israel and Palestine out of British-controlled territory in 1947, it offered to partition the land between a Jewish state of Israel and an Arab-controlled Palestine. That offer was rejected then, and though Israel was limited to the area of the proposed partition, a coalition of Arab states including Egypt, Saudi Arabia, Syria, Iraq, and Jordan immediately attacked. Israel prevailed in that war, however, as it did in the subsequent wars of 1967 and 1972. Although Egypt and Jordan have signed peace treaties with Israel, the other Arab countries maintain a state of ''cold'' war with Israel.

The situation is further confused by land Israel captured in various conflicts, primarily the 1967 war. In that fight, Israel captured the West Bank and Gaza, including Jerusalem. The Palestinian Authority now occupies the bulk of that territory as a result of the Oslo peace process. Israel offered nearly all of that territory two years ago for the creation of a Palestinian state. That offer was rejected, sparking the present conflict.

The current cycle of violence in the region must not continue. The killing and bloodshed on both sides is blocking a resolution to the conflict and an end to our war on terrorism. Most everyone from Palestine and Israel has had a friend or relative injured or killed by the other side. The hatred that exists on both sides will not be easily overcome. For its part, the Palestinian Authority and the Arab world should take strong action to curb the mindless violence of suicide bombers. A Palestinian state should be established and the Arab world should accept the suggestion of Crown Prince Abdullah bin Abdul Aziz of Saudi Arabia to recognize Israel. At the same time, Israel must withdraw from Palestinian Authority territory as the President has requested. Accomplishing these acts, however, will not reduce the hatred. I see a need to build some physical separation between the two states until the animosity can subside.

The President is demonstrating bold leadership and wants results. An anxious world also wants results, especially the suffering innocents in Israel and Palestine.

We need to speak with one voice and that is why I am voting no on this resolution.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Resolution 392, expressing our nation's solidarity with Israel in our joint battle against terrorism throughout the Middle East and the world.

Unfortunately, because of a family medical emergency I was unable to cast a vote for the rule to consider this resolution and for the resolution itself. My vote earlier today though, for the previous question, to allow for the consideration of this legislation is indicative of my strong support for the House's expression of unity with Israel and the Israeli people.

The American and Israeli people continue to be the primary targets of cowardly terrorist cells and I stand with the people of Israel in ensuring their right to defend their homeland and their citizens from these attacks. This resolution today is one more signal to the world that our two great nations are allied in the effort to bring about peace and rid the world of terrorists. We must never waiver in that fight if we are to succeed and I pledge my continuing support.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H. Res. 392, legislation expressing solidarity with Israel in its fight against terrorism.

Mr. Speaker, in the wake of the September 11th attacks, Americans have come to understand the struggle for security from the threat of domestic terror that so consumes the Israeli government and its people. This resolution comes at a crucial time in the history of both our nations. Israel, having just observed its 54th anniversary, continues the fight for its very survival while the U.S., engaged in its own full-scale war on terrorism, seeks to secure its own borders. H. Res. 392 recognizes our common struggle with Israel against terrorism, the enormous human toll the people of Israel have suffered, and the efforts of Israel's government to thwart future attacks by Palestinian organizations determined to inflict the most possible damage on the people of Israel. The message from this body is one of unity and is meant to reverberate in every corner of the world, especially those that harbor the enemies of peace and democracy.

H. Res. 392 expresses our strongly-held belief that Israel has a right to defend itself, just as we have sought to do. Mr. Speaker, throughout Israel's existence—one constant has guided every administration—the desire to live in peace with its neighbors. The 1993 OSLO Accord set forth a path for peace. I must reiterate this point—since that time Israel has consistently expressed the willingness to give up sovereign land to live in peace with its Palestinian neighbors. The same cannot be said for Israel's would-be peace partner—Yassir Arafat. The violence of current intifada was triggered by President Arafat's rejection of Prime Minister Ehud Barak's offer of a comprehensive settlement at Camp David in 2000. Arafat continues to incite terror with statements like ''Oh god, give me a martyrdom like this'' which he said after the Passover suicide bombing that killed 27 and wounded hundreds of innocent Israelis.

Mr. Speaker, civilian casualties are the horror endured by both sides but we must not lose sight of the fact that all of this death and destruction was completely avoidable. At every turn the Palestinian Authority could have chosen peace but, time and again, have supported terror as a mode of achieving their political goals. Mr. Speaker, as we express our solidarity with the government and people of Israel, I come back to one fundamental truth, even as the very existence of the State of Israel is threatened, there is always a path to peace. It may be more difficult to see, and harder still to traverse, but it exists. If falls upon us to help the parties find and travel that road. In the meantime, let the world hear this strong proclamation of support for our good friend Israel during these difficult times.

Ms. KILPATRICK. Mr. Speaker, today we should be here to focus on what all sides involved in the Middle East have in common and what can be applied from our experience here in this country to achieving solutions to the conflict between the Palestinians and the Israelis. We should not be here to blame one side over the other, but to seek solutions leading to the peaceful coexistence between Israelis and Palestinians.

The struggle between the Israelis and the Palestinians is one of the most enduring and explosive of all the world's conflicts.

For the Jewish people of Israel, the return to the land of their forefathers after centuries of persecution around the world has not brought peace or security. Israel has faced and continues to face crisis after crisis.

Palestinians argue that over the last 54 years they have seen colonization, expulsion and military occupation in their difficult struggle for self-determination in a land they see as their God given land.

This resolution is not balanced. At this time the Secretary of State and the Administration are working to bring peace to the Middle East. This resolution does not help this cause. This resolution damages our nation's moral authority and credibility as a fair broker in the Middle East conflict. I cannot support the resolution in its present form.

Mr. KLECZKA. Mr. Speaker, while our country continues to be a staunch ally and longtime friend to Israel, this resolution does nothing to bring about a ceasefire that might lead to a lasting peace. Our role should be drawn these bitter enemies closer together, not drive them further apart, as this resolution does.

The legislation, far more than a simple expression of support for Israel, also contains a long list of rhetorical ''findings'' which undermine any attempts to move the parties toward a comprehensive peace agreement. It will do little but further enflame the conflict in the Middle East.

The measure before the House today comes on the heels of weeks of work by the Bush Administration to reduce tension in the region, and bring about an end to the suicide bombings and Israeli incursion into Palestinian towns. The resolution would likely complicate the President's efforts since it provides a one-sided view of the Israeli/Palestinian conflict that likely would only cause anger and distrust for the U.S. among the Palestinian people and erode the hard-won progress the Administration has already made.

I and other Members have expressed a preference for a more balanced statement that would express support for Israel, but additionally advance the cause of peace. Press reports and a Member on the floor during debate today has stated that officials with the U.S. agency responsible for the peace process efforts, the State Department, also indicated their preference for a less one-sided bill.

Senator JOSEPH LIEBERMAN and Congressman DAVID OBEY both had prepared resolutions of support that were much more balanced that I would have strongly supported had I had the opportunity to do so. Both of those resolutions still condemn suicide bombings, support the right of Israel to defend itself and call on the Palestinians and other Arab states to work to end terrorism. Congressman OBEY's resolution also urges Israel to make it clear when it will withdraw from Palestinian territories.

Additionally, included in the measure before the House today is a statement supporting increased foreign aid to Israel. With budget deficits projected over the next several years, we won't even have the necessary resources to strengthen homeland security, improve Medicare benefits, safeguard Social Security, develop a comprehensive drug plan for senior citizens and provide a high quality education for America's youth.

We must do all we can to support the President's efforts to bring about peace in this region. I certainly do not want to undermine what progress he has already made. While I have consistently been a supporter of the State of Israel, regrettably, today I must vote 'no,' on this resolution. It is always difficult to say ''no'' to friends, but we must when it's appropriate. And it is appropriate here because this action does not advance the long-term cause of peace in the region.

Mr. MATSUI. Mr. Speaker, I rise in strong support of H. Res. 392, a Resolution to express solidarity with Israel in its fight against terrorism. Now more than ever, Americans can sympathize and find common cause with the plight of the Israeli people as they struggle against terrorism. And now more then ever, Israel needs our solidarity and support.

It is, and has always been, in both the moral and strategic interests of the United States to stand by its only true friend and ally in the region. Israel is a lone democracy in a region that knows too little political freedom. It is one of the few countries in that volatile part of the world that does not support terrorist organizations. Like America, Israel is a society governed by law. Like ours, the Israeli press questions the actions of its government and allows for a pluralism of ideas. And like ours, Israel's society is under attack by those that seek its destruction and are willing to use the most inhumane form of terrorism—turning young men and women into human bombs—to achieve their ends.

Like all concerned Americans, I hope for a peaceful, negotiated solution to the crisis in the Middle East, and I condemn intentional acts of violence against all civilians, both Israeli and Palestinian. When a Palestinian leader emerges who will renounce terrorism unequivocally and seek peace, all parties in the region will have an obligation to embrace the opportunity. Until then, Israel has the right to defend itself from those who will never accept its very existence. That's why it is so critical that we here in America never waver in our resolve to stand by the State of Israel.

Israel faces the unfortunate reality of being a beachhead in the global war against terrorism. But more than this, Israel is a friend and ally. If terror is allowed to succeed in Israel, by forcing political concessions with vicious suicide attacks, it will only embolden those who seek to destroy the U.S., and indeed all civilization, with similar tactics. Israel is fighting for its survival against the forces of terror. Terror must not be allowed to win.

The Israeli people will continue their struggle for peace and security. They should do so knowing they have the full support of the United States of America. Good diplomacy is based on sound values. American values stand firmly with the State of Israel.

I urge my colleagues to vote ''yes'' on the resolution.

Mr. DELAHUNT. Mr. Speaker, I intend to vote for this resolution, because I want to leave no doubt whatsoever about the depth of my support for the people of Israel. I grieve with them at the losses they have sustained, and stand in solidarity with them in their hour of peril. At the same time, I want to express my disappointment that the resolution fails to express concern for the loss of life on both sides of this conflict. Our hearts should go out to all innocent victims and their families, whether they be Israeli or Palestinian.

I am also concerned that this resolution may complicate the efforts of the President to bring the parties together. America is the only power on earth that has the means and the will to move the parties toward a comprehensive peace that each can accept. The President and Secretary Powell have committed themselves to this effort. And we should do nothing in this chamber that might make it more difficult for the Administration to exercise its leverage with both sides to bring about this result.

Finally, the resolution says nothing about what is required to achieve a ''just, comprehensive and lasting peace''. In my view, it requires mutual recognition of an independent, viable Palestinian state and an Israel that exists within secure and defensible borders. It requires that each side recognize the legitimate aspirations of the other—and put an end to the cycle of provocation and retaliation that has brought so much misery to them both.

While only the parties themselves can set the terms for peace, this much is evident. On the Palestinian side there must be an end to terrorist violence and the financial and material support the terrorists receive from Arab states. On the Israeli side, there must be an end to the building of settlements, the bulldozing of neighborhoods, and other provocative acts that have driven the Palestinians to despair.

Decades of conflict have taken a devastating toll on both communities, creating conditions in which the Israelis suffer unimaginable losses and the Palestinians have nothing left to lose. What seems tragically clear is that the violence will continue until both sides recognize that they have more to gain from peace than from continuing their armed struggle. This will take more than resolutions. It will take genuine resolve. The kind of resolve that was so movingly expressed by the late Prime Minister of Israel, Yitzhak Rabin, in his final speech before his tragic assassination on November 4, 1995:

> I was a military man for 27 years. I fought as long as there was no chance for peace. I believe that there is now a chance for peace, a great chance. We must take advantage of it for the sake of those standing here, and for those who are not here—and they are many.
>
> I have always believed that the majority of the people want peace and are ready to take risks for peace. In coming here today, you demonstrate, together with many others who did not come, that the people truly desire peace and oppose violence . . . This is a course which is fraught with difficulties and pain. For Israel, there is no path that is without pain. But the path of peace is preferable to the path of war.

Israelis and Palestinians have experienced much pain since Rabin offered those final words to his people. But the risks he believed worth taking are still the only viable option. Only by following the path he laid out can Israel and America keep faith with him and all who have given their lives for the sake of peace.

Ms. RIVERS. Mr. Speaker, my vote today on H. Res. 392 is not a vote in favor of the Israelis or the Palestinians. Nor is it a vote against them. It is a vote for peace. I am convinced that an enduring settlement on the long-standing differences between Israel and Palestine cannot be achieved through military means—only through negotiations and compromise. The ongoing violence has caused pain and grief beyond measure for both peoples and there is blame and sympathy enough to go around.

The United States can play an important—and irreplaceable—role as an honest broker and a friend to all. Israel has been a good friend and ally to the U.S. I support her right to exist and her right to defend herself. The United States has always had a special relationship with her and I remain committed to that relationship. However, I am also steadfast in my desire to see a two-state peace in the Middle East and I do not believe such a peace is possible without fair, thoughtful leadership by the United States.

For some time now, constituents on both sides of this issue have demanded the same thing—that the U.S. condemn the other side, cut off all funding and diplomatic relations, and marginalize its leader. This does not strike me as wise. Former Senator and peace negotiator George Mitchell was very candid with me in a recent conversation about this. He believes

that we must maintain all manner of influence with both parties and our financial involvement in the region is part of that. I agree. At this point, we should not sever relations with either party or jeopardize future negotiations by being heavy-handed or unfair to either side.

I am uncomfortable with the tone of this resolution. While it is understandable that the House may wish to express grave concerns about the violence currently taking place in the region, those concerns must be expressed in a way that does not cause either party to doubt the United States ''bona fides'' as a peacemaker nor its commitments to achieving outcomes acceptable to both parties. George Mitchell has been very clear that cease-fire and long term peace will require delicate negotiation of many small steps that will have to be taken—a few at a time—by both parties simultaneously. This resolution does not enhance the probability of such an agreement.

Over the time I've been in Congress, the House has acted several times on resolutions such as this. I have tried to respond thoughtfully and fairly. However, there have been times when I have been concerned about the House's persistent efforts to intrude into the peace process from a distance. In those instances, I have abstained. Diplomacy is a delicate endeavor. There is little room for bias or partisan politics. For House Members to act unilaterally while negotiations are being sought or are ongoing would seem to jeopardize efforts to get both sides to compromise toward an agreement. For the Congress to so clearly take one party's side would seem to undermine, rather than further, our hopes for peace. A resolution such as this seems contrary to the outcome we all profess to desire.

Accordingly, I cast my vote as ''present.''

Mr. BARR of Georgia. Mr. Speaker, I rise today to support the sentiments of this resolution, but not the timing. Though a well-intentioned document reinforcing the strong friendship between our nation and Israel, this resolution comes before us at an extremely sensitive moment in the Administration's attempts to stop the terrorist violence that has plagued Israel over the last 18 months.

Ever since the 2000 Camp David meetings, where Yasser Arafat rejected former Israeli Prime Minister Ehud Barak's offer of 98 percent of what Arafat had demanded from Israel, the tensions in the Middle East have escalated. When Arafat left those meetings without a deal, the extremist faction who oppose peace, and, in fact, oppose the existence of Israel itself, got the green light to destabilize the region.

Despite Yasser Arafat's assertion that he opposes terrorism and is a so-called ''man of peace,'' his very own al-Aqsa Martyrs Brigade has been identified by this government as a ''Foreign Terrorist Organization.'' This Brigade has been responsible for the deaths of too many innocent Israeli citizens. Earlier this year, the Karine-A was stopped en route to Arafat's Palestinian Authority carrying 50 tons of offensive weapons from Iran. Clearly, Arafat does not have peace in mind, nor does he view Israel as a neighbor.

Since September 2000, hundreds of innocent people in Israel have been killed by terrorists, sometimes financed and supported by the Palestinian Authority. We have learned that the Palestinian Authority and Saddam Hussein's Iraq are financially rewarding the families of those who willingly sacrifice their lives to murder innocent people and stop the peace process. We have heard some threaten to use oil as a weapon against the United States unless we stop Israel from defending herself. Mr. Speaker, terrorist actions in our country or Israel or any country should be viewed as an act of war. More importantly, any country threatened by terrorists actions should be able to defend itself. We assert that right, and we should not set a different standard for our allies.

All of that being said, I am concerned about what message we send, as a Congress, at this particular time. The President is moving forward with delicate negotiations between Israel and the Palestinians. Just yesterday, a breakthrough in negotiations yielded the release of Yasser Arafat from his headquarters in Ramallah. This came as a result of both sides trusting our government as a third party negotiator.

At this critical point, we should follow the lead of the Bush Administration, and maintain the trust established on both sides. There are many people in this country who have a kinship with Israel, a trusted ally and the only democracy in the Middle East, and want to see Israel reach peace with its neighbors, after more than 50 years of bloodshed. However, that mission becomes much harder if we are no longer honest brokers, who can be trusted by both sides. When the trust is broken, the Palestinians will look for others to help them, perhaps countries like Iraq or Iran, who will use armies, not diplomats to try and end this conflict.

This Congress will have its chance to make clear its feelings on Israel and her right of self-defense and, ultimately, deal with Mr. Arafat. However, that time should not be now. I will be voting 'present' and stand with the President. There is a time for this vote, it is just not this day.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this resolution, but I'd also like to take this opportunity to clarify my support.

I support the resolution's call for our continued solidarity with Israel and for the condemnation of terrorism everywhere and of Palestinian suicide bombings, in particular. I support the resolution's call for the Palestinian Authority to clamp down on terrorism in its territories and for Arab States to declare their opposition to terrorism. I support the resolution's call for the international community to help alleviate the humanitarian needs of the Palestinian people. Most importantly, I support the resolution's urging that all parties in the region pursue efforts to establish a just, lasting, and comprehensive peace. However, I wonder what has prompted the leadership to schedule this resolution for consideration at this moment.

I do not think anyone has any doubt about our country's continuing support for the people of Israel. That has been a fundamental part of American foreign policy for decades, and remains so today. I do not think anyone, at home or abroad, has any doubt about it—so, as far as I can see, this resolution is not needed to remove any doubt. Further, I am concerned that the timing of this resolution could make the Administration's efforts to resolve the current crisis more difficult. I believe the Administration must continue to work with the Saudis and other moderate Arab states to get the parties to agree to move forward with the Mitchell and Tenet plans, and down the line, to restart negotiations.

In addition, I believe that Congress should consider additional assistance for Israel, but that it should also consider emergency humanitarian assistance—provided through NGOs—for Palestinian civilians, whose misery grows and feeds extremism in the region. I believe that Israel must heed President Bush's call to end its recent incursions into West Bank cities and that it must end settlement expansion, recognizing that these actions diminish the possibilities of what this resolution calls for—a ''just, lasting, and comprehensive peace.''

I believe that with crisis comes opportunity. There is now a window of opportunity to move away from the potential for a regional conflagration. Only the U.S. has been accepted by both parties as one that can lead them to peace. Now is not the time to take any action that might reduce our leverage with the Palestinian or with our Middle East allies. At this critical time, Congress should not only be signaling its strong support for Israel and signaling its rejection of violence, but it should also be trying to help—not hinder—the Administration as it works to get the parties back to the table.

International Relations Committee Chair HENRY HYDE said it best: ''I would have preferred a more balanced resolution, because I think we have to get beyond finger-pointing and ask ourselves, will this action help move us toward a cease-fire and a comprehensive peace agreement?'' I'm not sure that the answer is yes.

Mr. MATHESON. Mr. Speaker, I rise today not to assess blame—because there is too much of it to go around. Nor to offer unqualified support to either side in this conflict—because blind support only deepens the tragic spiral of violence.

I am here today to say once and for all, violence is wrong. Killing in the name of religion only defames it; and forcing the submission from an entire people only spawns hatred, contempt, hopelessness, and more violence.

We are here today to give support to Israel, and they do deserve our support. Israel, like all nations, has a responsibility to ensure the safety of its citizens. Just as our nation needs to protect itself from terror, so must Israel.

This resolution allows this great institution to emote; it is full of emotion, righteous indignation, and colorful language. But as elected officials of the greatest nation in the history of the world we must do more. Emotion is cathartic, but wisdom and pragmatism offer much more.

This resolution was written under the justified anger that follows the terrorist's carnage. And in its emotion we have lost wisdom. We have made no mention of the 1,500 Palestinian civilians who have lost their lives in the recent conflict. Surely, the United States of America and its Congress consider the health of an innocent child to be equally tragic—whether she is Israeli or Palestinian, Jewish, Christian, or Muslim.

Instead of sentiment we should be offering constructive ways to bring about a viable political solution to the current crisis. Remember, when the United States was fully engaged, when the Central Intelligence Agency was forcing the Palestinian Authority and the State of Israel to work together both peoples enjoyed three of the most peaceful years of their history.

I applaud the increasing engagement of this Administration in finding a political settlement.

As a Congress we need to speak as one voice in our support for Secretary of State Powell. The task before him is immense, but it is necessary. If we do not counter the escalating violence with diplomacy we lose the moral legitimacy of our leadership.

The best way to secure the continued existence of the State of Israel is to simultaneously give hope and voice to the aspirations of the Palestinian people. A safe, secure, economically prosperous, and truly democratic Palestinian state is the only way to attain this peace.

Mr. VITTER. Mr. Speaker, I rise today to express my strong support for this resolution, and commend Majority Leader TOM DELAY and Representative TOM LANTOS for their work. Israel should know that this House, this President, and the American people support her while she wages a war against terrorists who would mercilessly kill her citizens. Israel is fighting for nothing less than her right to exist, and today we express our solidarity with them in that fight.

I believe that Prime Minister Sharon, along with his united government and the Israeli Defense Forces, is taking the steps necessary to weed out the nest of terrorists that have attacked their citizens for so long. Suicide bombers have no place among people who wish to join the community of nations. Leaders who tolerate their existence should have no welcome and no seat at the table with world leaders. Real peace can only be achieved when the brutality of those who murder innocent men, women and children is halted completely.

I encourage all Members to support this resolution, Israel, the President, and all others including the courageous men and women of our own Armed Forces who are together waging the global war against terrorism.

Mr. BURTON of Indiana. Mr. Speaker, I rise today in strong support of H. Res. 392, a resolution expressing solidarity with Israel in its fight against terrorism that was introduced by Congressman TOM DELAY, the distinguished Majority Whip from Texas. Unfortunately, due to a family illness, I was unable to be present when the House voted on H. Res. 392, however, had I been here, I would have voted ''Aye.''

Is it important for the House of Representatives to support H. Res. 392? You bet it is and let me tell why I believe so. The atrocities committed daily in the Middle East make us all sick and there's not a member in this body that doesn't want to see an end to it. We are confronted daily with scenes of carnage and destruction. Can we understand such violence? Yes we can. The facts, all too often forgotten, reveal the truth as to why peace has elluded the Middle East.

Today, Israel is the only democracy in the region. Israel is smaller than the state of New Hampshire and is surrounded by nations hostile to its existence. When the United Nations proposed the establishment of two states in the region—one Jewish, one Arab, the Jews accepted the proposal and declared their independence in 1948. The Arab states rejected the UN plan. In 1948, five Arab armies invaded Israel. Again, in 1967, Arab armies amassed on Israel's borders with the clear intention to invade the state. Rather than suffer a bloody ambush, Israel rightfully took the necessary steps to defend its citizens and homeland, a right obliged to every Nation. It was during the Six Day War of 1967 that the West Bank and Gaza came under Israeli control.

Israel has returned most of the land it captured during the 1967 war, and right after the war offered to return all of it in exchange for peace and normal relations. Unfortunately, the offer was rejected—another missed opportunity for peace in the Middle East. As a result of the 1978 Camp David accords—in which Egypt recognized the right of Israel to exist and normal relations were established between the two countries—Israel returned the Sinai desert, a territory three times the size of Israel and 91 percent of the territory Israel took control of in the 1967 war.

Israel has conceded that the Palestinians have legitimate claims to the disputed territories and is willing to engage in negotiations on the matter, and in return they only ask that they be allowed to live in peace. Seventy-three percent of Israelis agree to a Palestinian state that will live peacefully alongside Israel.

In 2000, a Palestinian state in the West Bank and Gaza was offered to the Palestinians at Camp David, by Israel and the U.S., in return for peace. The U.S. said yes, Europe said yes, the U.N. said yes, and the Arab countries said yes. Why didn't it happen? Arafat said No. Chairman Arafat and the other Palestinian leaders said no because they demand a Palestinian state in place of Israel, not alongside of it.

Instead, the Palestinian Authority sanctioned an intifada, which the world is witnessing today. This has included twenty months of terror, shooting, and the bombing of innocent civilians.

Simply describing the situation as a ''cycle of violence,'' although it may be accurate, ignores the distinctions in tactics and motivations of the two sides. Palestinian militants kill Israeli civilians, using bombs detonated by teenage suicide bombers who are promised wealth and pleasure for their martyrdom. Israeli troops kill Palestinians in self-defense of their lives and that of their countrymen.

The list of disturbing facts about Palestinian terror is long. Israeli troops recently discovered large quantities of counterfeit Israeli currency in the basement of Chairman Arafat's Ramallah headquarters, along with the printing machines that made it. They also found an invoice for $8,500 to cover bombing supplies in the office of Arafat's chief financial officer—it was on the letterhead of the Al Aqsa Martyrs Bridgade, an offshoot of Arafat's Fatah Party. The invoice specifically requested $150 to build each bomb, saying the group would need five to nine bombs per week.

The Al Aqsa Brigades, which are forces directly under Chairman Arafat's control, have been designated as a Foreign Terrorist Organization by our government. Indeed, Yasser Arafat wears the map of the entire area of Israel on his uniform.

Mr. Speaker, the national Palestinian goal is Jihad. All Palestinian organizations—political, military, cultural and commercial, along with the whole Palestinian school system, advocate the annihilation of Israel and educate generations of school-age children to become terrorists.

Furthermore, Palestinians who have voiced an objection to the practice of blowing up innocent Israeli civilians are labeled traitors.

In July 2001, these are the words of Chairman Yasser Arafat himself addressing his people at a public event, ''Kill a settler every day. Shoot at settlers everywhere. Do not pay attention to what I say to the media, the television or public appearances. Pay attention only to the written instructions that you receive from me.''

The Palestinian terror attacks are not spontaneous acts of desperation. They are the product of a deliberate, well-planned, state-sponsored education and incitement program. Its product is to turn a whole people into a nation of terrorists. Since the Oslo Accords in 1993, when the Palestinian Authority gained control over 98% of the Palestinian population, it has been hard at work building this kind of terror system.

A fair and balanced portrayal of the current Middle East situation reveals that one nation stands head and shoulders above the other in its commitment to human right and democracy, as well as in its commitment to peace and mutual security. Mr. Speaker, that nation is Israel. That's why H. Res. 392 is so important. I, for one, don't want the greatest nation on earth, the United States, to weaken our resolve in the all-important fight against terrorism. Nor should we ask it of our only true friend and ally in the Middle East region, and that is clearly Israel.

Mr. PAUL. Mr. Speaker, this legislation could not have come at a worse time in the ongoing Middle East crisis. Just when we have seen some positive signs that the two sides may return to negotiations toward a peaceful settlement, Congress has jumped into the fray on one side of the conflict. I do not believe that this body wishes to de-rail the slight progress that seems to have come from the Administration's more even-handed approach over the past several days. So why is it that we are here today ready to pass legislation that clearly and openly favors one side in the Israeli-Palestinian conflict?

There are many troubling aspects to this legislation. The legislation says that ''the number of Israelis killed during that time [since September 2000] by suicide terrorist attacks alone, on a basis proportional to the United States population, is approximately 9,000, three times the number killed in the terrorist attacks on New York and Washington on September 11, 2001.'' This kind of numbers game with the innocent dead strikes me as terribly disrespectful and completely unhelpful.

It is, when speaking of the dead, the one-sidedness of this bill that is so unfortunate. How is it that the side that loses seven people to every one on the other side is portrayed as the sole aggressor and condemned as terrorist? This is only made worse by the fact that Palestinian deaths are seen in the Arab world as being American-inspired, as it is our weapons that are being used against them. This bill just reinforces negative perceptions of the United States in that part of the world. What might be the consequences of this? I think we need to stop and think about that for a while. We in this body have a Constitutional responsibility to protect the national security of the United States. This one-sided intervention in a far-off war has the potential to do great harm to our national security.

Perhaps this is why the Administration views this legislation as ''not a very helpful approach'' to the situation in the Middle East. In my view, it is bad enough that we are intervening at all in this conflict, but this legislation strips any lingering notion that the United

States intends to be an honest broker. It states clearly that the leadership of one side—the Palestinians—is bad and supports terrorism just at a time when this Administration negotiates with both sides in an attempt to bring peace to the region. Talk about undermining the difficult efforts of the president and the State Department. What incentive does Palestinian leader Yasser Arafat or his organization have to return to the negotiating table if we as ''honest broker'' make it clear that in Congress's eyes, the Palestinians are illegitimate terrorists? Must we become so involved in this far-off conflict that we are forced to choose between Arafat and Israeli Prime Minister Ariel Sharon? The United States Congress should not, Constitutionally, be in the business of choosing who gets to lead which foreign people.

Many people of various religious backgrounds seem determined to portray what is happening in the Middle East as some kind of historic/religious struggle, where one side is pre-ordained to triumph and destroy the other. Even some in this body have embraced this notion. Surely the religious component that some interject into the conflict rouses emotions and adds fuel to the fire. But this is dangerous thinking. Far from a great holy war, the Middle East conflict is largely about what most wars are about: a struggle for land and resources in a part of the world where both are scarce. We must think and act rationally, with this fact clearly in mind.

Just as with other interventionism in other similar struggles around the world, our meddling in the Middle East has unforeseen consequences. Our favoritism of one side has led to the hatred of America and Americans by the other side. We are placing our country in harm's way with this approach. It is time to step back and look at our policy in the Middle East. After 24 years of the ''peace process'' and some 300 million of our dollars, we are no closer to peace than when President Carter concluded the Camp David talks.

Mr. Speaker, any other policy that had so utterly failed over such a long period of time would likely come under close scrutiny here. Why is it that when it comes to interventionism in the Middle East conflict we continue down this unproductive and very expensive road?

Mr. LEWIS of Georgia. Mr. Speaker, I rise in support of the rule and the resolution.

This resolution expresses the solidarity of the Congress and the American people with Israel in its struggle against the forces of hatred and violence. It is both fitting and appropriate for us today to declare our support at a time when Israel has been subjected to repeated acts of terror. When 125 people in a small country die in one month, when a 17-year old girl cannot make a simple trip to the grocery store without fear of being blown up, or when 28 Jews at prayer during a Passover Seder are killed in cold blood by a suicide bomber, it is time for us to speak out and speak up.

Israel is our most reliable friend in the Middle East. It is the only democracy, a beacon of hope, in a region of the world where the freedoms we all take for granted—freedom of speech, freedom of press, freedom of religion, freedom to challenge your government nonviolently without fear of retribution—simply do not exist. Israel is the only country in the Middle East that guarantees all these freedoms.

Israel, like the United States and every other country, has a right and obligation to defend its citizens when under attack. One of the reasons I have always been so supportive of Israel is that even when it acts to defend itself, it also continues to reach out its hand in peace to its neighbors.

This is a country, who against all odds, made peace with Egypt. It made peace with Jordan. It withdrew its forces voluntarily from Lebanon. And a year and a half ago, under the guidance of President Clinton, this same country offered a historic peace proposal to the Palestinians that many thought was too risky. Unfortunately, peace was rejected by Chairman Arafat and he chose to return to a path of violence and terror.

The Congress stands here today to condemn and reject this path of violence led by the Palestinian leader. Instead, we must return to the path of peace. Israel must have a partner who is willing to say ''no'' to those who would use terror and violence. Chairman Arafat must take action against those Palestinians who would block the path to peace. There is no other choice. The time has come for Yasir Arafat to make a decision: will he write a page of history by pursuing the path to peace or will he be a mere footnote for leaving behind a trail of terror.

Today we stand by Israel but we also stand for peace. As my friend and mentor, Dr. Martin Luther King Jr. observed just before his death: ''I see Israel, and never mind saying it, as one of the great outposts of democracy in the world and a marvelous example of what can be done, how desert land almost can be transformed into an oasis of brotherhood and democracy. Peace for Israel means security and that security must be a reality.''

Ms. HOOLEY of Oregon. Mr. Speaker, I supported H. Res. 392, however I would have favored a more balanced resolution. As one of 435 members of Congress and one who does not serve on the International Relations Committee, I offered my views beforehand by respectfully suggesting that my colleagues incorporate into their views portions of a similar measure put forward by my colleague from Oregon, Representative PETER DEFAZIO, H. Res. 394. While I do not agree with every provision of Mr. DEFAZIO's resolution, I think each one of us can agree this Congress should:

Unequivocally condemn acts of violence against Israeli and Palestinian civilians, urge all parties to recognize that continued military attacks and terrorist activities will only lead to escalating violence and the potential destabilization of the Middle East and neighboring regions, and urge all parties to stop using state-controlled media to incite hatred and violence.

These are reasonable provisions, and should have been included in the text of H. Res. 392.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I intend to vote ''yes'' on H. Res. 392. Although I have grave concerns that passing this resolution will further inflame tensions in the Middle East, I am voting for the resolution in part to dispel any notion that I am anti-Israel or that I am not sensitive to Israel's right to self-defense. I strongly support Israel, but I also strongly support efforts to bring about peace in the region, which will allow the Israeli and Palestinian people to live together side by side without having to endure an endless cycle of violence. In the past, the House has passed similar resolutions that I believe have been counterproductive to the peace process. I fear that we are doing that again. Our own Secretary of State and National Security Advisor have expressed reservations with moving forward with this resolution because of the delicacy of the situation in the Middle East. I agree with them. We should not be bringing up this resolution at this time. That is why I intend to vote ''no'' on the rule governing debate over H. Res. 392.

Mr. SIMMONS. Mr. Speaker, I stand today in support of House Resolution 392, in which we express America's solidarity with Israel in its fight against terrorism. The truth is, the United States and Israel are engaged in a common struggle against terrorism. It is a war that neither nation sought; it is a war that both nations must win.

The resolution also calls upon the Palestinian leader, Yasir Arafat, to choose peace and to fulfill his commitment to dismantle the terrorist infrastructure that threatens the Israeli people. If we had a dollar for every time a U.S. official had sent this message to Mr. Arafat we would be able to fully fund the war on terrorism. It is my prayer, for the sake of Israel and all the Palestinian people who would like nothing more than to live in peace, that Mr. Arafat finally honors the pledge to peace that he has repeatedly made. The recent Israeli incursions into the West Bank have occurred only because Mr. Arafat has not lived up to his responsibilities. This resolution we are considering today places the obligations to ending terrorism where it belongs—on the shoulders of Mr. Arafat.

All reasonable people begin their discussions of the violence that shatters the Middle East from the same position—it is horrible and many people on both sides have suffered greatly. The question revolves around how it can be revolves so that the people of the region can live in peace and build a secure future based on democratic principles. The burden has always been placed on Israel to do something for peace. For example, it has often been said that if Israel would simply move back to its pre-1967 borders there would be peace. But history shows there were wars against Israel in 1948, 1956 and 1967—and during that time Israel was within the borders that we are today told hold the key to peace. Absent a clear, forceful and enduring commitment on the part of Mr. Arafat to end terrorism there is no reason to believe those borders would produce peace today anymore than they did in the past.

All this being said, I am not convinced that today's resolution will have much of an effect on the Israeli-Palestinian conflict. In fact, it may bring other members in this body to this very House floor with resolutions in support of Mr. Arafat. That is their right. However, America must speak with one single voice and that voice should belong to the president, not members of Congress. It is my hope that we can stop the resolutions and allow the administration to work toward establishing an atmosphere in which Israel and the Palestinians can begin learning how to live side by side in a land where they both have long-standing interests.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of Israel, its people, and its future as a vibrant and stable democracy. I also rise in support of the Palestinian people and their rights to a homeland and to live in peace and security with their Israeli neighbors. I rise in support of a future for the Middle East

in which children—Israeli and Palestinian alike—no longer have to go to school in armored busses and no longer have to worry about the safety of their mothers and fathers.

Mr. Speaker, I rise today to give my support to a peace process that benefits from the full engagement of the United States and is possessed of a fair and balanced approach to the problem. I rise to support a plan that understands the concerns of both sides and works to ensure that all voices in the region are heard and understood. I rise in support of the idea that peace in the Middle East is achievable and that two peoples brought together by history and geography can put their differences aside in the interests of future generations.

Mr. Speaker, I rise in support of the notion that the United States can and must serve as the indispensable nation in the Middle East. Only the United States is prepared and equipped to serve as the impartial negotiator that is so desperately needed in the region, and I hope that our engagement in the current crisis will increase in intensity and focus. The current Administration has made a good start in this regard, but they can and should do more.

Mr. Speaker, I rise today, finally, in support of the goals contained in United Nations Security Council Resolution 242, which calls for the ''termination of all claims or states of belligerency and respect for an acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.'' I urge all parties in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relations.

Mr. OTTER. Mr. Speaker, I rise today to express my strong support for House Resolution 392 and my solidarity with the people of the Republic of Israel as they battle against terrorism. I also rise to thank Mr. DELAY for introducing this resolution, and the 52 members from both sides of the aisle that joined me in co-sponsoring this bill.

Since September 11 the United States and Israel have been linked in the same battle, and have fought the same foe. The same forces of evil that struck New York and Washington have struck Israel almost every day for the last 2 years. The same people who wish to drive Israel into the sea wish to drive America from the Middle East.

Some people wish to draw a line between the United States and Israel, and separate our causes. Nothing could be more misguided. Israel and the United States are democracies, and our unfree opponents envy us. Our religious freedom offends them, for they are free only to worship at the state's behest. Our two nation's freely trade with the world, and become wealthy, while they see the wealth of their lands stolen by their own corrupt leaders. And, in this crisis, we are strong and confident, while they know their cause is marching to what Ronald Reagan rightly called ''The dustbin of history''. I urge my colleagues to join with me in standing with Israel and supporting this resolution.

Mr. CARDIN. Mr. Speaker, I rise in strong support of the pending resolution of which I am an original co-sponsor, H. Res. 392, expressing solidarity with Israel in its fight against terrorism.

Mr. Speaker, Israel and the United States are now engaged in a common struggle against terrorism both at home and abroad. The United States must stand strongly with Israel during this most trying of times. Since 2000 Israel has witnessed a horrendous level of terrorist activity directed at the civilian population, with scores of Israelis killed by suicide bombers and attacks and hundreds injured. While I recognize that many Palestinians have also been killed or injured in this conflict, only the Palestinians are engaging a systematic and deliberate campaign of terror aimed at inflicting as many casualties as possible on the civilian Israeli population.

This ongoing terror campaign is taking a devastating toll on youth and families. It is clear that such terrorist activities are perpetrated by forces under Yasir Arafat's partial or complete control, such as the al-Aqsa Martyrs Bridgades, which is part of Arafat's Fatah organization and has been designated as a Foreign Terrorist Organization by the United States government. Yasir Arafat and his advisers were also involved in the Palestinian Authority's thwarted attempt to obtain 50 tons of offensive weapons shipped from Iran in the Karine-A. The Palestinian Authority, in addition to other Arab governments in the region, continues to provide crucial financial support for terrorist acts, such as providing ''martyr'' payments to families of suicide bombers.

Yasir Arafat and members of the Palestinian leadership have failed to abide by their commitments to non-violence made in the Israel-PLO Declaration of Principles (Oslo accord) of September 1993, including their pledges: (1) To adhere strictly to ''a peaceful resolution of the conflict,'' (2) to resolve ''all outstanding issues relating to permanent status through negotiations,'' (3) to renounce ''the use of terrorism and other acts of violence,'' and (4) to ''assume responsibility over all PLO elements and personnel in order to assure their compliance [with the commitment to non-violence], prevent violence, and discipline violators.'' In my view the continued terrorism and incitement committed, supported, and coordinated by official arms of the Palestinian Authority are a direct violation of these commitments.

Israel's military operations are an effort to defend it against ongoing terrorist activities. Israel has both a legal right of self-defense and a moral obligation to protect its citizens. The military operations are aimed at dismantling the terrorist infrastructure in the Palestinian areas, an obligation Arafat himself undertook but failed to carry out.

I am outraged at the ongoing Palestinian terrorist campaign, and I have joined with other members of Congress in introducing a resolution that insists that the Palestinian Authority take all necessary steps to end it. Specifically, I call upon the Palestinian Authority to: (1) renounce unequivocally, publicly, and in Arabic all forms of terrorism and violence; (2) destroy the infrastructure of Palestinian terrorist groups; (3) pursue and arrest terrorists whose incarceration has been called for by Israel; (4) either prosecute such terrorists, provide convicted terrorists with the stiffest possible punishment, and ensure that those convicted remain in custody for the full duration of their sentences; or render all arrested terrorists to the Government of Israel for prosecution.

Chairman Arafat has already been put on notice that he must bring an end to these terrorists attacks against innocent Israeli civilians. The United States must make clear that terrorism and violence can never be used as a negotiating tactic. Israel must not make concessions to the Palestinians as a result of the latest terrorist attacks. And the historic and enduring relationship between the United States and Israel will only grow stronger in these times of great turmoil.

Unless PA Chairman Arafat stops the violence and cracks down on terrorist cells under his control and authority, the President should seriously consider the suspension of all diplomatic relations with the Palestinian Authority. I have also co-sponsored H.R. 1795, the Middle East Peace Commitments Act, which would require the imposition of sanctions on the PA if Chairman Arafat fails to comply with the many commitments he has made in the past to stop terrorist activities that are planned or carried out in areas under the PA's control.

I also encourage President bush to insist that all countries harboring, materially supporting, or acquiescing in the private support of Palestinian terrorist groups end all such support, dismantle the infrastructure of such groups, and bring all terrorists within their borders to justice. I commend the President for his strong leadership against international terrorism, his forthright response to this most recent outrage, and his swift action to freeze additional sources of terrorist funds. As the President stated to a joint session of Congress on September 2001: ''from this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.''

Mr. Speaker, each of us prays for peace in the Middle East, which will lead to the creation of a Palestinian state living in peace and prosperity alongside a safe and secure Israel. The only way to achieve peace is for the Palestinian leaders to not only condemn but to take steps to stop terrorism and violence.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in solidarity with Israel. I'm proud to make this statement of support today, especially in light of the ever-changing news reports coming out of the region.

The resolution currently on the House floor is simple: the United States supports Israel's war against terrorism. Some in the international community contend the United States is biased; they render our country's support for Israel controversial. They are entitled to their opinions, as are we; I firmly believe every American makes the right decision when stating support for Israel during this turbulent time in history.

Israel, our sole democratic ally in the Middle East, continues to persevere. She has faced many tough times since her declaration of Independence, and this threat to Israel's existence surely rates as one of her most difficult battles yet.

Israel fights hatred on a daily basis. This hatred is terrorism. It is murder. Israel has every right to defend herself against terrorism. When innocent civilians are murdered, over and over again, Israel has no choice but to take action.

Israel is no stranger to difficulty, and no stranger to compromise. I continue to support Israel's decision to root out terrorists. I think it's natural, and expected, and it must be done just like America's efforts in Afghanistan. I also support Israel's recent decision to end the situation in Ramallah; the compromise was a

worthwhile trade-off, consistent with Israel's aim: the obliteration of terrorism by getting terrorists off the streets.

Israel faces daily barages of criticism from her Arab neighbors and much of Western Europe, not to mention the United Nations. Sometimes she even faces criticism from United States officials. Nevertheless, Israel continues to act in the best interest of her people.

She refused to end military incursions until Israel's security was assured. After unsubstantiated Palestinian allegations of a massacre in Jenin were publicized by the media, Israel agreed to allow a UN factfinding mission entrance after certain conditions were met. These guidelines were not followed, and Israel revoked its support for a mission; coincidentally, no evidence of a massacre ever materialized, and the UN ended its effort as well.

I firmly believe that difficult decisions will be made in order to achieve a permanent peace, and the above decisions are part of this process. This resolution is evidence that as Israel fights terrorism and searches for a lasting solution to this ongoing crisis, the United States will remain at her side.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

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

The vote was taken by electronic device, and there were—yeas 328, nays 82, not voting 24, as follows:

[Roll No. 124]

YEAS—328

Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cantor
Capito
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Paul
Pelosi
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—82

Abercrombie
Allen
Baldwin
Becerra
Bereuter
Blumenauer
Bonior
Boucher
Brown (OH)
Capps
Capuano
Clay
Clayton
Clyburn
Condit
Conyers
DeFazio
DeGette
Delahunt
Dingell
Doggett
Eshoo
Farr
Filner
Frank
Green (WI)
Hall (OH)
Hilliard
Hinchey
Honda
Inslee
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lee
Lipinski
Lofgren
Matheson
McCarthy (MO)
McDermott
McGovern
McKinney
Miller, George
Mink
Mollohan
Moran (VA)
Oberstar
Obey
Olver
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rivers
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Serrano
Snyder
Solis
Spratt
Stark
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Waters
Watt (NC)
Woolsey

NOT VOTING—24

Bilirakis
Brown (FL)
Burton
Callahan
Cannon
Cooksey
Crane
Everett
Fattah
Hoekstra
Istook
Jefferson
Jenkins
John
McHugh
Millender-McDonald
Murtha
Riley
Ros-Lehtinen
Roukema
Sullivan
Thompson (MS)
Traficant
Wamp

□ 1450

Ms. SANCHEZ, Mrs. CAPPS, and Messrs. BECERRA, BLUMENAUER, ALLEN, GREEN of Wisconsin, PASCRELL, RUSH and SERRANO changed their vote from ''yea'' to ''nay.''

Ms. PELOSI and Mr. MCINNIS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 329, noes 76, not voting 29, as follows:

[Roll No. 125]

AYES—329

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske

Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

NOES—76

Abercrombie
Baldwin
Barrett
Becerra
Bereuter
Blumenauer
Bonior
Boucher
Brown (OH)
Capuano
Clay
Clayton
Clyburn
Condit
Conyers
Costello
DeFazio
DeGette
Delahunt
Dingell
Doggett
Eshoo
Farr
Filner
Frank
Hall (OH)
Hilliard
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lee
Lipinski
Lofgren
Lynch
McDermott
McKinney
Miller, George
Mink
Mollohan
Moran (VA)
Oberstar
Obey
Olver
Payne
Peterson (MN)
Petri
Price (NC)
Rahall
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Serrano
Snyder
Solis
Stark
Stenholm
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Waters
Watt (NC)
Woolsey

NOT VOTING—29

Bilirakis
Brown (FL)
Burton
Callahan
Cannon
Cooksey
Crane
Dooley
Everett
Fattah
Hoekstra
Issa
Istook
Jefferson
Jenkins
John
Linder
McHugh
Millender-McDonald
Murtha
Norwood
Riley
Ros-Lehtinen
Roukema
Sullivan
Thompson (MS)
Traficant
Wamp
Young (FL)

□ 1500

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1500

## ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 4546, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

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

Mr. DREIER. Mr. Speaker, today a ''Dear Colleague'' letter will be sent to Members informing them that the Committee on Rules is planning to meet next week to grant a rule which may limit the amendment process for H.R. 4546, the National Defense Authorization Act for Fiscal Year 2003. The bill was ordered reported by the Committee on Armed Services yesterday and is expected to be filed tomorrow.

Any Member who wishes to offer an amendment to this bill should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 5 p.m. on Tuesday, May 7, to the Committee on Rules in room H–312 in the Capitol.

Amendments should be drafted to the text of the bill as reported by the House Committee on Armed Services, which is expected to be available on Friday, May 3, tomorrow. The text will be available on the Web sites of both the Committee on Armed Services and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## EXPRESSING SOLIDARITY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 392) expressing solidarity with Israel in its fight against terrorism, as amended.

The Clerk read as follows:

H. RES. 392

Whereas the United States and Israel are now engaged in a common struggle against terrorism and are on the front-lines of a conflict thrust upon them against their will;

Whereas hundreds of innocent Israelis and Palestinians have died tragically in violence since September 2000;

Whereas Palestinian organizations are engaging in an organized, systematic, and deliberate campaign of terror aimed at inflicting as many casualties as possible on the Israeli population, including through the use of suicide terrorist attacks;

Whereas the number of Israelis killed during that time by suicide terrorist attacks alone, on a basis proportional to the United States population, is approximately 9,000, three times the number killed in the terrorist attacks on New York and Washington on September 11, 2001;

Whereas Yasir Arafat and members of the Palestinian leadership have failed to abide by their commitments to non-violence made in the Israel-PLO Declaration of Principles (the ''Oslo accord'') of September 1993, including their pledges (1) to adhere strictly to ''a peaceful resolution of the conflict,'' (2) to resolve ''all outstanding issues relating to permanent status through negotiations,'' (3) to renounce ''the use of terrorism and other acts of violence,'' and (4) to ''assume responsibility over all PLO elements and personnel in order to assure their compliance [with the commitment to nonviolence], prevent violence, and discipline violators'';

Whereas the continued terrorism and incitement committed and supported by official arms of the Palestinian Authority are a direct violation of these commitments;

Whereas the al-Aqsa Martyrs Brigades, which is part of Arafat's Fatah organization and has been designated a ''Foreign Terrorist Organization'' by the United States Government, and other Fatah forces have murdered scores of innocent Israelis;

Whereas forces under Yasir Arafat's direct control were involved in the Palestinian Authority's thwarted attempt to obtain 50 tons of offensive weapons shipped from Iran in the Karine-A, and effort that irrefutably proved Arafat's embrace of the use and escalation of violence;

Whereas the Israeli Government has documents found in the offices of the Palestinian Authority that demonstrate the crucial financial support the Palestinian Authority continues to provide for terrorist acts, including suicide bombers;

Whereas the recent escalation of Palestinian attacks, killing 46 Israelis during the week of Passover, included a heinous suicide-bombing at a religious ceremony which killed 27 and wounded more than a hundred, many critically, and was perpetrated by a known terrorist whom Israel had previously asked Yasir Arafat to arrest;

Whereas this suicide attack occurred at the very time United States envoy General Anthony Zinni was attempting to negotiate a cease-fire that would lead to the resumption of Israeli-Palestinians political negotiations;

Whereas, just before the Passover attack, Israel had agreed to General Zinni's cease-fire proposals, whereas Yasir Arafat rejected them;

Whereas Yasir Arafat continues to incite terror by, for example, saying of the Passover suicide bomber, ''Oh, God, give me a martyrdom like this'';

Whereas Yasir Arafat and the PLO have a long history of making and breaking anti-terrorism pledges;

Whereas President George W. Bush declared at a joint session of Congress on September 20, 2001, that ''[f]rom this day forward, any nation that continues to harbor or

support terrorism will be regarded by the United States as a hostile regime'';

Whereas President Bush recently stated that he ''fully understands Israel's need to defend herself'' and that he ''respect(s)'' the fact that Israelis have ''seen a wave of suicide bombers coming to the heart of their cities and killing innocent people'';

Whereas President Bush, in his speech of April 4, 2002, stated that ''the situation in which he [Arafat] finds himself today is largely of his own making''; that Arafat ''missed his opportunities, and thereby betrayed the hopes of the people he's supposed to lead''; and that, [g]iven his [Arafat's] failure, the Israeli Government feels it must strike at terrorist networks that are killing its citizens'';

Whereas Israel's military operations are an effort to defend itself against the unspeakable horrors of ongoing terrorism and are aimed only at dismantling the terrorist infrastructure in the Palestinian areas, an obligation Arafat himself undertook but failed to carry out; and

Whereas the process of Israeli withdrawal is nearly complete: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) stands in solidarity with Israel as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;

(2) remains committed to Israel's right to self-defense and supports additional United States assistance to help Israel defend itself;

(3) condemns the recent wave of Palestinian suicide bombings;

(4) condemns the ongoing support of terror by Yasir Arafat and others members of the Palestinian leadership;

(5) demand that the Palestinian Authority at last fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas, including any such infrastructure associated with PLO and Palestinian Authority entities tied directly to Yasir Arafat;

(6) is gravely concerned that Arafat's actions are not those of a viable partner for peace;

(7) urges all Arab states to declare their unqualified opposition to all forms of terrorism, including suicide bombing;

(8) commends the President for his leadership in addressing the Israeli-Palestinian conflict, particularly the efforts of the Administration to engage countries throughout the region to condemn and prevent terrorism and to prevent a widening of the conflict;

(9) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East; and

(10) encourages the international community to take action to alleviate the humanitarian needs of the Palestinian people.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 404, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

For what purpose does the gentleman from West Virginia (Mr. RAHALL) rise?

Mr. RAHALL. Mr. Speaker, I rise in opposition to the resolution and request half of the time.

The SPEAKER pre tempore. Is the gentleman from California (Mr. LANTOS) opposed to the resolution?

Mr. LANTOS. Mr. Speaker, no, I am not. I strongly support the resolution.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from West Virginia (Mr. RAHALL) will control the time in opposition to the motion.

The Chairs recognizes the gentleman from Illinois (Mr. HYDE) for 30 minutes.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr HYDE. Mr. Speaker, I yield half of my time to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he may be permitted to control that time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LANTOS) will control 15 minutes.

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

Mr. Speaker, I support the pending resolution offered by my friend, the gentleman from California (Mr. LANTOS), and the gentleman from Texas (Mr. DELAY) and by many of our colleagues.

For a moment, Mr. Speaker, put yourself in the position of the Prime Minister of Israel and more importantly in the position of the mothers and fathers of Israel. And I speak of Jews and Arabs, for both have been victims. Having concluded an agreement under which the parties foreswore the use of force to settle political disputes, you are suddenly subject to violent acts, including eventually the nearly daily horror of homicide bombings. You realize those acts are not opposed and actually seem to be supported by the leadership on the Palestine side.

What are you to do? You just take action to defend yourself, your people, your children; and that is what Israel did and the American people support it. We must, of course, think beyond the current situation.

The administration has done a good job at diffusing this crisis and minimizing the loss of life, but now they must arrive at a method to determine once and for all if Chairman Arafat, given sufficient pressure and incentive, can exert the required leadership. If not, someone with authority must take his place; but for now he is the leader of the Palestinian people and for their sake, if not his, we must go the extra mile. This will require a reconstruction on democratic grounds of the Palestinian Authority, a new deal for the Palestine people from their leaders. Good government, open markets, not corruption, cronyism and monopolies must prevail in the Palestinian areas.

The gentleman from California (Mr. LANTOS) and I have now determined that we must add to the political and security steps that are part of the administration's plans. We must add an economic component to provide a prospect of a better life for the people of the region. A new Marshall Plan is needed to provide stability in the region, and I hope to develop a proposal in the near future with the gentleman from California (Mr. LANTOS).

The leadership of President Bush has been enormously helpful; and I am proud that he, the Congress, and the American people are standing up for our friends in the Middle East at this crucial moment in its history.

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

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished Democratic leader, the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Speaker, with this resolution today the House of Representatives is standing in solidarity with the people of Israel and for peace in the Middle East. We are defending a people, a democracy, and a friend that shares our commitment to the universal values cherished by all human beings in the world.

Since 1948, America has stood with Israel when Harry Truman rejected the advice of his staff and formally recognized Israel as a sovereign nation. Since that time Israel's strength and America's leadership have been essential in advancing these goals. We cannot stand on the sidelines as Israel's security and the prospect of peace are undermined.

We must not waiver in our commitment to those, Arab and Israeli alike, who have chosen the path of peace.

A few months ago I visited the Middle East and saw firsthand that Israel is in a moment of great danger. Over the past several months Israel has endured terrorist attacks unrelenting in frequency and severity. In the past 18 months, more than 450 Israelis have been killed and over 4,000 have been wounded in attacks. For a country the size of Israel, these numbers are staggering. Proportionally, this equates to more than 21,000 American deaths and over 200,000 American injuries. Yet the Israeli people remain strong, and they remain determined to increase their security and pursue a lasting peace in the region.

The American people are also committed to these goals: first, to preserve and strengthen Israel's security; second, to help Israel and its neighbors end the violence and the threats posed by terrorism; third, to resume a dialogue among those committed to a just and lasting peace for all. This is not an issue that politics should infect.

What is important here is that Americans stand together and be bipartisan, and that the administration and the Congress speak with one voice as much as humanly possible on this issue.

We must continue to lead efforts to bring about peace in the Middle East.

We are committed to the vision of two independent states living side by side in peace, security and prosperity. We seek a resolution of the conflict between Israel and all of its neighbors. We recognize the humanitarian needs of all people in the region, and we support efforts to address these needs.

This is an important issue for the security of every human being in America, everybody in the Middle East and maybe everybody in the world. With this resolution we will stand by Israel, we will stand for peace, and we will stand for a future that brings peace and prosperity to all of the people of the Middle East.

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

Mr. Speaker, this is probably the most political nonpartisan resolution in the history of Congress. I have every bit of empathy and concern for those innocent Israelis that have lost their lives. And the statistics in the resolution, they have been demonstrated here today; but no mention has been made of the innocent Palestinians that have been killed by Israeli forces and settlers. In terms of U.S. numbers, this amounts to more than 30,000 dead, 120,000 wounded and maimed.

So let us look at this issue in a balanced approach. Let us send a balanced message to the Middle East. The tens of thousands of Americans that have come to our Nation's capital demonstrating on both sides, Israelis have come, Palestinians have come, they need to see that Washington and the Congress is balanced in our efforts here.

Neither side has fulfilled their agreements under Oslo. Let us get that straight. You have heard the attacks against Arafat. Sure he has not fulfilled them. Neither have the Israelis. Neither side, neither side is an angel here. Neither side is an angel. Let us get that on the record perfectly clear as well.

Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, we have seen this resolution or one very like it before. The same thoughts that we saw before we see before us today, and that is that this is not a balanced resolution. It is not in the interests of Israel. It is not in the interests of the Palestinian people, and it is not in the interest of the United States. It is simply a denunciation of the Palestinians, and it does nothing to set out a picture of balance as the position of the United States.

It is time the United States recognizes something. Our commitment, and I am a part of that, to Israel for its continued existence requires that there be peace in the Middle East, and it requires that the United States function as an honest broker and as a friend to all parties and to all countries in that area. We can and we should and we do and we denounce terrorism. It is wrong.

But this denunciation of terrorism is not the kind of mechanism that will bring peace. It does not posture the United States as a friend to all. It does not posture the United States as an honest broker seeking to defend the interests of peace and to establish a place and a climate in which Israelis and Israel and Palestinians and a Palestinian state may live at peace. It simply takes one side. That is no way to get ourselves in the position of being an honest broker.

I would like to read something that was said by a man wiser than I and wiser than most of us here. He said this: ''I truly tell you, we have before us today an opportunity for peace which time will never repeat and we must seize if we are really serious in struggling for peace. If we weaken or fritter away this opportunity we shall end in a new blood-bath. He who has conspired to lose it will have the curse of humanity and history upon his head.''

These are the words that Anwar Sadat spoke to the Israeli Knesset in 1977. I would remind you that Sadat, like Yizak Rabin, paid the highest price for his search for peace.

I would tell you that until the United States recognizes the need for us and this country to function as an honest broker for peace, there will be no peace, there will be no security for Israel, there will be no security for the Palestinians and no security for the United States.

Mr. Speaker, today we are debating yet another irresponsible Congressional resolution that does absolutely nothing to help end the violence that plagues the Israeli and Palestinian people. I rise in opposition to this resolution, which at a very delicate time undermines the Bush Administration's efforts to ease tensions, end violence, and bring about a fair peace that will be acceptable and beneficial to Israelis and Palestinians. This resolution sends exactly the wrong signal at this perilous time. It will only further fan the flames of violence, increase regional instability, and compromises our war on terrorism.

With American forces engaged in battle, the Administration needs Congress to support its diplomatic efforts, particularly the effort to bring about peace in Israel and the Occupied Territories. The Administration needs Congress to support its efforts to engage both the Israelis and Palestinians as an honest broker that sees the death of any innocent human being as a tragedy and threat to the long-term interests of the parties involved, our regional allies, and the United States. Congress must stand for peace, for it is peace along that will benefit Israel, Palestine, and the United States. The Administration does not need Congress to pass one-sided, proactive measures that undermine U.S. diplomacy and our ability to address this problem, which has proven to be a cancer on Israel, Palestine, the region, and U.S. diplomacy.

Consistent and fair U.S. leadership is critical to proving Israel security and allowing the Palestinian people to live with dignity, and is the best and perhaps only viable hope for reducing bloodshed. As bad as the situation is today, there are rays of hope that we must not block. We have an opportunity for peace, and numerous diplomatic initiatives—based on U.S. leadership and building on the Mitchell Committee Report, the Tenet plan, and the Saudi Proposal—that must move forward. These measures could prevent the widening of this conflict into a war in which there will not be a winner regardless of military outcome.

Passage of H. Res. 392 will undermine the Administration, diminish U.S. leverage with the Palestinians, and further damage U.S. creditability in the region. If the U.S. fails to act as a peace proponent now, there will most certainly be a leadership vacuum in the region. This will hurt our allies, including Israel.

Mr. Speaker, what is the vision of the Administration? Secretary Colin Powell said that is to build, ''a region where Israelis and Arabs can live together in peace, security, and dignity.'' To do this he noted that both parties must take steps, some painful, in order to reach a just conclusion to this conflict. H. Res. 392 does not embody this vision, and it does not embody peace.

Why aren't we debating H. Con. Res. 253, a bill I introduced that endorses the Mitchell Commission recommendations? Why aren't we debating H. Res. 394, which my colleague from Oregon, Mr. DEFAZIO, introduced? Why aren't we debating H. Res. 382, that my friend ALCEE HASTINGS introduced? All these bills are balanced, and urge a peaceful settlement to the ongoing conflict that is endangering the region and the world. Why aren't we urging the parties to work with the Administration to end the violence and make peace?

Let me read you a statement made from a man wiser than I:

> I truly tell you: we have before us today an opportunity for peace which time will never repeat and we must seize it if we are really serious in struggling for peace. If we weaken or fritter away this opportunity we shall end in a new blood-bath; he who has conspired to lose it will have the curse of humanity and history on his head.

Mr. Speaker, these are the words Anwar Sadat spoke to the Israeli Knesset in 1977. Sadat, like Yitzak Rabin, paid the highest personal price for peace. Let us remember these words and these brave men, and champion efforts to bring about a just and lasting peace. Let's be on the right side of history. Vote down this resolution, and support the Administration's efforts to solve this conflict and bring peace to this troubled land.

□ 1515

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN).

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

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

Mr. Speaker, I rise in strong support of H. Res. 392 in expressing America's solidarity with Israel in its fight against terrorism, and I commend the gentleman from Texas (Mr. DELAY) for his leadership and the gentleman from California (Mr. LANTOS), the ranking minority member of our committee,

for their cosponsorship of this resolution which makes several significant policy statements.

The PLO and Chairman Arafat have long been suspected, but it was only recently made clear that they were engaged in an organized deliberate campaign of terror aimed at inflicting as many casualties as possible on the Israeli population by their suicide bombings. It is obvious that Mr. Arafat has not been any partner for peace.

The amount of illegal weapons seized from the Palestinians by the Israelis is decisive evidence of their warlike intentions. Moreover, Mr. Arafat has continued to incite terror by stating with regard to the Passover massacre suicide bomber, ''Oh God, give me a martyrdom like this.''

This proposal concludes that Mr. Arafat and the Palestinian Authority have failed to abide by their commitments, pursued an ongoing terrorism campaign against the State of Israel. The Passover massacre was perpetrated by a terrorist whom Israel had previously had called on Mr. Arafat to arrest.

This resolution, which I am pleased to cosponsor, maintains its firm commitment to Israel's right of self-defense. Mr. Speaker, political disputes can only be solved through negotiation, through compromise and the building of trust and not by violence and certainly not by suicide bombings.

Accordingly, I strongly urge support of H. Res. 392, and I urge my colleagues to fully support this measure.

Mr. LANTOS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Michigan (Mr. KILDEE).

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

Mr. KILDEE. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me the time.

Mr. Speaker, I have always been a strong supporter of the State of Israel, the people of Israel, and their need to live in peace behind secure borders, enjoying normal relations with their neighbors and the world.

I am an equally strong supporter of the rights of the Palestinian people to live in peace in their own state, behind secure borders, enjoying normal relations with their neighbors and the world.

I agree with the sponsors of this resolution that the recent spate of Palestinian suicide bombings of Israeli civilians is horrific, and deserves condemnation. We must stand united against terrorism, in all its forms.

However, I am concerned with some of the deficiencies of this resolution.

President Bush and Secretary of State Colin Powell are exerting great efforts to move the Middle East peace process forward. The United States is the only country that has the resources, the will, and the influence with both sides to help bring them to a peaceful solution.

Both President Bush and Secretary Powell have raised questions about the effect of this resolution.

The Congress should rightly praise the President's peace efforts. But we should also encourage the Arab countries to embrace the Saudi peace proposal for an Israeli withdrawal from the occupied territories, coupled with a complete recognition and acceptance by the Arab countries of Israel's right to secure borders and normal relations with her neighbors.

It is also unfortunate that the sponsors of the resolution did not insert language sought by the Bush White House that would acknowledge the suffering of the Palestinian people.

Peace will not come to this region until both sides are willing to give up some of their maximal goals, including the questions of refugees and settlements. And it means both sides must be invested in the success of the peace process and in maintaining peaceful relations between the Israeli and Palestinian peoples.

Mr. Speaker, I will vote for H. Res. 392, despite its deficiencies as a way of expressing solidarity with the people of Israel during a time of strife. But we must never lose sight of the need to also acknowledge the suffering and the political rights and aspirations of the Palestinian people.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, in the last 18 months we have watched while nearly 400 Israelis, mostly civilians, have died in the violence in the Middle East. We have watched the escalation that has cost so many Palestinians their lives in a senseless intifada. We seek an end to violence and we ask for peace to all the people of the Middle East.

The established Palestinian leadership cannot decide on which side of the line they stand, but this is a moral line that one cannot straddle in pursuit of political goals. Whether or not they ordered the terrorists into action or whether they turned a blind eye, it is they who are responsible for the violence that kills the innocent and kills the young people who are suicide bombers today.

Israel is not perfect, but I believe that Israel does not wage war on innocents. Israel knows that there is no compromise with terrorism.

America lost its innocence after September 11, and that caused us again to view and understanding of the forces of evil that can threaten our survival. There is no more important moment for solidarity. With only 6 million people in the preciously small place, Israel needs our voice. Our solidarity is borne of our common instinctive response to that September 11 attack. With this resolution, we renew the solidarity in a common cause.

Mr. RAHALL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks and include extraneous material.)

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from West Virginia for yielding me the time.

I am going to enter into the RECORD at this point a statement by Desmond Tutu, who asks for a balance for peace and a way to bring peace together.

[From the Guardian, Apr. 29, 2002]

APARTHEID IN THE HOLY LAND

(By Desmond Tutu)

In our struggle against apartheid, the great supporters were Jewish people. They almost instinctively had to be on the side of the disenfranchised, of the voiceless ones, fighting injustice, oppression and evil. I have continued to feel strongly with the Jews. I am patron of a holocaust center in South Africa. I believe Israel has a right to secure borders.

What is not so understandable, not justified, is what it did to another people to guarantee its existence. I've been very deeply distressed in my visit to the Holy Land; it reminded me so much of what happened to us black people in South Africa. I have seen the humiliation of the Palestinians at checkpoints and roadblocks, suffering like us when young white police officers prevented us from moving about.

On one of my visits to the Holy Land I drove to a church with the Anglican bishop in Jerusalem. I could hear tears in his voice as he pointed to Jewish settlements. I thought of the desire of Israelis for security. But what of the Palestinians who have lost their land and homes?

I have experienced Palestinians pointing to what were their homes, now occupied by Jewish Israelis. I was walking with Canon Naim Ateek (the head of the Sabeel Ecumenical Centre) in Jerusalem. He pointed and said: ''Our home was over there. We were driven out of our home; it is now occupied by Israeli Jews.''

My heart aches. I say why are our memories so short. Have our Jewish sisters and brothers forgotten their humiliation? Have they forgotten the collective punishment, the home demolitions, in their own history so soon? Have they turned their backs on their profound and noble religious traditions? Have they forgotten that God cares deeply about the downtrodden?

Israel will never get true security and safety through oppressing another people. A true peace can ultimately be built only on justice. We condemn the violence of suicide bombers, and we condemn the corruption of young minds taught hatred; but we also condemn the violence of military incursions in the occupied lands, and the inhumanity that won't let ambulances reach the injured.

The military action of recent days, I predict with certainty, will not provide the security and peace Israelis want; it will only intensify the hatred.

Isreal has three options: revert to the previous stalemated situation; exterminate all Palestinians; or—I hope—to strive for peace based on justice, based on withdrawal from all the occupied territories, and the establishment of a viable Palestinian state on those territories side by side with Israel, both with secure borders.

We in South Africa had a relatively peaceful transition. If our madness could end as it did, it must be possible to do the same everywhere else in the world. If peace could come to South Africa, surely it can come to the Holy Land?

My brother Naim Ateek has said what we used to say: ''I am not pro- this people or that. I am pro-justice, pro-freedom. I am anti-injustice, anti-oppression.''

But you know as well as I do that, somehow, the Israeli government is placed on a pedestal [in the US], and to criticize it is to be immediately dubbed anti-semitic, as if the Palestinians were not semitic. I am not even anti-white, despite the madness of that group. And how did it come about that Israel was collaborating with the apartheid government on security measures?

People are scared in this country [the US], to say wrong is wrong because the Jewish

lobby is powerful—very powerful. Well, so what? For goodness sake, this is God's world! We live in a moral universe. The apartheid government was very powerful, but today it no longer exists. Hitler, Mussolini, Stalin, Pinochet, Milosevic, and Idi Amin were all powerful, but in the end they bit the dust.

Injustice and oppression will never prevail. Those who are powerful have to remember the litmus test that God gives to the powerful: what is your treatment of the poor, the hungry, the voiceless? And on the basis of that, God passes judgment.

We should put out a clarion call to the government of the people of Israel, to the Palestinian people and say: peace is possible, peace based on justice is possible. We will do all we can to assist you to achieve this peace, because it is God's dream, and you will be able to live amicably together as sisters and brothers.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), a member of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, Oh, little town of Bethlehem, we witness and we cry, Israelis and Palestinians, both practice eye for eye.

Made blind by rage and terror, they make a just God cry, and crush the hopes of all the years while still more children die.

Our senators and congressmen produce a rash appeal, selective words of blame are used, instead of words that heal.

Put politics and word games before the cause of peace and make it still more difficult to bring the region peace.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE) for yielding the time to me.

I have been in the People's House, Mr. Speaker, for nine terms, and during each term, peace in the Middle East has been debated at length. Here we are again today.

I care not who speaks for Israel or for the PLO, but I do care who rejects terrorism and who embraces it. We cannot stand idly by and see innocent persons slain day after day. This peace process must be driven by reason, not anger and hostility.

Israel has demonstrated that it can live in peace with its Arab neighbors, and reasonable men and women representing each side of this conflict should formulate a peace plan whereby bloodshed in the Middle East becomes a sordid plank of the past, and peace, an ingredient that sweeps across the Middle East, to be enjoyed by Israelis as well as Palestinians.

This should be our prayer.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of this important resolution. On September 11, raw, cold blooded terror exploded in the United States of America, the type of terror that Israelis know far too well.

Here in the United States we point to one single day, September 11, and remember the unspeakable carnage and terror. Israelis cannot point to one single day of terror because they live with terror every single day.

As someone who lost a family member on September 11, each time a homicide bomber attacks a cafe in Israel, it reawakens my grief and my anger, and I know the impact of each explosion is felt in the hearts and minds of every single American.

Israel and the United States are fighting the same enemy. Our enemies have different faces but a common objective.

The U.S. has found it easy to identify our enemy but often difficult to identify our true friends. A friend is someone with whom one shares a common cause and struggle. Our cause is peace and our friend is Israel.

It is time to stand up and speak with one resolute voice and say, Israel, we are in this together.

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, is there anyone in this body or Nation that does not know that the U.S. government is friendly with Israel and supports their cause? Now, I would ask the gentleman from Illinois (Mr. HYDE), the chairman, why were there no hearings? I would ask the gentleman from California (Mr. LANTOS), the ranking member, why were there no hearings?

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

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

Mr. LANTOS. Mr. Speaker, I will be delighted to respond to the gentleman.

There was no reason for the lack of hearings. This issue has been discussed ad nauseam and ad infinitum, and the tragedy which is unfolding in the area compelled us to move expeditiously. We will be delighted to have extended hearings, as I am sure the Chairman plans, on the whole issue of peace in the Middle East.

Mr. CONYERS. Mr. Speaker, as my ranking member and friend knows, we are trying to construct an environment that we can talk about this matter among ourselves and that there needs to be a national dialogue around the country.

I have talked with the gentleman from Illinois (Mr. HYDE) about it, to which he has agreed. I have talked with the senior Senators from Delaware, North Dakota, the gentleman from New York (Mr. GILMAN), the gentleman from West Virginia (Mr. RAHALL), and the gentlewoman from California (Ms. WOOLSEY).

Here is what Martin Luther King said, ''We are caught in an inescapable network of mutuality, tied in a single garment of destiny.''

Mr. LANTOS. Mr. Speaker, I am delighted and proud to yield 2 minutes to the gentlewoman from California (Ms. PELOSI), our distinguished Democratic whip, and my friend and neighbor.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me the time.

Mr. Speaker, today as we are engaged in this very sad and difficult debate on this floor of the House, there is an ongoing tragedy in the Middle East, and indeed, we mourn the loss of life on both sides of the conflict.

Yes, the U.S. and Israel have had an unbreakable friendship based on our shared commitment to peace, stability and democracy. A secure Israel can only prevail if there is peace in the Middle East.

Less than 2 years ago, Israeli and Palestinian leaders met at Camp David, and we were hopeful of an agreement that all issues of permanent status, including the establishment of a Palestinian state and a secure State of Israel would be resolved.

Prime Minister Barak made a generous and historic proposal. Chairman Arafat missed that historic opportunity when he failed to seize it and to negotiate a peaceful settlement of the Middle East crisis.

We must return to that effort sooner rather than later. Neither Israel nor the Palestinians can afford to abandon the search for peace.

The United States must lead at this critical time. We know that when the United States is involved, there is less violence in the Middle East.

Terrorism and suicide bombings must not be the price that is paid for a free society. The goal of terrorists is to instill fear. They kill not just to destroy lives but to change the way people live and the way a country thrives.

In order to build a better future for his people, Chairman Arafat must become a viable partner for peace. It is only through honest negotiations, not through violence, that the Palestinians can achieve their goal, which most of us support, the creation of a Palestinian state.

That is why I am pleased that the resolution before us today calls for the international community to provide humanitarian assistance to Palestinians, and the United States must be a strong part of that. We must build upon the efforts of the heroes who have built the foundation for peace. We must honor the legacy of the martyr for peace, Prime Minister Rabin, and work for a secure Israel and for peace in the Middle East. As I said, that can only happen with a secure Palestinian state.

In the spirit of Rabin, we must be guided by his words, ''No more bloodshed, no more tears.''

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Illinois (Mr. HYDE) has 9½ minutes remaining. The gentleman from California (Mr. LANTOS) has 10 minutes remaining. The gentleman from West Virginia (Mr. RAHALL) has 23½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I declare my support for the State of Israel and the security of the Israeli people. I

also declare my support for a Palestinian state and the security of a Palestinian people. So I will vote present today because I believe the security of Israel requires the security of the Palestinians.

I will vote present because I believe the United States can do better through honest brokering and a principled commitment to peaceful coexistence. Today we are missing an opportunity to lead people of the Middle East toward a secure and stable future together.

This resolution equates Israel's dilemma, which is the outcome of the Palestinian struggle for self-determination, with the United States campaign against the criminal organization, al Qaeda. Unfortunately, our own policy is undefined, amorphous, without borders, without limits and without congressional oversight.

For this Congress to place the historic Israeli-Palestinian conflict into the context of the current fashion of U.S. global policy pitches, Israelis and Palestinians alike into a black hole of policy without purpose and conflict, without resolution.

The same humanity which requires us to acknowledge with profound concern the pain and suffering of the people of Israel requires a similar expression for the pain and suffering of the Palestinians. When our brothers and sisters are fighting to the death, instead of declaring solidarity with one against the other, should we not declare solidarity with both for peace so that both may live in security and freedom?

If we seek to require the Palestinians who do not have their own state to adhere to a higher standard of conduct, should we not also ask Israel with over a half century experience with Statehood to adhere to a basic standard of conduct, including meeting the requirements of international law?

There is a role for the Congress and the administration in helping to bring a lasting peace in the Middle East. However, this resolution does not create that role.

□ 1530

After today, we will still need to determine a course of action to bring about peace. This course will require multilateral diplomacy, which strengthens cooperation among all countries in the region. It will require focused, unwavering attention. It will require sufficient financial resources. And it will require that our Nation have the political will to bring about a true and a fair and sustainable resolution of the conflict.

When this Congress enters into the conflict and takes sides between Israel and Palestine, we do not help to achieve peace, but the opposite. Similarly, the administration should consider that when it conducts a war against terrorism without limits, the principle of war is quickened everywhere in the world, including the Middle East. When it talks incessantly about invading Iraq, the tempo of war is picked up everywhere.

If we truly want peace in the Middle East, this resolution is counterproductive. I will vote ''present'' because I do not believe this resolution dignifies the role towards creating peace which this Congress can and must fulfill.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California (Mr. HORN), my very learned colleague.

Mr. HORN. Mr. Speaker, September 11 showed Americans the results of the devastating effects of terrorism in our lives and communities. Sadly, citizens of Israel must deal with terrorism every day. The terrorists want to destroy Israel. As the only democracy in the Middle East, Israel embodies the ideals and virtues that we treasure as Americans.

Let us support the people of Israel. The peace will only come when Israel and its Arab neighbors come together and work out a realistic and honest agreement. For that to occur, acts of terrorism must end and Israel's right to exist in peace must be recognized and honored.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, today Israel faces an attack on its continued existence by those who reject a two-state solution. Now is the time for us to demonstrate our solidarity with those under terrorist attack. We should not be balanced between those who target civilians for death and those seeking to protect themselves from terror.

For those who thirst for balance, recognize that this resolution is but a drop in the bucket of world commentary, and this resolution will help balance, will help offset the rash of anti-Israel diatribes and anti-Semitic violence.

Some will disagree with the exact drafting of this or that clause in this resolution, but the world will little notice the exact text however. The vote total, will blaze in headlines worldwide. Let that vote total demonstrate that no one can drive a wedge between the United States and Israel, and no one can drive a wedge between Democrats and the pro-Israel community.

Vote yes!

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise today in the cause of peace and to express my concern about the content and the timing of this resolution, and I urge my colleagues to vote ''present.''

Just before we adjourned last year, I introduced House Resolution 328, a bill expressing the sense of Congress that during the holiday season peace should be America's top priority in the Middle East. I was greatly disappointed, in fact I was shocked, that the leadership refused to bring up such a mild but hopeful bill on this floor. They never considered peace a priority.

The killing escalated over the holidays and into this year. What a corrosive impact this is having on the young minds of our world. If Congress truly wants to encourage peace, then let us do it constructively.

I agree with the gentleman from Texas (Mr. DELAY) that hundreds more innocent Israelis and Palestinians have died tragically in the ongoing violence. But his one-sided resolution will only fan the killing frenzy. It offers no encouragement for the Arab states to have a place at the peace table.

Israel cannot make peace alone. This resolution envisions no Palestinian state as key in the peace process. At its worst, I fear it represents crass domestic politics in this election year. By contrast, President Bush and Secretary Powell have both asked that Congress put this bill on hold.

Instead of supporting our ally, Israel, this resolution further endangers the delicate balance so necessary to bring peace to the entire region. Let us be a true partner for peace, not just with Israel but as well with the Arab states in the region, surely those that have suffered bloodshed in their common cause with Israel, for a just and lasting peace.

Mr. Speaker, a just peace process must be inclusive or it will not be sustained. America must stand for inclusion. I urge the Members to vote ''present'' on this resolution, and in this way we will demonstrate America's continuing support for Israel but also that this resolution is half-drawn and ill-timed.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I am going to support this resolution. There is no question about it. We have to support Israel, irrespective of what party is in charge. The people of Israel are our friends. In these horrible and dangerous times, we just cannot turn our back on them. They have to know we are there for them.

Having said that, I must admit that I think the timing of this resolution leaves a lot to be desired. Here we are at a point of high tension. Both Israelis and the Palestinians are wounded and desperate and looking to us for leadership. Secretary Powell has come back from his trip and Prince Abdullah has made his suggestions. As we sit here, the quartet, the U.S.–U.N., U.N.–EU, and the Russian Federation are hammering out some sort of resolution in the White House.

We must support Israel, but we must not turn our back against those on the other side, and they should know that, because our objective, primarily, has got to be peace.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. ENGEL).

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

Mr. ENGEL. Mr. Speaker, I rise in strong support of the resolution, in support of Israel, our best ally, with whom we have shared values; freedom of the press, freedom of speech. Israel is an outpost of western democracy in a sea of dictatorships and tyrants. If we, rightfully so, can go halfway around the world to combat terror in Afghanistan, surely Israel should be allowed to do the same in her own back yard.

For those who say the timing is wrong, the timing is right. Arafat has to know now that we will not allow him to use terror as a negotiating tool. The terror that has come out with the suicide bombers, three-quarters of those are affiliated with Arafat's Fateh group. We have to be consistent in the fight of against terrorism. No double standard. Because if we have a double standard, it undermines our fight against terrorism, and there is no moral equivalency between terrorism and self-defense.

People who say we should be more balanced, why is the rest of the world not balanced? The Arabs will understand and will make peace when they know that our bond with Israel is unshakable. And this resolution goes a long way in solidifying that bond.

We must vote ''yes.'' Vote against terror, vote ''yes'' on the resolution.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), a gentleman who has sponsored a very balanced resolution in this body.

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

When Yasir Arafat walked away from the peace agreement so painfully negotiated with President Clinton and Prime Minister Barak, he was recklessly irresponsible and not a leader in the interest of peace. He provided the fuel for the current endless, downward spiral of violence.

But when Ariel Sharon engaged in provocative foray to the Temple Mount to foster his political ambitions, he provided the spark that ignited the fuel of Arafat and the current violence. And his actions since then have only fanned the flames. These are not men who will lead to peace, neither of them.

The United States must stand tall as a powerful and honest broker of a balanced plan for peace. I believe that President Bush and Secretary of State Powell have made a strong and credible effort to bring an end to the violence and to begin a negotiated peace. They have offered a balanced plan. I have offered a resolution which mirrors their balanced plan. It will not be considered. It is not allowed to be debated. It will not be voted upon as an alternative. We only have this one resolution before us, which is totally slanted and biased and will only encourage more irresponsibility by Ariel Sharon.

I thought there was one thing that might turn the tide in this struggle, and it was a horrible tragedy in the end of March. Look at these two young women. They look like sisters. One, Ayat al-Akhras, 18, was a suicide bomber who killed Rachel Levy at the grocery store, age 17. I thought that both sides would be so appalled by this unbelievable tragedy and see the hopelessness of this that they might turn toward peace. But, no, that has not happened there.

Let that happen here, in the home of democracy and peace. Let us not have the United States Congress somewhere to the right of the Likud in Israel. Let us have the United States Congress stand up for the American people, for peace and democracy in the Middle East. And this resolution that we are being forced to vote on today will not lead us in that direction.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Subcommittee on East Asia and the Pacific.

Mr. LEACH. Mr. Speaker, I intend to vote for this resolution, with reservations. I will vote for it because the opposite perspective would be inexplicable. However, I have reservations on process and substantive grounds.

This resolution is pressed in this body at this time, without administration support and without review by the committee of jurisdiction, all apparently because of concern that the Senate might competitively address the issue before the House.

Substantively this resolution is unbalanced, untimely, and potentially counterproductive to the foreign policy interests of the United States and, implicitly, the viability of the State of Israel.

It is the case that this Congress must unequivocally support the existence of the state of Israel. This is a moral imperative. But if Israel is to provide security for its people, it must recognize that the Palestinian people, despite a leadership that has misserved it, have legitimate aspirations. There can be no security for either Israelis or Palestinians unless fair and equitable borders are established delineating both a Palestinian and Israeli state.

This resolution asserts a common U.S.-Israeli position on terrorism. The more difficult quid pro quo is to come: The expectation that if the United States and international community broker a credible peace agreement, the Knesset will seize the future and rise above the politics of the moment.

We in this body can express with ease, and perhaps too much glibness, rhetorical concerns of the nature contained in this bill. What will be quantumly more difficult is for the Knesset and the Palestinian Authority to reach an accord that can provide for a future of peace and stability. Parties in the region simply must demonstrate more courage and more balanced judgment than this Congress is doing today.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, before yielding to my next speaker, to just point out to my colleague who equated a suicide bomber with a victim that that is precisely what this resolution is all about. There is no moral equivalence between a suicide bomber and an innocent victim of a suicide bomber. I find this analogy he portrayed sickening.

Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

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

With the passage of this resolution, we stand in solidarity with Israel and with her people, and offer our support and our sympathy. We are outraged by the use of terror against innocent civilians. It is time for the Arab leaders and the Palestinian leaders to completely renounce the use of terror, in word and in deed.

There is no moral equivalency, as my friend from California has said, between the use of terror against innocent civilians and with Israeli self-defense. There are simple truths here. Israel has the right to defend herself, and this country should not be putting limits on that right of self-defense.

I will join three of my colleagues, Mr. Speaker, in a trip this weekend to Israel to demonstrate by our presence the solidarity and concern and support that this House will voice through a majority vote here today.

□ 1545

We stand with Israel. Our support is rock solid, and Israel will survive.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I rise in strong opposition to this resolution. This resolution blindly supports Israel's actions against the Palestinians and wholly denies the generations of suffering of the Palestinian people. This would be wrong at any time, but in light of what has happened at Jenin and Bethlehem, Ramallah, Haifa, Jerusalem, and Netanya, and what continues to happen today, this resolution is dangerous.

Like most Americans, I support Israel. However, just like most Americans, I do not support and will not support all of Israel's policies. Generations of Palestinians and Israelis have suffered in the region, but the violence of the Israeli-Palestinian conflict cannot be examined or addressed in isolation of decades of occupation of millions of Palestinians.

Israeli suffering is something that this body understands and discusses. But what of the suffering of the Palestinian people? What of the history of

land confiscation, water rights, torture, settlements, collective punishments, home demolitions, curfews, administrative detentions, expulsions, child labor? Where is the language about the 1,000-plus Palestinians killed in the last 19 months, bodies found under rubble? Where is the language about the thousands made homeless by the bulldozers in Jenin alone? Where is the language about the relief agencies denied access to treat the sick and wounded? We know that relief agencies, including the International Committee of the Red Cross, were prevented from reaching and evacuating and treating the sick and wounded throughout the West Bank and Gaza Strip, resulting in untold deaths, from the mother who bled to death from a normally nonfatal wound in front of her children, to the couple buried alive under rubble for 8 days. The stories coming to light are horrific.

Rarely on this floor is there discussion of the nearly 420 Palestinian villages destroyed at the time of Israel's founding in 1948, or the 3.8 million refugees registered by the United Nations or the estimated 2 million others not registered. Palestinians live in 59 different recognized refugees camps in misery, in poverty, with no hope of a better future for the next generations that are born into those camps.

Can we know today what 38 percent employment in the West Bank or 75 percent unemployment in Gaza can do to a population? While we cling to the hope of peace that Oslo would bring, Palestinians saw a remarkable growth in settlements. As of February, Peace Now estimates the settlers' population at 230,000, having approximately doubled in the last 10 years under Oslo.

Mr. Speaker, this is not a good resolution. I encourage Members to vote against it.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in strong support of this resolution and as an advocate of a strong American-Israeli relationship. No country in the world is more familiar with what we Americans experienced on September 11 than is Israel.

There are those who object to Israel's actions of self-defense. I ask those Members, what is America doing in Afghanistan? Are Israeli victims of terror in some way different from American victims? Do Americans have a right to self-defense and Israelis a right to die? The peace process is dead because the Palestinians killed it. It is time for Yasir Arafat and the so-called Palestinian leadership to express their desire for a Palestinian state living peacefully next to Israel rather than a Palestinian state in the place of Israel; and they need to say it in English and Arabic.

The crisis in the Middle East has nothing to do with a Palestinian homeland. The Israelis have agreed to that long ago. It has everything to do with the survival of the State of Israel, which the Palestinians have yet to recognize. This resolution sends a clear message to the supporters of terrorism and the enemies of Israel that America will never be an ally to those who commit terror.

Mr. Speaker, I ask all Members to support this resolution and stand, as this Member does, side by side with the people of the State of Israel.

Mr. RAHALL. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, of course Israel has a right to a military response to this immoral terrorism. Of course we stand with Israel. But this resolution has a major omission: it is too weak for America. It does not cut the mustard for America because it does not allow America to fulfill its manifest destiny of the only hope in the world of a force for peace to be an honest broker to help find justice and peace in this region of the world.

It rightfully expresses our permanent, unalterable commitment to the security of a Jewish state in Israel, and it wrongfully excludes any reference, any reference of a recognition or even our interest in recognizing the legitimate aspirations of the Palestinian people for a viable state of their own. This is the national policy of the United States of America, but it was omitted from this resolution for partisan, political purposes.

We rightfully condemn suicide bombing, but we cannot blind ourselves to the reality that when the world's only superpower totally ignores one people, it cannot serve effectively to bring peace to the other. We owe the Israeli people more than blind obedience to any of their government's policies. We cannot be a blinded giant. We owe them honesty, and it is honest to say that a national policy of refusing to accept and recognize the legitimate right of Palestinians to a viable state is not a step on the road to peace. Ultimately there will be justice for both, or there will be peace for neither. We know that violence breeds when hope dies and both parties are blinded by hate. Only we can bring hope to this region.

Mr. Speaker, in doing so, we ought to give Israel the same love and assistance we would give our own brother. So as we would speak up when our brother makes a judgment as to his own harm, so we ought to speak out and say that the settlement policy on the West Bank is hurting Israel. In our acquiescence, our silence in this resolution hurts Israel and does not serve her true vision of high moral values for which we have always admired her.

Mr. Speaker, to make it abundantly clear what this debate is about, and I see the gentleman from Illinois (Mr. HYDE) has stepped out, I would ask the majority party: Would the majority leadership accept a unanimous consent request to add to this resolution a simple sentence that would recognize the hope of the American people that both these parties can find viable states of their own, living in peace, one next to the other?

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

Mr. INSLEE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am not in a position to accept that statement at this time.

Mr. INSLEE. Mr. Speaker, that is most regrettable because that is the aspiration of the American people and the world, and we ought to fulfill it.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I deeply regret that I must vote against this resolution, not for what it says, but for what it does not say. Of course I agree with the strong condemnation of Palestinian suicide bombings killing so many innocent Israeli civilians. Terrorism is utterly intolerable, and it cannot be rationalized by other injustices.

The Palestinian leadership's choice of violence against the innocent as a weapon of war does in fact justify retaliation. But how I wish we could have a leader with the greatness of Ghandi in the Middle East who understood that violence begets violence, as it has catapulted the region into killing and destruction.

I must oppose this resolution because it is unbalanced and, thus, I believe counterproductive in bringing long-term peace and security to the people of Israel. It does not reference President Bush's words of April 4 and America's consistent foreign policy that Israel must stop the expansion and withdraw from the Palestinian-controlled territories before a sustainable peace can be achieved.

This country supports U.N. Resolution 242, and Israel's unwillingness to comply is a contributing factor to the cycle of violence and despair.

This House resolution does not make it clear, as Deputy Secretary of Defense Paul Wolfowitz said before thousands at an Israeli rally that America mourns the deaths of all innocent life, Israeli and Palestinian. Over 1,500 Palestinians and 500 Israelis have been killed just since September.

Yes, many Arabs hate the U.S. for our prosperity and our way of life, but they especially hate us because they see us as turning a blind eye towards the aggression and adding to the daily humiliation that hardens the hearts of even the most peace-loving Palestinian people. And, yes, shame on the Arab states for too often being part of the problem rather than the solution, but their values and actions are not the standard by which we must measure ours. Our response should not be to further alienate these states, thus undercutting our efforts to persuade our Arab allies to help stem the Palestinian violence.

We as a Nation are defined by our respect for all innocent human life, and believe that our power has a purpose to promote peace, understanding and mutual interdependence among all of the neighbors of the world. When whole towns and villages are reduced to rubble, when innocent loved ones are killed indiscriminately, and when the Palestinian people have been treated with such contempt by their occupiers, it breeds rage and desperation among a whole new generation of avengers; and a whole new cycle of vengeance, by any means, begins. That is not in our interest; and it is certainly not in Israel's interest, whose existence, security and future is not best served by this unbalanced resolution; and that is why it should be rejected.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Mr. Speaker, I thank the gentleman for yield me this time to speak in favor of a bill, not because it is perfect, because like many of our resolutions, and like many Members have said, it is less than perfect. It does not speak in a balanced fashion about some of the other shortcomings.

But I believe on the floor today we have to make a statement, a statement that the violence must end. A statement that now that Chairman Arafat has at least limited freedom of movement again, that he use this second chance to bring about an end to violence and a resumption in the altogether too necessary compromises that must be made if we are going to have peace in the Middle East, peace that will benefit both sides, that will end the violence on both sides, that will save lives on both sides.

□ 1600

So although we could all speak and speak rightfully about what is not in this legislation, or even what is maybe wrong in the resolution, I would ask my colleagues on both sides of the aisle to vote for this, to make this strong statement.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to my friend, the gentleman from Massachusetts (Mr. LYNCH).

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

Mr. LYNCH. Mr. Speaker, I realize that there are many Members that wanted to speak on this resolution today; and unfortunately for me, my seniority does not allow me to have an opportunity to speak.

I have some remarks here, Mr. Speaker, on behalf of this resolution and in support of the people of Israel, and I will enter them into the RECORD at a later date.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, the United States must stand in solidarity with Israel during this devastating time. Hundreds of Israelis have been murdered by Palestinian terrorists; and make no mistake, Yasir Arafat is directly responsible. The stark reality is that Arafat is no longer even remotely a partner in peace. Just the opposite. Arafat has eviscerated the promise he made at Oslo to renounce the use of violence against Israel. Just as we as Americans defend ourselves against terror, Israelis have the right, the obligation, to defend themselves against terror.

It is unacceptable to condemn both Israel and Arafat simultaneously, as if there was any moral equivalency in their actions. This Congress must never rationalize or explain away acts of terror. What should be the message from Washington to Israel is, Mr. Sharon, defend your people, destroy the infrastructure of terror, and know that America stands with you.

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, sometimes God puts you at the right place at the right time, and I know he did not want to hear that from us from the floor of the House. I know what he wanted to hear from us was let there be peace on Earth, and let it begin with me. Let there be peace on Earth, and let it begin with me.

Let me step up to the plate and say to the world, I want peace, and I am going to do what it takes to give peace. Let me step up to the plate and say to the world, I have it within my power, within my hand, to make peace.

As a kid, remember that saying they used to say, ''sticks and stones may break my bones, but names will never hurt me''? All we have is names on this piece of paper, throwing words.

If we as a Congress sincerely believe in peace in the Middle East, let us get on some planes and go over there and sit down and talk to the people in the Middle East and make a difference. Let us stop talking and step up and give some action.

I support Israel. I support Israel. My congressional district has many, many people of Jewish descent; and I am pleased to represent them, but I am pleased to believe in peace. Let there be peace on Earth, and let it begin with this Congress. Let us stop throwing words across the floor and every which way and make a difference.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. I thank the gentleman for yielding me time.

Mr. Speaker, I think it has been established that I am pro-Israel and I am also pro-peace and I am also pro-Palestine. We need to find a way to bring people together.

I just want to quote just very briefly from a very insightful article by Desmond Tutu. He says, ''In our struggle against apartheid, the great supporters were Jewish people. They almost instinctively had to be on the side of the disenfranchised, of the voiceless ones, fighting injustice, oppression and evil. I have continued to feel strongly with the Jews. I am a patron of a Holocaust center in South Africa. I believe Israel has a right to secure borders.

''What is not so understandable, however, not justified, is what it did to another people to guarantee its existence. I have been very deeply distressed in my love for them and my love for the Holy Land. It reminds me much of what has happened to us as black people in South Africa. I have seen the humiliation of the Palestinians. Surely there are those who want terror, but not all the Palestinians. We need to find how we bring our beloved Israel and Palestine together for peace.''

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I urge my colleagues to read the resolution, because what the resolution does is it speaks truth to power. Some of my colleagues who have spoken against the resolution I do not believe have read it, because there is nothing that is factually inaccurate in this resolution.

It talks about, unfortunately, what is going on in Israel today. There is no Yasir Arafat exemption to the war on terrorism. What is going on today in fact is terrorist actions; and when those bombs are going off, whether it is in a Cafe in Haifa or Jerusalem or Natanya, they are not just trying to kill Jews. In fact, some Arabs have been killed, many Arabs have been killed by terrorist acts themselves. But in essence it is terrorist action against America.

We need to pass this resolution. There are other issues we can talk about at another time. I urge my colleagues to read the resolution. As my good friend and colleague from California on the other aisle, who has been as concerned as any Member in this Chamber of the plight of the Palestinian people, and I praise him for his commitment to vote yes, I urge my friends and my colleagues on this side of the aisle to join with him and let there be no votes against this resolution, even with the objections that people have to the fact that some things are left out.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my good friend, the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me time and for his leadership on this important issue, and I stand strongly in support of his resolution.

For 54 years, Israel has experienced terrorist attacks similar to the ones our country suffered on September 11.

After 9–11, our country took swift and sure action against the al Qaeda. Every Nation has the right to protect its population against terrorists, particularly terrorists that target civilians. That is what we are doing in the U.S., and that is what Israel should be allowed to do.

The world should recognize that Israel has the right to use military means to protect its citizens and its borders. I welcome President Bush's decision to increase American involvement in efforts to reach a diplomatic solution to the current violence. Israelis and Palestinians must find a way to live peacefully with each other, and we have the moral obligation and strategic imperative to make that happen.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from California (Mr. LANTOS) has 2½ minutes remaining, the gentleman from West Virginia (Mr. RAHALL) has 5½ minutes remaining, and the gentleman from Illinois (Mr. HYDE) has 4½ minutes remaining and the right to close.

Mr. RAHALL. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I want to congratulate those who have taken part in this debate. Except for a few shrill voices, there has been an honest exchange of views by all the Members here. And although that does not correct a faulty proceeding that brought this measure to the floor without a single hearing, can you imagine a motion of this moment, a resolution of this gravity, to never land down in the Committee on International Relations? I would say to the gentleman from Texas (Mr. DELAY), you are a political genius. What you know about foreign affairs, we will determine in the months to come.

But what is most needed in Washington is an inclusive, open and respectful dialogue. And guess who has got to lead it? Us. There is nobody else in the United States. The Congress has to lead the dialogue.

In the world, the United States has to lead the dialogue. Is there anyone that has a reservation about that point? I would yield to them immediately. Because we know that if peace is to come to the troubled Holy Land, it will come with the United States of America playing the major role as mediator, facilitator, and monitor. So our credibility must be as impeccable as we can possibly make it.

The Secretary of State has told us very clearly that certain resolutions hinder our ability to play a constructive role. The Secretary of State says we must be very careful about the messages we send. The President of the United States begged the gentleman from Texas not to send anything to the floor only recently.

So what I am saying is that we must realize that our role is not merely taking sides, but is acting as the world leader. It is in our hands, it is only in our hands, and I urge you to conduct yourselves accordingly.

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

Mr. NADLER. Mr. Speaker, Israel, like every other nation, has the right to self-defense. This resolution expresses our solidarity with Israel as she defends herself against the barbaric campaign of terrorism and expresses our determination that the violence must end.

We are told the resolution is not balanced, but we should not be balanced between Palestinian terrorists and Israeli victims; between an Israel that offered breathtaking concessions for peace, and Arafat, who walked away from the table and deliberately started a war.

We should not be balanced between the Palestinian Authority, whose method of negotiation is to murder as many Israeli civilians as possible in restaurants and pizza parlors and Passover seders, and Israel which exercises its right to defend its people by attacking terrorists and gunmen, not innocent civilians.

We all want peace, but to attain peace we must stand in solidarity with Israel so Israel can feel secure in seeking peace.

We can and should be an even-handed broker during negotiations, but we must stand forthrightly with Israel now against the terrorists if there are ever to be again real negotiations.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume to close on my side.

Mr. Speaker, this has been an interesting debate today; and I do congratulate all those that have participated in it and followed it, because it is a very emotional issue, it is a very difficult issue and a very delicate issue.

There is no question, as I said in my opening comments, that America stands by Israel. They are our ally and should always be. Israel must protects itself. But the important question that we must ask is how Israel must protect itself.

The first step is to acknowledge its role in creating the violent conditions in the region. The time has come to stop blaming everything on Arafat. That just will not get it anymore. Getting Arafat is no solution. I am not here to defend him, nor defend his actions. But getting Arafat is not the solution that is going to bring us peace.

Continued humiliation is no solution. This is a method of operation of bullies, not of those who want to return to the peace process, to the negotiating table. ''Whereas anybody involved,'' that means give and take. Is that the real fear here of going to the negotiating table, where it means you have to give up something? Does the father of the Israeli settlement policy, the current Prime Minister, really fear about going to negotiations? That is a question that I think is legitimate to ask.

□ 1615

The military option will not secure a peace in the Middle East. The military option will not work. No peace can be achieved. There are many steps that we can take to offer a balanced approach too numerous to mention at this particular time. But the bottom line is we cannot dispossess a people and then attempt to govern them by occupying their land, by forcing them to subsist in refugee camps, by blocking roadways to their jobs, by refusing access to medical attention, by cutting them off from their schools and universities, and by discounting their humanity. This is not the roadway to peace.

In conclusion, Mr. Speaker, I think the bottom line is the Palestinians crave the recognition of their dignity; Israelis crave the dignity of recognition. It is incumbent upon this Congress to recognize both and do both. I ask for rejection of this one-sided resolution.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent for an additional 1½ minutes so that we may accommodate the gentlewoman from Florida (Mrs. MEEK). She will be our last speaker before I close.

The SPEAKER pro tempore (Mr. THORNBERRY). Does the gentleman ask unanimous consent that both the opponents and proponents of the resolution be given an additional 1½ minutes?

Mr. LANTOS. I am delighted to do so, Mr. Speaker.

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

Mr. HYDE. Mr. Speaker, reserving the right to object, and I really do not want to object, but a lot of people are trying to get planes this afternoon. The weather is very questionable. I am sure her minute and a half is not going to upset us too much, but if we could hold it to that.

Mr. LANTOS. Mr. Speaker, we appreciate that very much.

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

Mr. RAHALL. Mr. Speaker, reserving the right to object, and I shall not object, but I do want to note that this has been a good debate, and I would not object to the extension of more time, even another hour or 2, or even 3 hours. I think we need to debate this issue more fully. It certainly has been debated fully in the Knesset in Israel, and I am glad to see this debate in the House of Representatives this afternoon, and I hope we will have more such debates.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. LANTOS) and the gentleman from West Virginia (Mr. RAHALL) each will receive an additional 1½ minutes.

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

Unlike many of my colleagues, I do not profess to be a professor of foreign affairs, nor a diplomat. I come to this floor today to speak to my colleagues about Israel. I am a friend of Israel and I have been for more than 40 years. I do not plan to change now. I will remain so. I think the people of Israel and Israel itself has been my friend, so I do not plan to stay away from a friend of such long standing. I think that we should pass this resolution. We should not worry about the timeliness of it, but we should think about whether it is right or whether it is wrong, and when it comes to helping a friend who has been our friend for many years, a friend who believes in democracy, and a friend who believes in freedom.

So we do not have a big debate here today, but we have people who believe in the right thing as they see it. The people of Israel deserve our support at this time. Whenever we have a friend in trouble, what do we do? We stand alongside of that friend. There is no right and left of this issue. There is only the right way, the straight and narrow way. It is a hard decision for many of my colleagues who are experts in foreign affairs, but I am saying be an expert of the people of Israel who have had to suffer for many years.

Now is the time for us to stand up, straighten up and fly right. There is no good frog that will not praise his own pond. Israel is a part of our pond.

Let there be no mistake about it, I am a friend of Israel—I have been since the forties—I will remain so. Israel must continue to have the right to exist.

Mr. Speaker, I rise in strong support of this important resolution expressing our solidarity with Israel in its fight against terrorism. Mr. Speaker, this resolution sends a vital message: that we stand firmly with Israel and for peace and justice within the region. There's a debate as to the timeliness of this resolution—but I think the real issue is to stand up for peace at any time the people of Israel and their friends have stood for me.

The resolution reaffirms our unwavering commitment to Israel's security and welfare, to the special relationship between the United States and Israel, and to the values of democracy and freedom that our two countries share. It supports Israel's right to defend its people from terrorism. I stand firmly with Israel and against terrorism. All of us should.

Mr. Speaker, I fervently hope and pray that our efforts and those of the parties to the ongoing negotiations will achieve a real peace in the region and justice for Israelis and Palestinians. Yet however long and crooked the path to real peace may prove to be, we must be clear that we will never allow anyone in the Middle East to choose terrorism as a method of diplomacy.

Israel is making progress toward returning the region to some degree of normalcy.

America must continue to stand firm in its support of Israel in her time of need. Our thoughts and prayers are with the Israeli people, and with all who are committed to a just, lasting and permanent peace of freedom, security, and liberty for all in the region.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, this resolution is far from perfect; however, in the context of an ongoing peace seeking process, this reaffirmation of America's bond with Israel is a vital step forward. God has blessed America. We are the only remaining superpower in the world. We, the people of the United States, alone have the capacity to serve as the Great Angels of the 21st Century. We can lead the way to solve the most intractable problems. The fullest possible engagement in the Mid East is now a necessity. We must now go the final mile and offer all the resources that we can muster to encourage peace. The whole world knows the self-evident truth that in our hearts and souls we are wedded to Israel. There is no formal treaty that states the obvious; however, it is understood that a threat to the survival of Israel is a threat to a piece of America. We are brothers and sisters for democracy; for freedom; for equality; for the equal treatment of both genders; for recognition and respect for all races, religious and creeds. Against the overwhelming residue of oppressive governance throughout the world, America and Israel are leaders for enlightenment and liberating progress. Who among us, if forced to make the choice, would not want his children to live in the State of Israel, instead of any one of the despotic, oppressive surrounding Mid East nations. Our world has been plunged into a war against more than terrorism. We are in a war against technologically advanced barbarism. We, too, have a tradition that believes in martyrdom, but it is not based on the reckless courage of murderers. The Christians who met Nero's lions were martyrs; the followers of Ghandhi were martyrs; the slain American civil rights freedom fighters were martyrs; suffering 27 years in prison, Nelson Mandela emerged as a martyr and invited three of his prison guards to dine with him at the presidential inauguration banquet. There are millions of us who are determined to continue the fight for justice for all. But the martyrdom of suicide bombers will never bring freedom and justice. And peace can never be achieved merely with tanks and guns. ''War never leaves us thrilled/ But maniacs demand to be killed.'' After we have blocked the murders of the maniacs, we must then go on to take the greatest risk. America must dare to exert a total pressure for peace. We must take the greatest risk of all. The Great Angels of America must be willing to support a formal treaty which guarantees defensible borders for Israel and guarantees an independent Palestinian state. No troops will be necessary to accomplish this feat. Our overwhelming moral force is adequate. We must just state this goal, set a deadline and make peace a reality. We shall overcome.

Mr. LANTOS. Mr. Speaker, I yield myself the balance of my time to close for my side. It has been a good debate. The bottom line is, Israel is a democracy and Israel is our friend, and Israel is our ally in the global war against terrorism.

In our war against Iraq 10 years ago, Israel stood with us. In our war against terrorism today, Israel is standing with us. In turn, we must stand with Israel in its war against terrorism.

Mr. Speaker, it is particularly important that we adopt this resolution now at a time when Israel is subject to a vicious chorus of blind and bigoted hate. Our friends in Israel must be assured that they are not alone in facing the terrorist onslaught. We must make clear that there is no moral equivalence between terrorism and self-defense.

Mr. Speaker, I urge all of my colleagues to rise to the occasion and show our strong solidarity with the democratic state of Israel in our shared struggle against terrorism.

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

The SPEAKER pro tempore. Does the gentleman from West Virginia seek to use his additional minute and a half?

Mr. RAHALL. Mr. Speaker, I yield myself the remaining time.

Again, I say that there are other approaches and more balanced approaches that we can take that would further the cause of peace and that would further American interests in the region and certainly do this Congress a great deal more credibility. I do notice the main sponsor of the resolution has just walked on to the floor, the gentleman from Texas (Mr. DELAY), and I want to commend him for the last 2 sentences that he finally put in his resolution, urging all parties to pursue and establish a just and lasting and comprehensive peace in the Middle East, which I believe is only the second time in the whole resolution where the word ''peace'' was used, but nevertheless he finally got around to that. Then he did mention the suffering and the humanitarian needs of the Palestinian people in the very last line, and I appreciate that.

I would ask him as he gets ready to close if he would also agree to the inclusion in his resolution of a line which, as President Bush has stated, recognizing the Palestinian state alongside an Israeli state.

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

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) has 4½ minutes remaining.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 4½ minutes to the gentleman from Texas (Mr. DELAY), the distinguished whip.

Mr. DELAY. Mr. Speaker, I thank the chairman for his work on this resolution and his indulgence and his stature, and I appreciate his support. I also thank the gentleman from California (Mr. LANTOS), the ranking member on the Committee on Foreign Affairs, for his incredible courage and principle in co-authoring this resolution, and I appreciate his friendship.

Mr. Speaker, these are very serious times. The principles and virtues that all of us revere and respect about America are under assault today in the Middle East. The people of Israel are

resisting a wave of terrorism. As we watch that violence directed against Israel, we are roused to resolve that terrorism, in all its forms, has to be defeated. There is no moral equivalence, there is no moral equivalence between a democratic government defending its citizens and a calculated strategy of death waged by terrorist organizations.

Homicide bombings are evil incarnate. On the scales of justice and morality, they are no different from the attacks launched against the United States just last September. They serve only to satisfy the gruesome appetites of pure hatred and unrestrained wickedness, and they demonstrate beyond question that the abiding threat to peace in the Middle East stems from the groups which exist for the single purpose of destroying Israel.

The citizens of free nations share a very special bond. It flows from our common commitment to a set of enduring principles. We trust democracy. We defend human rights. We live under the rule of law, and we seek good relations with every country wishing to coexist peacefully with other countries. Israel is the lone bastion of freedom in the region. Within Israel's own neighbors, peaceful transitions are nothing more than accidents of fate. Describing these countries as genuine democracies would be as inaccurate as calling an acorn an oak tree.

It is time for every country in the Middle East to pass a fundamental test of a civilized world by unequivocally rejecting terrorism and acknowledging that bombings and other acts of terror render any underlying cause of terror or grievance illegitimate. Mr. Speaker, it is the test that President Bush laid down in this Chamber, right here, when he said, you are either with us or you are with the terrorists.

The men and women of Israel must know that we recognize the broader significance of this struggle, that the attacks directed against Israel are attacks against liberty, and all free people must recognize that Israel's fight is our fight. Let every terrorist know that the American people will never abandon freedom, democracy, or Israel. America will never permit the Jewish state to fall to aggression.

The search for peace cannot diminish and must not obscure the very key lessons of the past 40 years. Democracies must never negotiate with terrorists. And for that reason, Yasir Arafat strikes many of us as a highly unreliable vessel to carry the hope for peace. To turn from his past, it would be very difficult for him to do. The most promising sign for both the people of Israel and the Palestinian people would be the emergence of a moderate Palestinian leader who truly seeks a negotiated settlement for lasting peace. The United States cannot be a broker between one party that wants peace and the other party that wants terrorism. It cannot succeed. It has not succeeded. The peace process has been a failure for over 25 years. Today, the Palestinian men and women who wish nothing more than just to raise their family in peace have no voice. In fact, they are killed if they raise their head of moderation. Nothing will do more to bring peace to this region than the emergence of a Palestinian leader with the courage and support of the United States to accept Israel's right to exist as a Jewish state and a willingness to acknowledge Israel's legitimate security considerations. But until that day comes, every man and woman in Israel should know that they do not stand alone, because America stands with them.

The SPEAKER pro tempore. All time for debate has expired.

The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 392, 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.

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 352, noes 21, answered ''present'' 29, not voting 32, as follows:

[Roll No. 126]

AYES—352

| | | |
|---|---|---|
| Ackerman | Clay | Foley |
| Aderholt | Clement | Forbes |
| Akin | Clyburn | Ford |
| Allen | Coble | Fossella |
| Andrews | Collins | Frank |
| Armey | Combest | Frelinghuysen |
| Baca | Costello | Frost |
| Bachus | Cox | Gallegly |
| Baird | Coyne | Ganske |
| Baker | Cramer | Gekas |
| Baldacci | Crenshaw | Gephardt |
| Ballenger | Crowley | Gibbons |
| Barcia | Cubin | Gilchrest |
| Barrett | Culberson | Gillmor |
| Bartlett | Cummings | Gilman |
| Barton | Cunningham | Gonzalez |
| Bass | Davis (CA) | Goode |
| Bentsen | Davis (FL) | Goodlatte |
| Berkley | Davis (IL) | Gordon |
| Berman | Davis, Jo Ann | Goss |
| Berry | Davis, Tom | Graham |
| Biggert | Deal | Granger |
| Blagojevich | DeGette | Graves |
| Blumenauer | Delahunt | Green (TX) |
| Blunt | DeLauro | Green (WI) |
| Boehlert | DeLay | Greenwood |
| Boehner | DeMint | Grucci |
| Bonilla | Deutsch | Gutierrez |
| Bono | Diaz-Balart | Gutknecht |
| Boozman | Dicks | Hall (OH) |
| Borski | Doggett | Hall (TX) |
| Boswell | Doolittle | Hansen |
| Boyd | Doyle | Harman |
| Brady (PA) | Dreier | Hart |
| Brady (TX) | Duncan | Hastings (FL) |
| Brown (SC) | Dunn | Hastings (WA) |
| Bryant | Edwards | Hayes |
| Burr | Ehlers | Hayworth |
| Buyer | Ehrlich | Hefley |
| Calvert | Emerson | Herger |
| Camp | Engel | Hill |
| Capito | English | Hilleary |
| Capps | Eshoo | Hinchey |
| Cardin | Etheridge | Hinojosa |
| Carson (IN) | Evans | Hobson |
| Carson (OK) | Ferguson | Hoeffel |
| Castle | Filner | Holden |
| Chabot | Flake | Holt |
| Chambliss | Fletcher | Honda |
| Horn | Meeks (NY) | Serrano |
| Houghton | Menendez | Sessions |
| Hoyer | Mica | Shadegg |
| Hulshof | Miller, Dan | Shaw |
| Hunter | Miller, Gary | Shays |
| Hyde | Miller, Jeff | Sherman |
| Isakson | Moore | Sherwood |
| Israel | Moran (KS) | Shimkus |
| Issa | Morella | Shows |
| Jackson-Lee (TX) | Myrick | Shuster |
| Johnson (CT) | Nadler | Simmons |
| Johnson (IL) | Napolitano | Simpson |
| Johnson, E. B. | Neal | Skeen |
| Johnson, Sam | Nethercutt | Skelton |
| Jones (NC) | Ney | Slaughter |
| Kanjorski | Northup | Smith (NJ) |
| Keller | Norwood | Smith (TX) |
| Kelly | Nussle | Smith (WA) |
| Kennedy (MN) | Olver | Snyder |
| Kennedy (RI) | Ortiz | Souder |
| Kerns | Osborne | Spratt |
| Kildee | Ose | Stearns |
| King (NY) | Otter | Strickland |
| Kingston | Owens | Stump |
| Kirk | Pallone | Stupak |
| Knollenberg | Pascrell | Sununu |
| Kolbe | Pastor | Sweeney |
| LaFalce | Pelosi | Tancredo |
| LaHood | Pence | Tanner |
| Lampson | Peterson (PA) | Tauscher |
| Langevin | Phelps | Tauzin |
| Lantos | Pickering | Taylor (MS) |
| Larsen (WA) | Pitts | Terry |
| Larson (CT) | Platts | Thomas |
| Latham | Pombo | Thornberry |
| LaTourette | Pomeroy | Thune |
| Leach | Portman | Tiahrt |
| Levin | Price (NC) | Tiberi |
| Lewis (CA) | Pryce (OH) | Tierney |
| Lewis (GA) | Putnam | Toomey |
| Lewis (KY) | Quinn | Towns |
| Linder | Radanovich | Turner |
| Lipinski | Ramstad | Udall (CO) |
| LoBiondo | Rangel | Udall (NM) |
| Lofgren | Regula | Upton |
| Lowey | Rehberg | Velazquez |
| Lucas (KY) | Reyes | Visclosky |
| Lucas (OK) | Reynolds | Vitter |
| Luther | Rodriguez | Walden |
| Lynch | Roemer | Walsh |
| Maloney (CT) | Rogers (KY) | Waters |
| Maloney (NY) | Rogers (MI) | Watkins (OK) |
| Manzullo | Ross | Watson (CA) |
| Markey | Rothman | Watts (OK) |
| Mascara | Roybal-Allard | Waxman |
| Matheson | Royce | Weiner |
| Matsui | Rush | Weldon (FL) |
| McCarthy (MO) | Ryan (WI) | Weldon (PA) |
| McCarthy (NY) | Ryun (KS) | Weller |
| McCollum | Sanchez | Wexler |
| McCrery | Sandlin | Whitfield |
| McGovern | Sawyer | Wicker |
| McInnis | Saxton | Wilson (NM) |
| McIntyre | Schaffer | Wilson (SC) |
| McKeon | Schakowsky | Wolf |
| McNulty | Schiff | Wu |
| Meehan | Schrock | Wynn |
| Meek (FL) | Scott | Young (AK) |
| | Sensenbrenner | |

NOES—21

| | | |
|---|---|---|
| Abercrombie | Hilliard | Obey |
| Bonior | Inslee | Paul |
| Boucher | Jackson (IL) | Petri |
| Condit | Kleczka | Rahall |
| Conyers | Lee | Rohrabacher |
| DeFazio | McKinney | Smith (MI) |
| Dingell | Miller, George | Stark |

ANSWERED ''PRESENT''—29

| | | |
|---|---|---|
| Baldwin | Kaptur | Peterson (MN) |
| Barr | Kilpatrick | Rivers |
| Becerra | Kind (WI) | Sabo |
| Bishop | Kucinich | Sanders |
| Brown (OH) | McDermott | Solis |
| Capuano | Mink | Thompson (CA) |
| Clayton | Mollohan | Thurman |
| Farr | Moran (VA) | Watt (NC) |
| Hostettler | Oberstar | Woolsey |
| Jones (OH) | Payne | |

NOT VOTING—32

| | | |
|---|---|---|
| Bereuter | Cooksey | Istook |
| Bilirakis | Crane | Jefferson |
| Brown (FL) | Dooley | Jenkins |
| Burton | Everett | John |
| Callahan | Fattah | McHugh |
| Cannon | Hoekstra | Millender-McDonald |
| Cantor | Hooley | |

| | | |
|---|---|---|
| Murtha | Roukema | Thompson (MS) |
| Oxley | Stenholm | Traficant |
| Riley | Sullivan | Wamp |
| Ros-Lehtinen | Taylor (NC) | Young (FL) |

□ 1653

Mr. WELLER changed his vote from ''no'' to ''aye.''

Ms. KILPATRICK and Mr. MORAN of Virginia changed their vote from ''no'' to ''present.''

Mr. MOLLOHAN changed his vote from ''aye'' to ''present.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DOOLEY of California. Mr. Speaker, due to district business, I was unable to cast a vote for H. Res. 392 to express solidarity with Israel in its fight against terrorism. Had I been present for the vote, I would have voted ''aye.''

## PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, due to illness, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 124 (H. Res. 404, on ordering the previous question)—''yes.''

Rollcall No. 125 (H. Res. 404, on agreeing to the resolution)—''yes.''

Rollcall No. 126 (H. Res. 392, on motion to suspend the rules and agree to the resolution, as amended)—''yes.''

## GENERAL LEAVE

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 392, the resolution just agreed to.

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

There was no objection.

## LEGISLATIVE PROGRAM

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

Ms. PELOSI. Mr. Speaker, I ask for this time to inquire as to the schedule for next week, and I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I am pleased to be able to respond to the gentlewoman.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will meet next for legislative business on Tuesday, May 7 at 12:30 p.m. for morning hour and 2 p.m. for legislative business. On Tuesday, the majority leader will schedule a number of measures under suspension of the rules, a list of which will be distributed to the Members' offices tomorrow. Recorded votes on Tuesday will be postponed until 6:30 p.m.

On Wednesday and the balance of the week, the majority leader has scheduled the following measures: H.J. Res. 87, the Yucca Mountain Repository Site Approval Act; H.J. Res. 84, a resolution disapproving the action taken by the President under section 203 of the Trade Act of 1974; and H.R. 4547, the National Defense Authorization Act for Fiscal Year 2003.

Mr. Speaker, I thank the gentlewoman for yielding.

Ms. PELOSI. Reclaiming my time, Mr. Speaker, I would like to seek further clarification from the gentleman.

Can I detect from your comments that there will be no votes on Friday for sure?

Mr. BLUNT. There probably will be votes on Friday since we are starting the DOD authorization on Thursday. It is likely that will go to Friday and, of course, on Friday we would have our final votes completed by 2 o'clock.

Ms. PELOSI. Again, seeking further clarification, H.J. Res. 87, the Yucca Mountain Repository Approval Act, can the gentleman be more specific about which day that will be coming up?

Mr. BLUNT. Expect that measure to come to the floor on Wednesday.

Ms. PELOSI. And the resolution disapproving the actions taken by the President under 203 of the Trade Act?

Mr. BLUNT. We expect that to be on the floor on Wednesday as well.

Ms. PELOSI. And the defense authorization the gentleman said will be Thursday?

Mr. BLUNT. Start on Thursday and anticipate that we are very likely to carrying over to Friday. And this will be, of course, the first Friday that we will have worked, and perhaps have been scheduled to work, will be this Friday.

Ms. PELOSI. Will the gentleman also shed some light on when you think the welfare reform bill will be considered on the floor?

Mr. BLUNT. The Committee on Energy and Commerce marked up the bill last week. The Committee on Education and the Workforce and the Committee on Ways and Means will do their markup this week. It is likely that we will have the welfare reform bill the week after next.

Ms. PELOSI. Does the gentleman have any idea when the supplemental will be brought to the floor?

Mr. BLUNT. We are working with the gentleman from Florida (Mr. YOUNG), and I think it is possible that the committee could mark up the supplemental next week; and we will move it to the floor as quickly as possible after it is marked up.

Ms. PELOSI. Do you anticipate that being next week or the week after?

Mr. BLUNT. We anticipate the committee could do the markup next week, and we will look for the earliest possible floor time; but that certainly could be the week after it is marked up.

Ms. PELOSI. I thank the gentleman for the information.

## ADJOURNMENT TO MONDAY, MAY 6, 2002

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, May 3, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

## HOUR OF MEETING ON TUESDAY, MAY 7, 2002

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 6, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, May 7, 2002 for morning hour debates.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## HOUR OF MEETING THURSDAY, MAY 9, 2002

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, May 8, 2002, it adjourn to meet at 9 a.m. on Thursday, May 9, 2002, for the purpose of receiving in this Chamber former Members of Congress.

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

There was no objection.

## AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, MAY 9, 2002, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday, May 9, 2002, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

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

There was no objection.

## COMMUNICATION FROM THE DIRECTOR OF FINANCIAL COUNSELING OF THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Jacqueline Aamot, Director of Financial Counseling, Office of the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, April 24, 2002.*

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JACQUELINE AAMOT,
*Director of Financial Counseling.*

## COMMUNICATION FROM THE HUMAN RESOURCES/OFFICE OF PAYROLL SUPERVISOR OF THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Christine A. Baptiste, Human Resources/Office of Payroll Supervisor, Office of the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, April 29, 2002.*

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CHRISTINE A. BAPTISTE,
*Supervisor, Human Resources/ Office of Payroll.*

## DISPLAYING THE TEN COMMANDMENTS

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

Mr. KERNS. Mr. Speaker, on this National Day of Prayer, citizens all across our great Nation will gather to give thanks to our Father in heaven for the blessings we have received and to ask humbly for His mercy.

On this day it is important that we recognize the role faith and religion plays in our Nation from its founding to the present day.

The Ten Commandments have been fundamental to the development of the basic legal principles of western civilization and our Nation. They have set forth a code of moral conduct that promises respect for our system of laws and the general good of society. Considering the positive influence they have had in our Nation, I believe we should proudly display the Ten Commandments and recognize the contributions they have made to the United States.

□ 1700

While some would have them removed all religious references from the public square, the historical facts cannot be ignored. There are liberal organizations that have twisted the first amendment and use the threat of costly lawsuits to restrict religious expression in our Nation. In the face of this pressure, we must stand together and work to reverse this trend.

In Montgomery County, Indiana, one individual with the support of the Indiana Civil Liberties Union based the threat of a lawsuit to have the Ten Commandments removed from the courthouse square. I found that alarming. In fact, it was a motivating factor for this legislation I wrote and introduced to require the display of the Ten Commandments here in the United States Capitol.

Our legislation has 31 cosponsors, and that is 31 Members of Congress. We are gaining support. On this National Day of Prayer, Mr. Speaker, I ask that we pray for our Nation, and we continue to have respect for our God.

## NATIONAL DAY OF PRAYER

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

Mr. ADERHOLT. Mr. Speaker, I too want to rise this afternoon to recognize today as the National Day of Prayer. National Days of Prayer have been observed for several years in accordance with Public Law 100–307. Mr. Speaker, I cannot remember a day or a year that today has meant more for this Nation. The heart of our Nation was wounded on September 11, but this wound has begun to heal through the ceaseless prayers of the people.

We pray today for the continued grace of God upon our land. We pray for the safety of our men and women of the Armed Forces, many of whom are fighting across the sea in the war on terrorism, and we pray for peace throughout the world.

We also pray for wisdom and guidance for this body here in the United States House of Representatives, for the Senate, for the judiciary, for the President and also his administration. Great tasks and heavy responsibilities lay upon our shoulders. Whether making decisions about the Middle East or international situations or policies for our own country, we pray that we do not rely on our own knowledge, but on the wisdom of God.

Mr. Speaker, today, all across America, individuals are meeting in courthouses, city halls, State houses and here on Capitol Hill, to observe this National Day of Prayer. Since 9 o'clock this morning at the Cannon House Office Building right across the street, hundreds of individuals have assembled together for that purpose, as one Nation, under God, and indivisible.

## HONORING ARKANSAN WWII POW'S AND THEIR RUSSIAN COUNTERPARTS

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

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize three World War II POW veterans from the State of Arkansas who will be leaving this Sunday, May 5, to participate in an historic reunion with Russian World War II veterans in Volgograd, Russia.

In 1945 Silas LeGrow, Thomas Watt Bonds and Charley Stringer were liberated by Russian soldiers from POW camps in Manchuria, Germany and Romania respectively. Upon release, their Russian allies shared limited food rations, clothing and medical supplies to keep them alive. Without this generosity, our soldiers would have come much closer to death.

This week these men will travel to Volgograd to thank their Russian colleagues for saving their lives and enabling them to return home to their families in Arkansas. They will also celebrate Russia's Victory Day in Volgograd, which was known as Stalingrad in the Soviet era. World War II's bloodiest battle on Russian soil took place in Stalingrad, and so the celebration of Victory Day is of great significance to the local residents.

I would also like to recognize the University of Arkansas Medical School for their part in making the trip for these veterans a reality. In 1993, UMS formed a partnership with Volgograd Medical Academy, and this relationship resulted in the establishment of a Russian family medical department, a family medicine residency program and tuberculosis program. It is through this partnership that the city of Volgograd thoughtfully extended an invitation to the World War II POWs from Arkansas to join in the Victory Day festivities.

Mr. Speaker, I am proud of this display of international friendship and remembrance by representatives from my home State. Thank you for allowing me the opportunity to recognize them.

MARTIN AND GRACIA BURNHAM

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

Mr. TIAHRT. Mr. Speaker, today marks the 341st day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Unfortunately, I have disturbing news to report today. According to a report in the Associated Press, the Abu Sayyaf group that is holding the Burnhams hostage is no longer interested in negotiations and has threatened to kill Martin and Gracia. ''The door is closed for negotiations. It is up to them if they want to look for the dead bodies,'' terrorist leader Abu Sabaya chillingly stated in a radio interview. Apparently now the ASG is more interested in embarrassing the Philippine and American governments and military than their own supposed political demands.

The Abu Sayyaf will not succeed in embarrassing us, for we will not back down in the face of terrorism. President Bush has committed our resources to rooting out the terrorism around the world. The Philippine government has been working with us to combat terrorism in their own nation. I am confident that we will eliminate the Abu Sayyaf and other evil organizations, and I pray that the Burnham family will soon be reunited.

At this crucial time, I ask my colleagues to join me in prayer for Martin and Gracia and their loved ones that this nightmare may soon be over.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ISSA). 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.

## REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

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

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002. My authority to make these adjustments is derived from Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83.

H.R. 3090, the Job Creation and Worker Assistance Act of 2002 (P.L. 107–147), contained emergency-designated direct spending. The emergency-designated direct spending increases the 302(a) allocation to the House Ways and Means Committee and the budgetary aggregates by $5,984,000,000 in new budget authority and $5,755,000,000 in outlays for fiscal year 2002 and $5,464,000,000 in new budget authority and $5,675,000,000 in outlays for the total of fiscal years 2002 through 2006.

Those adjustments increase the 302(a) allocation to the House Ways and Means Committee to $7,344,000,000 in new budget authority and $6,655,000,000 in outlays for fiscal year 2002 and $20,873,000,000 in new budget authority and $20,744,000,000 in outlays for the total of fiscal years 2002 through 2006. The budgetary aggregates for fiscal year 2002 are increased to $1,679,172,000,000 in new budget authority and $1,644,607,000,000 in outlays.

Questions may be directed to Dan Kowalski at 67270.

## STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2002 AND THE 5-YEAR PERIOD FY 2002 THROUGH FY 2006

Mr. NUSSEL. Mr. Speaker, to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 201 of the conference report accompanying H. Con. Res. 83, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2002 and for the five-year period of fiscal years 2002 through 2006. This status report is current through April 30, 2002.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 83. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2002 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 83 for fiscal year 2002 and fiscal years 2002 through 2006. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2002 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2003 of accounts identified for advance appropriations in the statement of managers accompanying H. Con. Res. 83. This list is needed to enforce section 201 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. If at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), a sequestration of amounts within that category is automatically triggered to bring spending within the established limits. As the determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for informational purposes only.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2002 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 83

[Reflecting Action Completed as of April 30, 2002 (On-budget amounts, in millions of dollars)]

| | Fiscal year 2002 | Fiscal years 2002–2003 |
|---|---|---|
| Appropriate Level: | | |
| Budget Authority | 1,679,172 | n.a. |
| Outlays | 1,644,607 | n.a. |
| Revenues | 1,638,202 | 8,878,506 |
| Current Level: | | |
| Budget Authority | 1,670,534 | n.a. |
| Outlays | 1,631,627 | n.a. |
| Revenues | 1,629,592 | 8,790,551 |
| Current Level over (+)/under (−) Appropriate Level: | | |
| Budget Authority | −8,638 | n.a. |
| Outlays | −12,980 | n.a. |
| Revenues | −8,610 | −87,955 |

n.a.=Not applicable because annual appropriations Acts for fiscal years 2003 through 2006 will not be considered until future sessions of Congress.

Budget Authority: Enactment of measures providing new budget authority for FY 2002 in excess of $8,638,000,000 (if not already included in the current level estimate) would cause FY 2002 budget authority to exceed the appropriate level set by H. Con. Res. 83.

Outlays: Enactment of measures providing new outlays for FY 2002 in excess of $12,980,000,000 (if not already included in the current level estimate) would cause FY 2002 outlays to exceed the appropriate level set by H. Con. Res. 83.

Revenues: Enactment of measures that would result in revenue loss for FY 2002 in excess of $8,610,000,000 (if not already included in the current level estimate) would cause revenues to fall further below the appropriate level set by H. Con. Res. 83.

Enactment of measures resulting in revenue loss for the period FY 2002 through 2006 in excess of $87, 955,000,000 (if not already included in the current level estimate) would cause revenues to fall further below the appropriate levels set by H. Con. Res. 83.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION

[Reflecting Action Completed as of April 30, 2002 (Fiscal Years, in millions of dollars)]

| House Committee | 2002 | | 2002–2006 | |
|---|---|---|---|---|
| | BA | Outlays | BA | Outlays |
| Agriculture: | | | | |
| Allocation | 7,350 | 7,350 | 28,492 | 25,860 |
| Current Level | 0 | 2 | 0 | 0 |
| Difference | −7,350 | −7,348 | −28,492 | −25,860 |
| Armed Services: | | | | |
| Allocation | 146 | 146 | 398 | 398 |
| Current Level | 163 | 146 | 276 | 276 |
| Difference | 17 | 0 | −122 | −122 |

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION—Continued

[Reflecting Action Completed as of April 30, 2002 (Fiscal Years, in millions of dollars)]

| House Committee | 2002 | | 2002–2006 | |
|---|---|---|---|---|
| | BA | Outlays | BA | Outlays |
| Banking and Financial Services: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 8 | 9 | 46 | 47 |
| Difference | 8 | 9 | 46 | 47 |
| Education and the Workforce: | | | | |
| Allocation | 5 | 5 | 32 | 32 |
| Current Level | −195 | −180 | 3,785 | 3,040 |
| Difference | −200 | −185 | 3,753 | 3,008 |
| Commerce: | | | | |
| Allocation | 2,687 | 2,687 | −6,537 | −6,537 |
| Current Level | −46 | −50 | 2 | 7 |
| Difference | −2,733 | −2,737 | 6,539 | 6,544 |
| International Relations: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Government Reform: | | | | |
| Allocation | 0 | 0 | −1,995 | −1,995 |
| Current Level | 0 | 0 | −4 | −4 |
| Difference | 0 | 0 | 1,991 | 1,991 |
| House Administration: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Resources: | | | | |
| Allocation | 0 | −3 | 365 | 88 |
| Current Level | 0 | −3 | 16 | 13 |
| Difference | 0 | 0 | −349 | −75 |
| Judiciary: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 109 | 109 | 299 | 159 |
| Difference | 109 | 109 | 299 | 159 |
| Small Business: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Transportation and Infrastructure: | | | | |
| Allocation | 2,000 | 3,200 | 2,000 | 4,700 |
| Current Level | 3,108 | 4,308 | 9,949 | 12,649 |
| Difference | 1,108 | 1,108 | 7,949 | 7,949 |
| Science: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Veterans' Affairs: | | | | |
| Allocation | 264 | 264 | 3,205 | 3,205 |
| Current Level | 230 | 230 | 3,097 | 3,097 |
| Difference | −34 | −34 | −108 | −108 |
| Ways and Means: | | | | |
| Allocation | 7,344 | 6,655 | 20,873 | 20,744 |
| Current Level | 12,411 | 12,182 | 44,854 | 44,725 |
| Difference | 5,067 | 5,527 | 23,981 | 23,981 |

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2002—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

| Appropriations Subcommittee | Revised 302(b) suballocations as of September 20, 2001 (H. Rpt. 107–208) | | Adjustments not reflected in 302(b) suballocations | | Current level reflecting action completed as of April 30, 2002 | | Current level minus suballocations | |
|---|---|---|---|---|---|---|---|---|
| | BA | OT | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development | 15,668 | 16,044 | 535 | 352 | 16,553 | 16,634 | 350 | 238 |
| Commerce, Justice, State | 38,541 | 38,905 | 2,423 | 1,032 | 41,079 | 39,879 | 115 | −58 |
| National Defense | 299,860 | 293,941 | 20,743 | 17,340 | 320,603 | 311,898 | 0 | 617 |
| District of Columbia | 399 | 415 | 200 | 200 | 608 | 618 | 9 | 3 |
| Energy & Water Development | 23,705 | 24,218 | 574 | 346 | 25,170 | 25,116 | 891 | 552 |
| Foreign Operations | 15,167 | 15,087 | 50 | 13 | 15,396 | 15,119 | 179 | 19 |
| Interior | 18,941 | 17,800 | 488 | 353 | 19,208 | 18,081 | −221 | −72 |
| Labor, HHS & Education | 119,725 | 106,224 | 3,647 | 1,821 | 126,265 | 109,153 | 2,893 | 1,108 |
| Legislative Branch | 2,892 | 2,918 | 256 | 196 | 3,230 | 3,137 | 82 | 23 |
| Military Construction | 10,500 | 9,203 | 104 | 27 | 10,604 | 9,217 | 0 | −13 |
| Transportation [1] | 14,892 | 53,817 | 1,296 | 777 | 16,596 | 54,742 | 408 | 148 |
| Treasury-Postal Service | 17,022 | 16,285 | 1,283 | 1,098 | 18,352 | 17,354 | 47 | −29 |
| VA-HUD-Independent Agencies | 85,434 | 88,062 | 7,101 | 348 | 92,335 | 88,811 | −200 | 401 |
| Unassigned [2] | 0 | 0 | 4,554 | 21,132 | 0 | 13,397 | −4,554 | −7,735 |
| Grand Total | 662,746 | 682,919 | 43,254 | 45,035 | 705,999 | 723,156 | −1 | −4,798 |

[1] Does not include mass transit BA.

[2] Reflects 2002 outlays for FY2001 appropriations contained in P.L. 107–38, the Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Acts on the United States, and budget authority and outlays that result from the increase in the statutory spending caps contained in P.L. 107–117, the bill making appropriations for the Department of Defense for fiscal year 2002.

STATEMENT OF FY2003 ADVANCE APPROPRIATIONS UNDER SECTION 201 OF H. CON. RES. 83

[Reflecting Action Completed as of April 30, 2002 (in millions of dollars)]

| | Budget authority |
|---|---|
| Appropriate Level | 23,159 |
| Current Level: | |
| Commerce, Justice, State Subcommittee: | |
| Patent and Trademark Office | 0 |
| Legal Activities and U.S. Marshals, Antitrust Division | 0 |
| U.S. Trustee System | 0 |
| Federal Trade Commission | 0 |
| Interior Subcommittee: Elk Hills | 36 |
| Labor, Health and Human Services, Education Subcommittee: | |
| Employment and Training Administration | 2,463 |
| Health Resources | 0 |
| Low Income Home Energy Assistance Program | 0 |
| Child Care Development Block Grant | 0 |
| Elementary and Secondary Education (reading excellence) | 0 |
| Education for the Disadvantaged | 7,383 |
| School Improvement | 1,765 |
| Children and Family Services (head start) | 1,400 |
| Special Education | 5,072 |
| Vocational and Adult Education | 791 |
| Treasury, General Government Subcommittee: | |
| Payment to Postal Service | 48 |
| Federal Building Fund | 0 |
| Veterans, Housing and Urban Development Subcommittee, Section 8 Renewals | 4,200 |
| Total | 23,158 |
| Current Level over (+)/under (−) Appropriate Level | −1 |

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SECTION 251(C) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

[Reflecting Action Completed as of April 30, 2002 (in millions of dollars)]

| | Statutory cap [1] | Current level | Current level over (+)/under (−) statutory cap |
|---|---|---|---|
| General Purpose: | | | |
| BA | 704,548 | 704,241 | −307 |
| OT | 696,092 | 687,940 | −8,152 |
| Defense [2]: | | | |
| BA | n.a. | 347,394 | n.a. |
| OT | n.a. | 347,440 | n.a. |
| Nondefense [2]: | | | |
| BA | n.a. | 356,847 | n.a. |
| OT | n.a. | 340,500 | n.a. |
| Highway Category: | | | |
| BA | n.a. | n.a. | n.a. |
| OT | 28,489 | 28,489 | 0 |
| Mass Transit Category: | | | |
| BA | n.a. | n.a. | n.a. |
| OT | 5,275 | 5,275 | 0 |
| Conservation Category: | | | |
| BA | 1,735 | 1,758 | 23 |
| OT | 1,469 | 1,452 | −17 |

[1] Established by OMB Sequestration Preview Report for Fiscal Year 2002.

[2] Defense and nondefense categories are advisory rather than statutory.

n.a. = Not applicable.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, May 1, 2002.*

Hon. JIM NUSSLE,
*Chairman, Committee on the Budget, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2002 budget and is current through April 30, 2002. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements, disability reviews Earned Income Tax Credit compliance initiative, and adoption assistance. These revisions are required by section 314 of the Congressional Budget Act, as amended. In addition, section 218 of H. Con. Res. 83 provides for an allocation increase to accommodate House action on the President's revised request for defense spending, and Public Law 107–117 contains language that increases the discretionary spending limits for fiscal year 2002.

Since my last letter, dated February 5, 2002, the Congress has cleared and the President has signed the Job Creation and Worker Assistance Act of 2002 (Public Law 107–147), which has changed budget authority, outlays, and revenues for 2002.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

FISCAL YEAR 2002 HOUSE CURRENT LEVEL REPORT AS OF APRIL 30, 2002

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in previous sessions: | | | |
| Revenues | 0 | 0 | 1,672,118 |
| Permanents and other spending legislation | 994,555 | 945,695 | 0 |
| Appropriation legislation | 1,011,996 | 1,000,944 | 0 |
| Offsetting receipts | −322,403 | −322,403 | 0 |
| Total, enacted in previous sessions | 1,684,148 | 1,624,236 | 1,672,118 |
| Action this session: | | | |
| An act to amend the Higher Education Act of 1965 to establish fixed interest rates (P.L. 107–139) | −195 | −180 | 0 |
| Job Creation and Worker Assistance Act of 2002 (P.L. 107–147) | 5,984 | 5,755 | −42,526 |
| Total, action this session | 5,789 | 5,575 | −42,526 |
| Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs | −18,054 | 1,816 | 0 |
| Total Current Level | 1,670,534 | 1,631,627 | 1,629,592 |
| Total Budget Resolution | 1,679,172 | 1,644,607 | 1,638,202 |
| Current Level Over Budget Resolution | 0 | 0 | 0 |
| Current Level Under Budget Resolution | −8,638 | −12,980 | −8,610 |
| Memorandum: | | | |
| Revenues, 2002–2006: | | | |
| House Current Level | 0 | 0 | 8,790,551 |
| House Budget Resolution | 0 | 0 | 8,878,506 |
| Current Level Under Budget Resolution | 0 | 0 | −87,955 |

Notes: P.L. = Public Law. Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, an Earned Income Tax Credit compliance initiative, and adoption assistance. In addition, Section 218 of H. Con. Res. 83 provides for an allocation increase to accommodate House action on the President's revised request for defense spending, Public Law 107–117 contains language that increases the discretionary spending limits for fiscal year 2002, and Public Law 107–147 revises budget authority and outlay allocations to accommodate emergency spending. To date, the Budget Committee has increased the budget authority allocation in the budget resolution by $52,684 million and the outlay allocation by $54,133 million for these purposes.

For comparability purposes, current level budget authority excludes $1,349 million that was appropriated for mass transit. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act, is not included in H. Con. Res. 83. Total budget authority including mass transit is $1,671,883 million.

Source: Congressional Budget Office.

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

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

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

## PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as my colleagues well know, just a few hours ago this body engaged in what I have heard many Members say was an enormously deliberative debate about the position the United States would take with Israel. I have even heard some of my junior Members suggesting that there was not enough time for us to engage in a more thorough debate to explain to the American people the heartfelt positions that many of us have.

I was in that category. Because of the need to confine our remarks to a certain period of time, I felt compelled to share with my colleagues the road map that I think is imperative that we try and follow, away from any accusations or suggestions that the heartfelt, conscience-felt positions that many Members express are any less than any others.

I think it is important to note that this Nation has a long standing history that cannot be changed of being a very close friend of Israel. It is a friendship born out of the recognition of our own commitment, our mutual commitment to democracy. It is a blessing from the perspective that the United States is a mosaic. We come from the continent of Africa. We come from South America. We come from the Mideast, both Muslim and Jew. We come from many, many places, and therefore, it is by this reason that there is a great interest in this Nation about the various issues that abound in the world because so many of us come from different places.

It is for this reason that I would hope that the resolution offered today does not start any of us away from the ultimate goal. It is the preservation of our good friend Israel, but it is the recognition, as I said in my remarks, of the humanity and dignity of the Palestinian people, and as well, recognizing the value of the Palestinian State.

I would like to address this question of whether this message of a resolution should, in fact, put a spear in the peace process. Mr. Speaker, these are only words. Words cannot keep anyone who is committed to the peace process away from the peace table. That goes for the United States, that goes for Mr. Sharon, and it goes for Mr. Arafat.

I would say to the President that if all of us had had our wishes, we would have been involved in this process starting early on, but now we are at a point where the involvement is crucial. I think the participation of Mr. Bush is vital, and I would encourage him to continue that participation.

I believe Secretary Powell should return, and as we return him back to the Mideast, I would encourage the Nation to give him our full support in the position of Secretary of State.

I would offer to say that many times we have utilized past Presidents, and I would encourage the utilization of past Presidents. Let me cite as an example, I am not from Ireland, but I have had the pleasure of being engaged in the peace process in a limited fashion as a Member of Congress and remember traveling with the former chairman of the International Relations Committee the gentleman from New York (Mr. GILMAN), making sure that we went to every single component of that whole process, meeting Gerry Adams and the unionists, and I cannot call all the names, but we were in southern Ireland and Northern Ireland. We did not leave until we met with every single component. We did not want anyone to believe they were not important.

That is what I think our challenge is after this resolution. I do not want the words of this resolution to completely cause us to move away from peace.

Let me bring to the attention of my colleagues, maybe they are not recognizing that the language in the resolution says in particular, among other things, it urges all parties in the region, all parties in the region, to pursue vigorously efforts to establish a just, lasting and comprehensive peace in the Middle East. It does not leave out Chairman Arafat. It does not leave out Prime Minister Sharon. It says everyone.

Then the resolution also specifically states it encourages the international community to take action to alleviate the humanitarian needs of the Palestinian people. I would expand that to help rebuild the structure of Palestine.

Let me again say, as I did on the floor of the House, my great admiration for many of the leaders of Israel, my great admiration for many of those who seek peace in the Mideast, but for Prime Minister Rabin, let me just simply say, as I quote Prime Minister Rabin, in 1994, Mr. Speaker, cited Mr. Arafat as a good friend and accepted him as a person who believed in peace. Where is Mr. Arafat in this day and time?

Let me conclude with these words, and these are words to Prime Minister Sharon and Chairman Arafat. ''We will pursue the course of peace with determination and fortitude. We will not let up. We will not give in. Peace will triumph over all its enemies because the alternative is grimmer for us all. And we will prevail.'' These are the words of former Prime Minister Rabin, the man who understood war and understood peace at Oslo in 1994, receiving the Nobel Peace Prize. We will prevail if we can assure that we will all go to the peace table without question.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## NATIONAL BREAST CANCER COALITION

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

Mr. CUMMINGS. Mr. Speaker, recently I was visited here in Washington by the Maryland Chapter of the National Breast Cancer Coalition. Their message was very simple. This year alone, more than 225,000 women will be diagnosed with breast cancer, and more than 40,000 women will die from this terrible disease.

Despite these statistics, we still do not know what causes breast cancer, how to prevent it, or how to treat it effectively. The National Breast Cancer Coalition needs our help in moving towards their goal of eradicating this dreadful disease.

□ 1715

I want to add that combining all age groups, Caucasian women are more likely to develop breast cancer than African-American women. However, African-American women are more likely to die of breast cancer. Past studies show that nearly half, 47 percent, of all African-American women diagnosed with invasive breast cancer die from the disease within 10 years.

I come to the floor today with two questions: What can we do to end the suffering and needless loss of life, and what can Congress do?

What can we do? Individually we need to make sure our loved ones, friends, family and coworkers have an annual mammogram and perform a monthly self-breast examination. Today, there is no cure. So prevention is the answer. I do not care how you get them to the examination room, beg or plead, but it must be done. Life is precious. Save a life by encouraging yearly mammograms and monthly self-breast exams.

What can we do as Members of Congress? There is legislation that is pending in committees that needs to be enacted and enacted now. Every day more women are diagnosed with cancer. Every day women are dying from the disease. I urge, no, I beg my colleagues to support and ensure that legislation is passed in this session that will lead to a cure for breast cancer. In the meantime, I beg my colleagues to help those who will develop or have breast cancer by providing medication for breast cancer.

Specifically what can we do? We must enact H.R. 1624, the Access to Cancer Therapies Act. This bill would provide Medicare coverage of oral anticancer drugs. This legislation extends coverage for all cancer drugs, whether it is oral or injectable.

What can we do? We must enact H.R. 1723, the Breast Cancer and Environmental Research Act. It is generally believed that our environment plays a role in the development of breast cancer. The extent of its role is uncertain. This bill would make grants for multi-institutional and multi-discipline research centers to study the links between the environment and breast cancer.

What can we do? We must provide $175 million in the fiscal year 2003 Department of Defense appropriations for their Peer-Reviewed Breast Cancer Research Programs. Since 1992, this program has brought clinical trials into community settings, provided training and recruitment awards to doctors and scientists, and given grants to further promising ideas that could lead to a cure. More than 90 percent of this funding goes directly to the funding of these grants.

Finally, Mr. Speaker, we must enact H.R. 602, the Genetic Information Nondiscrimination in Health Insurance and Employment Act. This bill prohibits health insurers and employers from discriminating based on genetic information. Passage of all these legislative measures would go a long way to help eradicate breast cancer in our lifetime.

## SUDAN

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

Mr. TANCREDO. Mr. Speaker, it is appropriate on this national day of prayer that we recognize the great gifts that we have been given and the great land in which we live and we give thanks for it. It is also, I think, important for us to think about some places in the world that desperately need our prayers and our help, in a variety of ways, but certainly our prayers. It is appropriate that today we think about a place far away, quite remote, someplace that does not come to mind very often but should because of the horrendous conditions in which people are forced to live. The place I refer to today is Sudan.

We have often seen pictures like these. They are often presented on television as the basis of appeals for aid or for charity for people who are certainly less well off than we and who are in dire straits. The horrendous thing here in the Sudan is that these people, people of southern Sudan specifically, are suffering not just because of the vagaries of the weather and the difficulty with the terrain in that area of the country, the arid part of the nation in which many live. They are not really, in fact, dealing with that as their major problem. They are, in fact, starving to death, it is true. They are dying of diseases by the thousands. To date, 2 million have died over the course of the last 10 years as a result of a civil war that has been going on there. That war is really what has caused the great damage to the people and to the land and to the lives of literally millions upon millions of southern Sudanese.

So today I want to refocus the attention of this House on the plight of these people. We have in the past acted in this body and passed something called The Sudan Peace Act. It languishes in the Senate, as do other pieces of legislation. This one no one seems to care about. It does not have the high visibility, of course, of so many of the other things we do around here, and so no one seems to care. I hope today to bring to the attention of this body and to the people in this country the plight of these people in south Sudan and to once again help us focus on what we can do to help and why we should help.

To aid in that endeavor, I will turn to my colleague, a member of the Committee on the Judiciary, the distinguished gentleman from Indiana (Mr. PENCE), who has graciously agreed to come down here and discuss this issue. I yield to the gentleman.

Mr. PENCE. Mr. Speaker, I thank the gentleman with a gentle heart from Colorado for yielding and giving me the honor of coming alongside and joining him in his effort to bring a forgotten part of the world before the American people.

Without flattering the gentleman, it would be important to state for the record that his efforts and the efforts of our colleague and friend Senator SAM BROWNBACK have almost singularly awakened the conscience of the people of the United States of America about the plight and the humanitarian crisis and the moral bankruptcy of the government of Sudan.

A few points before I yield back to my better in this. Those that are with us, Mr. Speaker, should understand there is simply a humanitarian crisis in Sudan that requires a response by the United States. There is a government of Sudan that simply cannot in demonstrable ways be trusted in these efforts and should not be coddled even in the name of advancing our interest in the war on terrorism.

On the humanitarian crisis, as the gentleman from Colorado said, Mr. Speaker, 2 million Sudanese people have died of war-related injuries in recent years, including disease and starvation. We Americans still grieve the mindless loss of some 6,000 lives on September 11, yet 2 million people have been lost both to the violence of war and the devastation of its aftermath, with another 4 million Sudanese being displaced.

The government of Sudan uses a divide-and-destroy strategy to pit southern ethnic groups one against another. They actually have attacked civilian food production and supplies using starvation as a weapon of destruction in their war. And the government of Sudan conducts regular slave raids on villages in the south, preying most especially on the Christian population in south Sudan.

It is also well documented that the government of Sudan uses oil revenues to support its oppression of the southern Sudanese, this according to the Committee on Conscience at the U.S. Holocaust Memorial Museum.

In an alarming scenario, Sudanese government helicopter gunships recently bombed a world food program site in the western Upper Nile, killing 17 civilians. A government that bombs food production facilities is a morally bankrupt government with which the United States cannot deal.

And if we needed more evidence, Mr. Speaker, a mid-level al Qaeda official was recently captured in Sudan and, of course, Osama bin Laden has in recent years taken refuge there. A clear connection exists between Sudan and extremist elements in our war on terrorism.

The commander of Sudan's popular defense force called on the Sudanese people to join a holy war with the Palestinian people and rid Jerusalem of its, in his words, Zionist filth. These are the words of the commander of Sudan's defense forces. The president of Sudan has called for training camps to be set up for this purpose as well. And following this announcement, hundreds of thousands of Sudanese marched in the streets of Khartoum chanting anti-Israel, anti-U.S. slogans and singing the praises of Osama bin Laden.

After a cease-fire was agreed upon, the government of Sudan still denied humanitarian access to 43 locations in southern Sudan. Prior to this, the government of Sudan banned flights to, on average, 25 locations. In other words, they have announced they will continue bombing but just prevent international observation by kicking out all NGOs.

While he has asked me not to mention his name, Mr. Speaker, I am privileged to serve a district where a church in a small rural town of my heartland Indiana district raised the funds and sent a mission group to Sudan to do nothing more than deliver an ultralight aircraft so the Christians in southern Sudan would be able to surveil approaching armaments preparing to bombard cities, as they do with longer-range weapons.

The Bible tells us, on this national day of prayer, Mr. Speaker, that ''From everyone who has been given much, much will be demanded. From the one who has been entrusted with much, much more will be asked.'' The gentleman from Colorado (Mr. TANCREDO) has responded to that call from his heart in leading the way in this institution for the development and the passage in this Congress of the Sudan Peace Act.

I have been privileged to join the gentleman from Colorado in drafting a letter urging action on the Sudan Peace Act and would urge all of my colleagues to join us and many other prominent Members of this institution who have already added their names to this correspondence, including the majority leader, the conference chairman, and the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE).

Let me say the United States, Mr. Speaker, has been blessed with an abundance of material goods, authority, and moral conscience. We can no longer tolerate the government-funded and subsidized massacre of human life, nor can we, as a Nation that is pluralistic in its faith but dominated by both a heritage and a contemporary Christian population, neither can we as a government of so great a people, turn a blind eye and a deaf ear to the suffering of the magnitude in Sudan that, again I hasten to add, is not a humanitarian crisis, Mr. Speaker, that is borne of environmental collapse or of drought, but it is a humanitarian crisis that is the result of the oppression and the murder of hundreds of thousands and millions of innocent civilians by the government of Sudan.

It is almost difficult to speak those words and imagine a place that would be so correctly described as a hell on earth. Yet there are people there whose faith puts mine to shame. There are people there every day tending to the sick and caring for the homeless. So let us simply today urge our colleagues to join us in this effort to call for action.

Again, I am very humbled to be able to stand with the gentleman from Colorado in this cause and simply cannot help but feel, as we have said one to another, that of all the things that we debate on this blue and gold carpet, of all the things that we will have the privilege of being a part of in the year or years that we each of us have left in this place, perhaps there will be nothing of greater significance in eternity than what we do for the least of these in the world.

□ 1730

The way we can in our own modest way in this institution steer the policy of the United States of America to a bright and moral compass that believes in human dignity and believes in human freedom and actually sets international policy in a way that expresses that belief, which I maintain is in the heart of the American people.

Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO) for yielding and for calling this Special Order, and look forward to laboring with the gentleman as he continues his important work pressing for the passage of the Sudan Peace Act, and bringing the plight of these extraordinary people of the Sudan to the attention of this body.

Mr. TANCREDO. Mr. Speaker, I must say that listening to the gentleman helps recharge my batteries on the issue. I think that the gentleman has been, certainly flattering, but more than that, he has in a way that I could never have done, focused the attention of this body on an issue of, I think, monumental importance, and I thank the gentleman for his kind words.

I had the great privilege of going to the Sudan. Actually, it was the very first trip I ever took as a congressman. It was in 1999. Senator BROWNBACK and the gentleman from New Jersey (Mr. PAYNE), we were privileged to go to the Sudan. I did not know what I was going to see there. I was concerned about the conditions there, and our own safety, as a matter of fact. I have to admit that was of some concern to me. We were told that we should not go. The State Department sent cables to my home stating do not go there. We have no people that we will give you as support. You should not go. Some of these places are in an area that is actively involved with the war effort in the south. There are towns that are being bombed, so we cannot really say anything about your safety except that you will have very little security.

Under those conditions, I wondered how sage I was about actually making a decision to go on such a trip. But it was important to do. I felt moved to do it, and I was going with someone who had been there before. The gentleman from New Jersey (Mr. PAYNE), has been there several times and is another stalwart in support of our efforts on behalf of the Sudanese people, especially the people of the south. The gentleman from New Jersey (Mr. PAYNE) had been there several times.

What we saw was devastating in many ways because we could see the incredible obstacles that confront these people. There was a severe drought, but it was only exacerbated by the activities of the government of the north. People were being massacred and hospitals were being bombed and

schools were being invaded, and teachers and children shot and people were being rounded up, taken away, forced into slavery in the north. We think to ourselves and certainly we did on that trip, what can we possibly do about this? How can we possibly change the policies of our Nation, change the situation in a country so far away. Yet certainly I felt, and so did Senator BROWNBACK and the gentleman from New Jersey (Mr. PAYNE), felt compelled to do something.

I will never forget being in a town called Yei in the southern tip of Sudan, and there was a great confrontation just a few days before we got there. Armed confrontation. The place had been bombed many times. As we walked through that small town of maybe 1,000, maybe 2,000 people, we were immediately surrounded by hundreds of children. They kept pressing closer and closer to us, so close we could hardly move.

They kept saying something that I could not understand. Our guide interpreted. He said they said they are trying to get close to you because they assume if they get close to you, an American congressman, whoever is dropping bombs will not drop a bomb at that point in time. Of course I was hoping the same thing, that that would be the case, but I was hoping that there was something that I could do to stop that fear forever for them because the fear in their eyes and the hunger in their eyes, it is just a vision that no one can experience without coming away with a sincere desire to do something to help.

I also remember the last day I was there, it was spent in a small mud-sided facility with a grass and palm roof, and it was the local church which had been constructed in a place where there were over 30,000 refugees. This was actually just one of many small churches in this refugee center, and all of these people had been driven out of their homes in the north, the northern part of Sudan. Almost everyone had lost someone. Somewhere near 6,000 people died from the trek from the Nuba Mountains down to this particular village, almost all of them children, and yet they came together in this makeshift church and they began to sing the praises of Jesus Christ.

They were spirit-filled in a way I can tell Members I hardly see in the United States, and I am an evangelical Christian. It was almost miraculous to see these people with that expression of emotion and that much joy that they were expressing in that kind of a setting. As I say, almost everyone had lost someone. They were living in a foreign land, land that they could not farm. It was a life that any of us would probably find fruitless and perhaps hopeless, and they had hope, and that hope was in the Lord.

I remember thinking to myself and telling them, as a matter of fact, that I had been moved to come there because of something that had happened in my church in Colorado about 4 or 5 years prior where I was witnessing a program that was done, it was called the Persecuted Church Around the World, and it focused on the Sudan. I was not in Congress at the time. I was not even thinking of running for Congress. A gentleman was in this position, and we assumed that he was going to be in that position for quite a long time. But I felt a need to do something. After many twists and turns, I ended up in the Congress, and I asked for the Committee on International Relations, and then I asked for the Subcommittee on Africa, and I ended up in Sudan in this church.

I said I want to tell you a story. It is only right that my trip to the Sudan ends in a church because it started in a church. I told them the story about hearing about their plight, and wanting to do something about it.

What was interesting to me, and what I told them in that church, was that I thought of course that I was doing something for them, to help the people in Sudan. In reality, of course, what had happened was God had done something to help me. He had done far more for me, and the trip did more than I could do for the people of Sudan. That is the way of God. It is intriguing, and certainly it inspires us.

I came back and we did introduce the Sudan Peace Act. It calls for a number of things, including an end to any sort of corporate participation in Sudan. We already banned corporate involvement in the United States, but our bill says any foreign corporation that goes in there would be delisted from the American stock exchanges, the New York and American Stock Exchange. This is a very significant step to take, and it is probably why the bill is languishing in the Senate because that is a major, major step. A lot of concerns have been expressed about the kind of precedent that it would set. Let me tell Members why we have to do that.

The war in the south, and I should back up and explain, it is in our interest, it is in the interests of the United States of America to bring this conflict to an end in Sudan. As the gentleman from Indiana (Mr. PENCE) mentioned, the northern part of Sudan is an area where we have found in the past people like Osama bin Laden who have been given safe havens there. It is still a place where al Qaeda finds a respite. One was just found there not too long ago.

It is not in our interest to have this conflict ongoing in the south. It is in our interest to bring it to an end, and if that means the separation of the country into two parts, so be it. I used to think that perhaps we could do something to just simply stop the fighting and keep the country united, maybe under some sort of federalist system where there is some sort of autonomy for the south. But because of the many times that the government in Sudan, and I will refer to it as Khartoum, the northern government, Khartoum has simply promised something but almost before the ink is dry on the promise, they have broken it. They are in the process now of pursuing the war in the south in a vigorous way, even though they promised that they would not.

They promised a cease-fire. They are funding this war through the revenues derived from an oil pipeline recently opened, and that is why we have to ask the corporate world to be aware of what they are doing in the Sudan, be aware of the fact that the revenues that are derived from the sale of the oil in Sudan, those revenues are going to the prosecution of the war. Without those revenues, this war may very well have come to an end, but now that money is used and can be used and is being used to purchase arms, to pay for troops, and to continue the persecution of the south.

□ 1745

Now, it is a complex situation. It is not just the fact that the south is Christian and the north is Muslim. It is the fact also, of course, that there is a different culture, different languages and different interests entirely for the two peoples of this nation. It may very well be that we are at that point where that nation has to split asunder and that the people of the south will be allowed to actually construct their own government and determine their own faith.

At any rate, the only step we can take, the only step open to us right now in this body, is to encourage Members of the other body to advance the bill, the Sudan Peace Act. Let us bring it to a vote. It has passed in both Houses. We are awaiting the appointment of a conference committee. That is all that is stopping us from actually taking the next step and doing something significant to bring peace to this troubled land. Let us appoint a conference committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISSA). The Chair must remind Members to avoid improper references to the Senate.

Remarks in debate may not urge Senate action or characterize Senate action or inaction.

Mr. TANCREDO. I thank the Speaker for his admonition.

This conference needs to be voted on by this House and by the whole body, and we need to do it as quickly as possible in order for us to bring some relief to the people who have suffered for so long.

As I say, it is in our interests, it is in this Nation's interests, to bring peace to this land and to deal directly with the issue of the kind of horror and devastation that has besieged it for so long and that has plagued it for so long. So I hope that we will do that soon.

As I say, on this National Day of Prayer, as we think about our own wonderful gifts that we have in this

Nation and the challenges that we have as a Nation, certainly as a result of actions in the Middle East, the activities in the Middle East and other places, there are challenges to the nation, but what is happening in Sudan is not just a challenge for us to look at in a foreign policy sense. It is a challenge to our own moral precepts. It is a challenge to who we are as a Nation, who we are as a people.

Can we make the time, even though so many other things are pressing upon us in this body, can we make the time to deal with one of the worst situations that exists anywhere on the planet? In fact, the Secretary of State described it almost exactly in that way in testimony in front of our committee as one of the worst situations that exists anywhere in the world.

Now, if that is the case, and I believe it to be, then does this not deserve our attention, our continued attention? If it is one of the worst situations that exists anywhere on the planet, does it not behoove us to do everything we can to bring this to an end and to help the people in this country begin to think about a new life in a new land?

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 2:00 p.m. on account of official business.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today on account of illness.

Mr. SULLIVAN (at the request of Mr. ARMEY) for today on account of official business.

Mr. EVERETT (at the request of Mr. ARMEY) for today after 1:30 p.m. on account of illness.

## 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. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

The following Member (at the request of Mr. PENCE) to revise and extend his remarks and include extraneous material:

Mr. NUSSLE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker,

H.R. 169. An act to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws to require that each Federal agency post quarterly on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes.

H.R. 495. An act to designate the Federal Building located in Charlotte Amalie, St. Thomas, United States Virgin Islands, as the ''Ron de Lugo Federal Building''.

H.R. 819. An act to designate the Federal Building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building''.

H.R. 3093. An act to designate the Federal Building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse''.

H.R. 3282. An act to designate the Federal Building and United States courthouse located at 400 North Main Street in Butte, Montana, as the ''Mile Mansfield Federal Building and United States Courthouse''.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bill of the Senate of the following title:

S. 1094. An act to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

## ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Friday, May 3, 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:

6571. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Steam Treatment of olden Nematode-Infested Farm Equipment, Construction Equipment, and Containers [Docket No. 01–050–2] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6572. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Canker Quarantined Areas; Technical Amendment [Docket No. 01–079–3] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6573. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Gypsy Moth Generally Infested Areas [Docket No. 01–049–2] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6574. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Texas (Splenetic) Fever in Cattle; Incorporation by Reference [Docket No. 01–110–1] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6575. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Milk in the Upper Midwest Marketing Area; Interim Order Amending the Order [Docket No. AO–361–A35; DA–01–03] received April 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6576. A letter from the Vice Chairman, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Austria pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6577. A letter from the Vice Chairman, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Malaysia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6578. A letter from the Vice Chairman, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Israel pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6579. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Final Rules Relating to Use of Electronic Communication and Recordkeeping Technologies by Employee Pension and Welfare Benefit Plans (RIN: 1270–AA71) received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6580. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the 2001 Annual Report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

6581. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—The Safe Handling, Transfer, and Receipt of Biological Etiologic Agents at Department of Energy Facilities—received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6582. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Radiological Worker Training—received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6583. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Personnel Security Program Manual—received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6584. A letter from the Director, Regulations Policy and ManagementStaff, Department of Health and Human Services, transmitting the Department's final rule—Change of Address; Technical Amendment—received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6585. A letter from the Secretary, Department of Transportation, transmitting The Department's annual report as required by

the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

6586. A letter from the President, African Development Foundation, transmitting the annual report on audit of the Foundation's Financial Statements for FY 2001, pursuant to 5 app.; to the Committee on Government Reform.

6587. A letter from the Board Members, Merit Systems Protection Board, transmitting the Board's report entitled ''Achievement and Challenges After Two Decades,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

6588. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''Assessing Federal Job-Seekers in a Delegated Examining Environment,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

6589. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–225–For] received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6590. A letter from the Deputy Assitant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Implementation of the Comprehensive Methamphetamine Control Act of 1996; Regulation of Pseudoephedrine, Phenylpropanolamine, and Combination Ephedrine Drug Products and Reports of Certain Transactions to Nonregulated Persons [DEA NUMBER 163F] (RIN: 1117–AA44) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6591. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2001–61) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6592. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contributions by Employer to Accident and Health Plans (Rev. Rul. 2002–3) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6593. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit-2002 Calendar Year Resident Population Estimates (Notice 2002–13) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6594. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 2001–80) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6595. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 2002–16) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6596. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule—Amendment, Check the box Regulations (RIN: 1545–AY16) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6597. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule—New Markets Tax Credit (Notice 2001–75) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. H.R. 2672. A bill to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse'' (Rept. 107–428). Referred to the House Calendar.

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. H.R. 2911. A bill to designate the Federal building located at 5100 Paint Branch Parkway in College Park, Maryland, as the ''Harvey W. Wiley Federal Building'' (Rept. 107–429). Referred to the House Calendar.

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. H.R. 4006. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the ''Alfonse M. D'Amato United States Courthouse'' (Rept. 107–430). Referred to the House Calendar.

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. h.R. 4028. A bill to designate the United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, as the ''Richard S. Arnold United States Courthouse'' (Rept. 107–431). Referred to the House Calendar.

Mr. MANZULLO. Committee on Small Business. H.R. 2867. A bill to amend the Small Business Act to require the Administrator to submit certain disagreements to the Director of the Office of Management and Budget for resolution, and to establish a minimum period for the solicitation of offers for a bundled contract (Rept. 107–432). Referred to the Committee on the Whole House on the State of the Union.

Mr. MANZULLO. Committee on Small Business. H.R. 4231. A bill to improve small business advocacy, and for other purposes (Rept. 107–433). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 4640. A bill to provide criminal penalties for providing false information in registering a domain name on the Internet; to the Committee on the Judiciary.

By Mr. MARKEY:

H.R. 4641. A bill to allocate spectrum for the enhancement of wireless telecommunications, and to invest wireless spectrum auction proceeds for the military preparedness and educational preparedness of the United States for the digital era, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KERNS:

H.R. 4642. A bill to repeal the law banning firearms in the District of Columbia; to the Committee on Government Reform.

By Mr. CONYERS (for himself and Mr. CANNON):

H.R. 4643. A bill to provide for the special application of the antitrust laws to certain negotiations of freelance writers and freelance artists for the sale of their written and graphic material to publishers; to the Committee on the Judiciary.

By Mr. ACKERMAN (for himself and Mr. WELDON of Florida):

H.R. 4644. A bill to amend the Public Health Service Act with respect to testing pregnant women and newborn infants for infection with the human immunodeficiency virus; to the Committee on Energy and Commerce.

By Mr. BACA (for himself, Mr. TURNER, Mr. SERRANO, Mr. SHIMKUS, Mrs. NAPOLITANO, Mr. HOYER, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. SOLIS, Mr. MENENDEZ, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Mr. UNDERWOOD, Mr. ORTIZ, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mr. GREEN of Texas, Mr. OWENS, Mr. HONDA, Mr. PHELPS, and Mr. BAIRD):

H.R. 4645. A bill to amend title 18, United States Code, to prohibit the sale or rental of adult video games to minors; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. VISCLOSKY, Mr. LAHOOD, Mr. PHELPS, Mr. BROWN of Ohio, Mr. GEPHARDT, Mr. MURTHA, Mr. ROSS, Mr. SAWYER, Mr. QUINN, Mr. HOLDEN, Mr. CARDIN, Mr. STUPAK, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. STRICKLAND, Mr. LEVIN, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. DOYLE, Mr. COYNE, Mr. CONYERS, Ms. PELOSI, Mr. FROST, Mr. BONIOR, Mr. SHIMKUS, Ms. KAPTUR, Mrs. LOWEY, Ms. DELAURO, Mr. LAFALCE, Mr. SERRANO, Mr. HORN, Mr. CLYBURN, Mr. OLVER, Mrs. MEEK of Florida, Mr. EDWARDS, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. JACKSON of Illinois, Ms. KILPATRICK, Ms. RIVERS, Mr. FATTAH, Mr. LIPINSKI, Mr. KLECZKA, Mr. RAHALL, Mr. MASCARA, Mr. BLAGOJEVICH, Mr. PALLONE, Mr. LYNCH, Ms. BROWN of Florida, Mr. HILLIARD, Mr. COSTELLO, Mr. GREEN of Texas, Mr. MCNULTY, Ms. CARSON of Indiana, Mr. SANDERS, Mr. BARCIA, Mr. TOWNS, Mr. SANDLIN, Mr. DAVIS of Illinois, Mr. RUSH, Mr. MATHESON, Ms. LEE, Mr. CARSON of Oklahoma, Mr. KILDEE, Mr. CLAY, Mr. GORDON, Ms. DEGETTE, Mr. CUMMINGS, Mr. BOSWELL, Mr. REYES, Ms. BERKLEY, Mr. WEINER, Mr. LANTOS, Mr. MOORE, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Ms. SLAUGHTER, Mr. HOLT, Mr. MALONEY of Connecticut, Mr. MCGOVERN, Mr. BISHOP, Mr. ENGEL, Mr. EVANS, Mr. FILNER, Mr. UDALL of New Mexico, Mr. RODRIGUEZ, Ms. MCKINNEY, Mr. HOEFFEL, Mr. BACA, Mr. ABERCROMBIE, Mr. NADLER, Mr. GUTIERREZ, Mr. WYNN, and Mr. PAYNE):

H.R. 4646. A bill to remedy certain effects of injurious steel imports by protecting benefits of steel industry retirees and encouraging the strengthening of the American steel industry; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. FOSSELLA (for himself, Mr. CANNON, and Mr. KING):

H.R. 4647. A bill to provide for satisfaction of judgements from frozen assets of terrorists, terrorist organizations, and State sponsors of terrorism, and for other purposes; to

the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. GRAHAM:

H.R. 4648. A bill to provide for the disposition of weapons-usable plutonium at the Savannah River Site, Aiken, South Carolina; to the Committee on Armed Services, 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. HASTINGS of Florida:

H.R. 4649. A bill to adjust the immigration status of certain Haitian nationals; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 4650. A bill to amend title 49, United States Code, to improve airport security by using biometric security badges, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HERGER:

H.R. 4651. A bill to amend the Internal Revenue Code of 1986 to provide for installment reporting of certain gain from the sale of an interest in service business; to the Committee on Ways and Means.

By Ms. KILPATRICK:

H.R. 4652. A bill to prevent fraud and deception in network recreational games; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut (for himself, Mr. HALL of Texas, Mr. WELDON of Pennsylvania, Mr. HUNTER, Mr. GORDON, Mr. DICKS, Mr. WEINER, Mr. MORAN of Virginia, Mr. MALONEY of Connecticut, Mr. HONDA, Ms. WOOLSEY, Mr. SIMMONS, Mr. TOWNS, Mr. UDALL of Colorado, Mr. HALL of Ohio, Mr. INSLEE, Mr. BAIRD, Mr. DAVIS of Illinois, Ms. RIVERS, and Mrs. CHRISTENSEN):

H.R. 4653. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will enable future aircraft with significantly lower noise, emissions, and fuel consumption; to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Science.

By Mrs. MCCARTHY of New York (for herself and Mrs. BONO):

H.R. 4654. A bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York:

H.R. 4655. A bill to ensure that all States address domestic and sexual violence in their temporary assistance to needy families program; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 4656. A bill to amend the Endangered Species Act of 1973 to establish requirements for the designation of critical habitat in Hawaii, and for other purposes; to the Committee on Resources.

By Mrs. NAPOLITANO (for herself and Mrs. TAUSCHER):

H.R. 4657. A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE (for himself, Ms. JACKSON-LEE of Texas, and Mr. SIMMONS):

H.R. 4658. A bill to amend title 18, United States Code, to punish persons who use false or misleading domain names to attract children to Internet sites not appropriate for children; to the Committee on the Judiciary.

By Mr. SUNUNU:

H.R. 4659. A bill to streamline the regulatory processes applicable to home health agencies under the Medicare Program under title XVIII of the Social Security Act and the Medicaid Program under title XIX of such Act, and for other purposes; 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. THORNBERRY (for himself, Ms. HARMAN, Mrs. TAUSCHER, Mr. GIBBONS, Mr. DAVIS of Florida, Mr. SHAYS, and Mr. ROEMER):

H.R. 4660. A bill to establish the Department of National Homeland Security and the National Office for Combating Terrorism; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 4661. A bill to amend title 39, United States Code, to direct the Postal Service to adhere to an equitable tender policy in selecting air carriers of nonpriority bypass mail to certain points in the State of Alaska, and for other purposes; to the Committee on Government Reform.

By Mr. CHABOT (for himself, Mr. BARCIA, Mr. KELLER, Mr. FLAKE, Mr. GREEN of Wisconsin, Mr. BRADY of Texas, Mr. SAXTON, Mr. SOUDER, Mr. WALDEN of Oregon, Mr. FOSSELLA, Mr. MCNULTY, Mr. SHAYS, Mr. ROYCE, Mr. KENNEDY of Minnesota, Mr. ENGLISH, Mr. GALLEGLY, and Ms. PRYCE of Ohio):

H.J. Res. 91. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. ACEVEDO-VILA (for himself, Mr. HANSEN, and Mr. RAHALL):

H. Con. Res. 395. Concurrent resolution celebrating the 50th anniversary of the constitution of the Commonwealth of Puerto Rico; to the Committee on Resources.

By Mr. RANGEL:

H. Con. Res. 396. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Tito Puente; to the Committee on Government Reform.

By Mr. DAVIS of Illinois (for himself, Mr. CUMMINGS, Mr. WYNN, Ms. NORTON, Mr. HOYER, Mrs. MORELLA, Mr. WAXMAN, and Mr. MORAN of Virginia):

H. Res. 409. A resolution commending public servants and members of the uniformed services for their dedication and continued service to the Nation; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Ms. ROS-LEHTINEN, and Mr. KING):

H. Res. 410. A resolution expressing the sense of the House of Representatives regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives; to the Committee on International Relations.

By Mr. WU:

H. Res. 411. A resolution supporting the goals of Taiwanese American Heritage Week, and for other purposes; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. JACKSON-LEE of Texas introduced a bill (H.R. 4662) for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Batool Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sondos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. FRANK.

H.R. 111: Mr. BONIOR.

H.R. 218: Mr. LATHAM.

H.R. 488: Mr. THOMPSON of Mississippi.

H.R. 491: Mr. RUSH, Mr. BLAGOJEVICH, and Mr. GUTIERREZ.

H.R. 537: Ms. LOFGREN.

H.R. 572: Mr. ACKERMAN, Mr. ISRAEL, and Mr. LUCAS of Kentucky.

H.R. 602: Mr. SWEENEY, Mr. WAMP, and Mr. BASS.

H.R. 638: Mr. DINGELL.

H.R. 647: Mr. DEMINT.

H.R. 730: Mr. HOYER.

H.R. 745: Mr. OWENS.

H.R. 817: Mr. DAVIS of Illinois.

H.R. 831: Mr. BAKER.

H.R. 854: Mr. ORTIZ, Mr. COBLE, Mrs. MYRICK, Mr. MCKEON, and Mrs. CAPPS.

H.R. 937: Mr. REHBERG.

H.R. 951: Mr. GEORGE MILLER of California, Mr. LAMPSON, Mr. HINOJOSA, and Ms. KAPTUR.

H.R. 1037: Mr. BARTLETT of Maryland.

H.R. 1086: Ms. SLAUGHTER.

H.R. 1092: Mr. PETERSON of Minnesota and Mr. MCHUGH.

H.R. 1110: Mr. VISCLOSKY.

H.R. 1171: Mr. BISHOP and Mr. MORAN of Kansas.

H.R. 1181: Mr. CANTOR.

H.R. 1322: Mr. CUMMINGS.

H.R. 1324: Mr. RUSH, Mr. KANJORSKI, and Mr. ISSA.

H.R. 1360: Mr. MCHUGH.

H.R. 1520: Ms. BALDWIN and Mr. PETERSON of Minnesota.

H.R. 1541: Mr. GORDON.

H.R. 1543: Mr. GILMAN and Mr. ROGERS of Michigan.

H.R. 1556: Mr. ALLEN.

H.R. 1581: Mr. BERRY.

H.R. 1598: Mr. SERRANO, Mr. MCKEON, and Mr. PALLONE.

H.R. 1624: Mr. THUNE, Mr. VITTER, Ms. MCKINNEY, Mr. KIND, Mr. JENKINS, Mr. BOUCHER, Mr. WAMP, Mr. WHITFIELD, Mr. HOLDEN, Mr. DIAZ-BALART, Mr. GRAHAM, Mr. POMBO, and Mr. LANGEVIN.

H.R. 1642: Mr. GONZALEZ, Mr. WAXMAN, and Ms. SLAUGHTER.

H.R. 1674: Mr. BARCIA.

H.R. 1682: Mr. TOWNS.

H.R. 1723: Mr. JACKSON of Illinois, Mr. VITTER, Mr. SERRANO, Mr. BONILLA, Mr. GONZALEZ, Mr. PHELPS, Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. DIAZ-BALART, Ms. MCKINNEY, Mr. SCHROCK, Mr. JENKINS, Mr. MCGOVERN, Mr. FROST, Mr. MASCARA, Mr. GORDON, Mr. KIRK, Mr. SCHIFF, Mr. DOOLEY of California, and Mr. HILL.

H.R. 1774: Mr. BARTLETT of Maryland.

H.R. 1795: Mr. LEWIS of Georgia, Mr. NORWOOD, Mr. FERGUSON, Mr. CLEMENT, Mrs. DAVIS of California, and Mr. BLUNT.

H.R. 1859: Mr. KENNEDY of Rhode Island and Mr. BAIRD.

H.R. 1935: Mr. BONIOR, Mr. SERRANO, and Mr. TOWNS.

H.R. 1978: Ms. VELAZQUEZ.
H.R. 1983: Mr. BOUCHER.
H.R. 2095: Mr. RAHALL.
H.R. 2148: Mr. FATTAH, Mr. TOWNS, Mr. CUMMINGS, Mr. BONIOR, and Ms. LEE.
H.R. 2373: Mr. TAYLOR of Mississippi, Mr. BURTON of Indiana, Mr. LOBIONDO, and Mr. HILLEARY.
H.R. 2483: Mr. BALDACCI, Mr. BAIRD, Mr. EVANS, Mr. PHELPS, Mr. BERRY, Mr. ROSS, Mr. PETERSON of Minnesota, and Mr. ALLEN.
H.R. 2484: Mr. KINGSTON, Mr. LEACH, Mr. FORD, and Mr. ENGEL.
H.R. 2570: Mr. MCNULTY.
H.R. 2573: Mrs. CAPPS.
H.R. 2610: Mr. JACKSON of Illinois and Mr. MOORE.
H.R. 2629: Mr. DOOLEY of California and Mr. BISHOP.
H.R. 2638: Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. HAYES, Mr. LUCAS of Kentucky, Mr. MCNULTY, Mr. DINGELL, Mr. CLAY, Mr. WHITFIELD, Ms. BERKLEY, Mr. BISHOP, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. LANGEVIN, Mr. COMBEST, Mr. MCINTYRE, and Mr. ISAKSON.
H.R. 2649: Mr. GARY G. MILLER of California and Mr. CLAY.
H.R. 2662: Mr. RANGEL and Mr. DOOLEY of California.
H.R. 2714: Mr. ISTOOK, Mr. EHRLICH, and Mr. ISSA.
H.R. 2812: Mr. MCNULTY.
H.R. 2820: Mrs. NAPOLITANO and Mr. HASTINGS of Florida.
H.R. 2829: Mr. EDWARDS.
H.R. 2830: Mr. CONYERS.
H.R. 2874: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. LUCAS of Kentucky.
H.R. 3267: Mr. FILNER.
H.R. 3270: Mr. LEWIS of Georgia and Mrs. EMERSON.
H.R. 3273: Mr. PICKERING.
H.R. 3321: Mr. BOYD and Mr. WELLER.
H.R. 3351: Mr. MCINNIS, Mr. BOSWELL, Mr. LEWIS of Georgia, Mr. JEFF MILLER of Florida, Mr. SENSENBRENNER, Mr. PASTOR, and Ms. VELAZQUEZ.
H.R. 3363: Mr. PASTOR, Mr. ANDREWS, Mrs. EMERSON, Mr. SANDERS, Mr. LEACH, Mr. DEUTSCH, Mr. NUSSLE, and Mr. GARY G. MILLER of California.
H.R. 3372: Mr. BONIOR.
H.R. 3414: Ms. CARSON of Indiana.
H.R. 3431: Mr. SHOWS, Mrs. BONO, Mr. JENKINS, Mr. TERRY, Mr. TURNER, Mr. MCCRERY, Ms. DELAURO, Mr. WALSH, Mr. DIAZ-BALART, Mr. ACEVEDO-VILA, Mr. FORD, Mr. LUTHER, and Mr. PETERSON of Minnesota.
H.R. 3462: Mr. DAVIS of Florida, Mr. JENKINS, Mr. PAYNE, Mr. LYNCH, Mr. BOUCHER, Mr. KING, Mr. MCCRERY, Mr. BALDACCI, Mr. ISSA, Mr. CAPUANO, Mr. DIAZ-BALART, Mr. ACEVEDO-VILA, Mr. FORD, and Mr. ISRAEL.
H.R. 3479: Mr. GANSKE.
H.R. 3486: Mr. WALDEN of Oregon.
H.R. 3569: Mr. MORAN of Kansas and Mr. WATT of North Carolina.
H.R. 3609: Mr. BROWN of South Carolina, Mr. MOLLOHAN, Mr. SHUSTER, Mr. NEY, Mr. COOKSEY, Mr. KINGSTON, Mr. LAMPSON, and Mr. OTTER.
H.R. 3705: Mr. HUNTER and Mr. GIBBONS.
H.R. 3710: Mr. ROSS.
H.R. 3770: Mr. KENNEDY of Rhode Island and Mr. RUSH.
H.R. 3771: Mr. STUPAK.
H.R. 3815: Mr. RAHALL and Mr. HANSEN.
H.R. 3827: Mr. TIAHRT.
H.R. 3831: Mr. OSE, Mr. GONZALEZ and Mrs. CAPITO.
H.R. 3834: Mr. SANDERS, Mr. UDALL of Colorado, Ms. CARSON of Indiana, Mr. SUNUNU, and Mr. GARY G. MILLER of California.
H.R. 3882: Mr. HULSHOF, Mr. ISSA, Ms. HOOLEY of Oregon, Mr. BOSWELL, Mr. FILNER, and Mr. SUNUNU.
H.R. 3890: Mr. WALSH and Mr. BONIOR.
H.R. 3911: Mr. ROTHMAN.
H.R. 3916: Mrs. KELLY.
H.R. 3974: Mr. SAWYER.
H.R. 3989: Ms. MILLENDER-MCDONALD.
H.R. 3992: Mr. HOYER and Mr. INSLEE.
H.R. 3995: Mr. PALLONE.
H.R. 4003: Mr. KILDEE.
H.R. 4013: Mr. LUCAS of Oklahoma, Mr. MORAN of Virginia, and Mr. SUNUNU.
H.R. 4017: Ms. BROWN of Florida and Mr. WILSON of South Carolina.
H.R. 4018: Mr. RANGEL.
H.R. 4033: Ms. KILPATRICK.
H.R. 4037: Mr. RODRIGUEZ.
H.R. 4039: Mrs. LOWEY.
H.R. 4066: Mrs. NAPOLITANO, Mr. WALSH, Mr. LYNCH, Mr. UDALL of New Mexico, Ms. ROS-LEHTINEN, and Mr. BISHOP.
H.R. 4071: Mr. PETRI, Mr. PUTNAM, and Mr. KELLER.
H.R. 4075: Ms. LEE.
H.R. 4078: Ms. CARSON of Indiana, Mr. MATHESON, and Mr. FRANK.
H.R. 4085: Mr. JEFF MILLER of Florida and Ms. BROWN of Florida.
H.R. 4181: Mr. ROHRABACHER.
H.R. 4194: Mr. RANGEL, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, and Mr. FORD.
H.R. 4231: Mr. BARTLETT of Maryland.
H.R. 4479: Mr. FROST.
H.R. 4515: Mr. SUNUNU, and Mr. COSTELLO.
H.R. 4550: Mr. LIPINSKI.
H.R. 4560: Ms. DUNN and Mr. PETERSON of Minnesota.
H.R. 4574: Mr. VISCLOSKY and Mr. LAHOOD.
H.R. 4582: Mr. BONIOR.
H.R. 4589: Mr. RADANOVICH, Mr. HERGER, and Mr. SCHAFFER.
H.R. 4596: Mr. MALONEY of Connecticut, Mr. PALLONE, Mr. BISHOP Mr. BLAGOJEVICH, Mrs. JONES of Ohio, Mr. MCGOVERN, Mrs. MINK of Hawaii, Ms. NORTON, Ms. WOOLSEY, and Mr. FROST.
H.R. 4604: Ms. HART.
H.R. 4612: Mr. LATOURETTE, Mr. GONZALEZ, and Mr. HILLEARY.
H.R. 4614: Ms. LEE.
H.R. 4615: Mr. COMBEST.
H.R. 4623: Mr. WAMP, Mr. PENCE, Mr. HUNTER, Mr. SHOWS, Mr. CHAMBLISS, Mr. SIMMONS, Mr. BAKER, and Mr. OSBORNE.
H.R. 4627: Mr. GUTIERREZ.
H.R. 4630: Mr. SCHIFF and Mr. BARRETT.
H.R. 4634: Mr. TOM DAVIS of Virginia.
H.R. 4635: Mr. THUNE, Mr. BARR of Georgia, Mr. SCHAFFER, Mr. JOHNSON of Illinois, Mr. LATOURETTE,Mr. SHUSTER, Mr. REHBERG, Mr. SANDLIN, and Mr. CULBERSON.
H. Con. 213: Mr. LEACH.
H. Con. 315: Mr. BARTLETT of Maryland.
H. Con. Res. 345: Mr. GILMAN, Mr. HOLT, Ms. WATSON, Mr. MCGOVERN, Mr. BLAGOJEVICH, Mr. MCNULTY, and Mr. PALLONE.
H. Con. Res. 352: Mr. PASCRELL.
H. Con. Res. 368: Mr. GEORGE MILLER of California.
H. Con. Res. 385: Mr. CAPUANO, Mr. MCNULTY, Ms. NORTON, and Ms. BROWN of Florida.
H. Con. Res. 390: Mr. LOBIONDO, Mr. MCHUGH, Mr. TOM DAVIS of Virginia, Mr. STUPAK, Mr. BOYD, Mr. FROST, Mr. HINCHEY, Mr. ENGLISH, Ms. NORTON, Mr. KIND, Mr. CAPUANO, and Mr. DAVIS of Illinois.
H. Con. Res. 393: Ms. MILLENDER-MCDONALD and Mr. FROST.
H. Con. Res. 394: Mr. MEEKS of New York.
H. Res. 392: Mr. HORN, Mr. DOOLITTLE, Mr. PASCRELL, Mr. RAMSTAD, Mr. ENGLISH, Mr. TIAHRT, Mr. KENNEDY of Rhode Island, Mr. SHAYS, Mr. MCNULTY, Mr. KIRK, Mr. CARSON of Oklahoma, Mr. HOLDEN, Mr. LINDER, Mr. ADERHOLT, Mr. SKELTON, Mr. BAKER, Mr. TANCREDO, Mr. FERGUSON, Mr. SWEENEY, Mr. JOHNSON of Illinois, Mr. GARY G. MILLER of California, Mr. FLETCHER, Ms. MCCOLLUM, Mr. BRYANT, Mr. LARSEN of Washington, Mr. CULBERSON, Mr. TIBERI, Mr. COLLINS, Mr. EHRLICH, Mr. MCINNIS, Mr. SHIMKUS, Mr. HAYWORTH, Mr. CLEMENT, Mr. BENTSEN, Mr. BLAGOJEVICH, Mr. GORDON, Mr. OSE, Mr. SHADEGG, Mr. UPTON, Mr. WAMP, Mr. SHAW, Mrs. MALONEY of New York, Mr. COOKSEY, Mr. FOSSELLA, Mr. KINGSTON, Mrs. DAVIS of California, Mr. BACHUS, Mr. GREEN of Texas, Mr. VITTER, Mr. MARKEY, Mr. BURR of North Carolina, Mr. JEFFERSON, Mr. STUPAK, Mr. LUCAS of Kentucky, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. GEPHARDT, Mr. BASS, and Mr. FLAKE.
H. Res. 394: Mr. MORAN of Virginia.

United States
*of* America

# Congressional Record

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

*Vol. 148* WASHINGTON, THURSDAY, MAY 2, 2002 *No. 53*

# *Senate*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, on this National Day of Prayer, our hearts overflow with gratitude for Your goodness to America. All that we have and are is a result of Your amazing generosity.

Today, we rededicate ourselves to be one Nation under You. In You we trust. You have begun a spiritual awakening in our land and have taught us that repentance is to make a U-turn and return to You. We reaffirm our accountability to You, the absolutes of Your Commandments, and to do justice in our society. Awaken every American to receive Your love and to seek to do Your will.

Since September 11, we have discovered again that You truly are our refuge and strength, an ever-present help in trouble. In the battle against terrorism, we will never give up or give in because with Your help we will win.

Bless our President, the Cabinet, Congress, and all State and local leaders with supernatural power. We commit ourselves to be faithful to You as Sovereign of our land and Lord of our lives. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE 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, May 2, 2002.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. CORZINE 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.

## A HAPPY DAY FOR THE SENATE CHAPLAIN

Mr. REID. Mr. President, while our good Chaplain is still in the building, I note that this is a happy day for him and the entire Senate family, as I have received word that his wife, Mary Jane, after 3 weeks in intensive care, has now been taken out of intensive care. She still has a long way to go toward recovery, but at least that is a significant step forward after having spent so much time in the intensive care ward of the hospital. She has now been moved to a private room.

So we are very happy for the Chaplain, who does such a good job watching over each of us, and we are grateful that his prayers, and those of others, have been answered. His wife is out of intensive care.

## SCHEDULE

Mr. REID. Mr. President, today we are going to proceed immediately to a period of morning business, and then I am told we will hear from Senator BAUCUS, who has not yet had the opportunity to give his opening statement on the trade bill. He is the manager of this legislation, as is Senator GRASSLEY. They are both going to give opening statements, I believe, this morning.

There is an amendment pending. Senator DORGAN indicated to me he wants a vote on it as quickly as possible. So those people who have any information that they want to give the Senate regarding the Dorgan amendment should do it as soon as they can; otherwise, we will vote on it.

We expect a very busy day. As you know, we have a Senate retreat tomorrow a number of us will be attending. Therefore, we will not be in session tomorrow. We have a lot of business to accomplish today. We want to make progress on this trade bill. We expect to hear from a number of Senators on the resolution dealing with Israel. That will be brought before the Senate sometime today. We also hope to have an opportunity to work on the farm bill conference today. So we have a lot of work to try to accomplish today.

We expect the House to take up the farm bill this morning at 10 o'clock. So if we are fortunate, that bill should be over here at 1 or 2 this afternoon.

We want to work something out so it can be brought before the Senate. Although I am not from a farm State, I have been told it is extremely important to complete that legislation so that the farmers in those States have some knowledge of what they are supposed to do with the crops this year.

Mr. President, as I have indicated several times this morning, we have a lot to do. I ask unanimous consent that the half hour for morning business begin to run now.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:06 a.m., with the time to be controlled by the majority leader or his designee.

The Senator from Massachusetts is recognized.

COLLEGE LOANS AND THE COST OF HIGHER EDUCATION

Mr. KENNEDY. Mr. President, I want to bring to the attention of the Senate and the American people one of the great challenges this country is facing again, and the failure of the Bush administration to respond to this challenge, and that is the cost of higher education. I don't think there is anyone or any family who is watching the U.S. Senate this morning who isn't concerned about what the cost is for higher education—for their children, who are in college at the present time, or parents whose children have gone to college and endured the debt.

It is absolutely extraordinary to me, at this time of real crisis, in terms of availability of college for working, middle-income families that the Bush administration has now suggested a way that will make the cost of college education even higher and the debts even deeper. I draw again to the attention of the Senate this AP story from last week, where the White House suggested $5.2 billion in savings from Federal student loans.

White House Budget Director Mitch Daniels proposed savings to House Speaker DENNIS HASTERT. Among Daniels' proposed savings is to require college students and graduates who wish to consolidate their Government-backed education to use variable interest rates. That means that the Bush administration is saying to college students, rather than being able to take advantage of the low-interest rates at the present time, they will have to take their chances on the variable interest rates.

What is that going to cost for the average student and the average family? The average family in this country who borrows ends up with a $17,000 debt. In my State, it is about $23,000 or $24,000. The best estimate is that it is going to cost that family at least $3,000; if it is going to be over a 30-year period, it will be an additional $10,000. Do families understand this proposal of the Bush administration?

Now, we are, as Democrats, extraordinarily concerned. We have sent a letter to the administration. Our committee, the Education Committee, has invited Mr. Daniels to testify on this particular issue, so that we can better understand what the reasons and the rationale are—other than that the Federal Government can effectively take back that money from the students and use it for the tax cut for the wealthiest individuals. This is a tax increase on working families that are going to school.

Now what has been the administration's response? The Democrats are virtually unanimous. There are 46 of our Democratic colleagues who have said they will stand in the way and will not permit it. We will have a legislative fix, and we will not permit it. We are telling the administration that.

What has been the reaction of the administration? If we look at the reaction of the administration, according to Deputy Education Secretary William Hansen, they yesterday dismissed the Democratic criticism as incredibly disingenuous.

It is not the Democrats who are disingenuous. It is the Bush administration's proposal to raise the cost of going to higher education.

Is this something that we say is the cost of higher education? I refer again to a story that is in the New York Times—and there is a similar story in the Washington Post this morning—''Greater Share of Income is Committed to Education.''

> Poor and middle class families have had to use a steadily larger portion of their income to attend the Nation's public universities over the last 2 decades as State spending for higher education has lagged behind. All of these trends are unhealthy for the future of educational opportunity in this country, says Patrick Callan, President of the National Center for Higher Education.

That is not a Democratic Senator. This is the president of the National Center for Higher Education in San Jose, CA, which commissioned the study with the support of the Ford Foundation and the Pew Charitable Trust. These are independent studies. These are independent studies, and still the administration stays the course and says, well, even in spite of this fact, we are going to even make it more difficult and more complex.

We reject that at the outset. I bring to the attention of the Members a response that Ari Fleischer had yesterday from the White House when he was asked about fixed versus variable rates. Mr. Fleischer's response:

> Well, we are just going to continue to work with Congress to find a solution. The idea was always a voluntary one, never a mandatory one.

Mr. Fleischer better understand what this whole proposal is about because this is poppycock. What is mandatory, according to the administration, is they get the variable rate. What they are taking away from the student is the opportunity to take advantage of the low rate. It is still a live consideration, and I do not know who Mr. Fleischer is talking to in the Congress to find a solution.

He also makes reference to the fact about what the administration is doing in funding and education. I, again, remind the Senate about where the administration is on its budget now and in the future on education. This year the President is requesting $50 billion in discretionary appropriations for the Department of Education, an increase of $1.4 billion, or 2.8 percent. That is what the administration is suggesting.

If we look at last year's budget conference report, on page 51, they outline the baseline estimates which do not reflect any specific policy except for defense. President Bush's budget authority for the year 2002—this report assumes that discretionary function levels grow by inflation.

What is that saying? That over the next 9 years, this is the Bush proposal on funding education: zero. This is what they say.

Now, we are shortchanging the children in this country. If we look back at this last year, primarily at the behest of the Democrats, we saw an increase in the elementary and secondary education. The proposal of the Bush administration is zero in the outyears and is now attempting to tamper with the interest rates to make it more costly. Now, that is an intolerable position for the Bush administration to have.

There is a failure to fund the elementary and secondary education adequately, and they are putting an additional tax on every family in this country sending their children to school. Sixty-three percent of the students who attend higher education are borrowing at this time. The average cost across the Nation is $17,000. Every family, if their proposal goes forward, is going to pay at least $3,000 more.

We are not going to tolerate it. It is difficult for many of us, who thought we were going to see a strong commitment in the area of education, to understand in a budget of over $2 trillion why the administration has to target working families and middle-income families. I do not understand that.

They say education is important. They have over a $2 trillion budget and they cannot find the funding in the areas of education. I want to let our colleagues know we are going to do everything in resisting this proposal. From an educational point of view, it makes no sense. From a national interest point of view, investing in education and our children is investing in our future.

I see my colleague and friend, the Senator from Michigan, who is doing such an outstanding job on bringing to the attention of the Senate the importance of prescription drugs. I commend her for her eloquence, persistence, and leadership in this area. I tell her that on behalf of all the people of Massachusetts. We are enormously grateful to her for bringing these facts to the attention of the membership. I hope she will address the proposal we had from the House Republicans yesterday on the issue of prescription drugs. I think myself it is more of a series of platitudes rather than a core program. They

refuse to commit the resources which are necessary. It seems to me that a bus ticket to Canada will probably save seniors more than the Republican proposal. I am going to be interested in her reaction to that, and her statements about the importance of assuring our senior citizens that a prescription drug program be a part of our Medicare system.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I wish to thank the senior Senator from Massachusetts for his continued advocacy on behalf of all of the issues that directly affect our families every day. Speaking first to the issue of education as the mother of a 26-year-old who has completed college—I feel as if I own a part of one of the buildings at that great university, the University of Michigan—and my daughter who is now in college, I completely understand and share the deep concerns Senator KENNEDY has about the proposals that will essentially put another $10,000 of tax on middle- and low-income families over the course of taking out student loans to put their children through college.

It seems to me, as we are talking about the national interest, the importance of national security, that a critical piece is an educated workforce and an educated citizenry. I cannot imagine who was thinking up this proposal at the White House, but I hope they understand we are going to stand together to stop any effort that will add costs to families who are working to put their children through college.

## PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I rise to speak specifically to another proposal on principles that was released yesterday in the House of Representatives. We have been urging now, since I came to the Senate over a year ago, and certainly before that time, that our colleagues from the other side of the aisle join with us to act to get action in two areas related to critical health care and prescription drugs: One, a comprehensive Medicare prescription drug benefit. Modernize Medicare, update it. Everyone knows that it was written in 1965 and covers the way health care was provided in 1965. It needs to be updated to cover prescription drugs, the primary way that we provide health care today.

Second, we know there are important actions we can take right now to lower the cost of prescription drugs for every family, not only for our seniors who use the majority of prescriptions—on average 18 different prescriptions a year—but also for those families who have a disabled child or another family member who is ill. We need to lower the costs now. We need to lower them for small businesses. We need to lower them for larger businesses. Our farmers are struggling with higher costs. We can do that.

Certainly we appreciate that our colleagues have come together with fanfare to talk about four principles: One is lowering the cost of prescription drugs now. I suggest that putting those words on paper does not lower the cost of one pill. It does not make one more prescription available to our seniors.

I welcome the words, but our seniors and our families have had enough words. They are interested in action. We have to be working in a bipartisan way. We come as Democrats to say: Work with us; let's get beyond the words, beyond the principles and get something done.

We are interested in lowering the cost of prescription drugs, and we have numerous proposals. I will speak to those for a moment before speaking about Medicare prescription drug coverage.

We know, for instance, if we allow the normal course of patents to run out and for the process to work where lower cost generic drugs can be used, we can dramatically cut costs immediately. We have colleagues—Senator SCHUMER and Senator MCCAIN—who are putting forward an important bill to close loopholes that the drug companies have used to block generic drugs from going on the market and to block the lowering of the cost of drugs. We can pass that bill right now and drop the cost. We can open our borders to Canada. Senator DORGAN, of North Dakota, has introduced a bill; he is in the Chamber, and I am sure he will speak to that shortly. I am pleased to join him.

This is an effort in which I have been involved since being in the U.S. House of Representatives. I have taken two bus trips to Canada with our seniors to demonstrate that by working through the Canadian Medical Society we can lower the cost of prescription drugs. It is astounding. These are American-made drugs. I am proud they are made in America. I am proud we have invested in the research and technology—taxpayers, private companies, biotech companies, biomedical companies, drug companies. But when all is said and done, if no one can afford to get the medicine, what have we done?

We now find ourselves in a situation where we subsidize and pay for the research from which the world benefits; yet our borders are closed and our own people cannot go across the border to get the same drug at half the price.

Mr. KENNEDY. Will the Senator yield for a question?

Ms. STABENOW. I will be honored to yield.

Mr. KENNEDY. Is the Senator aware that under the House Republican plan, senior citizens would have to spend $670 before they received a dime of benefits? This is the cost of the premiums of $420, and the deductible which is $250. That comes to $670 before they get a dime of benefit.

Is the Senator familiar with the fact that the average senior citizen's income is only $15,000, and the average prescription drug need is $2,200?

Ms. STABENOW. Yes.

Mr. KENNEDY. We all want to find common ground and work together. Requiring the seniors to pay $670 before they get a dime of benefits does not seem to me to fulfill the commitment this country made to our seniors when we passed Medicare and said: Pay in, and we are going to help relieve the anxiety you have about quality health care. I am interested in whatever comment the Senator wishes to make.

Ms. STABENOW. I thank the Senator. As the Senator from Massachusetts has indicated, the Medicare proposal that we believe is coming—again, we only have principles. We do not have the specifics. We are piecing together from news stories and other sources what it appears to be. In fact, going beyond what the Senator from Massachusetts has said, not only are we talking about the premium, the deductible, the copays—and there are two different levels of copays—but nothing is covered once you reach $2,000 until you have spent $5,000. So there is a huge gap in the middle.

If we take the example of a senior who is spending $300 a month on prescription drugs—and that is not unusual. It might be a breast cancer patient who is purchasing tamoxifen, which in Michigan is $136 a month. If you add to that blood pressure medication or cholesterol medication or another drug, the amount could easily come to $300 a month. If you add that up and look at all that it appears from that proposal, Mr. President, of the $3,600 a year that one would be paying out of pocket, one would still spend $2,914.

If someone is paying $300 a month now in prescription drug costs, less than 20 percent of that would be covered under the Republican proposal.

Mr. KENNEDY. Will the Senator be good enough to yield for another question? Does not the Senator think then we have to deal with the substance and the reality rather than the cliches and the slogans?

Ms. STABENOW. Absolutely.

Mr. KENNEDY. I am sure we are going to hear from the other side: We have a prescription drug proposal. Does the Senator agree with me that is really a misrepresentation? If we accept that as a concept, it will do people in my State little good.

I understand the Senator is a strong supporter, and I see in the chair the Senator from Georgia who has worked very closely with the Senator from Florida on an excellent program, and I commend him for it.

Does the Senator agree if we are going to do something, let's help our seniors and not misrepresent what we are trying to do for them?

Ms. STABENOW. Absolutely. I add also, one of my deep concerns is that in order to pay for this, they are talking about Medicare ''reforms.'' Unfortunately, the reforms we are hearing about are proposals such as adding the cost of home health care, requiring a

copay for home health care. Our seniors who are now struggling to live at home, families who are struggling to make sure someone can live in dignity in their home as long as possible, have home health care. Part of that is their prescription drugs, and to pay less than 20 percent of the cost of prescription drugs, one of the things they are talking about is a copay for home health care. So they will be adding other costs to this process as well.

I suggest: Beware of what is coming. It is very clear when the only people who are advocating for the proposal put forward by the House Republicans are the drug companies, that should tell us something. When they have fought every proposal for comprehensive prescription drug coverage, every proposal to lower the cost of prescription drugs, whether it is expanding generic drugs, opening the borders, lowering advertising costs—every single effort to get some control and accountability in this system so that our seniors can afford prescription drugs they have opposed.

Mr. KENNEDY. Will the Senator yield one more time and give me her reaction?

Ms. STABENOW. I will be happy to yield.

Mr. KENNEDY. Is the Senator aware that the Bush budget allocates only $190 billion over the next 10 years for prescription drugs and Medicare reform, and the House Republican budget allocates $350 billion, but the cost of drugs for senior citizens during this same period will be $1.8 trillion—$1.8 trillion? Does the Senator conclude from that, this is going to be a very inadequate response to a major health challenge for our seniors?

Ms. STABENOW. I absolutely agree. With all due respect to our colleagues on the other side of the aisle, the math does not add up. It is time to get beyond principles and rhetoric and say to those watching this morning sitting at their kitchen table, seniors who are sitting down right now deciding, Do I eat today or take my medicine, that we are going to step up to the plate, do what is right, and do what is long overdue.

I see my colleague from North Dakota. I would very much like to yield to him. He has been such a leader on this issue. We share, as border States, the frustration of citizens from our States who can easily go on a short trip across the border and pay lower prices for American-made drugs.

The Senator has been a real leader in this effort.

Mr. DORGAN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. Six minutes 20 seconds.

Mr. DORGAN. May I be recognized?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I appreciate the conversation about the prescription drug issue. It is important. There are two pieces to it. One is coverage for those who do not have access or the resources to get the prescription drugs they need. These are lifesaving medicines that can only save lives if you have access and can afford them.

The second issue is price. That is an important issue. If we talk only of coverage, and not price, we break the bank. Connecting the hose between the prescription drug and the Federal tank means we will suck money out of the tank forever. We will break the bank if we do not do something about prices.

Last year, the cost of prescription drugs increased 17 percent in this country. Year after, the cost increases have been double digit. There has been both utilization and price inflation, double-digit increases in the cost of prescription drugs for 5 years in a row. It will continue into the future unless we do something.

We have to deal with coverage. We also have to be concerned about price: What kinds of approaches can we implement that put downward pressure on prices?

I ask unanimous consent to show bottles on the floor of the Senate that have contained prescription drugs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have introduced a bipartisan piece of legislation supported by Republicans and Democrats that allows pharmacists, licensed distributors, and wholesalers in our country to access prescription drugs in Canada—same drug, in the same bottles, made by the same company, sold in Canada and North Dakota, with radically different prices.

This is a drug called Celebrex, which is used for arthritis. It is sold in identical bottles, except one cap is blue and one is white—same pill, put in the same bottle, made by the same company, sold in Canada and the United States. The Canadian pays 79 cents per tablet, and the American pays $2.20 per tablet—same drug, same company, same pill bottle, but a huge difference in prices.

Here are two additional examples. Most everyone knows that Lipitor lowers cholesterol. But we have two different prices for the same pill, put in the same bottle, and made by the same company. It is $1.01 wholesale in Canada and $1.86 per tablet to the United States consumer.

One more example is Paxil which is used to treat depression. Paxil is packaged in a bottle that is identical whether you get it in Canada or in the United States. The only difference with Paxil is the difference in price—as in the case of most drugs. It costs 97 cents per tablet for the Canadian, $2.20 per tablet for the American consumer. The U.S. consumer pays the highest prices in the world for the prescription drugs. It is the same pill, made by the same company, put in the same bottle, for which there is a radical difference in cost.

I use one other example without a bottle. It is called tamoxifen, which is used to treat breast cancer. For every 10 cents charged to a Canadian, $1 is charged to an American consumer. If you are buying tamoxifen, you can buy it in Canada for one-tenth the price charged in this country.

With respect to these prices, there is a little town in North Dakota called Michigan, not so far from the Canadian border. At the end of a meeting one night, a woman, perhaps in her late seventies, came to me and said: Mr. Senator, can you help me? I said: What is the problem? Her eyes began to well with tears, and her chin began to quiver. She said: I have heart disease and diabetes; my doctor prescribes a great deal of medicine I must take, and I don't have the money to purchase the drugs. The doctor says I must have these drugs in order to continue to live a good life.

That is the problem. We need prescription drug coverage. We also need restraint on pricing. The two, together, can help the American people access lifesaving drugs. Miracle drugs can only provide miracles if people can afford them. That is why we are fighting to make some sense of this policy.

What I have tried to do, on a bipartisan basis, with Republicans and Democrats supporting this reimportation bill that we have now introduced, is to allow pharmacists and distributors to access those same drugs that are sold at much lower prices in our neighboring country of Canada.

I yield for a question.

Mr. SCHUMER. I thank my colleague from North Dakota for his eloquent exposition.

We are working on the same track. The Senator from North Dakota has a bill to lower prices by allowing reimportation. Senator MCCAIN and I have a bill to extend generic drugs. We have to deal with both: Getting prescription drugs as part of Medicare, but also lowering the cost. As the Senator from North Dakota has said over and over again, we are not going to get the one without the other.

I bring to his attention and ask if the Senator saw an article in the Wall Street Journal on the front page, another way the drug companies are going way overboard. They are getting lists from pharmacists of people who have a prescription for a certain drug and then are writing those people and saying: Why don't you switch to this drug? Do you know why they ask them to switch? The generic drug is coming on board for their original drug, and now they are trying to manipulate the generic drug law.

The drug company is extending the dosage, going for a weekly pill rather than a daily pill.

Mr. DORGAN. I ask unanimous consent for 5 additional minutes, and I yield to the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. The drug company's applying for a new patent because the daily pill—same medicine—expires.

The drug industry has some good arguments. I don't disagree with their argument that they need money for research. And these new pills have helped people. But faced with all of these blockbuster drugs that are going off patent, and the companies being so used to the high rate of return they have had—higher than any other American industry—they are pushing the envelope way too far in terms of trying to keep that level of profitability.

They ought to understand—and I ask my colleague from North Dakota to comment on this—their job is to go back into the laboratories, come up with real new drugs, and work on those—not extend the patent—or, in the case of what the Senator from North Dakota has discussed, make the U.S. price above all the other prices. This involves lots of work and lots of focus.

Every time I read one of these articles, it makes my blood boil. When I came here, I was not regarded as a hardliner on this issue. I have a great deal of respect for companies that research and produce these drugs. However, the limits they are going to, with the advertising on television—and I know my colleague from Michigan is working on this—with the huge price differential where the United States consumer pays for all the research, yet around the world the costs are much lower—I know my colleague from North Dakota is looking into this—to the manipulation of the generic drug law, which Senator MCCAIN and I are looking at, something is rotten in Denmark.

I thank my colleague his remarks and his persistent leadership on this issue and ask him what he thinks of what is going on, and has he seen this change over the years?

Mr. DORGAN. Mr. President, I chaired a hearing recently at which Senator SCHUMER testified and Senator MCCAIN, as the ranking member, attended. Generic drugs are a very important issue.

I push for price restraint because I think it is very important with respect to what is happening to price increases of prescription drugs. However, I bear no ill will toward this industry. I think the drug industry is a remarkable industry. It does some remarkable things. We should compliment them for some of the programs they have initiated in recent weeks, for the low income senior citizens. That is a good step. They do some awfully good work. Tamoxifen costs one-tenth the price in Canada; you pay 10 times more if you are an American, that drug resulted from public funding and public research at the National Institutes of Health.

So I worry very much that what is happening is that the public is paying for research in some areas and, when the drugs are privatizing, a price is affixed to them that is way out of bounds.

I bear no ill will towards this industry. I want them to do well and to continue to search for lifesaving drugs. But I think it is important to point out that, when we talk about miracle drugs, Americans who need them will get their lifesaving benefits only if they can have access to them, and can afford them. There are so many Americans who cannot chase double-digit price increases every year. That is why we deal with this issue. The issue I have been concerned about is reimportation from Canada. Not because I want anybody to have to go to Canada to buy prescription drugs, that is not my goal. My goal, of course, is the repricing of those drugs in this country because, if distributors and pharmacies can go to Canada and access the same drugs, it will force a repricing of those drugs here.

I want to have a prescription drug benefit in the Medicare Program but I don't want to break the bank. If we do that and do nothing about price restraint and downward pressure on prices we will break the bank of this Government. We must address both issues, coverage and price.

Ms. STABENOW. Will the Senator yield for a moment? I just wanted, as we conclude this time, to thank my colleagues for their continued leadership and to, once again, call upon our colleagues across the building, in the other Chamber, the Speaker of the House of Representatives and his colleagues, to go beyond the principles that were put out yesterday and join with us in the concrete proposals that we have.

We have the ability to act now. We could do it this month if they are willing to join with us. We ask them to get beyond the words and let's get together and let's do the right thing.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I commend the Senator from North Dakota who organized the preceding discussion with respect to the high price of drugs and unavailability of prescription drugs. I asked the General Accounting Office to do a study of coverage of prescription drugs in my home State of Montana. The conclusions were for those seniors in our State who are not covered by health insurance, those seniors pay more for prescription drugs than do seniors anyplace else on the face of this Earth. That is more than any other part of the United States and certainly more than people overseas, as has been demonstrated ably by the Senator from North Dakota. The same drug by the same company is less expensive to someone overseas as compared with the United States.

This is a critical issue. I thank my friend from North Dakota as well as the Senator from Michigan, Ms. STABENOW, and others.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired. Morning business is closed.

## ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

An act (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Daschle amendment No. 3386, in the nature of a substitute.

Dorgan amendment No. 3387 (to amendment No. 3386), to ensure transparency of investor protection dispute resolution tribunals under the North American Free Trade Agreement.

Mr. BAUCUS. Mr. President, yesterday the Senate began debate on the Trade Act of 2002. This legislation includes three bills reported by the Senate Finance Committee last year: No. 1, an extension of fast track negotiating authority—also known as trade promotion authority; No. 2, an expansion and improvement of the Trade Adjustment Assistance Program and No. 3, the Finance Committee's version of the Andean Trade Preferences Act, or ATPA. As the debate moves forward, I suspect other international trade matters may also appropriately be attached to this bill.

The Trade Act of 2002 will be the first major rewrite of international trade legislation in 14 years. If passed, it will be, as the National Journal has said, ''a historic breakthrough.''

Why are we taking up a trade bill? What does this bill—and the expanded trade that will follow—mean for this country? Trade means jobs. Twelve million Americans—one out of every ten workers—depend on exports for their jobs. These are jobs that pay more—thousands of dollars more per year—than jobs unrelated to trade. Trade supports jobs in all sectors. We often think of trade as helping big multi-national companies. In fact, firms with fewer than 20 workers represent two-thirds of American exporters; and U.S. agriculture exports support more than 750,000 jobs. Trade also means choice. It means more affordable products and more variety for American families. It means that hard-earned paychecks go further.

In many ways, new trade agreements are like a tax cut for working families. Studies have suggested that the average family of four sees annual benefits of between $1,300 and $2,000 because of the agreements we negotiated in the last decade. And according to a recent University of Michigan study, if we complete the next round of negotiations under the World Trade Organization, it could increase that benefit by as much as $2,500—per family, per year.

But trade is about more than simple economics. When we trade with countries, we do not just export corn and cars, we export our ideas, we export our values. We export freedom, in a

sense. Trade between nations creates opportunities for both parties—it can help lift countries out of poverty, while strengthening our relationships around the world.

I think Adlai Stevenson probably said it best 50 years ago:

It is not possible for this nation to be at once politically internationalist and economically isolationist.

Look at our agreement with Jordan as one example. It has a relatively small effect on our economy—our trade with Jordan is only about $600 million per year. But it has an important impact on Jordan's economy—and it has cemented our relationship with a key Middle East ally.

Similarly, part of this legislation provides trades benefits to Andean countries. The main benefit of this legislation will be to help move workers out of the illegal drug business, and into legitimate lines of work. It is not going to solve the problem entirely, but it will help. But to do that, they need more access to our market.

So that is what's at stake in this debate. Let me turn to the bill itself.

The most talked-about provision of this legislation, of course, is the extension of fast track trade negotiating authority to the President. At its core, the fast track grant in this legislation is very similar to the legislation that first granted fast track to President Ford in 1974.

I am often asked why we need fast track—and why now? In essence, fast track is a contract between Congress and the administration. It allows the President to negotiate trade agreements with foreign trading partners with a guarantee that Congress will consider agreement as a single package—no amendments and a guarantee of an up-or-down vote by a date certain.

In return, the president must pursue a number of negotiating objectives that Congress has outlined in the legislation. And he must make Congress a full partner in these negotiations, fully consulting with Members as the talks proceed.

Now make no mistake, fast track is a significant grant of congressional power to the President. But it is excruciatingly difficult to negotiate the best possible multilateral trade agreements unless our trading partners know that Congress will vote on the agreement negotiated.

Indeed, it was our experience in the 1970s—when the Europeans refused to negotiate with us after Congress failed to implement an agreement—that led to the creation of fast track. Without fast track, our trading partners learned that they could anticipate one round of negotiations with the President and a second with Congress.

The reverse is not true. Other countries, because of their parliamentary forms of government, have a single legislative body where the majority of the legislative body is also the government, so we did not have that problem with them.

Fast track also demonstrates that the President and Congress go into negotiations with clearly defined and unified objectives. Again, that is critical. If our trading partners are uncertain that the deal will stick, they won't put their best deal on the table.

Is it possible to negotiate some agreements without fast track? It is certainly possible with simple bilateral agreements, as was the case with Jordan. But, while Jordan is a landmark agreement in many areas, it has to be put in context when talking about fast track procedure.

The Jordan Agreement, as I noted earlier, was a relatively easy agreement. It involved only two countries and affects a very small amount of trade—roughly $600 million.

Major multilateral agreements can affect many more countries and billions in trade. The FTAA is an agreement involving 34 countries; the WTO involves nearly 150. For these agreements, fast track remains a necessity.

Even bilateral agreements will go much more smoothly with fast track. In the case of Chile, for example, we are still talking about a much more complex agreement than Jordan. It will affect approximately $6 billion in trade, ten times more than the Jordan Agreement. And improving the chances of agreements like Chile is vital to our economy.

Let me give you one example. Canada has already signed free trade agreements with several countries, including Chile. That has an impact on U.S. competitiveness. As a result of the Canada-Chile agreement, Chile eliminated its tariffs on Canadian wheat. U.S. wheat exports to Chile, on the other hand, still face tariffs as high as 30 percent, making Canadian wheat much more attractive to Chilean buyers. We must negotiate these agreements if we are going to compete, and fast track will make it easier.

People often note that we don't have fast track for treaties, such as nuclear arms treaties. That is true. And while these treaties are important, they are often less complex in the sense that they don't involve literally thousands of interrelating trade-offs and concessions as trade agreements do.

I remember the last arms treaty that came before the Senate. There were two or three annexes in it but not all of the host of other complications involved in trade agreements.

But let me turn to the bill itself, and specifically to the negotiating objectives on a number of topics.

With regard to agriculture, a topic near and dear to many in this body, and certainly one of my highest priorities—the legislation directs the President to seek new markets for American agricultural products and to continue to work to lower the trade-distorting subsidies of our trading partners. That is vitally important for American agriculture.

On a more traditional topic, the legislation also directs the President to continue to negotiate the reduction and elimination of tariffs, while recognizing the sensitivity of tariffs in a few sectors. The United States has already lowered its average tariff rate to about 3 percent. Generally, tariffs are similarly low in major developed countries. In a few important cases, however, such as Japanese tariffs on wood products, and Europe's tariffs on semiconductors, tariffs remain a significant trade barrier. And in many developing countries, tariffs remain at levels that stifle trade, in some cases 100 percent or more.

The bill also directs the President to address some of the new issues, such as e-commerce. By acting to negotiate agreements now, before protectionism has taken root, hopefully trade in e-commerce can remain relatively free.

Each of these objectives is critically important. However, most of the debate in the other body and in the press has focused not on the important issues I have listed, but on three trouble spots in trade negotiations: No. 1, labor rights and environmental issues in trade agreements; No. 2, protection of the right of the U.S. to promulgate environmental and other regulations in connection with so-called investor-state dispute settlement provisions, commonly know as ''Chapter 11'' provisions; and, No. 3, the integrity of US trade laws.

Let me turn to those difficult issues now.

First, labor rights and environmental protection issues: These issues have now firmly and irreversibly made their way on to the trade negotiating agenda. They are here. The world has changed. Those who continue to ignore that reality are simply burying their heads in the sand.

The appropriate manner to address those issues, however, is not obvious, and it has been the subject of heated debate for more than a decade. The dispute over this issue has kept the Congress deadlocked on fast track for nearly a decade.

Fortunately, U.S. trade negotiators have made some important progress. In negotiating a free trade agreement with Jordan, the United States brought labor rights and environmental protection into the core of the trade agreement.

Two central approaches were taken on these issues. First, both parties agreed to strive for the labor standards articulated by the International Labor Organization, and for similar improvement in environmental protection. Second, both countries agreed to faithfully enforce their existing environmental and labor laws and not waive them to gain a trade advantage. That is in the agreement.

In addition, both parties to the Jordan Agreement agreed to pursue a number of cooperative efforts to improve labor rights and environmental protection. In my opinion, these provisions of the Jordan Agreement provide a concrete demonstration of the way to

break the deadlock on labor rights and the environment.

Last year, I encouraged some of my colleagues in the other body to pursue Jordan-like provisions as the basic model for a fast track bill. In drafting the fast track legislation, the House New Democrats and Republicans wisely agreed to use those provisions as a model for the language in the fast track legislation.

In the Senate bill, we accepted the legislation on this topic and made clear in the report that the legislation fully adopts the Jordan standard on labor and environment matters.

Unfortunately, some in the House opposed this language as not going far enough and urged legislation to force compliance with ILO labor standards. I support the ILO, and I believe the Jordan-based approach moves the trading regime in the right direction; that is, looking to the ILO for guidance on appropriate labor standards.

With due respect, however, I believe that those who advanced this proposal and those who may later advance it in the Senate debate are simply going too far. The ILO standards are a starting point, but they were not meant to be used in this manner.

It may be that through experimentation we can strengthen the linkages between trade agreements and the ILO. Indeed, that is the ultimate goal of this legislation. But trying to accomplish this in one fell swoop will only set back both agreements and the ILO.

Quite frankly, whatever the intentions of the authors, proposals like this are likely to be fatal both to fast track and future trade negotiations.

Another environment-related issue that has arisen in recent months pertains to investor-state dispute settlement, also known as ''Chapter 11,'' in reference to the provisions of this topic in NAFTA.

The genesis of Chapter 11 is the legitimate concern of some U.S. investors that other countries often do not provide adequate protections of their investments. Investors have had many experiences of being poorly treated and having little recourse to air their legitimate concerns.

NAFTA's Chapter 11, and similar provisions in other agreements, are designed to address this problem. They define a basic set of investor rights under international law. The concepts are comparable to basic rights under U.S. law. They include the right to just compensation when the government takes your property, and the right to be treated fairly and equitably by the government.

Significantly, Chapter 11 provides an alternative to local courts for the adjudication of complaints about a government's actions. Investors are allowed to challenge such actions before special arbitration panels. It is appropriate to pursue such provisions in trade agreements. But investor rights are not the only concern. Unfortunately, some of the complaints brought under chapter 11 have clearly been aimed at stifling legitimate regulations. The challenge by the Canadian company Methanex against a legitimate California regulation on a gasoline additive is the most visible case in point.

Defenders of Chapter 11 note that most of these cases have not resulted in panel rulings against regulatory authorities. This is correct. But it is also part of the problem.

Chapter 11 panels have demonstrated no ability to rapidly dismiss frivolous cases. This results in extended litigation on claims that should simply be thrown out, such as the Methanex case.

These legitimate concerns must also be addressed. The bill before us today attempts to balance the needs of U.S. investors with the legitimate needs of regulatory agencies, and the concerns of environmental and public interest groups.

The bill directs trade negotiators to seek provisions that keep Chapter 11-type standards in line with the standards articulated by U.S. courts on similar matters. It urges the creation of a mechanism to rapidly dispose of and deter frivolous cases. And it urges the creation of a unified appellate body to correct legal errors and ensure consistent interpretation of key provisions.

I know some would like to go further in striking a new balance on investor-state issues. As the debate proceeds, I look forward to working with them on the issue. But I urge my colleagues to keep in mind there are several legitimate interests that need to be balanced; that if we go too far in one direction, it is going to upset the balance in another. But I very much want to work with Senators who have other amendments on this issue.

The second difficult issue within fast track is how we ensure fair trade. After being involved in international trade policy for more than two decades, I am struck by how often the issues that shape congressional thinking on trade are not trade negotiations but rather are the administration's effort to enforce trade laws.

Although the point is often lost, the United States is the most open market in the world. That has to be remembered. Our tariffs are quite low, and there are very few nontariff barriers to trade in the United States. There are some, but they are few. We do not wear white hats. We are not totally pure. Other countries do not wear dark hats. They are not Darth Vaders. But it is true the shade of gray of our hat is a lot lighter than the shade of gray of other countries; that is, we are more open compared to other countries.

Despite complaints from some of our trading partners, the U.S. market is clearly far more open than that of our major trading partners, such as Japan and Europe—both of which cast stones at the United States from behind titanic barriers of their own to agricultural trade.

To keep the playing field relatively equal and battle foreign protectionism in the form of subsidies and dumping—selling at cut-throat prices—the United States and most other developed countries maintain antidumping and countervailing duty laws.

Another critical U.S. law is section 201. It aims to give industries that are seriously injured by import surges time to adapt. Section 201 was recently employed to good effect to provide the steel industry with that breathing room, but it has previously been used on a range of other products, from lamb meat to motorcycles. Indeed, that is why Harley-Davidson is doing well today. They were given a breather.

Although the exact percentages can vary from year to year, over the last two decades, these laws collectively have applied duties to less than 1 percent of total imports; that is, our trade laws, when enforced, when in action, have applied duties to less than 1 percent of total imports. And they are completely consistent with U.S. obligations under the WTO—a point that must be remembered by all Americans who are a little concerned about some of these actions our Government, I think in most cases, legitimately takes to protect the United States of America because other countries' trade laws and barriers are so heinous by comparison and so unfair to Americans.

Yet somehow the United States has lost the public relations war on this topic. Somehow our trading partners and importers have convinced some editorial writers that these laws are protectionist. Nothing could be further from the truth. They are not protectionist.

Antidumping and countervailing duty laws combat trading practices that have been condemned for a century. Subsidies and dumping are too frequently used by foreign countries and companies to devastate U.S. industries. Consider the U.S. semiconductor industry in the mid-1980s and the U.S. lumber industry today. Rather than being protectionist, these laws are the remedy to protectionism. That dumping, those subsidies, are trade barriers. They are trade barriers. They are barriers to free trade. So our trade laws are meant to remedy that protectionism, remedy those trade barriers, by knocking down those trade barriers. That is what our trade laws do. It is a very important point for all of us to remember.

On a political level, these laws also serve as a guarantee to U.S. industries and U.S. citizens. They say that trade will be fair as well as free, and that temporary relief is available if imports rise to unexpected levels. Without those critical reassurances, I suspect the already sagging public support for free trade would evaporate and new trade agreements would simply become impossible.

Our trade laws help us, not hurt us, and help other countries, too. It keeps them honest and keeps them on their toes.

To address this issue, the bill takes two important steps: First, it identifies

several recent dispute settlement panels under the WTO that have ruled against U.S. trade laws and limited their operation in unreasonable ways. These decisions clearly go beyond the obligations agreed to in the WTO and undermine the credibility of the world trading system. If they are not addressed, I suspect public support for trade will erode further. That is why our concerns regarding these cases are identified at the very outset of the bill as findings and why the administration is directed to develop a strategy to counter or reverse these decisions or lose fast track.

This bill also directs negotiators not to negotiate new trade agreements that undermine U.S. trade laws. We cannot do that. I am, frankly, concerned that this administration has already put itself in a position in which U.S. trading partners will push hard to weaken U.S. trade laws in WTO negotiations.

We cannot put ourselves in that situation. This issue is serious enough that I carefully weighed whether the benefits of new trade agreements are worth that risk. I went forward only because I believe there are strong majorities in both Houses of Congress to block efforts to weaken U.S. trade laws.

I am concerned that additional steps on U.S. trade laws may go too far, but I hope the administration's trade negotiators take careful note of these directions; otherwise, they are headed for conflict with the Congress.

Mr. President, that describes the fast-track portions of this bill. They are not perfect. Were it not for the need to address the concerns of Senators on the other side of the aisle, I would have gone further in several areas. There are also provisions I think are unnecessary. That, after all, is the nature of bipartisan compromise. In the end, though, the Finance Committee reported the fast-track bill by a vote of 18 to 3, indicating to me that we are close to finding that balance.

One final point, especially for my friends on the left. This is the most progressive fast-track bill that Congress has ever moved to pass, by far. It is a vast improvement over past grants of fast track on many of the issues I have just highlighted. It is not perfect, but it is a good bill. I urge my colleagues not to allow the perfect to become the enemy of the good.

When I began my remarks, I noted that many people have asked a simple question: Why a trade bill? Why now? A big part of the reason is that we now have the unique opportunity to expand and approve trade adjustment assistance—not TPA, trade promotion authority, but trade adjustment assistance. Quite frankly, this would be impossible absent fast track. We can only do this in the context of a larger trade bill.

So let me turn now to what I view as the most important part of this legislation—and certainly the part I am most proud of—trade adjustment assistance.

Trade adjustment assistance, sometimes known as TAA, is a program with a simple but admirable objective: to assist workers injured by imports to adjust and find new jobs. It is that simple. This is an objective I suspect almost all Americans support.

TAA was created back in 1962 as part of an effort to implement the results of the so-called Kennedy round agreement to expand world trade. That is its genesis, 1962.

President Kennedy and the Congress agreed there were significant benefits to the country as a whole from expanded trade. They also recognized, however, that workers and firms would inevitably lose out to increased import competition.

TAA was then created as part of the new social compact that obliged the Nation to attend to the legitimate needs of those who lose from trade as part of the price for enjoying the benefits from increased trade.

Unfortunately, we have not always upheld the bargain in pursuing new trade agreements because, over the years, we have failed to provide adequate funding for TAA. We have scaled back some benefits. We have tightened eligibility requirements. We have neglected to recognize the need for expanded training and health care assistance. We have not kept up our part of the deal.

This legislation aims to fulfill the bargain struck in 1962. It does not, as some voices have asserted, make TAA more attractive than having a job. That is just not accurate. I think anybody would rather have a job, that is clear. But in the end, TAA recipients must still get by on about $250 per week while receiving retraining for a new job.

But it does make several important changes in the TAA program to make it more effective. First, it extends the period for which TAA pays out income support from 52 weeks to 74 weeks. It is extended. This allows TAA recipients to stay in the program long enough to complete training for new jobs. It also remedies a shortcoming in the current program that many observers, including the General Accounting Office, have pointed out.

Second, this legislation expands eligibility for TAA benefits to so-called secondary workers. This has been a controversial provision, so I will explain it. Secondary workers are secondary only in the minds of some of the bureaucrats administering TAA. These are workers who have lost their jobs due to imports just as surely as those receiving TAA benefits now, but they have the misfortune of working for a company or a plant that supplies input products to a plant that closed or reduced production because of trade. They are so-called secondary workers.

The shortcomings of current law are demonstrated in this example: If an auto plant must close down because of competition from Japanese imports, the workers at that plant would be covered by TAA. That is clear. The workers down the road, however—those who make windshield wipers or tires for the now closed plant—would be secondary workers and not covered. This is simply unjust, and it is why so many, including the GAO and the Trade Deficit Review Commission, which included two members of the Bush Cabinet, have advocated expanding TAA to cover secondary workers.

When Congress passed the NAFTA in 1994, President Clinton agreed to expand TAA to secondary workers for imports from NAFTA countries. We also agreed to extend TAA when a U.S. manufacturing plant moves abroad to one of the NAFTA countries. These limited applications demonstrate that both provision on secondary workers and plant shifts are workable. They have been the law and are working. It was the expectation at the time that we passed NAFTA that these provisions would be expanded to all trade. As Mickey Kantor, who was USTR at the time, has said:

> At the time [that NAFTA was passed] it was everyone's expectation that these programs would be extended to non-NAFTA countries.
>
> And that makes sense—workers who lose their jobs because of imports from Europe, for example, are just as deserving of assistance as workers who lose their jobs because of imports from Canada. The legislation before the Senate harmonizes these programs. This is long overdue.

Third, this legislation expands benefits for TAA workers. This legislation authorizes $300 million for training workers receiving TAA—nearly tripling the program. The legislation will also extend assistance in obtaining healthcare insurance to TAA recipients. Now, the call for extending healthcare insurance assistance has proven the most controversial aspect of this legislation.

But it is important for all Senators to understand that this concept was originally advanced by the bipartisan Trade Deficit Review Commission—a group that had many prominent Republican members, including Ambassador Robert Zoellick, Secretary of Defense Donald Rumsfeld, and former USTR Carla Hills. They recommended health insurance benefits for dislocated workers.

I would emphasize that the recommendation for transitional health insurance was supported unanimously by the Commission. In our bill, we have tried to find an appropriate middle ground.

For workers who are eligible for COBRA, this bill would provide a 73 percent tax credit for those payments. For workers not eligible for COBRA, this bill would provide a 73 percent tax credit for the purchase of certain State-based group coverage options. The tax credits for both categories of workers would be fully advanceable and refundable. In addition, in recognition of the fact that it may take States some time to get these group-coverage

options up and running, we provide interim assistance through the NEG program.

Fourth, this legislation also extends TAA programs specifically targeted to family farmers, ranchers, and fishermen. The legislation aims to correct some problems in the current legislation that have kept farmers and fishermen—who are typically self-employed—from benefitting from TAA. The provision on farmers is taken from legislation introduced by Senator CONRAD and the ranking member of the Finance Committee, Senator GRASSLEY. The provisions on fishermen were prepared by Senator SNOWE, who has contributed immensely to this legislation.

Finally, this bill creates what amounts to a pilot program on wage insurance. Wage insurance is essentially an alternative approach to addressing worker adjustment. In essence, wage insurance provides a Government payment to older workers who lose their jobs because of trade and decide to take a lower paying job rather than go through training. The Government payment would run for up to two years and would make up half of the difference between the new wage and the old wage. The concept is that workers may actually be able to adjust more quickly if they move back into the workforce and learn new skills on the job. Experience suggests that the workers that do take a lower paying job are often able to make up much of the difference between the new wage and the old wage as they gain experience.

There are those who would like to abandon traditional TAA entirely in favor of wage insurance. If this experiment succeeds, that may be just the course we decide to take in a few years. At this point, however, there are just too many questions to be answered to turn TAA entirely into a wage insurance program. That would not be right.

One final point on cost. I should note—we often talk about the vast benefits of trade: more jobs, higher paying jobs, cheaper products. I indicated earlier that the average family of four sees annual benefits in the thousands of dollars. Yet I am sure that some of my colleagues on the other side of the aisle will complain that TAA costs too much. But the reality is, it would cost the average family of four about $12. It is an inexpensive way to build support for trade.

All told, this bill amounts to a major expansion and a historic re-tooling of TAA—a step that is long overdue. It attempts to adopt the positive experiences we have had with expanding TAA to secondary workers in the NAFTA, adopt the recommendations of the GAO and the Trade Deficit Review Commission, adopt good ideas from the academic world, and generally turn TAA into a program that truly works.

I suspect when we look back on this legislation in 20 years it will be these provisions on TAA, which attempt to fulfill the promise made by President Kennedy nearly 40 years ago, that are found to be truly historically significant.

Finally, this legislation also extends and expands the trade preferences given to the Andean countries—Peru, Bolivia, Colombia, and Eduador. The United States had extended these preferences to our friends in Andean America until they expired last year because we wanted to provide the citizens of those countries with an alternative to the illegal drug trade and to shore up our relationship with important allies.

In the legislation we are considering today, the Finance Committee chose to expand ATPA to new products, such as textiles and apparel and canned tuna. I know these expansions are controversial, but they are critical to the beneficiary countries.

Fighting the war on drugs is an uphill battle for these countries. It is tough. They cannot fight that battle unless legitimate, value-added sectors of their economies are encouraged and developed. This bill expands ATPA in a responsible way.

The legislation also creates a petition process to give interested parties a channel for bringing to the administration's attention issues that may warrant limitation of a country's benefits. That could happen. This will ensure that the United States pays adequate attention to other issues in these relationships, such as labor rights and enforcement or arbitral awards.

Finally, this legislation includes technical changes from the committee mark, including an exclusion of certain footwear products.

Let me end by talking about the importance of trade in my home State of Montana. As in most States, trade plays a critical role in Montana's economy.

From 1993 to 2000, Montana's exports grew by 126 percent—nearly double the 68 percent growth in total U.S. exports of goods. We have expanded proportionately faster than has the Nation. According to the U.S. Department of Commerce, nearly 6,000 Montana jobs depend on exports of manufactured goods. And more than 730 companies, mostly small- and medium-sized businesses, export from Montana. Farmers and ranchers are also increasingly dependent on trade and continuing to open foreign markets. One in every three U.S. acres is planted for export—making U.S. farmers 2½ times more reliant on trade than the rest of the economy.

Unfortunately, barriers to U.S. agriculture products remain extremely high. Agriculture tariffs average more than 60 percent worldwide. By comparison, average tariffs on industrial goods are less than 5 percent. Non-tariff trade barriers, like quotas, have all but vanished from trade in manufacturing, but these barriers remain common in agriculture. U.S. agriculture exports have suffered as a result of these barriers. Indeed, because agriculture is the most distorted sector of the global economy, it is also the sector most in need of trade liberalization. Some existing agreements have provided significant improvements. NAFTA—while far from perfect—has resulted in increased agriculture exports to Mexico and Canada.

In 1993, the year that NAFTA was passed, Montana's agriculture exports to Mexico totaled $1.2 million. In 2000, that number had increased to nearly $4.7 million. Montana's agriculture exports to Canada have increased even more dramatically—from roughly $12 million in 1993 to $110 million in 2000.

The U.S. must make agriculture a priority in future negotiations, and in fact, agriculture is the highest priority for new global trade negotiations under the WTO. Countries have agreed to work toward phasing out all export subsidies; make improvements in market access; and eliminate disguised trade barriers such as in the beef hormones dispute with the Europe Union. These negotiations can only help in leveling the playing field for American farmers and ranchers and open markets overseas since 60 percent of the tariffs are in agriculture and 5 percent are in manufacturing.

Trade is clearly important for Montana's farmers, ranchers, and workers. Support for Montana ranchers and small businesses is important for our people. Yet support for trade in Montana—as in the rest of the Nation—I think has faded in recent years. Part of that is because people are more aware of the downside of trade rather than the upside of trade.

When workers are laid off as a result of imports, that is highly publicized and widely noticed. Yet few people realize that trade agreements have provided, by some accounts, benefits to families worth thousands of dollars annually. We have not done enough in this country to help those workers displaced because of trade. That is why a comprehensive bill—one that includes both fast track and TAA is so important.

This legislation is certainly controversial. As I have noted, fast track alone has proven so divisive that it has been deadlocked in the Congress for most of the decade. I know some of my distinguished colleagues—Senators BYRD and HOLLINGS, for example—have both substantive and procedural concerns. I deeply respect their views, and I value their insight. They are very good people. We disagree, however, about trade. But their concerns are heard. I will address their concerns more fully as this debate continues.

In the end, though, it can be said that everybody would like to see changes in this bill, in one direction or the other. But I believe strongly that this legislation represents a sound balance on all fronts.

Forty years ago, President Kennedy asked Congress to grant him new trade negotiating authority. It was a much simpler bill, at a time when trade issues were more narrowly defined. But it was still quite controversial, for

many of the same reasons that trade remains controversial today.

President Kennedy emphasized the importance of trade for our economy, for our workers, and for American leadership. Yet he recognized even then that trade also creates dislocation and that a new program, trade adjustment assistance, was needed to aid workers adversely affected by trade.

President John F. Kennedy, urging support for his proposal, said this:

> At rare moments in the life of this Nation, an opportunity comes along to fashion out of the confusion of current events a clear and bold action to show the world what we stand for. Such an opportunity is before us now.

Congress seized that opportunity and passed the Trade Expansion Act of 1962.

Today, we too can show the world—and America—what we stand for. Building not only on the vision of President Kennedy, but on the efforts of the Presidents who followed him, we can show the world that America can lead the way in building a new consensus on international trade. We, too, must seize this opportunity.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, we have attempted to really get the process going on trade promotion authority for a week now, with little or no success. I think today we moved completely in the wrong direction. I am, for the first time, becoming concerned that we may not be successful in our effort. I wanted to come to the floor today to talk about it.

Had we brought the trade promotion authority bill to the floor of the Senate on Tuesday, the bill that was reported on an overwhelmingly bipartisan vote—I think 18 to 3 out of committee—and if we could have had an up-or-down vote on it, my guess is that some 70 Members of the Senate would have voted for trade promotion authority. And the vote ought to be 100.

If there is anything I think we have learned in the history of mankind, it is that trade works, that trade promotes economic growth, it promotes better jobs, it expands freedom, it is something that all enlightened opinion speaks in favor of; yet it is something that, throughout history, has been under assault. It is hard to understand trade, and it is so easy to argue against it.

Every special interest can cloak itself in the American flag and argue against trade. It reminds me of the writing of a French economist, who, as individual industries were getting protection from foreign competition in France while England was blossoming economically through free trade—a famous French economist wrote a petition to the economic ministry that was granting all these exceptions for one industry after another, basically arguing that they had to protect dairy products because they had so many jobs tied to it—tending the cattle, and all of the people who service the industry—and they had to protect this industry to protect that. So this famous economist wrote a petition on behalf of candlemakers, arguing that they were disadvantaged in selling their products because of the Sun, which had an unfair competitive advantage: It seemed to produce light for nothing—in overwhelming quantities.

Anyway, to make a long story short, he goes into this elaborate argument about how France could become rich from all the people who would be employed in making candles if they would just pass a law requiring people to pull their shutters closed during the day and to pull down their shades so that they would have to buy more candles. What was interesting about his petition was that it made exactly as much sense as all the other petitions that had been granted.

The point is that trade doesn't help every individual producer under every individual circumstance, but it helps the whole, it helps society.

We live in a golden age today. We live in an age where consumer goods, relative to our wages, are the cheapest they have ever been in the history of mankind. The other day I put a shovel in a truck, and someone had gone somewhere in the truck. I needed the shovel, but I had a limited amount of time. So I went to the hardware store to buy another shovel—complaining about how stupid I had been for leaving it in the truck. I should have paid attention. I had only one day to do what I was going to do. So I went there to buy a shovel, and I bought a shovel for $4.52. I submit that never, since man first emerged from the Garden of Eden, has any citizen anywhere bought a quality shovel for less than I paid for it at the hardware store.

Today, we all benefit from world trade. I never will forget, as a boy, as an economic student, when the professor explained comparative advantage and the gains from trade. It didn't take me long to figure out these were powerful ideas that people didn't understand. It is so easy for a Member to stand up and say: We buy products from some country, but they don't buy that product from us. But I could say that I buy groceries from Safeway, but they don't buy anything from me. I have a totally one-way trade with Safeway. I could claim that that was unfair trade. I could stop buying groceries from grocery stores since they don't buy anything from me. I could plant my little backyard in vegetables. But the price I would pay would be poverty.

The point is, there is no issue we have debated in this Congress, or any Congress, related to the material well-being of our people—which I separate from things like our political freedom—there is no issue that we have debated that is more important than trade. Trade won the cold war. Trade and the wealth that it created, the wealth machine it generated rebuilt Japan and Europe after World War II. Trade created wealth in Taiwan and Korea where it had never existed. In the process, it destroyed the Soviet Union. It gave more freedom to more people than any victory in any war in the history of mankind. The first point I am trying to make is, trade is very important and trade promotion authority, giving our President the tools he needs to negotiate and create more good jobs in America through trade, is something that every Member of the Senate ought to be for, and thank goodness, a large number of our Members are for it.

If that had been the issue before us, we could have finished our business on Tuesday. But for some reason, the majority decided they were unwilling to let the Senate vote on trade promotion authority alone and that they were going to add other legislation to it, most importantly, trade adjustment assistance. Whereas the trade promotion authority bill came out of the Finance Committee on a strong bipartisan vote, the trade adjustment assistance bill actually passed the committee after the expiration of the two-hour rule. It was totally a partisan procedure, and it is a very contentious bill.

I could go into great length about what is in it, but the point I wish to make today is that we have been negotiating, I believe, in good faith in trying to come up with an agreement that would let us move forward and pass this most important legislation—trade promotion authority.

In the midst of these negotiations, yesterday Senator DASCHLE offered this amendment. The astounding thing is that a huge amount of this amendment represents material that not only is not in the trade promotion authority bill but is not in the trade adjustment assistance bill. And there are totally new issues that have not been discussed in the context of fast track before. These represent basically an undercutting of the whole process of trying to negotiate a compromise.

I understand that to legislate, it requires a compromise. Nobody gets everything they want. I do not think it is asking too much to have a straight up-or-down vote on trade promotion authority, something as important as that, but now we find hidden in this amendment a provision whereby to get trade promotion authority, we are going to have to cover legacy costs for the steel industry.

This provision was not part of trade adjustment assistance, but suddenly out of nowhere, if you are part of the legacy cost to the steel industry, you are going to get a brand new entitlement benefit under this program. Never in our negotiations has there been talk about wage insurance. Let me explain this concept and let me explain how trade adjustment assistance works.

First, under the current law, if I lose my job because lightening strikes the building I am in and destroys the Capitol or a terrorist attack destroys the

business, I get unemployment insurance until I can find a new job. But if foreign competition can be blamed for me losing my job, I get a totally different set of benefits, far richer, far more valuable.

Quite frankly, I never understood why Americans ought to be treated differently based on why they lose their jobs. If they are Americans and they lose their jobs and Government provides programs, it seems to me they ought to get the same benefits. I do not understand treating people differently, but I long ago have concluded that my view is hopelessly in the minority on that issue.

Now we are talking about adding new benefits to the differential, and I want to talk about two issues in particular.

The first I mentioned is this whole steel legacy issue, and it really boils down to the following thing: Sad as it is, painful as it is, the American steel industry promised benefits that they never intended to pay, that they never had the resources to pay, and now, having negotiated all of these gold-plated benefits, principally to their retirees, when the bill has come due, these companies, many of them still in business, many of them that have equity values on the New York Stock Exchange are saying: Look, we cannot pay these benefits; we agreed to them, but we cannot pay them, so we want the taxpayers to pay them.

Now we have a proposal out of the clear blue sky added to the ransom that we are supposed to pay to get trade promotion authority passed. We have this requirement that these steel legacy costs come under trade adjustment assistance. I say to my colleagues, when you are in the business we are in, you never say never; you never say that something is not going to happen. But let me put it this way: We may adopt a bill that funds steel legacy costs as tribute or bribery or ransom to get trade promotion authority, but it is not going to happen soon and it is not going to happen easily. Within every limit of every rule of the Senate, I assure my colleagues, we are going to fight this. And if in the end, God forbid, but if in the end it were a choice between trade promotion authority, which we need, which is vitally important and which I am 100 percent committed to, if I had to choose between trade promotion authority and paying steel legacy costs to get it, the answer is no, it is not worth it. It is absolutely not worth it.

If we were talking from now until Jesus came back, I do not know that I would be so quick to make that statement. But we know we are going to have a new Congress next year. We might actually have a Republican majority in that Congress. To simply come in and ask the taxpayers to pick up all these legacy costs for operating American businesses that promised benefits they could not and they never intended to pay, in many cases, is so outrageous it is piracy on such a scale that, in my opinion, it is not worth paying, not even for trade promotion authority.

Let me talk about wage insurance. I remind everybody that currently in our trade promotion authority bill only about one out of every four Americans who lose their jobs where it can in any way be related to trade claim benefits under trade promotion authority. About three-fourths of them simply go on about their business and get other jobs, but about one out of every four take trade adjustment assistance benefits.

Under this bill, we create a brand new benefit which will guarantee that almost everyone will participate in the program. As a result, the cost of the program will skyrocket. This is a brand new entitlement, and what it says is, if you earn less than $40,000 a year when you lose your job, when that can be in any way related to trade, the Government is going to guarantee your wage, and so you will take a new job and the Government will come along and pay a portion of the difference between the wage you had in your old job and the wage you have in your new job.

This is a brand new entitlement program, potentially explosive in its costs.

The idea we are suddenly going to start insuring people's wages represents a step toward Government domination of the marketplace that we have never seen before. This is a provision that cannot be in any final compromise.

I will sum up because I know the distinguished ranking member of the committee is present. I know he wants to speak.

I do not think we are moving in the right direction. I thought it was a mistake, I believe it is a mistake, and I believe many of my colleagues will not support tying trade adjustment assistance with all of these new entitlement programs to trade promotion authority. Now we are having all of these new benefits in the trade adjustment assistance bill, benefits the cost of which no one knows.

I hear my colleagues say we are running a deficit, we are spending the Social Security trust fund, what an outrage it is, but yet today we have an amendment before us offered by the majority leader that would create massive new entitlements that, clearly, would end up costing billions, perhaps tens of billions of dollars, and no one seems the least bit concerned. No one seems concerned that we are creating all these new entitlements that will change worker behavior, that will induce people not to move to new jobs, that will disrupt the economy and in the process create this incredible situation where people who are working have no guarantee of wages but people who are unemployed do; people who are working do not have a guarantee of health insurance but people who are unemployed have a Government guarantee.

How can we tax people who are working, who have no wage guarantee and who have no health insurance, how can we justify taxing them to pay benefits to people who are unemployed who are not working? I do not see how such a guarantee can be made.

Ultimately, what we are talking about is a European-type system, where we are going to guarantee health coverage ultimately to everybody, where we are going back and bailing out the steel industry to simply get the right to vote on trade promotion authority, and where we are beginning to write guaranteed wages into the American economy.

The President of the U.S. Chamber of Commerce today in the paper said it well, I think, that we are reaching the point where the price we are being asked to pay for trade promotion authority is simply too high; it is unacceptable.

So I urge my colleagues to—and let me speak to my colleagues on my side of the aisle. I am never going to support these provisions. I am never going to support bailing out the steel industry as a price for trade promotion authority. I am not going to support a wage insurance program. Every country in the world that has such a program, that has the least bit of economic development, is trying to get out of it.

Europe has not created a job in 30 years because of their wage insurance program and the inflexibility that produces. So if you ever get a job, you are protected, but in Europe people do not get new jobs unless somebody dies or retires. That is not what we want in America. So I think this has to be rejected. I do not think this represents any kind of good-faith offer. I think this undercuts what we have been trying to do, and I think we are moving in the wrong direction.

We are going to hear today from many of my colleagues who have been involved in this debate. I am for trade promotion authority, and I understand piracy. I understand that often in the legislative process one has to do a lot of things they do not want to do to do some good, but the price we are being asked to pay in the Daschle amendment is too high. Not even trade, as great as it is, is worth the tribute we are being asked to pay in this amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Iowa.

Mr. GRASSLEY. Madam President, does the assistant majority leader have a statement he wishes to make?

Mr. REID. I appreciate the Senator asking. What we are going to do, as soon as the Senator completes his statement, we are going to work out a time agreement where Senator DORGAN's amendment will be voted on at or around 12:30 today. So Members should be aware that is what we are working toward. As soon as the Senator completes his statement, we will propound a unanimous consent request. I have checked with the Senator and I have

checked with the manager on our side and that seems to be OK with both of them.

Mr. GRAMM. Madam President, will the Senator yield to me for a moment?

Mr. GRASSLEY. Yes.

Mr. GRAMM. I appreciate the Senator yielding.

There is not going to be a unanimous consent agreement on the Dorgan amendment. We are not going to do a time limit on it. We are not going to vote on it today.

Mr. REID. I say to my friend, there are other ways we can vote.

Mr. GRAMM. That is fine. I am saying we are not going to have a unanimous consent agreement today on that amendment or any other amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. The majority leader yesterday finally brought to the Senate legislation that contains trade promotion authority, a second part called trade adjustment assistance, and a few other items, all very important but not getting as much attention as those two.

I am pleased that the Finance Committee's bipartisan trade promotion legislation is now before the Senate. I believe strongly this legislation, more than any other, will promote America's constructive leadership of the international trading system. Nevertheless, my enthusiasm for the trade promotion authority component of the majority leader's legislation is tempered by the dismay that I have about how this process has been carried on.

Even though I believe strongly trade promotion authority is badly needed, and surely it ought to be passed by the Congress and signed into law, I regret we are being forced by the Democrat leadership's unnecessary counterproductive, sort of take it or leave it approach—it is kind of a partisan attitude in the taking up of trade promotion authority and doing it in this fashion.

When we passed trade promotion authority from the committee 4 months ago, the vote was 18 to 3. We did it in an open, cooperative, bipartisan spirit. I was greatly heartened by the bill itself and by the process in which we achieved a result that was good for America. But this bill before us, the one laid down by the Senate majority leader, is a much different story. I had hoped after bruising, partisan fights on economic stimulus, the Jordan trade bill, judicial nominations, and other issues, finally after those other issues that are very partisan, because we had an overwhelming vote in committee then in favor of trade promotion authority, that we would be able to show America's farmers, ranchers, agricultural producers, our workers in America's families and tens of millions of American consumers who benefit from free trade that we were beyond partisanship, able to do in a successful and short manner what the Senate has done on trade in the past, to be able to give the President the authority in this bill that Presidents since President Ford have had.

I hoped the Senate could put aside partisan differences and we could move forward for the good of the country and this bipartisan spirit would carry over into the consideration of trade promotion authority.

Unfortunately, because of the bill laid down last night, I am very sad to say I was wrong. Even after the Finance Committee approved trade promotion authority 18 to 3, it took 4 months before the Senate Democrat leadership would agree to bring this critically important bipartisan bill to the Senate floor. It took 4 months just to get a bill which passed out of committee by 18 to 3, to the floor, even though the President said time and again that the lack of trade negotiating authority was hurting his ability to lead at the negotiating table.

When we finally seemed to be making progress in getting trade authority legislation to the floor, we were told the only way we could have this debate—a debate that the American people deserve to have, particularly the jobs created by trade—was if we agreed to partisan trade adjustment assistance legislation with which many Members on our side of the aisle disagree.

I support trade adjustment assistance. I support an enhanced, updated, and fine-tuned trade adjustment assistance program. I have said that many times. In fact, the trade adjustment assistance legislation I support will more than double overall program spending because what I support will vastly increase spending on training to help the dislocated workers. My program adds health care coverage for the first time ever. It will assist so-called secondary workers for the first time ever.

What I find difficult to agree to, and many Members on my side of the aisle will not agree, is the partisan, ''my way or the highway'' approach taken in the bill laid down by the Democrat leadership. The bipartisan way is the best way to get things done in Washington. Somehow the Democrat leadership is not listening to either the people on my side of the aisle or the people on his side of the aisle who I know agree that we need a bipartisan approach. Others have been ignored, even beyond this body, groups representing tens of thousands of farmers, ranchers, and hard-working American families, those workers who have jobs related to trade, those jobs that will be created because we pass this bill and have enhanced trade.

I briefly quote from a letter to the majority leader printed as a full-page advertisement on April 11 in the Roll Call newspaper. This letter to the Senate majority leader was from the Agricultural Coalition for the Trade Promotion Authority, representing 80 food and agricultural groups dedicated to the passage of TPA.

In part, it says:

The strong bipartisanship that has historically prevailed in the Senate on trade matters must be reestablished to allow rapid action on trade promotion authority. We urge that this bipartisanship extend to work on other trade-related legislation that may need to move in tandem with trade promotion authority so that the U.S. can regain its position as world leader for free and fair trade, and in so doing open a world of opportunity for U.S. agriculture.

That plea for bipartisanship on trade adjustment assistance is being ignored. My pleas for bipartisanship are being ignored, and so were those of many other Senators.

We have a divisive partisan product, laid down last night, a product deliberately designed to emphasize differences, not to build bridges between Republicans and Democrats, among people of different viewpoints. It was meant not to seek common ground, not to restore the traditional nonpartisan approach to international trade and foreign policy that characterized so much of America's history but otherwise put down to simply score partisan political points.

As disappointed as I am by the process that took place last night, I am still hopeful and commit myself to work for a genuine compromise. I happen to think it can still come together. I believe we can compromise and come together because America's global leadership is at stake. In other words, this is a very important bill.

I don't for 1 second believe any Senator would deliberately want to diminish America's standing in the world community. Stakes are very high. But that is what will happen if we don't restore the President's credibility at the negotiating table. And this bill that came out of the committee does that—not the bill before the Senate. The merits of the Finance Committee bipartisan trade promotion authority bill are so compelling that I believe we will ultimately be able to compromise on trade adjustment assistance.

I summarize the need for the Finance Committee TPA bill simply by saying the United States must be in a strong position to pursue our Nation's interests at the bargaining table. Without trade promotion authority, we are not in a strong position to accomplish that goal, it is just that simple.

Already the United States has been pushed to the sidelines, pushed to a point where a great deal of activity on the trade front has taken place bilaterally, it has taken place regionally, and now globally in new trade negotiations underway through the regime of the WTO.

There are many examples of how the United States is being left behind. The Andean community and Mercosur, for example, have moved closer to creating a South American free trade zone comprising 310 million people. Mercosur and the Andean community together have about $128 billion in annual exports. If they have a free trade zone, it will strengthen tremendously the economic power of Latin America and be negative towards the United States. If

we fail to give our President trade promotion authority and progress on negotiations of the free trade area of the Americas slows as a result, or comes to a halt as a result—and this is now the case—then major U.S. exporters will be at a major disadvantage in these important Latin American markets compared to exporters in countries that do have such trade agreements.

American suppliers seeking to sell in these Latin American countries are going to have a heck of a time to have a market for their goods that come from the United States. They will face other difficulties as well. Just one example from my State of Iowa, the Bandag company, in Muscatine, IA, makes and sells retreaded tires. That company is an enormously successful company, also in the international market. At one point in time, Bandag products went to Uruguay, Paraguay, and Argentina from our country. American workers made those products.

However, when the Mercorsur agreement was put into effect between Brazil and those other three countries, it became more viable for Bandag to ship product from a plant that Bandag built in Brazil. Those jobs and that investment as well did not stay in my State of Iowa or somewhere else in the United States. In fact, out of economic necessity, it went to Brazil. That is what happens if the United States is not credible at the negotiating table. That is what happens when the United States cannot lead in opening new markets and reducing tariffs overseas.

Without trade promotion authority, it is a story that will be told over and over again. This is our challenge, then. If we fail in this challenge, if we do not seize this opportunity to grant the President trade negotiating authority, I believe the process of opening global markets through bilateral, regional, and especially global negotiations—the process that has been the pattern for the last 50 years—will be set back for years.

If that happens, then the future prosperity of millions of Americans and the future prosperity of many of this Nation's most competitive businesses, and our farmers as well, will be put in doubt.

Even though this was a flawed process, and regrettably an unnecessarily divisive process, laying this bill down last night, it is never too late for us to do the right thing. Let us use the commitment to good faith that I believe we all share to reach a genuine and fair political compromise on trade adjustment assistance and to finally resolve the few remaining trade adjustment assistance issues—and maybe a few other issues—that are out there.

We can get this done. Senator BAUCUS and I have shown 98 other Senators that working together we can accomplish a great deal of good. He has been doing that with me. But I think the process last night detracts from it. Maybe it was not meant to hurt what we are trying to do, but I think it has done that.

I am glad that I will have the opportunity, regardless of this act, to continue to sit down with my colleague and work out differences. That is what I want all the other 98 Senators—or at least hopefully an overwhelming number, 70 or so—to do, work with us in this process. I think there are that many people in this body who know trade promotion authority is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I come to the floor this morning to speak in behalf of an amendment laid down by my colleague from North Dakota, Senator DORGAN, as it relates to a particularly growing concerning that we have about a provision within the North American Free Trade Agreement. Because we are now on the floor of the Senate with trade issues that are so important to our country, we thought this the appropriate place to offer this amendment.

Representing a State such as Idaho, I know the words ''made in Idaho'' or ''buy Idaho'' have become a rather important but familiar refrain across my State for the last good number of years. What is unique about that is it has now become a refrain around the world, as products built in my State, as in other States, are now trafficking in world commerce and are a growing part of the Idaho economy. Whether it is the potato chip, for which we are well known, or the computer chip, with which we now dominate world markets because of quality and efficiency, Idaho's trade has grown phenomenally in the last decade, increasing and improving and diversifying our economy, and at the same time supplying increasing numbers of jobs that are important to all Idahoans.

So whether it is trade adjustment or whether it is trade promotion authority, all of those become important items that we clearly need to debate. I, like the ranking member of the Finance Committee, am extremely frustrated by the process and the character of the process that has been given to us by the majority leader. We cannot look at these different trade issues separately and in a clean fashion and debate them in a way that allows us to focus individually on these issues from the importance of displaced worker health care, of course, to the importance of our President having the authority to negotiate trade agreements.

All of that said, what is most important in any trade agreement is the transparency of the process so all of us can understand what our negotiators are doing and why they are doing it and the advantages those negotiations will bring to us as citizens, as workers, as producers within this economy.

The Dorgan amendment does just that for an agreement that is already in place, the North American Free Trade Agreement—that I happened to oppose when it came to the floor some years ago.

I had been a supporter of the Canadian Free Trade Agreement originally. But as the Bush administration and then the Clinton administration put the final touches to the North American Free Trade Agreement, there clearly were provisions within it that I thought would not only be troublesome to enforce but this country more likely would not enforce, and the Canadian Government, on the other side of the border, would enforce, making it most difficult for commerce to flow evenly in both directions, which would create disadvantages for our producers and for our consumers, while creating advantages for the producers of Canada.

Guess what. I was right in many instances. Many of my farmers and ranchers in Idaho today do not agree that the Canadian Free Trade Agreement was, in fact, a positive move for our country. This administration, though, has shown its willingness to enforce trade remedy law. With the steel agreement of a few months ago, and now a soft wood Canadian timber agreement just penned by the Department of Commerce, and being heard by the International Trade Commission as we speak today, we see the willingness on the part of this President to use law, current law, in a way that will not only force but stabilize markets and create level playing fields for producers and create a fair trade environment that some of my producers do not think exists.

While trade is so important to my State, tragically enough some of my producers and workers are beginning to believe that free trade means that it all comes here and is sold in America, displacing our workers and changing our economy because we have had administrations in the past that were not willing to enforce trade remedy situations and level the playing field and create fair and equitable environments.

I know the positive nature of trade and the importance of it. At the same time, chapter 11 of the North American Free Trade Agreement does something that is increasingly important as it relates to what are called Investor Protection Tribunals. That means when one government takes an action that may cause a dislocation of a product within the commerce of another country under the North American Free Trade Agreement, there is a procedure, a process by which it can be determined whether that was a fair and equitable process.

The tragedy of that is the tribunals have been closed and the public has not been allowed to see them. I must tell you, this administration recognizes it, understands its problems. It is important we try to deal with those as rapidly as we can.

Last July, our U.S. Trade Representative, Bob Zoellick, together with his Canadian and Mexican trade counterparts, discussed the secretive nature of

these unique dispute tribunals. They recognized that these tribunals needed to be more open and they announced they would take steps to open up the deliberations of the tribunals.

On July 31, they issued an interpretation of chapter 11 stating that tribunals should operate as transparently as possible. That very wording, tragically enough, gave those who operate the tribunals an opportunity to operate in a less than transparent environment.

As a result of that, Senator DORGAN and I have brought this amendment to the floor—I am a cosponsor of it—simply saying that this is a requirement, that the President needs to move in this direction, to certify that these tribunals are open, and to respond as quickly as possible in a time certain. We believe that is critically important.

If we are going to get the American producer, the American worker, and the American consumer to understand the international character of our commerce and the international character of our economy, they also have to know that on the government side of the process—and there is a government side to trade when you move across international borders and when you move across political jurisdictions—that the government's side of it will be aggressive, balanced, fair, and that the proceedings of that government be transparent so that the public can understand why a certain action is taken and why a certain remedy is produced. We think that is all very critical and very necessary.

I suggest that the Dorgan amendment is in fact a perfecting amendment to the North American Free Trade Agreement.

We believe it was the intent originally that these dispute tribunals be allowed to be open, and appropriately so. Yet it has not occurred. All of them have been secretive in the past.

We had a tribunal against MTBE because of the action of the State that dramatically impacted the producing company in Canada. At the same time, it was the right of the State of California to do what they did.

Regulatory activity that changes a market environment needs to be understood, and the transparency of those tribunals simply allows that to happen. That is, in my opinion, the importance of the Dorgan amendment.

The Washington Times has recognized this problem, as have other publications, as it relates to, again, the kind of transparency that we think is important.

In the character of the tribunal, Bill Moyers—I don't always agree with him and what he says on PBS, but I think in this instance we agree—talked about the balance and the importance. Other publications have recognized that this is a growing problem within the North American free trade environment—that what we do is not as open and transparent as it ought to be.

It is my understanding that we are going to have an opportunity to vote on this issue sometime in the immediate future. I hope my colleagues, recognizing that this is a perfecting amendment which directs the President to move in a positive direction to certify the openness and the transparency of these actions within the North American Free Trade Agreement and within the tribunals of jurisdiction, will do so under what we call the chapter 11 tribunal.

With those comments, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I ask unanimous consent that I may proceed for 7 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2446 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. I yield the floor

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I would like to say a few words about the pending amendment offered by my good friend from North Dakota, Senator DORGAN. It was offered yesterday evening.

His amendment calls for greater transparency in dispute settlement under NAFTA chapter 11—that is the so-called investor-State dispute settlement. I think that is a very important objective.

I agree that lack of transparency is one of the major flaws in how chapter 11 has operated. It is clear that it makes no sense whatsoever that when the United States is negotiating or companies are negotiating or trying to resolve a dispute with a Canadian company, the proceedings are, in effect, secret, that they are not open to the public. That makes no sense.

I might say, too, that the issues in dispute before chapter 11 tribunals clearly implicate essential functions of Government, including protection of the environment. They raise issues concerning public health and safety. I think any body deliberating on such important questions—it is axiomatic; it is a priority—should be open to the public. That is just a given.

Moreover, interested parties must be able to convey their views in such a body, as is the case in our judicial process, where an interested party can file a brief, say, an amicus curiae brief, say, with the Supreme Court.

Fortunately, this is a matter under which I think there is a growing consensus. I note that last year the United States, Canada, and Mexico adopted an interpretive note that provides for greater transparency in chapter 11 proceedings. The parties agreed, ''to make available to the public in a timely manner all documents submitted to, or issued by, a Chapter eleven tribunal,'' subject to redaction of confidential material. The United States, Canada, and Mexico did agree, in an interpretive note, to provide for greater transparency, at least with respect to making public documents more available.

I think this interpretive note is a good start, but it is clear it is only a start. We have far more to do in opening up proceedings.

I might say, I raised this issue with European negotiators at the infamous Seattle administerial on trade not so long ago, and I was surprised at the resistance I received, particularly from European negotiators. They did not seem to be automatically agreeing that, yes, that is good for the process. To me, it indicates we are going to have to move further and work a little more aggressively to help accomplish our objective, and that is transparency. For that reason, the Finance Committee bill currently on the floor included in the TPA bill a detailed negotiating objective precisely on this subject.

Let me read it. These are the primary negotiating objectives contained in the bill: provide for ensuring that all requests for dispute settlement, and all proceedings, submissions, findings, and decisions in dispute settlement are promptly made public; ensuring that all hearings are open to the public; and establishing a mechanism for acceptance of amicus curiae briefs from businesses, unions, and nongovernmental organizations.

It is a huge step, frankly. It is very clear that this is a primary negotiating objective on the part of the U.S. Government.

I think we in America sometimes take it for granted that important decisions—that is, judicial decisions, legislative, and executive decisions—are made openly, made in public, with adequate opportunity for all sides to be heard. I think we take that for granted; it is so common in our country.

I think the same ought to be true when important Government regulations are being considered in international dispute settlements. I firmly believe the trade bill makes that objective clear.

Having said that, I must say I have some concerns about the amendment of my friend from North Dakota. And that is because his amendment would mandate that the President pursue negotiations with Canada and Mexico and require that the Trade Representative certify that the negotiations have been accomplished within 12 months.

There is no mandating language in this bill—for good reason. First, it is unconstitutional. The courts will strike it because the legislative branch cannot mandate the executive branch what to do in negotiating agreements. It is unconstitutional. That is No. 1.

No. 2, even if it were constitutional, if we mandate in one area, we necessarily give up significantly in other areas. One other area would be the agricultural provisions. We are trying to get Canada, for example, to dismantle

its trading commission, the Wheat Board. It is an unfair trade barrier and hurts our American farmers. If you mandate transparency, what will happen?

First, the Canadians will say, if you want us to do that, we will ask you to give up someplace else or we will not be as amenable to your suggestion that we give up on the Canadian Wheat Board. It does not make good sense in trying to get good, solid trade agreements.

We have avoided using mandates in the bill. Rather, in the tradition of these kinds of measures, we laid out negotiated objectives and agreed to consider implementing legislation under special rules; that is, if the President makes progress in achieving these objectives.

I think it should give all Senators some concern that this mandate also requires the President to, in 1 year, certify that the USTR has fulfilled the requirements set forth in this section. I don't know how in the world the President of the United States in 1 year will be able to certify that the mandate called for in this amendment is fully implemented; that is, full transparency. It is just not going to happen. It is unconstitutional anyway because the legislative branch, under the Constitution, cannot mandate to the executive branch what to do in negotiating agreements with other countries. That is an unconstitutional provision.

I very much hope my friend from North Dakota will work to modify the amendment. I strongly agree with the intent and the import of what he is trying to do. This puts me in a very difficult position because I do agree with what he is trying to do. But the goal here is to be effective. The goal here is to get the job done.

Frankly, I would like to ask the Senator from North Dakota if he would yield for a question; that is, if there is some way we can modify this amendment to make it effective, because the current draft is unconstitutional and also because of the flaws of the mandating approach and the impracticality of getting this accomplished within 1 year. I ask my good friend from North Dakota if he is willing to modify given those flaws?

Mr. DORGAN. In response to the Senator from Montana, I certainly respect his view, but I don't share his view that this amendment would in any way be unconstitutional. I believe the amendment, if I modify it, would be less likely to achieve its purpose. If I don't modify it, I think it is a stronger initiative that says to the administration, this is what the Congress aspires to achieve with respect to changing the secrecy by which dispute tribunals in NAFTA are now conducted. I would prefer we not modify it in order that it be a stronger initiative.

I do not see this as in any way being unconstitutional. It is in perfect concert with our constitutional responsibilities.

Mr. BAUCUS. I thank my good friend, but it is just a matter of judgment. It clearly is unconstitutional because Congress cannot mandate to the President telling the President what he must do in negotiating agreements with other countries. That is clearly an unconstitutional mandate of authority. I must say, I doubt this provision will survive in conference for those reasons.

I fully understand the Senator. The goal here is to be as effective as we possibly can because the Senator and I agree with the same objective. The objective is full transparency in these proceedings. That is clearly going to be in the public interest. It is going to help Americans and help people all around the world.

I thank my good friend and yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from North Dakota.

Mr. DORGAN. Madam President, my colleague, Senator CRAIG from Idaho, spoke in support of the amendment. It is an amendment we offered jointly. I ask unanimous consent that others in the Senate who have asked this morning be added as cosponsors: Senators BYRD, DAYTON, and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me describe again what it is we are attempting to achieve. We have now, under NAFTA, dispute tribunals or tribunals that are created for the purposes of resolving disputes. Regrettably, those tribunals are conducted in secret. They are secret tribunals. The American people are excluded from knowing what they have done, what they are doing, what they are going to do, how they reached a decision. We are not entitled to review any of the information they have or the information they might have used to reach a decision. They lock the door, and behind locked closed doors, they discuss this country's future with respect to international trade disputes.

We ought not be a party to that. That is not what we signed up for. That is not what the U.S. Government is about—secrecy, closed, locked doors in some foreign land. That is not what we ought to be about. This amendment says: Let's stop that. Let's not have the dispute tribunals be secret.

Let me give an example of why this is important: what is happening with respect to NAFTA and a fuel additive called MTBE. This is all under something called chapter 11. You might think chapter 11 has to do with bankruptcy. It does not. Chapter 11 was put in NAFTA at the request of negotiators thinking that U.S. investors in Mexico might have their assets seized by the Mexican Government or Mexican regulators and the Mexican legal system probably wouldn't provide sufficient protection. So U.S. negotiators actually asked to have chapter 11 included in NAFTA. It was. It was designed to create tribunals that would consider claims from foreign investors that they had property taken by Government regulation.

By design, these tribunals were given leeway to operate in secrecy. They were bound only by international arbitration rules. That allowed the tribunals to act however they saw fit. If any of the parties to the claim wanted to keep the proceedings secret, the briefs would not be disclosed and the hearings would be closed. And that is exactly what has happened.

Let me describe what has happened here with respect to chapter 11 and the tribunals and what this Government, what the United States of America, is part of. It involves Methanex, a Canadian company that makes MTBE, a fuel additive. We have been talking about MTBE recently in the debate over the energy bill so most Members are familiar with this fuel additive.

In 1999, California decided to ban MTBE because they began to find it in their ground water and drinking water. All of a sudden they began to measure this fuel additive, which is harmful to human health in their water system. They decided they better ban MTBE. And so California did that. Fourteen other States are considering limitations to the use of MTBE. It was 1990, in fact, when California first discovered traces of MTBE in the drinking water.

In 1995, 71 percent of Santa Monica's drinking water was shut down. Their supply was shut down due to the presence of MTBE. In 1996, MTBE was discovered in Lake Tahoe. In 1998, an EPA blue-ribbon panel called for substantial reduction in the usage of MTBE.

Then California decided, in 1999, they were going to ban MTBE altogether. A Canadian corporation that makes it called Methanex heard about the California decision, and they realized they stood to lose a lot of money. If California bans MTBE, this corporation stands to lose money. So Methanex filed a chapter 11 claim against the United States for $970 million. Think of this. Methanex, a Canadian corporation, files a $970 million claim against the United States of America because California decided to ban MTBE because it was discovering it was showing up in drinking water and ground water and that it is harmful to human health. So a foreign corporation sues our country because we are taking action to protect human health in this country.

This claim has had an incredibly chilling effect on environmental regulatory activity. If a State wants to keep poisons out of its rivers and streams, it now has to worry about a chapter 11 complaint being filed. The producers of that poison will file a chapter 11 claim and claim a billion dollars in injury against the United States. But, then, that claim, when considered under a tribunal in chapter 11, will be resolved in secret.

Let me restate this so people will understand it. A State finds a poison in its drinking water and in its ground

water. It takes action to ban the use of that fuel additive that creates it and which has allowed it to show up in the drinking water; and a foreign company that produces it sues us for almost $1 billion because that is the injury that will exist to that company. By the way, they would sue us and go to chapter 11, and they will have an advantage in a three-person tribunal under chapter 11 of having secret proceedings. The American people are told it is none of your business. It is none of our business when we take action to stop poisons from finding their way to our drinking water? That is none of our business?

Well, I am using one example—MTBE. This amendment says it shall not be secret any longer, that the dispute resolution under chapter 11—the tribunals, their behavior, actions and their considerations—shall not be secret. You cannot keep that information from the American people. We will not allow it. Our amendment says the President shall negotiate a change with Canada and Mexico to the conditions under which these tribunals meet and shall report back to Congress within 1 year; that these tribunals shall be held in the open; that the secrecy has ended, and that transparency will exist. That is our amendment.

My colleague from Montana said the amendment is unconstitutional. If I might, without providing a lecture on the Constitution, I will put up a chart. Article I, section 8 of the Constitution says the Congress shall have the power to regulate commerce with foreign nations. It doesn't say Ambassador Zoellick shall have the power, or President Clinton or President Bush shall have the power; it says the Congress shall have the power.

We have a lot of people here who have forgotten that or have decided to ignore it. But that is what the Constitution of the United States says—Congress shall have the power. Fifty-five people wrote that over 200 years ago. This Congress, well over two centuries later, has apparently decided that it wishes to consider giving the President the authority on trade with something called fast track. So it is apparently not unconstitutional in the minds of some to give the President this authority, despite the fact that the Constitution says it is the Congress's authority. They would say it is not unconstitutional to give the President the authority to do this, but it is unconstitutional to direct the President to end secrecy in the tribunals. I don't understand that. That doesn't make any sense to me. Of course, we have a right to direct our trade negotiators to direct this administration to negotiate an end to the secrecy in these tribunals. Of course, we have a right to do that. Are we kidding? The Constitution says we have the right.

This isn't some idle piece of paper. It is the Constitution of the United States. I don't want to hear that we don't have the authority to do this. Of course we do.

The question for the Senate is this: In the future, both in this case and the next one, when one of our States, or our Government, takes action to protect our citizens against someone poisoning our water or polluting our air, and somebody files a large claim against the United States for protecting its citizens, saying, by the way, you have violated our trade laws and injured us; do you want the consideration of that dispute to be resolved in deep secrecy, behind closed doors, perhaps in a foreign land, with three people who will not tell you what they are doing, what they have done, or why they have done it? Is that what you want for this country? I don't think so.

If you believe in open government, and in democracy, and in fair trade, and in the Constitution, then you have to believe in this amendment. This is not rocket science. This is common sense. Often, common sense finds a difficult road here in the Congress because it attracts comments by people who say, well, I know it sounds good, but it is not as easy as it sounds. This is as easy as it sounds, believe me. It is as easy as it sounds. All this country has to do, with respect to Canada and Mexico, is to say with respect to our trade agreement that we will not be involved in secret tribunals. That is not the American way and not something Congress will any longer support.

Why do we have to do this in this legislation? Because we have had our Trade Representative, Mr. Zoellick, already tell us that he would like to end the secrecy.

Trade ministers from the U.S., Canada, and Mexico last year tried to impose greater openness on a procedure under NAFTA that allows companies to sue governments for millions in monetary damages, but the effort has so far failed.

That is according to the Washington Times last month.

Charges of secrecy have dogged the chapter 11 process since its inception. Many NAFTA supporters now concede that the closed tribunals have contributed to public distrust of the agreement, and advocate greater openness for the procedure.

Our Trade Representative, Mr. Zoellick, has spoken on this issue. He wants more openness. But the fact is, these tribunals ignore it. The openness doesn't now exist. There is still a veil of secrecy. That dis-serves the interests of this country. That is why this amendment is necessary, and that is why the amendment is necessary now. No, it is not unconstitutional—not at all.

This Congress has every right to speak on this subject. In fact, this Congress has a responsibility to speak on this subject. We know it is wrong to have a foreign corporation suing our Government because our Government is taking action to protect our consumers against poison in the water. And then to throw that into a tribunal and tell the American people, by the way, it is none of their business; they can't see it, hear it, or be a part of it, we know that is wrong. Everybody in this Chamber knows that is wrong.

So we are going to vote on this amendment. As I said when I started, it is a bipartisan amendment. I have been joined by Senator CRAIG from Idaho, from the other party. I appreciate his cosponsorship and his work with me on it. I think he believes, as I do—in fact, he expressed that a few minutes ago on this floor—that we must take action to end this secrecy. This is the place to do it and this is the time to do it. We are now considering international trade. We are considering fast-track trade authority. This is the place and time to add this amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I move to table the Dorgan amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Utah (Mr. BENNETT) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''no'' and the Senator from Kentucky (Mr. BUNNING) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 67, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—29

| | | |
|---|---|---|
| Allen | Frist | McCain |
| Bond | Gramm | McConnell |
| Breaux | Grassley | Miller |
| Brownback | Gregg | Nickles |
| Chafee | Hagel | Santorum |
| Cochran | Hatch | Stevens |
| DeWine | Hutchison | Thompson |
| Domenici | Kyl | Voinovich |
| Enzi | Lott | Warner |
| Fitzgerald | Lugar | |

NAYS—67

| | | |
|---|---|---|
| Akaka | Corzine | Inouye |
| Allard | Craig | Jeffords |
| Baucus | Crapo | Johnson |
| Bayh | Daschle | Kennedy |
| Biden | Dayton | Kerry |
| Bingaman | Dodd | Kohl |
| Boxer | Dorgan | Landrieu |
| Burns | Durbin | Leahy |
| Byrd | Edwards | Levin |
| Campbell | Ensign | Lieberman |
| Cantwell | Feingold | Lincoln |
| Carnahan | Feinstein | Mikulski |
| Carper | Graham | Murkowski |
| Cleland | Harkin | Murray |
| Clinton | Hollings | Nelson (FL) |
| Collins | Hutchinson | Nelson (NE) |
| Conrad | Inhofe | Reed |

| | | |
|---|---|---|
| Reid | Shelby | Thomas |
| Roberts | Smith (NH) | Thurmond |
| Rockefeller | Smith (OR) | Wellstone |
| Sarbanes | Snowe | Wyden |
| Schumer | Specter | |
| Sessions | Stabenow | |

NOT VOTING—4

| | |
|---|---|
| Bennett | Helms |
| Bunning | Torricelli |

Mr. REID. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have been informed by staff—I hope I have been informed wrongly—that we are now not going to be allowed to vote on the underlying amendment, the Dorgan amendment.

Normally what happens here is that when a motion to table is defeated and the amendment is there, and it is such an overwhelming vote, it is just adopted by voice. But I have been told the minority will not allow us to do this.

I am troubled for a number of reasons, not the least of which is what happened when the majority leader had breakfast with the President yesterday. I believe it was yesterday. It could have been the day before, but I am almost certain it was yesterday. At that breakfast, the President told the majority leader and those other people assembled that his No. 1 priority was this trade bill.

On the first amendment we offered, there is a filibuster.

If there is something in this bill that someone doesn't like, let him move to strike that portion of the bill. There are all kinds of things that can be done. But for us to be told that we cannot vote on this says there is a filibuster taking place. I suggest—certainly the decision is not mine, but I think the majority leader would have to strongly consider filing a motion to invoke cloture. Certainly, when the motion is defeated by such an overwhelming margin and we are now told we cannot adopt the measure, it seems it is totally unfair.

Mr. DORGAN. Will the Senator from Nevada yield?

Mr. REID. I yield to the Senator from North Dakota, for a question, without losing the floor.

Mr. DORGAN. Madam President, I inquire whether the Senator has been informed of the delay here being a delay because someone needs more time to speak on this amendment. That is certainly reasonable.

I spoke on the amendment yesterday. I spoke on it this morning. Others spoke on it this morning. Senator CRAIG, who is a cosponsor, spoke on it.

Unless there are others who wish to speak on the amendment—certainly that is reasonable. But if that is not the reason, we have had plenty of time on this amendment. I thought we had. Then there was a tabling motion. We should be ready to adopt the amendment. After all, 67 people voted against tabling. One would expect there would be a pretty strong expression here with respect to this amendment.

Was the Senator informed about the manner of the delay? Is it because there needs to be more discussion on the underlying amendment or is there some other reason?

Mr. REID. I say to my friend from North Dakota in answer to his question, we have just been through 6 or 7 weeks on the energy bill. On that bill, we had a series of amendments pending. I think we got up to maybe 15 or 16 amendments pending where people would offer amendments and then there would be no resolution of that amendment. It made it very difficult to work through that bill.

I say to my friend from North Dakota, who had the wisdom and foresight to offer this amendment, that it appears clear we have an effort to stop the bill. I commented as the Senator from Texas was giving his statement this morning, I have great respect for him. He obviously was a great professor. We know he has a Ph.D. in economics. His statement was one that gave me the desire to listen to what he had to say.

As I was going through this, I said to myself: If I were on the other side and I didn't like this, I would simply move to strike part of it. But the Senator has made his decision, and I respect that. As a result of that—I think it is too bad—I say to my friend from North Dakota, I think the majority leader this afternoon should strongly consider invoking cloture on this bill.

AMENDMENT NO. 3389 TO AMENDMENT NO. 3387

Madam President, while I have the floor, on behalf of Senator LIEBERMAN I call up an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. ALLARD, Mr. BROWNBACK, Mr. BUNNING, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. DEWINE, Mr. HATCH, Mr. KYL, Mr. MCCONNELL, Mr. SANTORUM, Mr. SMITH of New Hampshire, Mr. STEVENS, Mr. WARNER, Mr. BAUCUS, Mrs. BOXER, Mr. WYDEN, Mr. CORZINE, Mr. DURBIN, Mr. GRAHAM, Ms. LANDRIEU, Mr. HARKIN, Mr. JOHNSON, Mrs. MURRAY, Mrs. LINCOLN, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. REED, and Mr. SCHUMER, proposes an amendment numbered 3389 to amendment No. 3387.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express solidarity with Israel in its fight against terrorism)

At the appropriate place, insert the following new section:

**SEC. ___. EXPRESSING SOLIDARTIY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Israel are now engaged in a common struggle against terrorism and are on the frontlines of a conflict thrust upon them against their will.

(2) President George W. Bush declared on November 21, 2001, ''We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.''.

(3) The United States has committed to provide resources to states on the frontline in the war against terrorism.

(b) SENSE OF CONGRESS.—The Congress—

(1) stands in solidarity with Israel, a frontline state in the war against terrorism, as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;

(2) remains committed to Israel's right to self-defense;

(3) will continue to assist Israel in strengthening its homeland defenses;

(4) condemns Palestinian suicide bombings;

(5) demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas;

(6) urges all Arab states, particularly the United States allies, Egypt and Saudi Arabia, to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing, and to act in concert with the United States to stop the violence; and

(7) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East.

Mr. REID. I extend my appreciation to the Senator from Connecticut for the work he has done on this amendment.

During the time we have served together in the Senate, we have become friends. But from my own perspective, I have come to rely on the Senator from Connecticut as someone who never does anything in a hurry. He is very deliberate, thoughtful, and this amendment is in the style of LIEBERMAN. So I want him to understand how much I appreciate—and I think I speak for the whole Senate—the work he has done on this very difficult matter that is going to be brought before the Senate. I hope we can have some debate and vote very quickly.

I think the people of our country are expecting a good strong vote on this issue, and they will get a good strong vote. There are a lot of reasons, not the least of which is the work done by the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Nevada, whose words were unexpected. They are unnecessary. But they are deeply appreciated—in general and on the specific thanks for his support of this resolution.

I am proud to stand and urge adoption of this amendment, which embodies a resolution expressing solidarity with Israel in its fight against terrorism.

This amendment is a statement of fundamental principles. It is cosponsored by Senator SMITH of Oregon, with

whom it has been a pleasure to work. The underlying resolution is also cosponsored by the majority leader, Senator DASCHLE, and the Republican leader, Senator LOTT. At last count, we had well over a majority of Members of the Senate cosponsoring the resolution which has now become this amendment and, notably and encouragingly, with just about equal support from both Democrats and Republicans.

It is a fundamental principle of our foreign policy that terrorism is evil. It is not an acceptable form of political expression. It is also a fundamental tenet of our policy that a government, a society, should and must protect itself against violent terrorism. Those policies underlay most of recent memory, since the ugly head of terrorism reared itself in our history.

We have felt it with a particular intensity, pain and resolve, since September 11 when we in America were brutally attacked by terrorists and lost the lives of more than 3,000 of our fellow Americans and family members in that attack.

After that attack, President Bush came before Congress with a very stirring, strong, and principled speech. Among other things, he enunciated a series of principles which have come to be known as ''The Bush Doctrine.''

To state it as simply as I can, as I recall those words, the President spoke to the Joint Session of Congress in September. He said to the nations of the world:

Either you are with us, or you are with the terrorists.

Then on November 22, 2001, the President said:

We fight the terrorists, and we fight all those who give them aid. America has a message for the nations of the world. If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist, or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.

The intention of this amendment, which Senator SMITH, I, and others have worked on—and which we have tried to fashion in a way to encourage the broadest statement by this Senate representing the American people—is to embody and express those last words that I quoted from President Bush: If you support a terrorist in any way, you will be held accountable by the United States and by our friends.

Israel is and has been a great friend of the United States. The United States has been a great friend to Israel. Our two nations are tied together by common values, by a common political system—democracy—by common strategic interests, and by the closest of relationships between our military and intelligence systems.

Our friend, Israel, has been under siege from a systematic and deliberate campaign of suicide and homicide attacks by terrorists. Their essence is identical to the attacks on our country on September 11. Those suicide bombers striking innocent Israelis in supermarkets, buses, public squares, pizza restaurants, schools, and religious observances are cut from the same cloth of evil as the terrorists who turned airplanes into weapons and struck the United States on September 11.

So our country is engaged now with Israel and other allies in a common struggle against terrorism. But Israel, in particular, among our allies has found itself now on the front lines of a conflict thrust upon it against its will. In the absence of action by the Palestinian Authority to suppress these acts of terrorism—in particular the abhorrent and inhumane practice of suicide and homicide bombings—the Israeli Government has acted to protect its homeland, just as we have acted in so many ways, so courageously, so proudly, and so effectively since September 11, to protect our homeland and our people in America.

The intention of this amendment is to put the Senate of the United States on record in support of Israel's right to self-defense.

To state it in words that are direct, Congress stands in solidarity with Israel—a front-line state in the war against terrorism—as it takes necessary steps to provide security to its people, by dismantling the terrorist infrastructure in the Palestinian areas, and remain committed to Israel's right to self-defense.

I welcome the easing of a recent standoff between Israel and the Palestinians achieved in the last few days, thanks in good measure to effective diplomacy by the Bush administration.

It is my fervent hope now that Chairman Arafat and Palestinian leaders will use this opportunity, as this amendment states, to ''dismantle the terrorist infrastructure in the Palestinian areas and to pursue vigorously efforts to establish a just, lasting and comprehensive peace.''

That is what the majority of Israelis want. I continue to hope and believe that is what the majority of Palestinians want—that the established leadership of the majority of the Palestinian people, whose lives have been so difficult, will take back the legitimate cause of Palestinian statehood from the suicide bombers and terrorists who have hijacked it.

A just, lasting, and comprehensive peace is also clearly what we in America want. It has been our national policy for years now—certainly since the Declaration of Principles that originated in Oslo and which was signed on the White House lawn in September of 1993. The hope of our policy has been that we could be pro-Israel and pro-Palestinian, but united together against terrorism. That is the thrust of this amendment.

I also call on other friends in the region—in the Arab world particularly—to work with us, to use all their best efforts to help bring about an end to the violence and a dismantling of the infrastructure of terror, not only in the Palestinian territories but also the elements in their own countries that have aided and abetted terrorists, or that give militant, extremist, hateful ideas legitimacy.

America will never countenance terrorism. We stand with those who oppose terrorism and against those who support it in any form. That is the message of this amendment—a message which I hope will have the overwhelming support of the Members of this body.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I am privileged to stand on the Senate floor today with my colleague from Connecticut, Senator LIEBERMAN, as a cosponsor of this amendment. He and I stand here against the wishes of the administration that we—the Congress, and specifically the Senate—would involve ourselves at this delicate time. And we are not here to be indelicate. We are here because the Founders of this country set up a framework in which the Congress—the Senate specifically—has responsibilities when it comes to foreign affairs.

I remember during the Clinton administration we would often do this, and it would upset their apple cart.

I am proud as a Republican to be here to do this and upset the apple cart of the Bush administration—not with any malignancy but because of a principle I feel very personally and deeply about; that is, we as elected Members of this body have a right, and indeed an obligation, to stand up and be counted right now at this critical hour no matter what apple cart is overturned in the process.

Most of us who serve in this body are of an age when our earliest memories of life are of a black and white television set with flickering pictures. I recall as a little boy seeing accounts of the 20th century—my century. I was born in this meridian. I remember the pictures indelibly impressed on my mind of the Holocaust that occurred in Europe.

I remember seeing the pictures of the bodies of the children of Israel being bulldozed into mass graves. And I remember, at an early age, as somebody who has always been interested in public life, feeling pride that my country stood by as an ally to the children of Israel as they sought to establish a homeland in their ancestral land.

Many people can differ on interpretations of Scripture. I remember in the Presidential election, JOE LIEBERMAN was once asked a question. I loved his answer. He was asked: Senator, if you could interview anybody in history, who would it be? And he said: I would interview Moses, and I would interview Jesus. And he as a Jew and I as a Christian, I think, would answer the same way. I would like to interview Moses. I would like to interview Jesus to better understand this great conflict that has the whole world consumed by it.

I am pleased to stand in this Chamber in support of this amendment because we need to be on record as a nation, as a Senate, as a body here, in unity with Israel at this critical hour.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by George Will in this morning's Washington Post. It is entitled ''`Final Solution,' Phase 2.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 2002]

''FINAL SOLUTION,'' PHASE 2

(By George F. Will)

Such is the richness of European culture, even its decadence is creative. Since 1945 it has produced the truly remarkable phenomenon of anti-Semitism without Jews. How does Europe do that?

Now it offers Christian anti-Semitism without the Christianity. An example of this is the recent cartoon in La Stampa—a liberal Italian newspaper—depicting the infant Jesus in a manger, menaced by an Israeli tank and saying ''Don't tell me they want to kill me again.'' This reprise of that hardy perennial, Jews as Christ-killers, clearly still strikes a chord in contemporary Italy, where the culture is as secular as a supermarket.

In Britain the climate created by much of the intelligentsia, including the elite press, is so toxic that the Sun, a tabloid with more readers than any other British newspaper, recently was moved to offer a contrapuntal editorial headlined ''The Jewish faith is not an evil religion.'' Contrary to what Europeans are encouraged to think. And Ron Rosenbaum, author of the brilliant book ''Explaining Hitler,'' acidly notes the scandal of European leaders supporting the Palestinians' ''right of return''—the right to inundate and eliminate the state created in response to European genocide—''when so many Europeans are still living in homes stolen from Jews they helped murder.''

It is time to face a sickening fact that is much more obvious today than it was 11 years ago, when Ruth R. Wisse asserted it. In a dark and brilliant essay in Commentary magazine, she argued that anti-Semitism has proved to be ''the most durable and successful'' ideology of the ideology-besotted 20th century.

Successful? Did not Hitler, the foremost avatar of anti-Semitism, fail? No, he did not. Yes, his 1,000-year Reich fell 988 years short. But its primary work was mostly done. Hitler's primary objective, as he made clear in words and deeds, was the destruction of European Jewry.

Wisse, who in 1991 was a professor of Yiddish literature at McGill University and who now is at Harvard, noted that many fighting faiths, including socialism and communism, had arisen in the 19th century to ''explain and to rectify the problems'' of modern society. Fascism soon followed. But communism is a cold intellectual corpse. Socialism, born and raised in France, is unpersuasive even to the promiscuously persuadable French: The socialist presidential candidate has suffered the condign humiliation of failing to qualify for this Sunday's runoff, having been defeated by an anti-Semitic ''populist'' preaching watery fascism.

Meanwhile, anti-Semitism is a stronger force in world affairs than it has been since it went into a remarkably brief eclipse after the liberation of the Nazi extermination camps in 1945. The United Nations, supposedly an embodiment of lessons learned from the war that ended in 1945, is not the instrument for lending spurious legitimacy to the anti-Semites' war against the Jewish state founded by survivors of that war.

Anti-Semitism's malignant strength derives from its simplicity—its stupidity, actually. It is a primitivism which, Wisse wrote, makes up in vigor what it lacks in philosophic heft, and does so precisely because it ''has no prescription for the improvement of society beyond the elimination of part of society.'' This howl of negation has no more affirmative content than did the scream of the airliner tearing down the Hudson, heading for the World Trade Center.

Today many people say that the Arabs and their European echoes would be mollified if Israel would change its behavior. People who say that do not understand the centrality of anti-Semitism in the current crisis. This crisis has become the second—and final?—phase of the struggle for a ''final solution to the Jewish question.'' As Wisse said 11 years ago, and as cannot be said too often, anti-Semitism is not directed against the behavior of the Jews but against the existence of the Jews.

If the percentage of the world's population that was Jewish in the era of the Roman Empire were Jewish today, there would be 200 million Jews. There are 13 million. Five million are clustered in an embattled salient on the eastern shore of the Mediterranean, facing hundreds of millions of enemies. Ron Rosenbaum writes, ''The concentration of so many Jews in one place—and I use the word 'concentration' advisedly—gives the world a chance to kill the Jews en masse again.''

Israel holds just one one-thousandth of the world's population, but holds all the hopes for the continuation of the Jewish experience as a portion of the human narrative. Will Israel be more durable than anti-Semitism? Few things have been.

Mr. SMITH of Oregon. I would like to read briefly a couple of paragraphs from his article because I think they encapsulate why it is so important that America not waiver at this critical hour. Writes Mr. Will:

Today many people say that the Arabs and their European echoes would be mollified if Israel would change its behavior. People who say that do not understand the centrality of anti-Semitism in the current crisis. This crisis has become the second—and final?—phase of the struggle for a ''final solution to the Jewish question.'' As [Ruth] Wisse said 11 years ago, and as cannot be said too often, anti-Semitism is not directed against the behavior of Jews but against the existence of the Jews.

If the percentage of the world's population that was Jewish in the era of the Roman Empire were Jewish today, there would be 200 million Jews [in the world]. There are [only] 13 million. Five million are clustered in an embattled salient on the eastern shore of the Mediterranean, facing hundreds of millions of enemies. Ron Rosenbaum writes, ''The concentration of so many Jews in one place—and I use the word 'concentration' advisedly—gives the world a chance to kill the Jews en masse again.''

I say, Mr. President, that the pride I felt as a young boy in Harry Truman's defense of Israel in its infancy is pride that I feel as an American today. And I call upon our Government not to waiver but to make sure that since the Holocaust, on America's watch, when America is a leader in the world, we never stand idly by and see the children of Israel subjected to another Holocaust.

JOE LIEBERMAN and I have crafted an amendment that I think fairly calls upon all the parties to produce a just and lasting peace. But it does state, without equivocation, we stand with Israel on the front line in the war against terrorism, and we support it in taking ''necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas. . . .''

We would do no less if terrorists came into our country, into our shopping malls, into our schools, and murdered our children. And we should demand nothing less of Israel's Government.

Yes, we do condemn the Palestinian suicide bombers. But we call upon both sides to pursue efforts to establish a just and lasting peace in the Middle East. But America must stand firmly, and we must be unique among the nations of the world in rejecting anti-Semitism and standing by the ancestral home of the children of Judah.

Mr. President, I urge all of my colleagues to come and vote for this amendment, and with conviction, so that when the Prime Minister of Israel comes here next week, he will know that he has friends in high places in this Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Oregon for the work we have done together on this amendment, but really, for the moment, for the statement he has just made, which is a statement of moral clarity and principles that are consistent with the highest ideals of our country.

That is exactly what this amendment is about: The moral clarity of our own war against terrorism, and the understanding that gives us of the right of self-defense that the Israelis have, but the universalist principles that have been at the foundation of the American experience from the very beginning in the Declaration of Independence, when those rights to life, liberty, and the pursuit of happiness were declared as self-evident truths, from where endowed were not from the Founders, not from any philosophers of the Enlightenment, but from the Creator. And that unity that flows from that, the humanity that flows from that, the principles and policies that flow from that are exactly the ones that are upheld in this amendment and have been eloquently expressed by my friend from Oregon.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank my colleagues, Senator LIEBERMAN and Senator SMITH, for bringing this amendment forth. They are serving an important purpose today to bring clarity back into the debate—a clarity

which has eluded some pundits and some talking heads and others who appear on the news and as result of which confuses the situation at a time when it requires a very clear-eyed approach by the United States.

Like it or not, we are in a position where everyone calls upon us to help solve problems of the world, including this most intractable problem in the Middle East. But as it turns out, we are in a unique position to influence matters in the right way, if we look at the situation clearly.

What I appreciate about this amendment being brought to the floor today is that it brings us back to the first principles. It says, let's get back to where we started in our war on terror in analyzing where others are, where they should be.

It makes the point that the United States and Israel are on the front line in this war on terrorism, that our goals and objectives are the same, and that therefore the United States is not only obligated to recognize Israel's rights for its sake but also for the sake of the war we are conducting.

It brings us back to a position of clarity in the way we analyze the situation, which is why the amendment is so important today.

I appreciate their bringing it forth and look forward to expressing my support through voting for it as well.

I am so disappointed, in talking with some close friends and watching the news to see the kind of confusion that creeps into the debate when propagandists, who have their own agenda, and people without a clear understanding combine to create disinformation and misimpressions about what really is at stake.

When I see talk about a cycle of violence, when I see a great emphasis placed on the question of when the Israelis are going to withdraw, to the exclusion of any expressed concern about the horror of the terror that is being visited upon the Israeli people, when I see questions about why we would not allow the United Nations to come in and investigate a massacre—an alleged massacre—without any seeming concern for the obvious massacre, which is essentially undenied, that has occurred week after week after week for the last 18 months, there seems to be such a distortion of the picture here that it almost boggles the mind. It requires an amendment of this sort to bring us back to the reality of what is happening. It is almost as if there is a clouded lens in front of some people's eyes and an amendment such as this is necessary to remove that cloud so that we can clearly see what is happening. And what is happening is that just as the United States was attacked by terrorists, Israel has been attacked by terrorists.

The President has said whatever grievance one might have, terrorism is an illegitimate response which the whole world must rise up to defeat and those who temporize with it, those who rationalize it are just as bad as those who support it and harbor it because they allow it to continue. They allow a great confusion to exist which makes it more difficult for us to do what has to be done in fighting the war on terror.

That is why this measure which brings us back to the clarity of purpose is so timely and why it is so important.

Mr. President, I conclude with this thought: The United States is not right in everything, but one reason that most of the world has looked up to us most of the time is because of the moral clarity of our positions. People will disagree with us, they will be uncomfortable with what that moral clarity requires them to do, they will find reasons not to join us in these activities, but at the end of the day, if you give people a choice of whether you would like to come to the United States of America to live, ''What do you think about the moral positions of the United States,'' more often than not people would have to admit, at least in their heart of hearts, that the United States pursues its action out of what we fundamentally believe is right for the reasons that do not have so much to do with our own vested interests as they do with the good of humanity, of mankind.

When the President commits the United States to conducting this war on terror, it is not just for the American people, but it is to help rid the world of a form of evil which can afflict all people of the world. The President is able to galvanize not only American public support but support around the world because of the moral clarity of that purpose.

Terrorism is evil. It has to be defeated. There is no compromise with it. Therefore, at some point in time you have to choose to be with us or against us in fighting it. You cannot remain on the sidelines. You cannot be neutral about something that is so terrible.

Therefore, it is critical for leaders in the United States to keep reminding people of the fundamental, clear rationale for American action. When we get back to that clear, fundamental rationale of good versus evil, then we can see clearly how the principle applies in other situations. The other situation that we are referring to today is the situation in the Middle East in which certain terrorists, who are Palestinian by and large, are attacking innocent civilians who, by and large, are Israeli citizens in a way which is clearly evil: Terrorism against innocent people.

No amount of testimony temporizing or rationalizing or expression of grievance or pointing of fingers or anything else can change that fundamental fact. Unless we are able to look at this that clearly, it is possible to become confused, to begin to support compromises, to begin to suggest negotiations of fundamental principle. All of those things are a slippery slope which lead to disaster, which do nothing but ultimately demonstrate to terrorists that there is hope for them in their terror.

As was pointed out by former Prime Minister Netanyahu, the key to fighting terrorism is to remove the hope that terrorists have that by conducting this evil enterprise, they can actually succeed in what they are attempting to achieve. Once that hope is removed, then reasonable people can discuss reasonable solutions to the real problems of Palestinians and Israelis, a Palestinian State can be created and all of the things that right-thinking people in the region hope for can come to pass. But that is not possible as long as a small group of people believe and hope that they can achieve their radical aims through the means of terror.

That hope has to be removed. It will not be removed if leaders of the world temporize and suggest that you can reach accommodations with these people for one reason or another, in one way or another. That hope can only be realized if there is a continuing commitment to a clear principle that terrorism is wrong; you cannot compromise with it. You have to face up to it. Tough. Deal with it. And if that means that the United States has to support the Government of Israel in rolling back the terror that it has been faced with, then so be it. That is our goal as much as it is Israel's goal.

This amendment gets back to that first principle and expresses the United States commitment not only to fight the war on terrorism but to join others who are doing so, such as our good friend and ally, Israel. That is what this amendment brings us back to—moral clarity, as the Senator from Connecticut just said.

We have to be clear-eyed in our fight here or the rest of the world is not going to support us. They will view our effort as unclear, as compromisable, and, therefore, one which is not assured of victory. It will only be assured of victory if we hold this beacon out here that we are going to continue to pursue, which is clear, which is unassailable from its moral perspective. If we remain true to that, then we will be victorious in this war of terror and the good people of Israel will be happy for that future as well.

I commend my colleagues for bringing this amendment to the floor, and I very much look forward to supporting it with my vote.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair.

I want to commend my colleagues, the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Oregon, Mr. SMITH, for putting together this amendment. I will say first, I want to take my hat off to both of them. There have not been two Senators who have been more stalwart and more farsighted and stronger in their support of what is right in the Middle East. I think it is great that we are considering this amendment. I think it is timely, and I really do again wish to commend both Senator LIEBERMAN and

Senator SMITH not only for this amendment but for their strong, unwavering support on this issue.

Let me say first that I read the amendment and I said, finally. Because it is almost as if the rest of the world sees the Middle East through a kaleidescope that changes everything upside down: right becomes wrong, wrong becomes right; defending yourself is worse than committing the offense; terrorism is explainable, and you sympathize with it. And yet you can justify—and so many do, not just Palestinians but in the rest of world—shooting a 5-year-old girl in her bed, taking a bomb and bringing it to a discotheque filled with teenagers, filled with life and hope, and it seems the rest of the world is bending itself and contorting itself to understand why that has happened instead of looking at the world as it is and saying the beleaguered nation here is Israel.

That is the bottom line. That is what this amendment talks about in part. That is the truth.

I was at a department store a few weeks back and two gentlemen came over to me and said: Senator SCHUMER, we like your policies, but we really don't agree with Israel. When we got into it, they said: Why would young people kill themselves unless they were truly aggrieved? I said to them: Do you believe that about Mr. Atta and the 19 hijackers; do you believe that about Osama bin Laden and all of those he asks to kill themselves? Just because somebody will take extreme means does not mean they are right. And to some, particularly some of my friends at the far left side of the political spectrum, there is almost a knee-jerk reaction in that regard. This amendment sets things straight. Let me make a couple of points about it.

First, the war on terrorism is the world's war on terrorism. We cannot make an exception. Once we make one exception, there are others.

What is terrorism? We all know what it is. It is deliberately killing innocent civilians within a nation's homeland. The bottom line is simple: If you condemn terrorism in Afghanistan, if you condemn terrorism in Europe, and if you condemn terrorism in Asia, it is inexorable; to be consistent, you must condemn it when it is exacted against Israel.

I do not know why so many—the Arab world and particularly some in Europe—seem to have a double standard and seem to believe that terrorism is intolerable in the rest of the world and when directed at them, but it is OK to be directed at Israel.

My second point is, we have to face a hard truth, I say to my colleagues, and that is this: A vast majority of Israelis want peace and want to live side by side in peace—no violence—with the Palestinians. Unfortunately, I do not think it is true on the other side.

A majority of Palestinians—there is a minority who do—do not believe in the State of Israel. They have been taught by the Palestinian Authority and Yasser Arafat that all of Israel is theirs. The Palestinian Authority textbooks show not just Jerusalem, but Tel Aviv, Ashdod, Ashqeion, cities on the coast, as belonging to the greater Palestine. Add that to the fact they believe terrorism is a proper means to achieve their goal, and peace is almost impossible.

Unless that attitude is pushed back, as this amendment attempts to do, I do not think you can achieve peace.

Third, as this amendment states, Israel has every right to defend herself. Who would ask any nation when every day the bombs were going off in pizza shops, on buses, in streets, to understand and sit down and talk with the very people who, if they did not create the bombings, allowed it to occur and were joyous when they did occur—who would ask any nation to do that? No. Why are some—thank God not too many in this country—why are some saying that is OK?

This amendment tries to restore some balance. When Israel defended herself against these suicide bombings—and thank God thus far it seems successful; there are still some, but not every day, not with the same horrible consequences of the earlier ones—she did so in a careful way. She did not bomb from the air. Even in Jenin, the Israeli soldiers knocked on doors: Is there anyone here? Please get out; you may be in danger. I do not know of many countries that would do that, and that does not seem to even get recognized.

Another point is the U.N. The U.N. sets itself up as an arbiter of peace when it wants to and then resumes its one-sided actions. We have one Israel and one United States and just about no one else in the United Nations understanding the fairness and balance that need to be done. But when Israel says she does not want the United Nations to set itself up as an impartial arbiter, who can blame Israel? I know Mr. Kofi Annan, but I have been terribly disappointed in his failure to be evenhanded as he proceeds.

I have one criticism of this amendment. I am fully supportive of it. I am a cosponsor. But I think the amendment is missing six letters—A-R-A-F-A-T. We should be naming Yasser Arafat in this amendment because the bottom line is, Yasser Arafat, as everyone admits, as our own President has spoken, is not an implement to peace; he is an obstacle to peace.

Dennis Ross, President Clinton's previous adviser who labored so hard to produce a peaceful solution, afterward said—and he said it repeatedly and now has said it publicly—that their biggest mistake was relying on Yasser Arafat.

Yasser Arafat is in charge of the Al Aqsa brigade which our country has branded a terrorist organization. Yasser Arafat cheers the homicide bombers who blow themselves up and take innocent people with them. Yasser Arafat had to be told by our Secretary of State to say the same thing in Arabic and English. If that is not saying you speak with duplicity and forked tongue, what is?

He has to be asked to step up to the plate, and I hope that as this amendment wends its way through the process, we will explicitly mention him by name because, at the very minimum, he is like the Taliban, and probably he is more like al-Qaida itself. We cannot let him slip away from this inexorable equation that terrorism is bad and if you are not against it, you are not on our side. With Arafat it is even worse, because he is for it and uses it as an instrument to policy.

This is a fine amendment, and I am proud to support it. As I say, I wish it had explicitly mentioned Yasser Arafat who has been an obstacle to peace. But the beauty of this amendment, the strength of this amendment is it does restore some right to what every fair-minded person sees as going on in the world. I thank my colleagues for doing it.

I have one final point. This backward vision of so many is confounding. When I read in the newspaper that there was an attempt to take the Nobel Peace Prize away from Shimon Peres but not Yasser Arafat from some on the Nobel committee, I had to scratch my head and wonder: What is going on in so much of the world and why isn't even a bit of truth seen?

This amendment I hope will be read not only by our colleagues and American citizens but by citizens throughout the world because it does restore some fairness and balance, particularly at a time when beleaguered people, the Israelis, are trying to defend themselves against the evil force of terrorism.

Mr. INHOFE. Will the Senator yield?

Mr. SCHUMER. I will be happy to yield.

Mr. INHOFE. Mr. President, quite often we are not together on legislation. In this case, we are. It was my wish we would have a stronger amendment. There was one in the House that mentioned Yasser Arafat. I think we should be mentioning Yasser Arafat.

We are in a war on terrorism. He is a terrorist. Sometimes we forget that in 1973 he gunned down three of our diplomats, including our U.S. Ambassador. He fits every description, every definition of a terrorist. All of us need to rise up and fight our battles, including Israel. This amendment is not strong enough, but I do support it.

Mr. SCHUMER. I thank my colleague. It is a fine amendment. I wish it mentioned Yasser Arafat, but I am fully in support of this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join other colleagues in commending our distinguished junior Senator from the State of Connecticut, with whom I am privileged to serve on the Senate Armed Services Committee, for his

leadership, and my colleague from Oregon for his service on the Foreign Relations Committee and for taking this initiative.

This is done in a true spirit of bipartisan leadership in our wonderful Senate. It comes at a timely moment. I am pleased to be a cosponsor because I firmly believe the portions of this amendment that relate to this conflict are well stated and should be studied and read by all.

I am grateful that the leadership of the Senate, in my understanding, working with the executive branch, has decided it is timely for the Senate to act on this particular amendment. As I have often noted, the executive branch proposes, but the Congress disposes. In matters of foreign policy, however, the President has a principal role in guiding the affairs of the United States, and the Congress should follow his lead, wherever possible. Timely, informed debate about matters, such as the one before us, that include divergent views and new ideas are intended to assist the executive branch as they perform their challenging, often daunting responsibilities.

I rise today to express my profound and growing concern about the conflict between Israel and the Palestinian people, and to express my support for the amendment before the Senate, which recognizes that Israel is engaged in an all-out war against terrorism in its homeland.

Implicitly, the amendment recognizes the loss of life and the human suffering of both sides of this conflict. I feel strongly that this current conflict is of such gravity as to demand the attention of Congress and, most specifically, the Senate, and also demands our most valued resources and our best possible effort.

There is an ill wind blowing out of the Middle East that we have not experienced before. We have seen conflict, indeed, for centuries. But this one is different. It is a force that could fan the flames of conflict out of control, unless we act soon to stop this unending violence and human suffering.

All of us have listened for years as this problem has erupted from time to time. We have discussed it and debated it. The unfortunate end of much of this discussion is a grim resignation by some that this is an insoluble problem. I do not believe it is insoluble. We cannot accept that as an answer, and I join those who refuse to recognize it as unsolvable. But it is solvable only if we work together for a common solution—only if we put forward our own ideas, which may not be consistent, or expressed, or affirmed by others. That is basically what I am about to do.

I commend our President, the Secretary of State Colin Powell, and Secretary Rumsfeld, with whom a group of us met yesterday, for the persistence this administration has shown and for its leadership role. Understandably, there is a legitimate debate as to whether certain actions they have taken, or not taken, were timely or done in a manner that fully reflects the need to stop this terrible conflict. But I think we can examine the past at another time. It seems to me that, just by keeping both sides talking, our President and the administration are renewing hope in a region that is virtually devoid of any optimism. Hope is important in the near term, but hope is not a method for a long-term solution. Bold ideas are needed, and they are needed now.

Something has changed in this chapter of the long history of conflict in the Middle East, and it is time we recognize it and face up to it and give our best judgment as to how to end it. The anti-Israeli and anti-United States sentiments in the Arab world are stronger than they have ever been before. I have had the opportunity to associate with that part of the world ever since I was Under Secretary of the Navy and first visited there early in 1970–71. Thereafter, I have been back many times. At that time, our Navy put an installation in Bahrain, and I worked on other military installations in the region. I have been back a number of times, as have others.

Unfortunately, certain negative sentiments are growing as young, frustrated Arabs, with few prospects for ever enjoying happiness or opportunities—such as we enjoy in this country or are enjoyed elsewhere in the world—believe all is lost. They have a distorted image and understanding of the Israeli people and the need for the Israeli people to live safely within the safe, recognized borders.

The recent suicide bombings are something that I personally have difficulty comprehending. Only once before in history can I recall this scale of suicide, and that was in the closing months of World War II. I was a young sailor in a training command and we witnessed from afar the tragic suicide operations in the Battle of Okinawa, where Japanese pilots were strapped into their aircraft and their aircraft were used as missiles, devouring them and their lives. That was a tragic chapter in the war in the Pacific. It was shortly thereafter that President Truman made the decision to end that war as quickly as possible, utilizing means that we all recognize now.

Unfortunately, the negative sentiments in the Arab world that foment irrational suicides and other radical actions are growing and we have to do everything we can to reverse it. If we do not act to preserve the will of the vast majority of peoples in the Middle East, the radical minorities may well gain further advantage, and that we cannot allow. The result would be increased killing, and, indeed, it threatens to undermine the position of the United States in that part of the world—a position that many administrations have worked hard on, and that many individuals have conscientiously worked on over the years. We cannot allow that to be further eroded. Our position in the Middle East and our ability to successfully wage war against terrorism globally is at stake. I share these thoughts with my colleagues.

There has been no shortage of experts and observers offering opinions and ideas for ending the violence and solving—or at least mitigating—this crisis. I add my voice with this idea: First and foremost, we must foster in every way possible a cease-fire. Clearly, this has been elusive in the past, and other cease-fires have lasted only for brief periods. But this one must take on a permanence. The Israelis want the acknowledged right to exist in the region within safe and secure borders. The Palestinians want an independent state. The Bush administration has stated its support for both goals. I commend our President. This must be the basis of any cease-fire.

At the time of the cease-fire, of course, the parties must attempt, in good faith, to reconcile the many differences that exist. That will take time and careful, conscientious negotiations. During that period of negotiation, there must be stability in that region. By stability, I mean stopping the suicide bombings, stopping the incursion of armored vehicles into the areas where the Palestinians live. That must be maintained, for an indefinite period, while the negotiations take place. To guarantee that this cease-fire is effective, it is my hope that there will be a recognition by both the Palestinians and the Israelis of the need to have an outside, independent, objective force—call them peacekeepers—come in and establish a cessation of the conflict, such that conscientious negotiations can take place—establish a cessation of the conflict so one cannot resume the conflict in order to gain some point or points in the course of the negotiations. It must remain absolutely static until the negotiations have run their course—hopefully successfully—with the conclusion that will be accepted by both sides in the form of a peace agreement, or treaty, or whatever the case may be.

Those are the two fundamentals—a cease-fire and a willingness by both sides to recognize that an independent, impartial force must come in for peacekeeping purposes. It must be at the invitation of both sides. You cannot thrust such a military force upon either side. It has to be jointly accepted.

Now, who should undertake that? Others have their views, and I have mine. I feel very strongly—and this is not a well-received thought at the moment, but it should be considered—that the NATO forces are the logical, best force to come in at this time, following the cease-fire and the willingness of both parties to accept outside military forces.

They are the best choice because, No. 1, they are trained and they are ready to go on short notice. They are trained in peacekeeping—Bosnia and Kosovo being examples.

It represents 19 nations, so the coalition is in place. Any other peacekeeping option would require building a political coalition, which would require considerable time. We have to act promptly. We have to move with trained forces, and we have to move with a coalition that has been in place and has the internal structure, command, and control to take on this serious and very difficult mission.

NATO troops, as I said, are ready to roll. NATO is an established coalition, as I mentioned, with a proven record of success.

Then there is the added advantage—and again this is my own thought—there is a perception that the United States has a bias towards only the Israeli perspective in this conflict, and I am not going to try and reconcile that now. Indeed, we value a strong relationship with the State of Israel and we have done so for a very long period of time, and we will continue, in my judgment, to do that.

On the other side, there is a perception that the European nations have a bias in favor of the Palestinian interests. I am not here to debate that.

To me, there is an advantage to bringing the United States and our NATO partners in Europe together to assume responsibility, with their military forces, for the peacekeeping mission. To me, that would lessen some of the debate on which side has a perception that the other side is not looking at this conflict in a manner that truly will resolve it, resolve it such that both parties can accept eventually a peace agreement.

In April of 1999, at its 50th anniversary summit in Washington, DC, NATO adopted a new strategic concept which expanded NATO's responsibilities in overall global security issues. I will read from it. This is found in part 1, paragraph 10 of the strategic concept adopted roughly 23–24 April 1999. I remember it well. I was not entirely in favor and so expressed my concerns about NATO moving beyond what I felt was the parameters of the original charter. The strategic concept identifies the ''fundamental security tasks'' of NATO and includes in those tasks to do the following: '' . . . to stand ready to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations.'' I read directly from the document.

The current situation, in my judgment, demands immediate concern and support for all those who want a civilized, peaceful future in the Middle East. Decisive action is now called upon. This is a concept that should be carefully considered in the course of the days and weeks to come as we work to achieve a cease-fire and then in working for a peaceful solution.

I also will read from two articles that appeared in the press. One on Wednesday, April 17, Wall Street Journal, by Eliot Cohen, ''Keepers of What Peace?'' he states a position contrary to mine:

As an alternative, there is more and more talk of sending American troops, possibly as part of an international operation, to separate the two sides and keep the peace. Such notions have been bruited about before, most notably on the Golan Heights, but never in this context. It is an appallingly bad idea.

Peacekeeping works best under one of two situations: When both sides want the peacekeepers to ratify a cease fire line or boundary that both can live with almost indefinitely as, for example, Cyprus, or once one side has been decisively beaten, as in today's Yugoslavia. Peacekeeping is not like normal military activities.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 17, 2002]

KEEPERS OF WHAT PEACE?

(By Eliot Cohen)

The viciousness of the Israeli-Palestinian war that erupted a year and a half ago following the collapse of a decade of assiduous mediation by the United States and others has given birth to a number of bad ideas for restoring peace. Most of these involve invocations of the Tenet and Mitchell plans, whose texts few have read, but which are premised upon some degree of Israeli-Palestinian trust. Such confidence does not, and cannot exist in the near-term.

As an alternative, there is more and more talk of sending American troops, possibly as part of an international operation, to separate the two sides and keep the peace. Such notions have been bruited about before (most notably on the Golan Heights), but never in this context. It is an appallingly bad idea.

Peacekeeping works best under one of two situations: When both sides want the peacekeepers to ratify a cease-fire line or boundary that both can live with almost indefinitely (as, for example, in Cyprus), or once one side has been decisively beaten (as in today's Yugoslavia). Peacekeeping is not like normal military activity. Soldiers preparing to fight try to be stealthy, collect intelligence clandestinely, and devise ways to surprise an enemy with sudden and effective violence. Peacekeepers must be visible, have communications that are largely transparent to both sides, and avoid surprise while using minimum violence.

It is, despite what some say, a job for soldiers, but a job for specially trained soldiers and one which often interferes with their preparation for combat. It is a draining effort, as well: the rule of thumb has it that for every peacekeeper, another two soldiers are tied up, either preparing to deploy or recovering from deployment. When one takes into account the various forms of support needed for peacekeepers in the field a more realistic ratio is five to one.

To be sure, what we now call peacekeeping is a necessary military function at some times—it is important today in Afghanistan and Yugoslavia, as it was half a century ago in Germany and Japan. But no one should doubt the level of effort it would require—an increase in military end strength of 100,000 or more troops would not be an unrealistic estimate of what it would take. More importantly, though, Israel and the Palestinian territories are profoundly unripe for such a venture.

Between Israel and the Palestinian Authority there is no trust, no agreed demarcations of a cease-fire line, let alone a boundary. The threat to security comes not, on the Palestinian side, from a regular armed force with which one can have conventional liaison relationships, but from several shadowy organizations, several of which operate independently of the Palestinian Authority.

One conundrum of the current war is Yasser Arafat's degree of control of terror in areas controlled by the Palestinian Authority. If he has control, it is obvious that he has approved and supported the repeated attacks on Israeli civilians over the past year and a half (a view which captured documents and other intelligence seems to confirm). If he does not have control, the peacekeepers would have to establish it themselves.

To do that, if they were serious, would involve doing just what the Israelis are doing now on the West Bank, but with fewer resources, less local knowledge, and infinitely less will-power. The more likely alternative is not to be serious—that is, not to intercept or preempt terrorists.

Thus arises the ultimate problem with any of the solutions floated by the European Union, in particular: what to do if one side simply does not play along. What happens if terrorist attacks on Israel were to continue, which they almost certainly would? Would the external powers expect the Israelis to absorb them? Would they permit retaliation, and, if so, of what kind? Until those who propose such plans can come up with a realistic proposal for what would happen in the face of an aggressive campaign of terror waged despite the presence of an international peacekeeping force, they cannot be taken seriously.

Nor should the technical problems be brushed off. Israel is a small place, about the size of New Jersey, but the intercommunal boundary with Palestine is hundreds of kilometers long. The inability of even the Israeli Defense Forces—a manpower-rich force that draws on universal male and female conscription, plus a sophisticated reserve system—to prevent Palestinian infiltration is sobering. Tens of thousands of troops would be required to make it all work, and even then only by imposing an obtrusive presence that would attract, in the end, its own resentments and hostility from the local population. One should note, of course, that the extreme hostility expressed by most Palestinians towards the United States, and the political interest of groups like Hamas and Islamic Jihad give them every reason to target American peacekeepers for violence.

We have been here once before. The place was called Beirut, the year was 1983, and it took 241 dead Marines to teach us the lesson that peacekeeping in the midst of a shooting war waged by terrorist groups using suicide bombers is folly. We would be better advised to recognize war for what it is, and to understand that, however terrible it may be, there are times when the logic of war has a hold which even the best of intentions cannot break. Indeed, hard as it may be to accept, there are times when well-intentioned measures can only make matters worse.

Mr. WARNER. Another view that was expressed in the New York Times on April 3 by Thomas Friedman states as follows:

President Bush needs to be careful that America does not get sucked into something very dangerous here. Mr. Bush has rightly condemned Palestinian suicide bombing as beyond the pale, but he is not making clear that Israel's war against this terrorism has to be accompanied by a real plan for getting out of the territories. Why? Because President Bush, like all other key players, does not want to face the central dilemma in this conflict, which is that while Israel must get out of the West Bank and Gaza, the Palestinians cannot at this moment be trusted to run those territories on their own, without making them a base of future operations against Israel. That means some outside power has

to come in to secure the borders, and the only trusted powers would be the U.S. or NATO.

Of course, the United States would be a vital complement of NATO.

The only solution is a new U.N. mandate for U.S. and NATO troops to supervise the gradual emergence of a Palestinian state, after a phased Israeli withdrawal, and then to control its borders, says the Middle East expert Stephen P. Cohen.

People say that U.S. troops there would be shot at like U.S. troops in Beirut. I disagree. U.S. troops that are the midwife of a Palestinian state and supervise a return of Muslim sovereignty over the holy mosques in Jerusalem would be the key to solving all the contradictions of U.S. policy in the Middle East, not new targets.

I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 3, 2002]

THE HARD TRUTH

(By Thomas L. Friedman)

A terrible disaster is in the making in the Middle East. What Osama bin Laden failed to achieve on Sept. 11 is now being unleashed by the Israeli-Palestinian war in the West Bank: a clash of civilizations.

In the wake of repeated suicide bombings, it is no surprise that the Israeli Army has gone on the offensive in the West Bank. Any other nation would have done the same. But Ariel Sharon's operation will succeed only if it is designed to make the Israeli-occupied territories safe for Israel to leave as soon as possible. Israel's goal must be a withdrawal from these areas captured in the 1967 war; otherwise it will never know a day's peace, and it will undermine every legitimate U.S. effort to fight terrorism around the globe.

What I fear, though, is that Mr. Sharon wants to get rid of Mr. Arafat in order to keep Israeli West Bank settlements, not to create the conditions for them to be withdrawn.

President Bush needs to be careful that America doesn't get sucked into something very dangerous here. Mr. Bush has rightly condemned Palestinian suicide bombing as beyond the pale, but he is not making clear that Israel's war against this terrorism has to be accompanied by a real plan for getting out of the territories.

Why? Because President Bush, like all the other key players, doesn't want to face the central dilemma in this conflict—which is that while Israel must get out of the West Bank and Gaza, the Palestinians cannot, at this moment, be trusted to run those territories on their own, without making them a base of future operations against Israel. That means some outside power has to come in to secure the borders, and the only trusted powers would be the U.S. or NATO.

Palestinians who use suicide bombers to blow up Israelis at a Passover meal and then declare ''Just end the occupation and everything will be fine'' are not believable. No Israeli in his right mind would trust Yasir Arafat, who has used suicide bombers when it suited his purposes, not to do the same thing if he got the West Bank back and some of his people started demanding Tel Aviv.

''The only solution is a new U.N. mandate for U.S. and NATO troops to supervise the gradual emergence of a Palestinian State—after a phased Israel withdrawal—and then to control its borders,'' says the Middle East expert Stephen P. Cohen.

People say that U.S. troops there would be shot at like U.S. troops in Beirut. I disagree. U.S. troops that are the midwife of a Palestinian state and supervise a return of Muslim sovereignty over the holy mosques in Jerusalem would be the key to solving all the contradictions of U.S. policy in the Middle East, not new targets.

The Arab leaders don't want to face this hard fact either, because most are illegitimate, unelected autocrats who are afraid of ever speaking the truth in public to the Palestinians. The Arab leaders are as disingenuous as Mr. Sharon; he says ending ''terrorism'' alone will bring peace to the occupied territories, and the Arab leaders say ending ''the occupation'' alone will end all terrorism.

Like Mr. Sharon, the Arab leaders need to face facts—that while the occupation needs to end, they independently need to address issues like suicide terrorism in the name of Islam. As Malaysia's prime minister, Mahathir Mohamad, courageously just declared about suicide bombing: ''Bitter and angry though we may be, we must demonstrate to the world that Muslims are rational people when fighting for our rights, and do not resort to acts of terror.''

If Arab leaders have only the moral courage to draw lines around Israel's behavior, but no moral courage to decry the utterly corrupt and inept Palestinian leadership, or the depravity of suicide bombers in the name of Islam, then we're going nowhere.

The other people who have not wanted to face facts are the feckless American Jewish leaders, fundamentalist Christians and neoconservatives who together have helped make it impossible for anyone in the U.S. administration to talk seriously about halting Israeli settlement-building without being accused of being anti-Israel. Their collaboration has helped prolong a colonial Israeli occupation that now threatens the entire Zionist enterprise.

So there you have it. Either leaders of good will get together and acknowledge that Israel can't stay in the territories but can't just pick up and leave, without a U.S.-NATO force helping Palestinians oversee their state, or Osama wins—and the war of civilizations will be coming to a theater near your.

Mr. WARNER. What I propose today is the idea of one Senator, shared by some and disagreed by others, but I do hope it is worthy of consideration by those who will undertake to resolve this conflict. Again, I thank the sponsors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of this amendment being offered by Senator LIEBERMAN and Senator SMITH of Oregon and so many others on a bipartisan basis. This is an important amendment, and it is a timely amendment, dealing with the Middle East. It is brief, but it gets to the point in a hurry. It says clearly what our principles of conduct should be and establishes standards and values which I believe the vast majority of Americans would agree.

I commend those who authored this very thoughtful and prudent amendment. It is presented to us in words and terms that are not inflammatory. We are doing our best at this level to express our solidarity with Israel, without in any way jeopardizing the efforts of the Bush administration or others to try to find peace in the Middle East.

It is important that our voice be heard, that the Senate pass this amendment, and the people across America and around the world who would take note of it understand why we are doing this.

In the morning hours of September 11, America was awakened to the reality of terrorism. The calm and safety of our great Nation was broken by explosion, bloodshed, and death. Our lives were changed forever on that day by the senseless violence. Our hearts were broken by the deaths of thousands of innocent Americans. You can still see, to this day, the full page of the New York Times every single day, since September 11, with the photographs and biographies of the victims. Our Nation was united, though, by this event. We were united to protect our people and to stop the threat of terrorism.

September 11, 2001, is a day in our history that America will never, ever forget. In Israel, each dawn seems to bring September 11—another horror, another tragedy, to a nation which bears its grief as a lifetime burden.

A city bus in Jerusalem was lifted 2 feet off the street by a powerful bomb, killing and maiming innocent passengers. A bar mitzvah in Tel Aviv, a seder in Netanay, was ripped by explosions, leaving a trail. This last weekend in Adora, 5-year-old Danielle Shefi was gunned down in her home, in her bed, in front of her mother by a Palestinian gunman.

Today we gather as Americans, as Senators, as survivors of September 11 to consider this important amendment, and with it to tell our friends in Israel: You will not grieve alone; you will not stand alone; you will not fight terrorism alone. From the moment Israel became a sovereign nation, the United States of America has stood by its side. And from that same moment, Israel has stood by the side of the United States. We are allies. We are friends. We are brothers and sisters in this battle for peace and an end to terrorism.

Our Nation believes the people of Palestine should have a safe and sovereign land but not at the expense of the safety and sovereignty of Israel. We believe the Palestinians deserve a voice in deciding their destiny, but that voice cannot be the roar of a suicide bomb killing innocent children. We believe the Palestinians deserve real leadership.

Recall for just a moment the brief history leading up to the current state of events when President Clinton, in his closing days in office, brought then-Prime Minister Barak to Camp David, along with Chairman Arafat, in a desperate last-minute effort in his administration to try to finally forge peace in the Middle East. They debated back and forth. They bargained for days at a time. They left and went back to the Middle East, those two leaders, and in Taba had a follow-up meeting to talk about details. When it was all done, when it was finished, 97 percent of the

disputed territory between the Palestinians and the Israelis had been resolved after 50 years of fighting, 50 years of an impasse and that much progress was made.

What happened? Chairman Arafat and the Palestinian Authority rejected that peace offering, rejected that peace agreement. And they didn't answer it with a strong letter. They answered it with violence in the street, the beginning of terrorism against the people of Israel. They rejected the peace agreement propounded by President Clinton and Prime Minister Barak and answered it with violence.

There were doubts in the minds of some as to whether the Israeli people would have even agreed to this, it was so broad, so sweeping, with 97 percent of the territory resolved. Yet Prime Minister Barak had the courage to come forward and say: I am prepared to put my political future on the line and offer it to the Israeli people. And he was rejected by the Palestinian side. And they answered with violence.

The ensuing election is now a matter of history. Mr. Barak lost to Mr. Sharon with the most overwhelming majority in the history of Israel. So if Chairman Arafat and the Palestinian Authority want to point a finger of blame at Ariel Sharon, they should be ready to acknowledge that they brought him to power. They did it with their response to this offering, this overture of peace.

I was in Israel this last January and had an opportunity to meet with many of the leaders before I came to Israel. While I was there, people from our Embassy and intelligence sources told me about the shipment of the *Karine A*. This was a ship intercepted by the Israelis carrying 50 tons of military armaments to the Palestinian Authority, with new rockets that made the whole nation of Israel vulnerable for the first time to rocket attack and 2,000 kilograms of C–4 plastic explosives, the weapon of choice of suicide and homicide bombers.

It was because of that shipment that I made a conscious decision not to meet with Chairman Arafat while I was there. I could not believe that as an American I could stand with President Bush in condemning terrorism and those who harbor terrorists and then turn a blind eye to this armed shipment.

So we stand today with a violent situation in the Middle East, one that needs to be resolved in peace. Let the violence and terrorism come to an end immediately. Let all innocent victims, whether they are Israelis or Palestinians, know that tomorrow is a safer day. Let the United States show the leadership needed to make certain we move toward peace in the Middle East. But never should we turn our back on the fact that poor Israeli citizens have been victimized by the same type of careless terrorism and violence we saw on September 11 in this Nation.

I sincerely hope the leadership will come forward to make this happen. We believe today as we have from the moment the nation of Israel came into existence that the Jewish people have a right to a homeland, that Israel and its people have a right to be safe and secure, that Israel and the United States are bound together in a commitment to democracy, freedom, tolerance, and peace. I hope this amendment and this debate will move toward negotiations and lasting peace.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I have a brief statement. It has to do with part of this amendment that I think is so crucial. I thank my friend for offering it so carefully. It calls on Arab States to condemn the suicide bombing.

Mr. SPECTER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator can yield for a question.

Mrs. BOXER. I am going to ask a question in about 15 seconds, if my friend allows me to pose it.

I am stunned that we have heard few voices from the Arab States. I ask my friend this, as he voted, as did all my colleagues in the Senate, for a resolution expressing our horror at the women suicide bombers. I wonder if the Senator is struck by this deafening silence and how he felt when Mrs. Arafat said if she had a son, in fact, it would be an honor for that son to die. It is a stunning statement.

Mr. SPECTER. Regular order, Mr. President.

Mrs. BOXER. I wonder if the Senator feels the same?

Mr. DURBIN. I will answer briefly because the Senator from Pennsylvania has been waiting patiently.

I have to say to the Senator from California that I am taken aback by the fact that people have not come forward to condemn the violence and terrorism on both sides.

When I was in Egypt and faced the press, they looked at me incredulously when I described to them that we saw happening in the Middle East as the same kind of violence as September 11. They could not understand the connection. I think Americans understand that connection.

I hope with this amendment we can move toward a peaceful outcome in this sad and bloody chapter of the violence in the Middle East.

I yield the floor.

Mr. SPECTER. I called for regular order for those who might be watching because it is the practice of the Senate to arrive and wait a turn. I conferred with the principal sponsor, Senator LIEBERMAN, and was queued up behind Senator DURBIN.

It is not an uncommon practice for Senators, under the guise of a question, to make speeches. While the Senate permits a question to interrupt a speaker, or when I have sought recognition, the rules of the Senate do not permit speeches. I think we had a speech and that is why I twice asked for regular order in accordance with the decorum of the Senate to take a turn.

Mr. WELLSTONE. Will the Senator yield for a request I want to make to be allowed to follow the Senator?

The PRESIDING OFFICER. Does the Senator yield?

Mr. SPECTER. I am happy to yield for a question.

Mr. WELLSTONE. I ask unanimous consent I be allowed to follow the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Reserving the right to object, I do not want to object. I have a committee hearing on homeland security to begin at 2:30, and I believe the Senator from Pennsylvania has the floor; does he not?

Mr. SPECTER. I do, Mr. President.

Mr. BYRD. I had hoped to speak before that hearing. I don't think I will be able to because the Senator from Pennsylvania has the floor and the distinguished Senator from Minnesota wishes to speak. I don't want to be late for my own committee hearing. I have say to the Senate, the Members of the Senate, I want to speak on this Resolution before it passes. So the Senate is on notice of that fact. My speech won't be long, but I have a few things I want to say. I thank the Senator for allowing me to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I commend the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Oregon, Mr. SMITH, for bringing forward this amendment because it is important that there be a unified fight against terrorism. The suicide bombers who have threatened Israel are identical to the suicide bombers who struck the United States on September 11, 2001. The only difference is that the suicide bombers on September 11th were a little more sophisticated. They hijacked planes and they flew them into the World Trade Center Towers. One, I think, was headed for the Capitol of the United States, the one which went down in Somerset County, Pennsylvania. One was headed for the White House, the one which struck the Pentagon.

The situation today in Israel is one of abject terror, and I can testify to that personally because I was in Israel in late March. In fact, I was there on March 26, 2002, and visited Chairman Arafat in his compound on the evening of March 26, leaving there close to midnight. The next day there was the suicide bombing at the Passover seder in Netanya.

Being in Israel is a terrifying experience, simply stated. There are suicide bombings in buses, suicide bombings in restaurants, suicide bombings at checkpoints, and suicide bombings on the streets. There is an undeniable right of self-defense under those circumstances. That is the essence of

what the Lieberman-Smith amendment calls for.

People talk about the cycle of violence. I do not think it is a cycle because that suggests there is some sort of mutuality. The suicide bombers provide the violence. The Israeli response is a matter of self-defense.

We face an imminent threat in the United States. We get alerts from time to time. I think President Bush's statement, which is cited in this amendment, is worth repeating. He said, on November 21, 2001:

> We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world. If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist and you will be held accountable by the United States and our friends.

What the Senate is saying in this amendment is that we are going to hold the terrorists accountable and we are going to stand with Israel in its fight against terrorism.

I know Senator BYRD wishes to make a presentation in advance of his hearing and Senator WELLSTONE has asked for recognition, so I am going to limit my comments to these 4 minutes and yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from Pennsylvania before he leaves, Senator BYRD has now gone to the hearing. If my colleague needs to continue, I will wait. Senator BYRD has actually now gone to committee. I am pleased to speak now but I want my colleague to be clear on the situation.

Mr. SPECTER. Mr. President, I thank the Senator from Minnesota. I thought Senator BYRD was going to speak and therefore, I limited my comments.

I would make one additional observation.

Mr. WELLSTONE. That is fine.

Mr. SPECTER. The additional observation is that the amendment is sanguine in calling for assistance from Saudi Arabia. It is my hope that the Saudis will pursue their initiative in normalizing relations with Israel. That is a real breakthrough. I was pleased to see that Syria followed the Saudi lead.

I had a chance on my trip to the Mideast to talk to Bashar Asad, the new President of Syria. It is very important to set the stage for normalized relations. When there has been agreement on a Palestinian State, which is the principle of Oslo, and when Prime Minister Sharon has agreed on a Palestinian State, it is my hope that the principles of the plans advanced by CIA Director Tenet and former Senator George Mitchell can be carried through and that there can be a discussion of the Palestinian State to provide a framework for hope for the Palestinians.

However, the critical ingredient is normalizing relations. I compliment the President and Crown Prince Abdallah of Saudi Arabia for their meeting—candidly, providing that the Saudis follow through. We should not lose sight of the fact that 15 of the 19 terrorists who struck the United States on September 11th were Saudis, and that Saudi Arabia has also given us Osama bin Laden. The Saudis appear to have been financing some of the terrorists by paying money to their families. In statements on the Sunday news talk shows, representatives of Saudi Arabia did not deny that. In a circuitous way, they said what might be considered to be an admission. So let us hope that the Saudis will provide leadership. Chairman Arafat cannot be relied upon. He writes in disappearing ink.

If there is to be an agreement, it is going to have to be enforced by the moderate Arab States, by Egypt, by Saudi Arabia, by King Hussein of Jordan, and by King Mohamed of Morocco.

This amendment that Senator LIEBERMAN and Senator GORDON SMITH offered is a very important statement. It is tempered and I think it will not adversely affect what President Bush and his administration seek to do. So I, again, commend my colleague Senator LIEBERMAN and my colleague Senator GORDON SMITH, and hope that this will produce a very resounding vote in the affirmative.

I thank my colleague from Minnesota and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am going to speak briefly about this amendment. I will vote for this amendment because I believe Israel has a right to address the concerns of its citizens. As Camus once said:

> Murder is never legitimate.

When men and women are murdered at a seder meal, or there is the deliberate targeting of teenagers at pizza parlors, it is not at all surprising that Israel, the Government of Israel, wants to protect its own citizens and will respond.

I support this amendment because I believe it is about Israel's need and right to protect its citizens against terrorism. The amendment also states that many of the Arab States have been silent in the face of this unacceptable violence. I believe they must unequivocally declare their opposition to all forms of terrorism, particularly the suicide bombing, and work with the Palestinians, in concert with the United States, to stop this violence.

I wish also to say something more personal to my colleague from Connecticut. I am, if you will, a son of Israel. I am a first-generation American. My father, a Jewish immigrant, fled persecution. He was born in Odessa, and his family moved to Russia to stay ahead of the pogroms. I remember, as a little boy, watching my parents watch TV, and they would weep when Israel was at war. I never really understood the strong feeling that they had for Israel. I do now.

While the amendment before us affirms Israel's right and freedom to protect its people against terror, I do not read this amendment as an explicit or implicit endorsement of every action that the Government of Israel and its forces have taken in the occupied territory over the last several weeks.

There is a distinction in my mind between affirming my solidarity with Israel and not equating that with support of every policy of the Sharon administration.

I also want to talk briefly about the role of our government. I believe the real test ahead will be whether or not the Bush administration stays engaged in the Middle East.

Over and over again, I have pointed out that I believe Secretary Powell's efforts have been extremely important—that the administration has finally left the sidelines and is on the playing field of Middle East diplomacy. It must stay in the game. Israeli officials say the conditions could worsen in the days to come. We may see more suicide bombings.

But if the Bush administration, facing such an escalation of violence in the region, withdraws, as it has before, history will judge it harshly.

We have to stay engaged. I believe we must pursue a courageous approach which seeks to meet both the critical needs of the Israeli people to be free from terrorism and violence, and acknowledges the legitimate aspirations of the Palestinian people for their own state, a state which is economically and politically viable.

Even in this horrific time, we should not lose sight of what should be our ultimate goal—Israel and a new Palestinian State living side by side with peace and with secure borders. There is no question in my mind—and I could go on for hours about this—about the need to end the culture of violence and the culture of incitement in Palestinian and Arab media, in the schools, and elsewhere. It has gone on for too long.

But I also think it is terribly important that Israel shows respect for and concern about the human rights and dignity of the Palestinian people who are now and will continue to be their neighbors.

It is critically important—I believe this amendment embraces this, and maybe my colleague from Connecticut would like to respond—to distinguish between the terrorists, who must be confronted, and ordinary, innocent Palestinians who are trying to provide for their families and live an otherwise normal existence.

This is a critical distinction. We don't want to see Palestinians subjected to daily and humiliating reminders that they lack basic freedoms and control over their lives.

I have had certain discussions with people, which have been quite painful. I have had people come into my office who have been very critical of what Israel is doing. I listen to them. They

make the distinction between defending against terrorists, and harming innocent civilians—a distinction I agree with—and say repeatedly, what about the innocent Palestinians? I say it is a Jewish thing for me to be concerned about the loss of all innocent lives. But then I say to them, I want you to also talk to me about the loss of innocent Israeli life. I want you to talk to me about the Jews that were murdered at their seder meal.

These are people who feel strongly, and who condemn Israel's actions. When I meet with them, they don't say anything about the murder of Israelis. My God. I wonder why.

I have also met with other people who never utter a word about the loss of innocent Palestinians. This is not an argument about moral equivalency—I know the difference between innocent civilians who are deliberately targeted and murdered, as is the case with suicide bombings, and when they are not deliberately targeted or not deliberately harmed. But if my mother and father were alive, they would be weeping for the loss of innocent Israelis, and they would also be weeping for the loss of innocent life everywhere. They would say: Paul, we want you as our son to express your solidarity for Israel. We love Israel. You are a son of Israel. But we also, Paul, want you to be clear on the floor of the Senate that supporting this amendment—which I do—does not mean it should be viewed as an endorsement of every single, specific policy or action by the Sharon administration.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Minnesota for his very principled and impassioned statement.

I wish to briefly respond, and in particular say, as a personal statement, that it seems to me it is self-evident and compelling that the only way peace will be established between the Israelis and the Palestinians is when each side recognizes the right of the other to have a homeland there and to live in peace.

That is a personal statement. But it also seems to me that has been at least an implicit, if not an explicit, part of American foreign policy, certainly since the Oslo Declaration of Principles was signed on the White House lawn in September of 1993. It remains to this day a fundamental objective.

As to the claims on both sides and the death on both sides, I think it is so critical, as I believe the Senator was saying, that neither side—this is difficult sometimes in the heat of violence and fear and anger—can be allowed to come to a point where they deny or forget the humanity of everybody on the other side.

There is a famous statement made by Golda Meir, the former Prime Minister of Israel. I will paraphrase it because I don't remember it exactly. She said at one point: We Israelis will someday forgive the Arabs for killing our children. What will be more difficult for us is to forgive the Arabs for forcing our children to kill their children.

That spirit, so eloquently expressed, really should guide our deliberations.

I consider this amendment to be a statement of American principles, a statement of solidarity with our ally, Israel, and a statement that is consistent with the war on terrorism and the doctrine that President Bush has articulated. It is intentionally not in any sense anti-Palestinian. It is antiterrorist. It is intentionally drafted that way with the hope that it will draw the broadest possible support and be an expression of solidarity and an expression of support for Israel's right centrally, fundamentally to defend itself against terrorism.

Mr. WELLSTONE. Mr. President, I thank the Senator for his statement. I think it is a supremely important statement.

As an example of my definition of hope—I had a chance to talk about this at Temple Israel in Minneapolis—is the story of the Israeli man who was one of the Israelis murdered at the bombing of the seder. His organs were donated to save the life of a Palestinian woman. His children said: Our father would be very proud.

I believe this is hope. I say to my colleague from Connecticut and South Carolina, that is the hope. I do not believe I am being naive when I say there are a lot of people—a majority of the people—who understand that we have to get from where we are now to where we all know we need to be. The terrorists will not get us there.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Minnesota. I could not agree with him more. I think what is at issue now is whether we can create a circumstance where the Palestinian leadership will seize the initiative from the suicide bombers, from the terrorists, who have captured it, who have, in that sense, hijacked, as I said earlier in this debate, the legitimate cause of Palestinian statehood. When that happens, I am confident they will meet with an overall majority of the Israeli people who want nothing more than to live in peace and security with their neighbors.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota—South Carolina. Excuse me.

Mr. HOLLINGS. Madam President, I will probably be from South Dakota after I make a few comments because I think the amendment is ill-timed and not in the best interests of the United States and not in the best interests of Israel.

I say not in the best interests of Israel—I agree, with the various items listed in the ''Sense of Congress''—and you can go through (1) through (7)—''(1) stands in solidarity with Israel . . . ''—there is no question about that—''(2) remains committed to Israel's right to self-defense''—and on down the particular seven points.

I do not have to explain it. I have a 35-year voting record for Israel. But as to what the amendment does not say—it is not what it says; it is what is not said that bothers me.

The distinguished colleague from Connecticut talks about the humanity. Well, where is the humanity on the Palestinian side here? That is what we are looking for. Five years from now, 10 years from now, 50 years from now, there is bound to be an Israel. I think there is going to be a Palestine. The task is to get these folks as neighbors living together.

Where is the humanity? This comes at a particularly tenuous time. We just got the President engaged. I say that advisedly. It was an affirmative action plan that we are not going to fool with Israel. All these other Presidents did. Let them do what they are going to do. But we got him engaged.

Now we have Crown Prince Abdullah from Saudi Arabia engaged and visiting. And he is offering, categorically, recognition of the Israeli state. He says Syria and the rest of them—including Egypt and Jordan—will all go along. They all will join in. Some say that is propaganda. Don't give me that propaganda stuff. Let's try it.

We have Secretary Powell making his visits, and then along comes this political amendment. I have been up here a long time, and it would be easier for me to just walk to the desk, vote aye, go home, and not have to answer the phone.

I know because I made a comment in the earlier part of the year that I thought Ariel Sharon was the Bull Conner of Israel. As for Arafat—I think he wants to be a martyr, he wants to be killed, he cannot be trusted.

In any event, I know what it is to be critical. I finally found some solace the other day for saying anything at all.

Here is a column by Richard Cohen, from the day before yesterday in the Washington Post. I ask unanimous consent the article in its entirety be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 30, 2002]

WHO'S ANTI-SEMITIC?

(By Richard Cohen)

If I weren't a Jew, I might be called an anti-Semite. I have occasionally been critical of Israel. I have occasionally taken the Palestinians' side. I have always maintained that the occupation of the West Bank is wrong and while I am, to my marrow, a supporter of Israel, I insist that the Palestinian cause—although sullied by terrorism—is a worthy one.

In Israel itself, these positions would hardly be considered remarkable. People with similar views serve in parliament. They write columns for the newspapers. And while they are sometimes vehemently criticized—

such is the rambunctious nature of Israel's democratic din—they are not called either anti-Semites or self-hating Jews.

I cannot say the same about America. Here, criticism of Israel, particularly anti-Zionism, is equated with anti-Semitism. The Anti-Defamation League, one of the most important American Jewish organizations, comes right out and says so. ''Anti-Zionism is showing its true colors as deep-rooted anti-Semitism,'' the organization says in a full-page ad that I have seen in the New Republic as well as other magazines. ''No longer are the Arab nations camouflaging their hatred of Jews in the guise of attacking Israel.''

I feel compelled to pause here and assert my credentials. Few people have written more often about Arab anti-Semitism than I. I have come at this subject time and time again, so often that I have feared becoming a bore. Arab anti-Semitism not only exists, it is often either state-sponsored or state-condoned, and it is only getting worse. It makes the Arabs look like fools. How can anyone take seriously a person who believes that Jews engage in ritual murder?

But that hardly means that anti-Zionism—hating, opposing, fighting Israel—is the same as anti-Semitism, hating Jews anywhere on account of supposedly inherently characteristics. If I were a Palestinian living in a refugee camp, I might very well hate Israel for my plight—never mind its actual cause—and I even might not like Jews in general.

After all, Israel proclaims itself the Jewish state. It officially celebrates Jewish holidays, including the Sabbath on Saturday. It allows the orthodox rabbinate to control secular matters, such as marriage, and, of course, it offers citizenship to any person who can reasonably claim to be Jewish. This so-called right of return permits such a person to ''return'' to a place where he or she has never been. Palestinians must find this simply astonishing.

To equate anti-Zionists or critics of Israel in general with anti-Semites is to liken them to the Nazis or the rampaging mobs of the pogroms. It says that their hatred is unreasonable, unfathomable, based on some crackpot racial theory or some misguided religious zealotry. It dismisses all criticism, no matter how legitimate, as rooted in prejudice and therefore without any validity.

No doubt there has been an upsurge of anti-Semitic incidents in Europe. But there has also been an upsurge of legitimate criticism of Israel that is not in the least anti-Semitic. When Israel recently jailed and then deported four pro-Palestinian Swedes, two of whom are physicians, under the misguided policy of seeing all the Palestinians' sympathizers as enemies of the state, it was an action that ought to be condemned—and the Swedes who have done so ought not be considered anti-Semites.

When the same thing happens to a Japanese physician, that too ought to be condemned—and it was, as it happens, in the Israeli newspaper Haaretz. A column by Gideon Levy made the point that Israel cannot reject and rebut all criticism by reciting the mantra: ''The whole world is against us.''

The same holds for American Jews. To turn a deaf ear to the demands of Palestinians, to dehumanize them all as bigots, only exacerbates the hatred on both sides. The Palestinians do have a case. Their methods are sometimes—maybe often—execrable, but that does not change the fact that they are a people without a state. As long as that persists so too will their struggle.

The only way out of the current mess is for each side to listen to what the other is saying. To protest living conditions on the West Bank is not anti-Semitism. To condemn the increasing encroachment of Jewish settlements is not anti-Semitism. To protest the cuffing that the Israelis sometimes give the international press is not anti-Semitism either.

To suggest, finally, that Ariel Sharon is a rejectionist who provocatively egged on the Palestinians is not anti-Semitism. It is a criticism no more steeped in bigotry than the assertion that Yasser Arafat is a liar who cannot be trusted. That does not make me anti-Arab—just a realist who is sick and tired of lazy labels.

Mr. HOLLINGS. He says, in concluding:

''The only way out of the current mess is for each side to listen. . . .

Nobody in America believes we are not for Israel. It is perfectly obvious. We have given them all the equipment. We have given them the economic aid. We will give them what is necessary. We admire that little country right in the middle of the Mideast, the progress she is making. Yitzhak Rabin could see it. But his own folks killed him. And Anwar Sadat could see the progress Egypt was making, and his own folks killed him.

We talk about the Palestinian Authority in one breath and in the next breath say: Who has the authority? The Palestinians? No. The Israelis have the authority. This is a very complex issue.

I remember back in World War II, in the occupation, where the French would take out a German soldier on the corner, and then the Germans would retaliate and then just wipe out the block. We all know about that.

Several years ago, I was in Kosovo. And some Albanians would get feeling good, and they would take out a Serb policeman on the corner, and along would come the Serbian army and they would clean out the block. Now along comes Sharon, and he must learn the lessons of the past. He is making more terrorists than he is getting rid of.

He sounds formal—''I am getting rid of the infrastructure''—like there is a structure. There is no structure to this mess. Anybody who thinks Arafat is in charge, to the extent that he is in charge because we have a deal with somebody. He is in charge, but Hamas, Hezbollah, and all, they use him. This is a tricky part of the world.

And we are looking for friends in the war on terrorism. And they have been going along with us. Now we could come along and start losing friends with this kind of leadership and the categorical one-sided endorsement of it.

I was not prepared to talk about this, but I did not know this was going to come up today. But in conscience, I cannot support it.

Let me cite what Richard Cohen says:

The only way out of the current mess is for each side to listen. . . .

Don't you think it would be good for Congress, as the President asked over on the House side—that this is not the right time for us to vote on this resolution. I heard earlier today that the White House is not taking a position, but we know they do not support it. Can't we help the President in this tenuous situation?

Quoting Richard Cohen again:

The only way out of the current mess is for each side to listen to what the other is saying. To protest living conditions on the West Bank is not anti-Semitism. To condemn the increasing encroachment of Jewish settlements is not anti-Semitism. To protest the cuffing that the Israelis sometimes give the international press is not anti-Semitism either.

To suggest, finally, that Ariel Sharon is a rejectionist who provocatively egged on the Palestinians is not anti-Semitism.

It is a criticism no more steeped in bigotry than the assertion that Yasser Arafat is a liar who cannot be trusted. That does not make me anti-Arab—just a realist who is sick and tired of lazy labels.

Let's go in the resolution to the labels and the whereas. How can you live with that? We fight the terrorists and we fight all those who give them aid. America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.

Crown Prince Abdullah just left Crawford, TX. The Saudis are funding terrorism, I can tell you that. Go to the religious schools in Pakistan. As we saw on TV, the Saudis have been funding them for a long time. But we can't say that about the Saudis, we have to get oil. In any event, who is the terrorist here with respect to the situation? Do the Saudis qualify as terrorists under this resolution?

Madam President, the situation in the Middle East is such that you have the creation of more terrorists under this approach. The Arabs, by the way, think we are terrorists. In fact, that is what they call us. In the U.N., they have brought resolutions against the United States in the past. The U.N. passed resolutions to send weapons inspectors into Iraq. We condemned Saddam for not letting them in. Now the U.N. formed a team to investigate the incursion into Jenin. Sharon refuses to let the U.N. investigate, so in a way he's acting like Saddam Hussein.

Max Rodenbeck, in an article on April 17 in the New York Times, wrote:

While other Arabs have always taken the Palestinians' side, the violent images are increasing the sense of personal interest in the conflict. When half a million Moroccans marched in a recent protest against Israel, many carried placards saying: We are all Palestinians.

So according to this amendment, everybody in Morocco is a terrorist. Any Palestinian you see defending his house, as we have been watching on TV—even if he had no connection whatsoever to any of these individuals with the explosives or the suicidal terrorists, or even if he doesn't like Arafat—is a terrorist.

Incidentally, there have been five attempts that someone just told me about on Arafat's life—not by Israelis,

but by Arabs, by Palestinians. So if I am in my home, defending my home, and I see a soldier come shooting his way in, and I shoot him, all of a sudden I am a terrorist. If you don't have uniforms, I guess you are terrorists. If you have uniforms, then you are soldiers.

How do you deal with Arafat if you are going to call him a terrorist in one breath and the Palestinian leader in the next breath? This is too simplistic. We have had enough blood on both sides. Now we are getting to where the administration is taking charge—and I commend them for it. We are making some progress, and they have freed Arafat. But section No. 5 calls on the Palestinian Authority, actually it demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas. And the Palestinian Authority—that is what we call an oxymoron. Let's not kid ourselves, this isn't any authority, but it's the best term we have.

Sharon—and I am quoting Andy Rooney, who said the other night on ''60 Minutes'':

Sharon is not our friend and President Bush should stop pussy-footing and say so.

Both sides are coming in and calling names, and that is what this amendment does. It doesn't help anybody but us Washington politicians.

This is the London Economist, of April 20. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the London Economist, Apr. 20, 2002]

FRIENDLY FIRE

Thanks mainly to his comportment since September 11th, George Bush stands tall in American opinion. America's standing in the world is another matter. As the sympathy that followed the destruction of the twin towers fades, the admiration Mr. Bush earned for victory in Afghanistan is being pushed aside by complaints about the rest of the ''war against terrorism''. In the Muslim world, of course, but also in much of Europe, the uneven battles on the West Bank have encouraged demonstrators to burn the American flag on the streets, alongside the flag of Israel. But even before those battles, European politicians were lining up to denounce Mr. Bush's ''simplistic'' foreign policy and deplore America's preponderance in the world. The loyalty to Mr. Bush shown by Britian's prime minister, Tony Blair, had begun to alienate not only Britian's EU partners but also his own Labour Party.

GUILT BY ASSOCIATION

This rift was visible before Ariel Sharon invaded the West Bank. But Mr. Sharon has made the rift suddenly deeper. America is not responsible for the fighting, still less for its grisly climax in what may turn out to have been a war crime in Jenin (see next leader). But as the provider of Israel's sword and furnisher of its diplomatic shield, America is being held responsible in most of the world, but not America, picture of the bulldozer refugee camp plaster the front pages. To an extent that Americans do not realize being blamed for Israel's actions is ripping up the coalition Mr. Bush took such pains to knit together last September. How can he patch it back together?

From Europe, the answer looks simple. To save his coalition, Mr. Bush needs to put the squeeze on Mr. Sharon. Only thus, it is argued, can Israel be persuaded to make the compromises necessary for peace. And even if squeezing Mr. Sharon does not lead to peace, being seen by the Arab street to squeeze him is the only way to persuade fragile Arab regimes to stay on America's side in the larger war against terrorism. Instead, Mr. Bush appeared, first, to give Israel's invasion of the West Bank a green light; and then not to mean what he said when he called a fortnight ago for Israel to withdraw ''immediately''. At best, Europeans say, this makes America look ineffectual. At worst, it plays into the hands of Osama bin Laden and his associates, who accuse ''the Jews and the Americans'' of waging war against Islam. Europe cannot understand America's failure to see this.

What Europeans fail to see is that, precisely because of his steadfastness in the war against terrorism, Mr. Bush is widely admired in America. When he is criticized there, it is not for arming and shielding Israel but for sending Colin Powell, his secretary of state, to talk to Yasser Arafat, terrorist recidivist, and for suggesting that Israel might curtail its own was against terrorism. This, say the critics, smudges his previous ''moral clarity''. September 11th gave Americans at large—not just Jews, and not just politicians influenced by the Israel lobby—special reason to shudder at the onslaught on Israel by Muslim suicide bombers determined to kill as many civilians as possible. Long before then, Americans learnt to identify more with the beleaguered Israelis than the thwarted Palestinians. Above all, Americans cannot understand why some Europeans dignify terrorism as legitimate ''resistance'' to an occupation which, but for Palestinian intransigence, Israel's previous government would have ended anyway.

You do not have to resolve the merits of these two views of the conflict to see the danger that this cross-Atlantic incomprehension poses to the post-September coalition. European leaders were squeamish enough before Mr. Sharon's war about Mr. Bush's plans to take his campaign on to Iraq and other members of the ''axis of evil''. The accelerated killing gives them every reason to say that this must not happen while the West Bank is on fire, lest it unleashes the pan-Islamic rage Mr. bin Laden was aiming to provoke. America's Arab friends say so too—though they made it clear at the Beirut summit that ended before Mr. Sharon's re-invasion that they were not up for another swipe against Saddam anyways. In a funny way, Palestine gets Mr. Bush's reluctant allies off the hook. While Mr. Sharon is on the rampage, they are less likely to be roped into unwanted American adventures further afield.

How does Mr. Bush proposed to end this rift? Not by selling Israel down the river: Mr. Powell flew home with Israeli tanks still in the West Bank and Mr. Arafat still stewing under siege in Ramallah. Nor, probably, by resuming the aloofness that characterized his initial handling of the Middle East. For all their criticism of American zigzagging, Mr. Bush's European critics need to recognize that this is a president improvising responses to a baffling crisis. It would be wrong to confuse his immediate plan to achieve quiet—by piling pressure on Mr. Arafat to call off the intifada—with his longer-term thinking. Mr. Bush has, after all, spent the past weeks stating more plainly than any predecessor that America wants an independent Palestine and Israel back more or less to its 1967 border.

TIMING THE SQUEEZE

Empty words? At some point, it is true, getting an Israel under a Mr. Sharon to accept such terms will require Mr. Bush to apply that squeeze. With the domestic political capital he has collected since September 11th, he could certainly do so, especially if it seemed that supporting Israel was beginning to damage America's own security. But remember ''moral clarity'': the Europeans should not expect Mr. Bush to pressurize Israel in circumstances that seemed to appease terrorism. In other words, Mr. Arafat must accept—in good faith, this time—the principle underpinning the Oslo accords, which is that negotiating peace is not compatible with a terrorist war.

If they were serious about helping the Palestinians to statehood, Europeans would explain this to the Palestinians morning and night, instead of hailing the intrifada, as many do, as ''resistance''. The intifada it was that helped Mr. Sharon to power, destroyed Israel's peace camp and turned Americans off the Palestinian cause. After September 11th, Americans feel that they too are at risk, and at war. Europeans do not.

Mr. HOLLINGS. It says:

But as the provider of Israel's sword and furnisher of its diplomatic shield, America is being held responsible. In most of the world, but not America, pictures of the bulldozed refugee camps plaster the front pages. To an extent that Americans do not realize, being blamed for Israel's actions is ripping up the coalition Mr. Bush took such pains to knit together last September. How can he patch it back together?

Well, he is trying, and this amendment doesn't help him. It doesn't help him a bit. We know that. Since September 11, times are different. Yes, there is a war on terrorism, and how do we succeed in that war? We cannot do it alone, as the President says. We need the assistance of everyone—particularly in the Mideast which, in a general sense, has the majority, I would say, of terrorism and terrorists. So we have to go about it in a very careful fashion.

For this Senator's interest, I think we can go after Saddam Hussein, but first let's stabilize our friend Israel. You have to have first things first. We found in the artillery in World War II, no matter how well the gun was aimed, if the recoil would kill the gun crew, you don't fire. So before we start firing on countries, let's take care of the countries that are being fired upon. Let's take care of Israel. Let's give solidarity to Israel—solidarity of support.

In my judgment, it was wrong for Ariel Sharon to go to the Temple Mount with in-your-face kind of politics and leadership; to bulldoze the camps; and to extend settlements, all condemned by the United States. Then along comes this one-sided amendment like there is no cognizance or awareness of the complexity of this situation.

Our credibility is at stake and everybody should pay particular attention. Now we are working with Pakistan, who we were formerly against, in the war on terrorism. We got their help. We are going to Jordan and getting their help. We are going to Egypt, but Mubarak is in a tenuous position that he had to cut off contacts with Israel.

So this is a complicated thing. But to come with this simplistic one-sided

amendment is not in the interest of Israel and not in the interest of the United States. We ought to do like Richard Cohen says: Let's listen awhile, set this aside, and move on and continue our 100-percent solidarity with Israel. This doesn't furnish it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, briefly and respectfully, I reply to my friend from South Carolina. Particularly, I want to pick up on the point at the end as to whether this is in the interest of the United States and our credibility.

It seems to me that our credibility depends, in good measure, on our clarity—our moral clarity—and our consistency. That is what this amendment is about. It states that we, after September 11, are in a war against terrorism, effectively declared by the Congress 2 or 3 days after September 11, that our Nation's policy is now guided by a doctrine that President Bush articulated in his address to a joint session of Congress last September, now known as the Bush doctrine: Terrorism is evil; the use of violence to accomplish political ends—including legitimate political ends, such as in this case, as I have said earlier in this debate, Palestinian statehood—is unacceptable; you cannot use terrorism to accomplish legitimate ends.

It is a time of decision: Either you are with us or you are with the terrorists.

This amendment is a carefully drafted affirmative statement of moral clarity for the United States, that we see Israel as now a front-line state in the war against terrorism. Just as this administration has sent American soldiers, in fact, to the Philippines, to Yemen, to the country of Georgia, to assist regimes in their front-line status fighting terrorism, so, too, do we at least respect the right of the Israelis to do the same: to defend their people against terrorism.

It is not, with all respect, a political amendment. It is, in my opinion—and I was involved most deeply with Senator SMITH of Oregon in drafting it—a principled amendment. It goes to the principles articulated in the Bush doctrine and the moral clarity of our war against terrorism, which, with all respect, has been not so consistently applied over the last 2 or 3 weeks by this administration: On one day calling for the Israelis to withdraw, and the next day expressing understanding about why they would take military action against the terrorism.

The truth is, no regime, no democracy could do other than they have done. This is not to defend every particular act of every particular soldier. I do not know what every particular soldier did.

If we put this in American terms, if we think about young people out at night at a cafe getting blown to death by a suicide bomber; working people waiting at a bus stop; people at a religious service; and this past weekend a mother with two children in their home, while the father is off at synagogue on Sabbath morning, a terrorist comes in disguised in an Israeli military uniform and kills a 5-year-old girl, no civilized nation can do anything other than put a stop to that behavior.

That is what this amendment says: We respect and stand in solidarity with Israel as it takes the necessary steps to provide security to its people, and we remain committed to Israel's right to self-defense.

This is not in any sense an anti-Palestinian statement. It was carefully drafted to make sure it was not. It is an antiterrorism statement.

It is in that sense that I hope the great majority of my colleagues will support it today.

I note the presence in the Chamber of the Senator from Tennessee. I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank the Chair.

Madam President, I thank Senator LIEBERMAN and Senator GORDON SMITH for this amendment. It is entirely appropriate for the legislative branch of Government to express itself on something that is so important to so many Americans.

The President has stated this country is not going to abandon Israel. I know he means what he says. I do not think there is much doubt in terms of the Congress of the United States, but we need to make sure there is none. Quite frankly, I am surprised at some of the misreadings that our friends in Europe and other places have sometimes of our body and our intentions.

It appears to me that Israel is in a struggle for its very existence. I do not think that is an overstatement. We read about skirmishes, and we hear of the historical difficulties we have had in that region. We tend to, in my mind, sometimes downplay the significance of what is going on there, but it is more significant probably than most people realize.

No. 1, it is quite apparent that the Israelis believe they are in a struggle for their existence. It is clear to them, as it is to me, that the driving force among the Palestinians—not all Palestinians—is intent to drive the Israelis out of their country.

If we look at Arafat's map, we will see that it does not have Israel on it. When those people talk about a Palestinian homeland, they are talking about Tel Aviv, they are not talking about the West Bank.

When the Israelis see that and they are subjected to organized, orchestrated, systematic terrorist activity where their children are being murdered, they take that very seriously. They are doing right now what is necessary to protect themselves.

I am afraid their enemies in this region are not interested in just a Palestinian state, which I think the entire international community now is saying has to be a part of any long-term resolution of this problem. They certainly are not interested in a peace process, not at this stage of the game anyway.

Mr. Arafat was offered what in most people's minds was the best deal that had ever been placed on the table during the prior Israeli administration. The Crown Prince of Saudi Arabia has put a proposition on the table that the Palestinians have shown no indication they want to accept.

Is there any doubt that if the violence stopped, the Israelis would be willing to sit down at the table? Of course not. Is there any doubt, on the other hand, that if the Israelis pull out of Jenin and the other places in the West Bank, the Palestinians will be willing to sit down at the table? The answer to that is no.

Why is this the case? I am afraid it is the case because they still think they are winning the battle, they are winning the struggle. How can that be when they undergo tremendous losses? I think it is because the Palestinians believe they are winning the battle in the international community.

It has been absolutely amazing to me to watch this occur. It is Orwellian to see person after person—young people—being strapped up with dynamite—with the encouragement of their families who are being paid off in many cases by Saddam Hussein and others—to kill innocent men, women, and children in public places in Israel, and to see the massacre and carnage of people who are not military people, who are not government leaders, but just kids out having a good time, and then to have this situation twist and turn a few times and come out as outrage against the Israelis in the world community.

Somehow this brutal activity against civilians is equated with military operations the Israelis conduct against Palestinian militant leaders. I do not understand how that can come about. I am sure it boggles the minds of the Israelis, and I am sure it encourages the Palestinian leadership that wishes to drive Israel into the sea. That is the reason they still believe they have a chance, because our European friends are more critical of Israel as they defend themselves from these massacres than they are of the Palestinians. They believe that because our moderate Arab friends feel the same way about it. They believe that because the United Nations itself is more intent on investigating a war zone where people get killed, where the Israelis, instead of dropping bombs the way the United States often does, went house to house to save innocent lives and get the guilty and get the people who are responsible for so much of this destruction, losing people—they conduct this house-to-house kind of activity and bulldoze some buildings. This is the activity that the leadership of the United Nations wants to investigate.

Of course, as it turns out, there was not anything to investigate. All of the

charges against the Israelis proved false before they even got there. At the same time, the blood is hardly dry in downtown Tel Aviv from innocent children who were murdered by the leadership of the PLO and other radicals among that group. As the Senator said, 5-year-old children are being shot and killed in their bed, but it is a war zone that the United Nations wants to investigate. So that is why I think the PLO and Mr. Arafat and his kind believe they may be winning. They are willing to sacrifice any number of their people in order to have the political victory.

I think the toughest thing in the world for political leaders to do is to acknowledge sometimes that there is nothing that can be done in short order. It does not matter in the end what the Europeans, the United Nations, the Americans, or the moderate Arabs think. Until these two parties are willing to sit down and work out a peace arrangement, we are not going to have peace. There is nothing in the world that any of us can do to force them to do that.

In my opinion, nothing is going to force them to do that until they are both either exhausted or they both believe it is in their best interest to sit down. As I said, I am afraid Mr. Arafat and the PLO do not see that in their best interest right now.

I suggest to our friends around the world to reassess what they are doing. I think they are contributing to the problem. They are keeping hope alive among these people who would drive Israel out of existence and into the sea. That is not going to happen. They are endangering the entire region because Israel is not going to let that happen. We all know Israel has the capability to keep that from happening. No one wants a conflagration in that part of the world, but that will happen before Israel allows itself to once again be exterminated.

By encouraging the kind of activity that has driven Israel to that point, we are prolonging the conflict and making the world a more dangerous place. I say to our moderate Arab friends, including our friends the Saudis, with whom we do have an important relationship—they are important to us. We are important to them. It is not one-sided. We have worked with each other for a long time. Hopefully, we can work with each other again. But it is no testimonial to friendship to not be honest.

Part of what our friends there need to remember is, it is their country who furnished most of the terrorists on September 11 who did so much damage to us. It was their diplomat ambassador to Great Britain who was quoted as praising these suicide bombers and terrorists. It is their country and some of their own people who are raising money or allowing money to be raised in that country that finds its way to terrorists all over the world. It is their people, in many instances, who are raising money for the families who send these children in to blow themselves up and kill innocent Israelis. And it is their leaders, many times in their controlled press, who call the United States, along with the Israelis, terrorists. These are the folks we should be worried about, oil or no oil.

The United States will not continue to be the United States that we all know and love and grew up in if we let these people dictate our policies contrary to our own interests and to the interests of our only democratic ally in that part of the world. I know that is not going to happen, and our friends, the Saudis, need to understand that is not going to happen.

The United Nations, over the years, has had every kind of conceivable condemning resolution against the Israelis, while atrocity after atrocity has occurred against the Israelis. The United Nations, instead of investigating and looking into these places in the world where people are getting butchered by the tens of thousands, are more interested in the supposed human rights violations that the Israelis are conducting than anything else. These are supposed to be the objective analyzers of the situation in Jenin and other places.

I urge that perhaps they take a look at their own behavior and their own attitudes. Our European friends, I hope, would reassess their attitudes and their public statements of their leaders at a time when anti-Semitism is breaking out once again in key European countries.

As we watch the elections, as we watch the synagogues being burned, we are getting condemning lectures from them because we are supporting the only democracy in the Middle East. What in the world are they thinking? What kind of reaction do they think that is going to engender on our part?

I think it is very important that we send a strong, clear message, as I think the President has done, and that we in this body send a clear message we will not bow to such wrong-headed public opinion, no matter how universal it is at the present time. We should be the leaders and we should point out the error of their ways. They should change their opinions because we are not about to turn our backs on an ally who has been our ally for so many years; that is a democracy, is not aggressively pursuing anyone except in self-defense, and who is now being subjected to a new kind of warfare that is, I believe, designed to wipe them off the face of the Earth in the end. Otherwise, we would have had at least a peace process that meant something instead of one that is in name only and is violated as soon as the ink is dry on the paper.

So I again commend my friends from Connecticut and Oregon for giving us an opportunity to vote on this and to add our voices to those who are so wishful for a resolution in this troubled part of the world, who understand that it is in the interest of the United States to have a resolution in this part of the world. It is the right thing to do. It is the humane thing to do, to engage in that kind of process. It serves our interest with regard to our war and fight on terrorism in other countries in that region, but at the same time, realizing that it cannot happen, we cannot force it to happen until the parties are there, and one of the parties is not going to be there as long as the entire world is encouraging them to conduct continued terrorist activities that, up until this point, would have been universally condemned but for some reason is not being now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I want to thank my friend and colleague from Tennessee for a superb statement. I thank him not only for his support of the amendment that Senator SMITH of Oregon and I have put before the Senate today, but for the principled and compelling logic of the additional statements that he made.

I was just about to use a term to describe the remarks of the Senator from Tennessee, which I was going to say is normally associated with a colleague who sits near him, and that colleague walked into the Chamber. I was going to say his remarks were definitely straight talk, and I appreciate them very much.

Does the Senator from Arizona wish to speak?

Mr. MCCAIN. If I could.

Mr. LIEBERMAN. Yes. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Oregon, Mr. SMITH. There has been discussion whether it is appropriate at this time, and whether this would be viewed by some as undercutting the position or weakening the position of the President and the Secretary of State in their efforts to obtain peace in the Middle East. Those concerns are legitimate. The Senator from Connecticut and the Senator from Oregon considered seriously those concerns.

We are not entirely totally comfortable moving forward with this amendment. We ought to return to our constitutional responsibilities as a coequal branch of government. No one denies that there is a crisis in the Middle East today, that there is the possibility of a wider conflict. There is no doubt that you can draw many scenarios in which the national security interests of the United States are threatened. If we accept those premises I articulated, then there does come a time when the Congress of the United States, as a coequal branch of government, exercising particularly in the Senate our responsibilities of advise and consent, should speak out.

I know there are very strong feelings about what has happened to the State

of Israel in the last several months. I hold those strong views. If you look at the strong views we hold compared to the language in this amendment, one would interpret that as rather mild language.

As I read the amendment—and the Senator from Oregon and the Senator from Connecticut can correct me if I am wrong—there is no criticism of the Palestinians in this amendment, there is no criticism of the Saudis, who continue to fund the madrasahs which teach not only the destruction of Israel but the destruction of the West and everything in which we believe. There is no criticism of the Saudis who are still paying money to the families of those who are ''martyrs.'' There is no criticism of the Saudi Ambassador who wrote an ode to the martyrs. There is no criticism of other ''moderate states in the region'' that have failed—utterly, miserably failed—to renounce these suicide bombers not as martyrs but as an offense to Islam and an impediment to any possibility of peace. The language of this amendment is measured. It is thoughtful. I know each word was carefully examined before it was put into this amendment.

I say to our Arab friends—and there are many Arab friends in the region—if there is not a condemnation of the kinds of attacks that are being orchestrated, encouraged, applauded, and in some cases even compensated for, we may see a stronger amendment from the Senate. I don't believe the overwhelming membership of this body is ''pro-israel,'' but I do believe there is a deep and profound recognition that the State of Israel is the only democratically elected government in the region. The 22 members of the Arab League are all dictators.

There is a basic and fundamental principle of a nation's right to exist which is at play. Israel recognizes the right of other nations to exist in the region. The Israeli Government and people right now are fighting for the simple fundamental right to exist, and not only the right to exist but the ability to exist.

I thank the Senator from Connecticut and the Senator from Oregon. We support the President of the United States and his efforts to bring about peace in the region. We support Colin Powell, our distinguished and respected Secretary of State. We support Condoleezza Rice and all other efforts to bring about peace and all the members of the administration who are working so hard. We applaud their efforts.

We also believe we, as a body, the Senate, should go on record as to our position and our desire to see this little country survive and our commitment to seeing what we can do to ensure its survival.

I thank my colleague from Connecticut, and I yield the floor.

Mr. LIEBERMAN. Madam President, I thank my friend from Arizona for his strong and principled statement. I could not agree with him more. I pick up for a moment on what the Senator from Arizona and the Senator from Tennessee suggested earlier: This amendment might affect the conduct of foreign policy by the President and this administration.

I strongly believe adoption of this amendment will be supportive of the policy of this administration and will strengthen the hand of the President and the Secretary of State, particularly as they proceed in their diplomacy in the Middle East, and more particularly in the Israel-Palestinian conflict.

Why do I say that? Because America is always at its strongest when we are true to our principles. The President articulated those principles post-September 11 in the Bush doctrine. They say we will stand with those who fight terrorism as we are fighting terrorism ourselves; all the more so when it comes to a fellow democracy, a longtime ally, such as the State of Israel.

A nation gains strength by being true to its principles but also by being true to its allies and not compromising longstanding relationships as a result of the pressures of the moment, no matter how compelling those pressures.

We are a great nation. We are the mightiest nation in the history of the world. If any nation has the strength to stand by its principles, it is, thank God, the United States of America. That is what in simple, direct terms this amendment says.

We made a stand after September 11 against terrorism. The Israelis are fighting the same enemy as we are now. They are not fighting the Palestinians; they are fighting terrorism. In that battle, no matter what the economic or political or strategic or diplomatic pressures that some may attempt to put upon the United States, we will be true to principle and we will be true to our alliances. That is what my colleagues have spoken eloquently on. For that, I thank my colleagues.

When this Senate adopts this amendment overwhelmingly, it will send a message to those who may be equivocating, who may be remaining silent. Remember that line from Dante: The hottest places in hell are reserved for those who in time of moral crisis maintain their neutrality. Great powers in the world are doing that right now.

We say as the representatives of the people of the United States in this amendment, for the United States, we are not going to remain silent. We are going to stand by our principles and by our friends. That will strengthen us in our relationship with our friends and with our enemies.

I am pleased to note the presence in the Chamber of the Senator from Utah. I yield to him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I compliment both my colleagues to whom I have been listening, Senator MCCAIN from Arizona, a leader on this floor and of course a friend for whom I have tremendous respect, and his Democratic counterpart, Senator LIEBERMAN, a dear, dear friend, someone with whom I have passed legislation where he has made a great deal of difference and who has spoken eloquently and reasonably and in a way that should advance the cause of peace in this world.

I also rise to address this amendment. I am joined with a large number of colleagues as cosponsors to do so.

This amendment is a reiteration of what Congress has overwhelmingly stated through the years, that this body stands in solidarity with Israel.

Israel is a front-line state against terrorism. What they do is very important with regard to the battle against terrorism because it takes necessary steps—to provide and bring about security to its people from these suicide bombers by dismantling the terrorist infrastructure in the Palestinian areas.

We have all watched with growing alarm the explosion of suicidal violence that wracked Israel in the last couple of months. I am greatly relieved that, for the time being, those suicide attacks have ceased.

But what has happened in the interim to lead to this cessation of suicide bombings?

Was it a newfound political will in the offices of the Palestinian Authority that declared unambiguously that terrorism would no longer be promoted or tolerated from the territories over which the PA holds power?

Was it a statement by Chairman Arafat, in Arabic, denouncing suicidal murderers as nihilistic and counter productive to any cause of peace?

Was it a deployment of Yasser Arafat's multiple security services to disrupt, capture and imprison the perpetrators of terrorism against Israeli citizens?

No, we all know that the cessation of suicide bombings, at least for the time being, was not the result of political will on the part of the leaders of the Palestinian Authority. It was the result of a military deployment by the government Israel, a deployment by the Israeli Defense Forces that was costly, controversial, and . . . for the moment . . . successful.

What nation do we believe could exempt itself from the right of self-defense? Isn't such an exemption fundamentally against the natural state of nationhood? Have we ever expected any nation let alone a long-standing friend and ally to exempt itself from its right of self-defense? Of course not.

Yet Israel has faced a great deal of criticism for its action in the last month. Certainly Israel is not above criticism—any more than it is exempt from the right of self-defense. But I, for one, cannot criticize its right to self-defense, its need to act in its self-defense, and its responsibility to use its professional military to destroy the terrorist infrastructure that is still

dedicated to the military defeat of the only country in the Middle East that fully shares our western values. You're never going to see criticism of that type coming from this Senator.

I recognize that there are long-standing, unresolved political issues between Israel and the Palestinians. I recognize that many Palestinians now have generations of being uprooted, frustrated and impoverished from which to feed a legitimate sense of injustice.

I also recognize, Mr. President, that there have been many Israelis, in their government, in their elites, but, more important, throughout their society, who have desired, sought and worked for a peaceful solution between the two peoples.

I was amazed myself with the offer Prime Minister Barak made to Yasser Arafat and the Palestinians. It went way beyond anything most people I talked with thought that Israel should do. It should have been snapped up by Yasser Arafat, and certainly it should become at least a basis for trying to resolve the conflict between the Palestinians and the Israelis.

I have my doubts if Yasser Arafat can be a partner for peace. His duplicity is well-known; he talks peace in English on the White House lawn and before some aid agencies. He speaks jihad in Arabic before young Palestinian crowds and in the courts of Arab leaders. The man who, nearly 20 years ago, could not address the United Nations, a body dedicated to the resolution of conflicts without violence, without the symbol of a pistol holster on his hip, clearly today continues to believe that there is a legitimate role for terrorism.

The reason there have been no suicide bombings in Israel in the last few days is not because Yasser Arafat has preached the renunciation of terror. It is because the IDF went after the terrorists that Arafat's Palestinian Authority harbors. It is an old lesson that we dare forget at our own peril: Tolerate terrorism and it will grow and multiply, feeding every angry and hateful cause. Negotiate with terrorism and you will legitimize it, creating incentives for more terrorism and the promoting the deadly illusion that terrorism is some form of legitimate political expression.

We all recognize that the IDF actions of the past month do not guarantee that suicide bombings will cease, and I say this with a sense of reality and deep regret. I even recognize that those absolutely dedicated to terrorism have most likely not been dissuaded from their nihilistic path. I also know that perhaps some of those living in despair in the Palestinian territories may have been made more desperate, and that their desperation may be used by the cynical manipulators behind the suicide attacks.

I long for the day when all the peoples of the Middle East are freed from regimes that harbor hatred rather than promote growth, that plan for war rather than development, that delude their peoples while denying them a future of prosperity.

I strongly support the Administration's efforts to help find a just political solution to this conflict, and to begin talking, at this early stage but generations too late, about economic development that will give the Palestinians outlets to channel their work toward building secure and prosperous futures for their families and future generations. I empathize with the Palestinians who have unemployment rates well in excess of 50 percent. No wonder there is unrest and discord over there. I support, even, calls for immediate reconstruction assistance to the Palestinian territories, to be channeled, I would hasten to add, by legitimate non-governmental organizations, and not by the Palestinian Authority.

I encourage the Administration's efforts to bring the so-called moderate Arab nations into this effort. Those nations will not only have to dedicate their diplomatic efforts toward encouraging the leaders of the Palestinian Authority to accepting a political solution. Those countries will not only have to dedicate substantial funds for promoting economic development that channels the energies of the Palestinians into productive and peaceful endeavors. But if those countries are to succeed in their diplomacy and with their assistance, they will have to stop encouraging anti-Semitic and anti-American hatred in their own societies. I certainly wish the Administration the best of luck in this very difficult endeavor.

We will need to see a political solution before we seen economic development, Mr. President. But to have a political solution, there must be political will, on both sides, to reach an settlement. A political solution cannot be begun under a wave of terrorist attacks. I don't see how anybody can criticize Israel under the circumstances. Terrorism requires a military response. We are finding that is so true.

While I have always believed this country should support Israel in its effort to seek peace, I strongly believe that we must remain equally dedicated to Israel's right to self-defense. For this reason, I am proud to cosponsor this amendment, and I urge the unanimous support of my colleagues with a vote for it.

Madam President, I have been talking about Israel and terrorism and what we have to do about it. But now I want to shift for a minute and talk about the extreme dissatisfaction registered by Senator GRASSLEY, the ranking Republican member of the Finance Committee, Senator PHIL GRAMM, and others on our side of the aisle in regard to the trade promotion authority and trade adjustment assistance—the Andean Trade Preferences Act and trade promotion authority.

Trade creates jobs both at home and abroad.

Trade can also help promote political stability in many regions of the world.

It is in our national interest to foster free trade.

Let us look at the facts.

Ninety-six percent of the world's consumers live outside our borders.

Based on that fact alone, the United States would be foolish not to pursue a vigorous trade agenda. But let me go on.

Exports accounted for about 30 percent of U.S. economic growth over the last decade, representing one of the fastest growing sectors in our economy.

Almost 97 percent of exporters are small or medium-sized companies and, as my colleagues are aware, small businessmen are the engines of job growth.

In fact, almost 10 percent of all U.S. jobs—an estimated 12 million workers—now depend on America's ability to export to the rest of the world. Export-related jobs typically pay 13 percent to 18 percent more than the average U.S. wage.

And there are many reasons to believe that the best is yet to come in this dynamic sector.

Economists predict that there could be a 33 percent reduction in worldwide tariffs on agricultural and industrial products in the next WTO trade round. This action alone could inject an additional $177.3 billion into the American economy in the next 10 years. That is a lot of money.

I strongly support Congressional passage of Trade Promotion Authority legislation this year. I was the one who made the motion and got it passed out of the Senate Finance Committee upon which I sit.

TPA will provide a measure of certainty to our trading partners that any agreement reached with USTR will receive timely Congressional consideration and will not die a slow death by amendment.

Look, the Finance Committee passed the trade promotion authority legislation by a wide, bipartisan 18 to 3 vote back in December.

I agree with Senator GRAMM that if we had an up/down vote of this bi-partisan bill permitted by the Majority Leader, it would probably pass with over 70 votes.

I believe it would pass by an over whelming majority of 70 or more votes.

The majority leader knows this. We all know this.

Instead, the bill that was laid down last night was a thumb in the eye of bipartisanship.

It is bad for America.

It should not and will not be adopted by the Senate this week, next week, this month, next month, this year, or next year.

Members of the Finance Committee know that all last year, I took the position that Congress must pass both trade promotion authority legislation and trade adjustment assistance legislation.

If both bills do not pass, neither will pass. That is the truth of the matter.

That is the political reality.

It is also true that there is little we can do in Congress to help the prosperity of American families—and help the prosperity of nations around the world—other than TPA.

We need trade promotion authority to open up new markets for American goods.

We also need trade adjustment assistance to provide retraining and other benefits to workers who lose their jobs due to the effects of international trade.

Let me acknowledge that there are some in my caucus who are leery of TAA because they are justifiably concerned about expanding yet another federal entitlement program.

In my state of Utah, we have felt the effects of the dumping of imported steel by the closing of the Geneva Steel production facilities, and the loss of almost 2,000 jobs.

I commend the action the President took on steel.

I support TAA to help displaced workers, but it must have reasonable limits.

The TAA bill that was before the Finance Committee last fall was already too big.

I was going to say, the TAA bill that was reported by the Finance Committee, but I am not sure that is an accurate statement.

Anyone present that day will tell you that the vote on the bill appeared to take place in violation of Senate rules—specifically, the rule against conducting Committee meetings for more than two hours after the full Senate was in session was invoked.

The gavel went down after time had expired.

Let us face it. Unlike the bipartisan trade promotion authority legislation, this TAA bill has had a strange partisan bent to it from start to finish.

Last night a bad TAA bill got worse.

While I remain hopeful that we can do what we should do, and pass both TPA and TAA.

I want my colleagues on the other side of the aisle to know that there is little sentiment on our side for passing TPA at any cost.

That is what Senator GRASSLEY and Senator GRAMM said earlier today, and I agree with them.

Let us get this process back on track.

I think if we can do that we will find that a strong consensus can develop on trade issues—both on TPA and TAA.

I am mindful that there will be those on both sides of the aisle that will remain inalterably opposed to either trade promotion authority or trade adjustment assistance.

For the good of the American people, we cannot afford to let that occur.

I have a lot of faith in Senator GRASSLEY. He is a good man. He is a hard worker. I have trust in the fact that Senator BAUCUS wants to do the right thing. He is a good man. He works hard on the Finance Committee. I hope they get the chance to help bring us together.

My fear is that the bill that was laid down last night may put the Senate on a glide path to disaster.

Just as there appeared to be a narrowing of the issues of the health care aspects of the TAA bill, a host of new issues were suddenly put on the table for the first time.

As I read it, the Majority Leader's bill includes measures that were not included in any of the bills that were reported by the Finance Committee.

It is my understanding that never in any of the negotiating meetings has the issue of wage insurance been raised—but it then suddenly appears in the majority leader's bill.

I do not want to see these important talks over this legislation stall, but my colleagues on the other side must be willing to come to the table with reasonable proposals.

I believe that there is a way that my Republicans and Democratic Colleagues can come together and pass both TPA and TAA.

Frankly the measures that we are discussing today were all reported by the Committee separately as free-standing bills.

Let me be clear. I would like to see the Senate take up and pass the Andean Trade Preference Act, Trade Promotion Authority, and Trade Adjustment Assistance this year.

Perhaps we would be better off by taking them up one at a time.

As I recall, we didn't approve an omnibus trade bill in the Finance Committee.

It appears to many that the bill laid down last night was hastily-crafted with apparently a partisan purpose in mind.

Just let me give you one example. I ask my colleagues to turn to page 23 of the bill distributed last night. This section is entitled ''Action by the Secretary'' and deals with appeals of the TAA certification process.

Now turn to page 41 of the bill. You will see this entire section repeated verbatim.

One of the reasons for careful consideration of legislation by the Committees of jurisdiction is to avoid these types of embarrassing drafting errors that occur when complex laws are rewritten in the dead of night outside the regular order.

As the ranking Republican member on the International Trade Subcommittee and as a member of the Intelligence Committee, I can tell the Senate that international trade has long been one of the most important foreign policy tools of the United States.

The Bush administration—led by Commerce Secretary Don Evans and our United States Trade Representative Bob Zoellick—has helped launch a new round of international trade talks. We all have an interest in making the next World Trade Organization ministerial succeed.

In order to make the next ministerial a success, it is important that the United States signal to the world that we will continue to make trade a very high priority. We can do this best by passing TPA.

I will say again that I recognize, in all likelihood, the Senate will need to act on Trade Adjustment Assistance legislation if there is a chance of passing the TPA bill.

So be it.

I am for both TPA and TAA.

But let me be clear, I am not for a loaded up TAA bill with unrealistic health care provisions.

On a related issue, I am deeply disappointed by the health care provisions of the Daschle substitute.

As someone who has worked very much in a bipartisan way during my 26 years in the Senate on all health care issues, this has become a partisan issue. It shouldn't be.

I am a strong advocate of getting Trade Promotion Authority for the President—but Senator DASCHLE's amendment includes health care provisions that are just unacceptable to me and other members of the Senate Finance Committee.

Let me take a minute to highlight some of the more egregious health provisions in the Daschle substitute.

The Daschle amendment has a 73 percent advanceable, refundable tax credit that may be used for COBRA coverage or other pooled insurance coverage.

S. 1209, the Trade Adjustment Assistance Act that was rammed through the Finance Committee required the Treasury Secretary to create a program that would pay 75 percent of the COBRA subsidies. These subsidies could only be used for COBRA benefits.

What Senator DASCHLE is promoting is only a slight improvement over what was included in S. 1209—hardly a compromise, in my opinion. Subsidizing health insurance by 73 percent is just too high.

It is my understanding that the discussion between Senators GRASSLEY and BAUCUS were much more constructive on this issue and now the majority leader's substitute goes in the direction away from a reasonable compromise.

The Daschle substitute also allocates $200 million for National Emergency Grants to States in order to provide assistance and support services to eligible workers. This grant money could be used to pay for health care coverage; however, States may also use this money to provide benefits through the Medicaid program or my CHIP program we passed a few years ago.

Both the Medicaid and Child Health Insurance programs are programs for the low-income; however, the way I understand the Daschle substitute, anyone would be eligible to participate in these programs no matter how wealthy.

While this is an improvement over the TAA legislation approved by the Finance Committee, which essentially gave States the option to offer Medicaid coverage to uninsured workers, it is still unacceptable.

In fact, during the Finance Committee's consideration of S. 1209, I expressed my strong opposition to the Medicaid expansions included in S. 1209.

Those of us who are familiar with the history of the Medicaid program know that State options usually end up becoming permanent fixtures of the Medicare program.

While the Daschle substitute doesn't include the blatant Medicaid expansions of S. 1209, I believe it is a backdoor way of expanding both the Medicaid and CHIP programs.

And if I had to make a prediction, chances are that these ''temporary'' provisions—I will put ''temporary'' in quotes—will end up becoming permanent. It is as if we are not even listening to our State Governors.

They keep telling us that the States' budgets are in financial disarray. My State can't even afford to cover children eligible for the CHIP program—3,000 more children than the 27,000 who are currently covered.

I believe that the Daschle provisions on Medicaid and CHIP could have very serious financial impacts on both the State and Federal budgets, especially when both are experiencing budget shortfalls.

What is most troubling to me is that the Daschle substitute provides the uninsured far more generous health benefits than those who have existing health coverage.

I don't understand why any Member of the U.S. Congress would want to promote a provision that actually acts to encourage individuals to remain unemployed because they can get better health coverage.

By offering such generous health benefits, this bill encourages people to remain unemployed.

Is this the American way?

Is this the way to fulfill the American dream?

Is this what we in the Congress want—more uninsured Americans?

I hope not. In my opinion, this bill contains an unintended incentive that promotes joblessness.

And even more disturbing, the drafting of this partisan bill may send a very clear message—take it or leave it.

Is there room for bipartisan discussions here?

Can we work together?

These are the areas we ought to work together on to bring a consensus about.

Can we work out our differences?

Can we find a fair compromise?

I sure hope so. But, I have my doubts about it because of the way that this debate has started. And that is just not acceptable for the American people.

Senator GRASSLEY does have the right idea—there are health care provisions that can be included in TAA in order to get trade promotion authority approved by the Senate.

I, for one, would be willing to support tax credits for the purchase of COBRA, pooled insurance, or individual insurance, so long as the individual has a choice of coverage, not a take-it-or-leave it requirement set right here in Washington.

In addition, I believe it makes sense to provide funds to States in order to create and operate insurance pooling arrangements.

I also support providing funds for National Emergency Grants so States can subsidize health insurance for TAA eligibles.

In my view, we are not that far apart that we cannot come together.

I think we can if we just have some good-faith effort here on the floor and behind the scenes.

I only hope that we do not let this opportunity to pass both trade promotion authority and provide reasonable health insurance subsidies to uninsured Americans slip away.

I am committed to working with my Senate colleagues, for as long as it takes, to get this job done. So, I urge my colleagues: let's quit the partisan bickering, let's roll up our sleeves, and let's get the job done.

In closing, I urge passage of both the trade promotion authority legislation and the trade adjustment assistance bill. But let's make sure these bills are bills we can live with, bills that are bipartisan in nature, bills where we have worked out the kinks and the difficulties, bills that are not a partisan benefit to one side or the other, bills that will do the best for our individual citizens in this country who need this help.

I hope we can get this job done before Memorial Day.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I note the presence of the two main sponsors of the amendment in the Chamber. We have had a number of speakers. I wonder if it would be Senator LIEBERMAN's intention to have a vote on this amendment fairly soon.

I ask unanimous consent to yield to Senator LIEBERMAN for purposes of a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, responding to my good friend from Arizona, it certainly is our intention to have a vote on this amendment this afternoon. I think it is important to do so. And it is my understanding that that is also the intention of the leadership of the Senate. I gather some conversations may be going on with the senior Senator from West Virginia, who was in the Chamber earlier, before going to a hearing, who said he had a statement to make of limited duration. I believe there is an attempt to have him come to the floor as soon as possible. I do not know of any other Senators at this time who wish to speak on this amendment.

I thank my friend.

Mr. MCCAIN. I thank my friend.

Mr. President, I had hoped we could encourage any Senators who want to speak to come to the floor, but I am not sure there is any really compelling reason to continue to hold up the business of the Senate, particularly since we have other pending issues to address. So I hope we can do that fairly soon. Maybe around 4, in the next 15 or 20 minutes, if possible.

Mr. President, I want to talk, just for a minute, about this imbroglio in which we find ourselves over the Trade Preference Act, the Andean Trade Promotion and Drug Eradication Act, the trade promotion authority and trade adjustment assistance, and the Generalized System of Preferences. I do not intend to take a lot of time, except to note that this is a very serious issue. It is unfortunate that we seem to be diverging rather than converging in our efforts to reach some kind of agreement.

I would like to say a few words about the Andean Trade Promotion and Drug Eradication Act. All of these issues we are trying to address are very important. But I point out, there is an extreme time sensitivity associated with what I will refer to from now on as ATPA, the Andean Trade Preference Act.

I remind my colleagues that as of the 16th of this month—in 2 weeks—if we do not act, then this legislation will expire, customs that are retroactive will be levied on goods that have been brought into the country. And I want to emphasize the serious impact this would have on these four struggling democracies in our hemisphere: Bolivia, Colombia, Ecuador, and Peru.

I remind my colleagues that this ATPA grew out of a commitment that the former President Bush made at the February 1990 Cartegena Drug Summit to provide economic benefits to these four Andean countries. The reason for it was, it was an effort to reduce illegal drug production and trafficking in these countries by promoting legitimate economic activity in these countries. Well, that was in 1990. The legislation was passed in 1991.

We have now had 11 years of ATPA. What happened in these four countries? First, the good news is that Bolivia's coca production has been reduced to practically zero. The bad news is that Colombia is in a very serious situation. As we know, the FARC leaders—who have just been indicted by the United States of America and controlled a large tract of the country—have continued to engage in narcotrafficking, and the overall supply of cocaine into the United States has not been reduced. That is actually in spite of the valiant efforts of the Government and the people of Colombia, with the assistance and help of the United States of America, and other countries, to try to

bring about a peaceful resolution to this very serious insurgency situation in Colombia.

Have no doubt, the funding for the FARC, to a large degree, has been made possible because of the trafficking in drugs. Peru has gone through a very difficult time, as we know. The former President was overthrown. There was a scandal the likes of which only bad novels are made from, where the former chief of intelligence was videotaped while providing bribes to Members of their Congress and judges. And a former President is now residing in Japan. There is a new President of Peru, whom I had the opportunity to meet. I think he is doing his very best.

Let me say, finally, that in Ecuador they have been dramatically affected by the whole situation in Colombia. In summary, because I see the majority leader on the floor, I will just say that the situation, as far as ATPA is concerned, is serious. We should consider carving that out from the other trade provisions and perhaps moving that piece of legislation on its own. It is time sensitive and critical. We made a commitment a long time ago to these countries. I see no reason to renege on that commitment now to four struggling nations in our own hemisphere.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I rise in support of amendment No. 3389 offered by Senator LIEBERMAN and Senator GORDON SMITH. This amendment is an important expression of our Nation's solidarity with the Israeli people during these attacks against their people. Civilized peoples must come together to fight and defeat terrorism wherever it occurs.

There can be no negotiations with terrorists. On September 11, the American people experienced the depravity of international terrorism. The Israeli people have been subjected to a barrage of terrorist attacks that have been specifically targeted at civilians. It is incumbent on the United States to send the message throughout the world that these acts will not tolerated.

It has been made evident that the Palestinian leadership uses suicide bombings as a means to accomplish political goals. This is simply unacceptable, and must not be tolerated. We must continue to ensure that Israel has all the necessary resources in order to defend itself. We must make it clear to all nations in the region that there will be consequences for support of terrorism. But most of all, we must send a message to the world that the United States stands in unity with Israel.

Mr. FEINGOLD. Mr. President, I am proud to cosponsor today's amendment expressing solidarity with Israel. Like many Americans, I have a very personal connection to the Israeli people and to the State of Israel. And it is with a heavy heart that I join my colleagues today in mourning the innocent lives lost in the recent terrorist violence in Israel.

The U.S.-Israeli relationship is one of the strongest and most important of all of our bilateral relationships. Within that context, it is my sincere hope that this amendment will send a clear signal by expressing the overwhelming sense of the Senate that America is now and always will be firmly committed to a future in which the state of Israel can live in security and peace with all of its neighbors. It is my greatest hope that our ongoing commitment to these principles, and through them to peace in the region, will demonstrate our country's respect for the dignity and future of the Israeli people, while establishing the basis for a political settlement to the conflict.

I also want to state clearly, and for the record, that I supported President Bush's decision last month to send Secretary Powell to the Middle East to help bring the current crisis to a close and to bring Israelis and Palestinians back to the negotiating table. Intense U.S. engagement remains an essential ingredient in the resolution of the crisis, although nothing will be accomplished without the added leadership and foresight of the Israeli and Palestinian people. I also believe that the President was right to call on both the Palestinians and the Arab states in the region to take responsibility for ending terror and the culture of hatred that threatens peace in the region. And he has also been justified in calling on Israel to take a number of concrete and compassionate steps to ease the pressure on Palestinian civilians. In the end, only through continued efforts at the highest level will the United States be in a position to assist our strongest ally in the region and give the Israeli people an opportunity to seize a secure future.

Mr. KERRY. Mr. President, I am proud to be a cosponsor of the amendment submitted by Senators LIEBERMAN and SMITH demonstrating our continued solidarity with our ally, Israel, in its efforts to defend itself against terrorism. Suicide bombings and the taking of lives of innocent civilians are terrorist acts by anyone's definition. No moral or political justification exists for the bombing of civilians on buses or in restaurants or at religious celebrations. This resolution makes it clear that we oppose these acts of terrorism and that we recognize and support Israel's right to defend itself against them.

Now that Yasser Arafat is no longer confined to his headquarters in Ramallah, it is imperative that he make every effort possible to stem the tide of Palestinian terrorism and to break up whatever elements remain of the terrorist networks. And it is equally important that those Arab states who say they want to work with us in the war on terrorism do all that they can to help bring about an end to all forms of terrorism. They must make it clear that like us, they too oppose suicide bombings and that they expect the leadership of the Palestinian authority to live up to its responsibility to bring them to a halt.

Israel exercised its legitimate right to self-defense when it used force to root out and break up the terrorist networks threatening its own civilians. But force alone cannot ensure the security of the Israel and its people over the long term. I am convinced that the only way to truly enhance Israel's security is to replace the dynamic of violence with hope and political settlement.

This amendment acknowledges that reality. It calls upon all parties in the region to pursue vigorously efforts to establish a just and lasting comprehensive peace. When I was in the region in January, I met with all the key players. At that time I came away convinced that we must find a way to get back to a peace process. That need is even more urgent now.

Ultimately the Israelis and Palestinians are going to have to live with each other as neighbors, not enemies. Passions are so high at this point that it is difficult if not impossible for either side to imagine that future. It is our responsibility, as the one country with the greatest influence over both sides, to help them see beyond the current impasse and to move them toward the prospect of reopening political discussions particularly now that some semblance of calm has been established. Now that the Administration has finally gotten engaged it must stay engaged. Our role as broker is vital and we must be willing to undertake it if we are serious about Israel's long-term security, peace in the Middle East and combating terrorism.

Mr. GRAHAM. Mr. President, as we debate this amendment expressing our Nation's support for Israel, we must recognize the unique relationship that exists between our two nations.

Israel has been the starting point of United States foreign policy in the Middle East since 1948, when the United States under President Harry S Truman became the first country to formally recognize the state of Israel.

Good relations with Israel are of vital importance to the United States' interests in the Middle East. It is the only democracy in the region and a reliable ally of America.

This bond is even deeper. Israel is a nation that we mirror—in our culture and in our historical values. It is essential that we continue to work with Israel on advancement of these commonalities.

Our relationship with Israel is reminiscent of the American role in the French Revolution, which at the time many considered a foolish position. Although America was a new and small nation on the other side of the Atlantic, we empathized with the French aspirations for liberty and equality. To understand our motivation, we should look at the words of Thomas Jefferson. ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights'' he wrote, enshrining in the Declaration of

Independence the concept of all men being created equal. To Jefferson and all the signers of the Constitution, the quest for equality at that time was to be pursued not just within America, but throughout the world.

America's role in the French Revolution was an extension of the liberty and freedom that we stood for, exercised through our foreign policy. Today, this same concept applies to our foreign policy and contributes to our special relationship with Israel.

As an ally and friend of the state of Israel, America provides the Jewish state $3 billion a year in military and economic support—the largest amount of direct aid provided to any nation by the United States. Israel is also the beneficiary of a preferential trade relationship with the United States.

The ability of the people of Israel and the region to lead normal lives has been shattered by acts of violence and terrorism. It is impossible to observe the tragic situation that has been dragging on over the past 18 months without recognizing that no one—Israelis, Palestinians, or any of their neighbors—is interested in continuing to live their lives this way.

There is no doubt after September 11 that our Nation has a new understanding of the plight of our friends in Israel. There can be no question that the Middle East harbors a significant percentage of the world's terrorists, including many individuals who share the philosophy of those who attacked America.

This is why we must support this amendment and stand in solidarity with our brothers and sisters in Israel.

Mr. LEAHY. Mr. President, I will vote for this amendment because I agree with its general purpose—to reaffirm unequivocally U.S. support for Israel's right to defend itself against acts of terrorism or other forms of aggression. Israel is a friend and ally, and it has faced threats to its survival for over half a century. Since its birth in 1947, we have provided Israel over $50 billion in aid. There is no doubt about our support.

While I will vote for this amendment I am uneasy that we are considering this matter at just the time when we are finally seeing real progress in defusing the recent crisis. While some wish it reflected a more balanced approach, this is the only amendment to be considered.

The amendment expresses support for Israel ''as it takes necessary steps to provide security for its people.'' I fully support that. But as so many have said, some of the steps taken by Israel in the past weeks and months have been both unnecessary and counterproductive. I fear that, in the long run, these steps may have weakened the security of the Israeli people because of the bitterness and the desire for vengeance that they caused among Palestinian civilians—many of whom had previously shunned violence. And there appears to be far more support for Yasser Arafat today among average Palestinians than there was just a few months ago.

The amendment demands that the Palestinian Authority ''dismantle the terrorist infrastructure.'' I fully agree that this needs to happen. I also know, as Secretary of State Powell has said, that Yasser Arafat, whose security apparatus has been largely destroyed by the Israelis, cannot do everything himself even if he wanted to, but he can and must do more. I also know there are people in the West Bank and Gaza who will do anything to sabotage progress toward peace.

The amendment singles out Egypt and Saudi Arabia to ''act in concert with the United States to stop the violence.'' They should do that, and condemn more forcefully the suicide bombings. These governments have many problems, and certainly the Saudi Government, with all its wealth, has not always played the constructive role it could. But it is important to recognize the positive things they have done, which this resolution fails to do. The Saudi Government has put forward the only viable peace proposal in the past 18 months. Not even the U.S. administration has done that. Egypt, according to Secretary Powell, has been supportive of U.S. policies in the region.

Mr. President, this amendment, which addresses a number of issues, is silent on others that need to be addressed. Given the vastly conflicting reports of what happened at Jenin, an impartial investigation should be done. The use of U.S. weapons also needs to be looked at, particularly since the State Department reports of ''numerous serious human rights abuses perpetrated by Israeli security forces during the year.''

And most important, there needs to be a recognition of the role of the Israeli settlements in the recent explosion of violence. For this amendment to not even mention the role that the settlements play strikes me as a serious omission because until that issue is resolved, I am afraid the bloodshed will continue.

It has been widely recognized for years that the United States is the only country that can play the role of intermediary in the Middle East. The situation has become so polarized, and steeped in hatred, that our task is now infinitely harder.

It is time for a more forceful strategy for peace because it is clear that normal diplomatic efforts have failed. Both sides say they want to live in peace, but whatever they have gained or suffered in the past few weeks has, I believe, only made peace more elusive.

A two-state solution is the only solution, and that means a Palestinian State that is viable, that is worth living for, not a state in name only.

And for Israelis, it means being able to live free of terror and fear. Suicide bombings or other deliberate attacks against civilians are acts of terrorism that can never, ever be justified. These bombings should be condemned by everyone, including countries in the Middle East that have either expressly condoned them or tacitly approved them by their silence.

The strategy of the Palestinian leadership has been a disaster for Israelis, for Palestinians, for the entire region. Mr. Arafat has repeatedly deceived his own people. Palestinians are an industrious, compassionate, proud people. They deserve far better. Mr. Arafat has survived this latest storm, but he needs to act immediately to prove that he wants peace and can be trusted.

As long as either side deprives the other of the freedom, the dignity, and the security to which all people are entitled, the bloodshed will continue. The President was right when he said there has been a lack of leadership on both sides. That is why, more than ever, stronger U.S. leadership is needed—leadership that receives the support of both sides.

I hope this amendment encourages that leadership.

Mr. REID. Mr. President, I am proud to rise today and join my colleagues in expressing solidarity with Israel.

The Senate includes members of different faiths, ethnic backgrounds, and political ideologies. But despite our differences, we have shown our ability to come together at important moments and unite around common principles.

We rallied together, Democrats and Republicans, to support the war on terrorism after our country was attacked.

And we have worked together in a bipartisan manner not only to meet America's national security and homeland security needs, but also on issues such as education reform.

I am pleased that so many of my colleagues—Democrats and Republicans—are joining me to express solidarity with Israel.

We stand with Israel because Israel has been a friend and partner of the United States.

We stand with Israel because Israel is a democracy and shares our values.

We stand with Israel because we have an obligation to secure the continuance of a Jewish state. We have seen—and must not forget—the horrors of the Holocaust when too many people, leaders and governments failed to intervene.

''Never Again'' will the world fail to see, or hear, or speak, or act when the Jewish people are being persecuted and murdered.

It is important for the people of Israel to know that we continue to stand with them, and it is important for Israel's enemies to know that America will not abandon her. Furthermore, our continued support of Israel sends a powerful and unequivocal message to terrorists everywhere that the United States will not retreat in our war against terror.

This is a critical moment for Israel and for the prospects of peace in the Middle East.

For far too long, that region has been plagued by war and bloodshed.

Israelis have suffered violent attacks against them since the state of Israel was born more than 50 years ago. Israel is a small country, and really a small community where it seems everyone knows each other, so when tragedy strikes, the loss is felt intensely by all.

Israelis have somehow learned to endure attack after attack, and almost to view terrorism as a normal part of life. Certainly, deadly attacks have occurred frequently, but for them to be seen as normal is itself a tragedy.

We stand with Israel because we too mourn the loss of innocent lives.

In the past 18 months, the violence has escalated to an unprecedented and completely unacceptable level.

During the Jewish festival of Passover, 28 Israelis who gathered for a Seder were butchered; 28 innocent victims including children, mothers, fathers, grandparents.

This past week, on the Jewish Sabbath, more innocent Israeli civilians—including a 5-year-old girl inside her home, and a husband and wife lying in bed—were killed in cold blood by Palestinian terrorists.

We recall other incidents like the joyous Bat Mitzvah celebration that suddenly became a killing field, and we think of Israelis participating in typical activities like stopping for a nosh at the pizzeria, riding a bus to school or work, enjoying a night at the disco—not realizing that they would instead be killed. But these are the conditions Israelis face.

While we admire Israel's bravery and perseverance in the face of constant threats, we must not accept a world in which terrorism is so commonplace.

Americans do not want to be victims of terror again, nor can we expect Israel to stand idle while her citizens are being slaughtered. Once we identified those responsible for the attacks on the World Trade Center and the Pentagon, we sent our troops to Afghanistan to bring the terrorists to justice and end their ability to strike again. We vowed to stamp out evil and to continue our fight as long as necessary.

How then can we—or anyone—reasonably ask Israel to allow the terrorists responsible for murdering innocent Israelis to remain free and continue to plan more attacks? We cannot.

So we reaffirm our commitment to Israel's security and right to self-defense.

We stand with Israel because Israel's enemy—terrorism—is also our enemy, and the U.S. has no better ally than Israel in our war on terrorism.

We stand with the people of Israel who want a safe, peaceful and prosperous future not only for themselves but also for their neighbors.

We all pray and hope for peace so that all the people in the region can live free from danger and without fear.

I have in the past called on the administration to be more actively engaged in brokering peace between the Israelis and Palestinians.

I believe the President neglected the region and the issue for too long, and as a consequence hostilities increased and more innocent lives were lost.

But now the administration has become more engaged, recognizing that the United States has important reasons for promoting peace and fighting terrorism there as elsewhere around the globe.

And we have a unique position of leadership that also comes with a responsibility to be actively involved in efforts to bring about lasting peace.

So the United States should do all it can to support peace, and reach out to Israelis, Palestinians, neighboring Arab states, and all other interested parties willing to work towards a solution.

But in doing so, we must be clear in expressing our solidarity with the people of Israel.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I thank the Senator from Arizona for being accommodating to me and other Senators.

I strongly support the Lieberman amendment reaffirming this Nation's solidarity with Israel. It is a timely resolution, and I am proud to be a cosponsor.

I have said many times that the terrorist attacks on our country on September 11 brought us closer to Israel. Every American now better understands the terrifying reality that Israelis have lived with day in and day out since Israel was founded 54 years ago.

Today we send a message to the people of Israel: We stand with you in this time of great challenge.

Each of us recalls the hundreds of letters and resolutions that poured into our offices from foreign capitals around the world in the aftermath of September 11. Their message was clear: The world will not allow terrorism to triumph. We are right to send that same message to our friends in Israel today.

This amendment rightly calls on Chairman Arafat to fulfill his commitment to dismantle the terrorist infrastructure in the territories. Without a clear and demonstrable commitment to battle terrorists, the world will remain skeptical of his intentions and his goals.

As Arafat acts, so must the rest of us. We all have a role to play, and this amendment calls on ''all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace.''

This land is home to three of the world's greatest faiths. And what happens there affects our common future.

That means we all have responsibilities.

The Arab States, particularly our key allies, Egypt and Saudi Arabia, must provide the same kind of leadership in the battle against Palestinian terrorism that they have demonstrated in our common efforts against extremism in Afghanistan.

Israel, too, must act. At Oslo, at Wye, and again at Camp David, Israel has taken risks for peace. It must be—and I believe it is—ready to do so again.

We must all recognize Israel's right to defend itself against attack. That is a basic right of every nation and this amendment affirms it clearly.

At the same time, we call on Israel to distinguish between those who seek only to provide for their families, and the agents of terror who seek Israel's destruction.

Lastly, the United States must remain engaged in this vital region. We must remain actively involved in negotiations. More than any other country in the world, we can help to bring the parties together. We must continue to do so.

The President's initiative to deepen United States involvement in the region is right for America, and it is right for Israel.

The United States is—and will remain—Israel's best friend. We must—and will—honor our commitment to preserve Israel's military superiority. And we must continue to make clear—as this resolution does—that our bonds with Israel are unshakeable.

We must also recognize that part of the war on terrorism must be to build productive societies. Right now, in Afghanistan, we are rebuilding that country and showing Afghanistan, and the world, that our war is with the Taliban and al Qaeda, and not the Afghan people.

We must do the same in the territories—held rebuild the West Bank and repair the infrastructure of Palestinian society.

In doing so, we will send a message to the Palestinian people and the world: Terrorists destroy, democracies build. And we will build.

The names and the details in this resolution are different than those messages we received from around the world in those dark days last September. But the fundamental principle is the same: In the battle against terrorism, the world must be united. We are right to send that same message today to our friends in Israel, and to all of the people in the region who long for peace.

I urge my colleagues to support the Lieberman amendment.

Mr. President, there comes a time when, as leader, one has to make decisions about schedule that are not always in keeping with every Senator's wishes. But if anybody has looked out the window, they know that the storm which is forecast is virtually upon us. There are Senators who wish to catch airplanes prior to the time the airport is shut down. I have had numerous requests all afternoon for a vote on the Lieberman amendment to accommodate those Senators who need to leave.

So while I fully appreciate the fact that there are some Senators who have yet to speak, given the circumstances we face weather-wise and the need for Senators to accommodate their schedules, I have made the decision that we will have a vote.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays on the Lieberman amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Utah (Mr. BENNETT), are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) and the Senator from Kentucky (Mr. BUNNING) would each vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—94

| | | |
|---|---|---|
| Akaka | Edwards | McConnell |
| Allard | Ensign | Mikulski |
| Allen | Enzi | Miller |
| Baucus | Feingold | Murkowski |
| Bayh | Feinstein | Murray |
| Biden | Fitzgerald | Nelson (FL) |
| Bingaman | Frist | Nelson (NE) |
| Bond | Graham | Nickles |
| Boxer | Gramm | Reed |
| Breaux | Grassley | Reid |
| Brownback | Gregg | Roberts |
| Burns | Hagel | Rockefeller |
| Campbell | Harkin | Santorum |
| Cantwell | Hatch | Sarbanes |
| Carnahan | Hutchinson | Schumer |
| Carper | Hutchison | Sessions |
| Chafee | Inhofe | Shelby |
| Cleland | Inouye | Smith (NH) |
| Clinton | Jeffords | Smith (OR) |
| Cochran | Johnson | Snowe |
| Collins | Kennedy | Specter |
| Conrad | Kerry | Stabenow |
| Corzine | Kohl | Stevens |
| Craig | Kyl | Thomas |
| Crapo | Landrieu | Thompson |
| Daschle | Leahy | Thurmond |
| Dayton | Levin | Voinovich |
| DeWine | Lieberman | Warner |
| Dodd | Lincoln | Wellstone |
| Domenici | Lott | Wyden |
| Dorgan | Lugar | |
| Durbin | McCain | |

NAYS—2

| | |
|---|---|
| Byrd | Hollings |

NOT VOTING—4

| | |
|---|---|
| Bennett | Helms |
| Bunning | Torricelli |

The amendment (No. 3389) was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, first let me say, I cannot understand the rush to act on this amendment. This is a resolution. It was called up today as an amendment to the pending legislation. I had hoped to speak before the vote, not that my speech would have made any difference insofar as other votes are concerned, but I wanted to speak before the vote. I sent word to the leadership that I wanted to speak before the vote.

For several days I have had hearings scheduled in the Appropriations Committee, hearings on homeland security, hearings on the supplemental appropriations bill. Those are important hearings. A couple of weeks ago, the Appropriations Committee conducted hearings on the supplemental and the homeland security request, and we heard from people at the local level, the local responders: The firefighters, the policemen, the health personnel. We had a good hearing.

On the day before yesterday, the committee continued its hearings and we had administration witnesses. We again had administration witnesses today. The distinguished Senator from Washington, who is now presiding over this Senate, was there today at those hearings. The hearings were set. They were announced in advance. We had important witnesses today—Secretary of HHS, Tommy Thompson; we had the Attorney General; we had the head of FEMA. And there was good attendance in the committee. Several Senators on both sides of the aisle were there to ask questions.

All of a sudden, here comes, right out of the blue, this resolution expressing solidarity with Israel in its fight against terrorism. I had wanted to speak on that resolution before it passed. I am under no illusions as to whether or not my remarks would have made any difference. They would not have. I know that. I know that. The die is cast.

On this subject, the American people should understand that when this subject is before the Senate, the vote can be predicted—any matter of this nature, where Israel is involved.

I am as much a supporter of Israel as any Senator in this body. I have spent my years, in considerable measure, studying about the history and the creation of that great people, God's chosen people. I have read it in the Book of Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, First and Second Samuel, First and Second Kings, First and Second Chronicles, Ezra, Nehemiah, Esther, Job—and so on. I am a student of the history of this people.

If the Bible were as small as the Constitution, I would carry it also in my shirt pocket; the Old and the New Testament. So the people of Israel have no greater defender of their national integrity than this Senator from the State of West Virginia.

But I think it was a mistake to bring this resolution up before this Senate at this time. I do not think it is very helpful to the efforts that are being made to bring the two sides together.

As the chairman of the Appropriations Committee, I know what this Senate every year votes by way of appropriations in support of Israel. I know that each year, almost without any questions asked, we appropriate roughly $3 billion—$3 billion—to the State of Israel. We appropriate roughly $2 billion to the Government of Egypt. Those two countries count on these moneys as if they were entitlements. They count on receiving those moneys. Three-billion dollars. That is what the American taxpayers give them.

I am not sure the American people are fully aware that this Government, this Congress, appropriates $3 billion every year—every year, as sure as the calendar rolls around—$3 billion for Israel, and $2 billion for Egypt.

Despite the progress made over the past few days to ease tensions on the West bank and end the standoff over Yasser Arafat's headquarters in Ramallah, the Middle East remains a tinderbox. It is a tinderbox. Even the slightest spark could ignite another conflagration.

Why do we have to come here with this resolution today? Why all the rush?

I informed the leadership—I will say it again—that I wanted to speak on this resolution before the vote. I will not make too much of that. In the annals of history, that won't even merit an asterisk. But, as a Senator who has been a Member of this body and in my 44th year in this body, as a senior Democrat, as the President pro tempore of the Senate, as one who has served as majority leader, as minority leader, as one who has served as chairman and as ranking member of the Senate Committee on Appropriations, I was denied what I asked for. I asked to speak on the resolution before the vote. That is fairly easy to interpret. That is not difficult language to understand. I was denied that.

What is the hurry? Oh, the airport was going to be closed. So what? There is a storm. Senators need to go. OK. Senators have a right to go when they want to go. I was conducting a hearing. It was my duty as chairman to proceed with that hearing. I was told that the need was great. I sent word that I wanted to speak. Finally, realizing that the vote might occur anyway, I asked Senator LEAHY to take the gavel in the Committee. And he had to go. I asked Senator STEVENS, my Republican counterpart, my colleague, to take the gavel, and continue so I could come to the floor and speak. When I got to my office, they were already into the vote 5, 6, or 7 minutes—I don't know. So I

found that the vote was already taking place. Well, that was unfortunate.

This is not a time for chest-thumping rhetoric. This is a time for quiet diplomacy, measured speech, and clear direction. This is not the moment for Congress to stir the Mideast pot. Unfortunately, that is just what the resolution before us does.

I am sure it is a well-intentioned resolution. I know there are many Members of this body who feel passionately about the devastating suicide bombers who have caused so much chaos and heartbreak in Israel. I recognize that there are many Senators who are aching to express in some tangible way their support for Israel. I understand their anguish, and I sympathize with their frustration. But this is not the time to express that frustration. It is not the time.

According to the news reports I have read, the White House has strongly urged Congress not to inflame passions by staging a vote on Israel. The fear is that even a symbolic vote by Congress in favor of Israel would jeopardize the already precarious role of the United States in the Middle East peace negotiations and could even backfire by aggravating tensions and possibly provoking more violence in the Middle East.

Does anyone actually believe—does anyone, anyone, anywhere actually believe—that the U.S. Senate needs to manufacture a vote to demonstrate its support of Israel? Do we not have an unblemished record of support stretching back to the founding of the State of Israel in 1948?

According to the Congressional Research Service, since 1976 Israel has been the largest—the largest—annual recipient of United States foreign assistance and is the largest cumulative recipient since World War II. Since 1985, we have provided about $3 billion a year to Israel in foreign assistance. If Israel does not know by now the depth of United States support and solidarity, it never will.

I object not only to the timing of this resolution—and I believe the timing is fraught with peril—I also object to the slant of the resolution.

Yes. The United States Senate supports the State of Israel and abhors the violence that has been perpetrated against its citizens by Palestinian suicide bombers. The United States Senate also supports peace in the Middle East. And peace in the Middle East is a two-way street. Nowhere in this resolution—nowhere in this resolution—is Israel called upon to fulfill its role in working for peace in the Middle East.

Why was this resolution written so hurriedly? Why was it incumbent upon this Senate to vote today?

This resolution condemns Palestinian suicide bombing, demands that the Palestinian Authority dismantle the terrorist infrastructure in Palestinian areas, and urges all Arab States to act in concert with the United States to stop the violence.

Where are the demands that Israel withdraw from Palestinian lands and cooperate in establishment of a Palestinian State? Where is the denunciation of the destruction of homes and water lines and roads and basic infrastructure in Jenin and Nablus and elsewhere in the West Bank? Where is the expression of support for humanitarian and reconstruction aid to the innocent Palestinian victims of Israel's incursions into the West Bank? Where?

If the Senate is serious about promoting peace in the Middle East—and I believe to the depths of my soul that the Senate is serious—then we should leave the grandstanding to others. We should support the real work of peacekeeping. For better or worse, the United States has been cast in the role of honest broker in the Middle East. But resolutions like this one do not enhance our ability to perform that role. The Middle East today is balanced on the head of a pin. This is not the time for the U.S. Senate to wade into the fray, waving an ill-timed, ill-advised, and one-sided resolution.

I voted against it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold his suggestion?

Mr. BYRD. Yes, I withhold my suggestion.

The PRESIDING OFFICER (Mr. REED). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the Senate just voted on an amendment expressing solidarity with Israel in its fight against terrorism. I voted for the amendment. But I also thought it necessary to explain my views so my vote and my position on this current Middle East situation is fully understood.

I strongly agree with the main thrust of the amendment as I understand it; that is, the United States has a historically unique relationship with Israel; that we condemn violence; that we condemn terrorist attacks; that we condemn the loss of innocent lives of Israeli citizens; and we vigorously support efforts to achieve peace in the Middle East.

I have a couple of concerns that I want to raise, concerns with the language of the amendment. The first concern is that the language implies—or can be read to imply—a blanket support for any and all actions that Israel may choose to take in this fight against terrorism.

In my view, our President was right when he called upon Ariel Sharon to immediately withdraw troops and Israeli forces from Palestinian territories. He first made that demand on April 4 of this year. He repeated the demand that Israeli forces be withdrawn on the 6th of April. Our Secretary of State, Colin Powell, reiterated that position on behalf of our Government when he visited the Middle East on April 8.

In my opinion, this recent occupation of Palestinian territories by Israeli troops is an obstacle—the continued occupation is an obstacle—to renewed negotiations for peace between Israel and the Palestinians. It is very much in the interest of everyone involved that Israel withdraw those troops.

While I understand fully that Israel views the current situation as a struggle for its very survival, a viable peace process requires temperance and compromise on both sides. A blanket statement of support for any U.S. ally causes me concern because there are times—and this is one of those times—when the United States needs to disagree with the actions of an ally, whether they are military actions or otherwise. In my view, when we believe our statements will serve the cause of peace, we should not be reluctant to state that disagreement.

Long term, the only vision of peace that holds out hope for the Israelis and the Palestinians both is for Israel to live in a secure Israel that is not threatened by its neighbors and for the Palestinians to live in a secure Palestine. In the short term, the suicide bombings and violence against civilians in Israel must stop, and Palestinians must be allowed to rebuild their communities and return to some semblance of normalcy in their lives. The current violence and military reaction to that violence has led to a dangerous downward spiral that prevents any serious consideration of a negotiated settlement.

I also point out one other shortcoming of the amendment that we have adopted; that is, that it says nothing about the need to assist the Palestinian people to live lives marked by peace and a reasonable standard of living. It is essential that the entire Palestinian people not be allowed to lose hope that some reconciliation between themselves and the Israelis can be achieved.

While the United States has a unique relationship with Israel, as the amendment states, as a superpower, we also have a unique responsibility to bring the two sides together. We will lose that opportunity if we fail to acknowledge our concern and responsibility for the well-being of the Palestinian people.

I hope very much that in the appropriations process which is still unfolding this year in Congress, aid will be provided both to Israel and to help with the rebuilding of communities in the Palestinian territories. Such aid, hopefully, will assist not only in establishing a reliable security regime for Israel and for the Palestinian people but also help both societies to rebuild their social and physical infrastructure to provide hope for their children and for future generations.

Mr. President, I would also like to speak briefly about trade adjustment assistance, which is the subject we have been discussing most of this week, prior to consideration of this amendment related to Israel.

I rise today in strong support of the trade adjustment assistance legislation

offered in the Daschle trade amendment. I am extremely pleased that it has come to the floor and I look forward to the debate over the next few weeks. From my perspective, this is legislation that takes a very significant, positive, and long overdue step forward for American workers, firms, and communities.

In 1962, when the Trade Expansion Act was being considered in Congress, the Kennedy administration established a basic rule concerning international trade and American workers. When someone loses their job as a result of trade agreements entered into by the U.S. Government, we have an obligation to assist these Americans in finding new employment.

I think this is a very simple proposition really, one that recognizes that if the U.S. Government supports an open trading system, it is ultimately responsible for the negative impacts this policy has on its people. It suggests that if the U.S. Government believes that an open trading system provides long-term advantages for the United States, the short-terms costs must be addressed if the policy is to continue and the United States is to remain competitive. It suggests that if there is a collective interest that must be pursued by the United States in the international trading system, our individual and community interests must be simultaneously protected for the greater good of our country.

In my view, the proposition makes even more sense now, as we are, unfortunately, facing a very different economic climate than we were just a few years ago. The way it is now, most people who lose their jobs cannot simply go across the street and get the same kind of work. Their old jobs are gone, and they need something different to make a decent living. These are people who have been dedicated to their companies and have played by the rules over the years. They deserve a program that creates skills, that quickly moves them into better jobs, that provides opportunities for the future, that keeps families and communities intact. They deserve something more than an apology that this is just the way the market works. They deserve the recognition that they are important, that they matter, and that we need them to make our country strong. There are people who are being hurt by trade in every State, and they need our support.

My interest in this legislation was reinforced in 1997 in Roswell, New Mexico, when the Levi-Strauss plant closed and I saw first hand how trade adjustment assistance worked. Unfortunately, the importance of the program has only increased over the years. In Las Cruces, in Albuquerque, in Questa, in Alamogordo, in my own hometown of Silver City—time and again we have seen the negative impacts of trade in my State. Since 1994, we have had over 10,000 people in New Mexico certified for trade adjustment assistance. The number would be closer to 20,000 if we added secondary workers and contract workers.

I know many of my colleagues on both sides of the aisle have similar stories from their States. Many are worse than my own. Department of Labor statistics show that since 1994 over a million Americans have been certified to receive trade adjustment assistance. And these are the people who are actually eligible for trade adjustment assistance and have applied. There are literally hundreds of thousands of others who deserve these benefits but are not eligible, or who are eligible but don't know it. They have suffered—they continue to suffer—because of the shortcomings of existing law, and we need to change that.

To reach our goal of strengthening existing law, we talked to the people in my State and other States who had been laid off and had a story to tell. We talked to the community leaders who had to rebuild their towns after economic disaster had struck. We talked to the local organizations that had to work with their people to get their lives back on track. We listened to where the program worked, and where it hadn't worked, and where it needed to be improved. We asked the GAO to write several reports on the program, so we had an objective analysis to use as a guideline for reform. Then, and only then, did we begin to write new legislation.

What we have here today is the outcome of several years of work. This trade adjustment assistance legislation was not created in a vacuum. It is not trade policy in the abstract. Every step along the way we connected real people to specific language in the legislation. Every provision has a story behind it. Every line in this legislation will help someone make his or her life better in communities in New Mexico and across the United States.

Trade adjustment assistance is a program that is absolutely essential—that much is clear from the comments I have heard from my colleagues on both sides of the aisle—but it needs to be changed in a way that it works more efficiently and effectively. I am convinced the Trade Adjustment Assistance Program should be both solidified and expanded at this time, and we need a stronger and more consistent safety net for American workers and communities. Let me quickly explain how we have improved the program and why we feel it is necessary.

Our first objective was to combine existing trade adjustment assistance programs and harmonize their various requirements so they would provide more effective and efficient results for individuals who need help. Currently there are substantial differences in coverage between the Trade Adjustment Assistance Program and the NAFTA Trade Adjustment Assistance Program, and we make sure those differences are eliminated in the bill. We have taken the NAFTA Trade Adjustment Assistance program as a model and expanded available allowances from 52 to 78 weeks. This allows individuals to enroll in the specific kind of program they need to get a new job.

We have also expanded coverage to secondary workers and workers impacted by shifts in production to any country. Currently these categories of workers are only covered under the NAFTA Trade Adjustment Assistance Program, not the Trade Adjustment Assistance Program, and we feel this distinction is both artificial and arbitrary. In an international economy, there is simply no logical reason that coverage should be limited to individuals dislocated by trade with Mexico and Canada alone. Basic fairness and common sense dictates that anyone hurt by trade deserves the same treatment as that which is currently available under NAFTA trade adjustment assistance.

Our second objective was to address the issue of health care in a way that makes a substantial difference in people's lives. Currently individuals certified for trade adjustment assistance only receive in the range of $250 a week. Then they must make a choice between paying for the range of expenses—health care, rents and mortgages, childcare, education, transportation, and so on—that they face in their daily lives. This is especially difficult when they are enrolled in the training they need to get a new job. Realistically, they must sacrifice something, and frequently the first thing they sacrifice is their health care.

This can't continue. We have addressed this problem by providing a 73 percent advanceable, refundable tax credit towards COBRA coverage, the purchase of State-based insurance coverage, or, for those currently purchasing individual insurance, coverage through the individual market.

Our third objective was to encourage greater cooperation between Federal, regional, and local agencies that handle individuals receiving trade adjustment assistance. Currently, individuals who are receiving trade adjustment assistance obtain counseling from Workforce Investment Act one-stop shops in their region, but typically receive no information other than that related to their allowances and training. No information is given concerning assistance and funds available through other Federal Departments and agencies. This means most people have no real idea of what options are available to them.

To increase coordination between Federal and State agencies and increase the availability of information for trade adjustment assistance recipients, we have created an inter-agency working group on trade adjustment assistance and established stronger links between the Trade Adjustment Assistance Program and the Workforce Investment Act one-stop shops. This way the state-based delivery system remains intact but response times to

trade adjustment assistance applications will be quicker and more effective.

Our fourth objective was to recognize the direct correlation between job dislocation, job training, and economic development, especially in communities that have been hit hard by trade. Currently, trade adjustment assistance focuses specifically on individual retraining, but does not address the possibility that unemployment might be so high in a community that jobs are not available once an individual has completed a training program.

To fix this problem, we created a community Trade Adjustment Assistance Program, based at the Department of Commerce, specifically designed to provide strategic planning assistance and economic development funding to communities that have suffered substantially from a trade-related economic downturn. Significantly, this is a bottom-up approach, as we emphasized the responsibility of local agencies and organizations to create a community-based recovery plan that fits the economic needs of their region.

Our fifth objective was to help family farmers and ranchers. At present, trade adjustment assistance is available for employees of agricultural firms, but only when they become unemployed. This doesn't help family farmers and ranchers since they can't lose their job, there is no way for them to become eligible for trade adjustment assistance.

We fix this problem by offering trade adjustment assistance allowances to family farmers and ranchers but allow them to opt out of the training program. This allows them to keep their land and get through the hard times that come as a result of international trade.

The administration has focused their efforts on obtaining fast-track authority, stating that it is necessary for the United States to continue its leadership role in the international system. I do not disagree with the view that new, more comprehensive trade agreements will help U.S. corporations become more competitive in the international market. I am prepared to vote for an acceptable fast-track bill, as I think it is a valuable tool in opening the markets of other countries. But I will vote for fast-track only if a strong Trade Adjustment Assistance Program is part of the package. I think it is unacceptable to move forward on new trade agreements if we do not address the problems that American workers and communities face at this time.

I look forward to working with my colleagues and the administration to get a meaningful trade package through the Senate and to the President for signature.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Mr. President, I heard the senior Senator from Utah speak this afternoon. I wanted to respond to what he said, but I didn't have that opportunity because of the intervening events. The Senator from Utah and I are good friends. I think the world of Senator HATCH. But I think on this issue regarding trade he is absolutely wrong. I say that because the trade bill has been laid down. There are a number of important issues in it. In fact, one of the few things I really support is what is being done to try to protect the steelworkers.

First of all, what is in this bill is very modest. It covers 1 year of retirement for steelworkers. When these people worked in the steel mills, they were promised they would have retirement benefits. Those retirement benefits are now gone. I bet those bosses who worked at the steel companies have pensions.

The people who oppose this legislation, and have a filibuster going on it now, should do what they have to do. If they don't like that part of the bill, move to strike it. Let's debate it on the floor and find out who has the most votes. Don't filibuster the bill. This is a bill the President says is a most important bill. I don't necessarily agree with his priorities, but that is what he said.

So it seems somewhat unusual to me that members of his own party are holding up this legislation. The first amendment is up and we cannot vote on it; there is a filibuster. We have all been through the energy bill, and we know how long that was held up. We were finally able to pass that. We want to bring up hate crimes; they will not let us do that.

Terrorism insurance, I have spoken on this floor several times about the importance of that terrorism insurance. Realtors, developers, bankers, and people in the financial markets say that is extremely important.

The Secretary of the Treasury for the United States testified this week that if that is not passed, it will have at least a 1-percent effect on the gross domestic product of this country. Now, my friend, the Presiding Officer, Senator REED, is chairman of the Joint Economic Committee, which renders reports to the Senate on a frequent basis about the state of the economy of this country. Whether the Secretary is right or not, I think it is something we should take into consideration.

We on the Democratic side have agreed to have this legislation go forward. We have tried everything we can to bring it to the floor. We have even agreed to have four amendments. So I hope everybody understands that we want this legislation to go forward. There isn't a single Democrat holding up this legislation.

I hope the President and the people who work with him will send a message to the Republican Senators that this terrorism insurance should be passed. I hope we can get that done as quickly as possible. People are awaiting construction projects, some are even talking about stopping some of it. We have a large shopping center in Las Vegas, one of the largest construction projects; it is in a mall. There are a lot of stores there. They are talking about stopping in the middle of construction because they can't get a continuation of their insurance.

So I hope the President will do that during the break we have. We don't need to be involved in a filibuster on the trade legislation. We need to move forward with hate crimes, terrorism insurance, and so many other items. I hope we can do that as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, momentarily we will take up a unanimous consent request that will accommodate a debate on the farm bill conference report. As I understand it, the distinguished Republican leader is on his way to the Chamber. Let me comment briefly on a couple of scheduling matters.

I know the assistant Democratic leader has talked on several occasions and has offered unanimous consent agreements on terrorism insurance. We would be prepared, once again, to offer a unanimous consent agreement on terrorism insurance, but I hear our Republican colleagues continue to object. We have said on many occasions we are prepared to go to the floor procedurally, have a debate on any one of a number of questions relating directly or indirectly to terrorism insurance, but for whatever reason, our Republican colleagues continue to refuse to allow that debate and that consideration. This has been an ongoing effort.

We have made many attempts to satisfy those certain Senators on the other side who proclaim interest and support for terrorism insurance, but we have been unable to satisfy their obstruction—I use that word with full appreciation of its definition—their obstruction when it comes to an important matter such as this. We will continue to try to talk with our colleagues in an effort to come to some conclusion procedurally, but I must say there is growing frustration on our part that we have not been able to proceed.

The same could be said for the conference report on the farm bill. I have

attempted to bring the bill up throughout the day. I must say, Senator LOTT deserves commendation in his efforts to work with those who have threatened filibusters on the legislation. We received a letter from the President today urging the Senate to send the bill to the President as soon as possible. That was my hope today, that we would have a bill to send to the President. But as I now understand it, our Republican colleagues, rather than filibustering the bill, will ask for a substantial amount of additional time.

We will ask unanimous consent they have 6 hours on Tuesday and 6 hours on Wednesday to talk about a conference report. So we will accommodate that request and we will proceed with that unanimous consent request as soon as the Republican leader comes to the floor.

I have been getting calls today from the administration urging us to complete our work on trade as well. But as my colleagues know, there are those Senators on the other side who currently are filibustering the trade bill, the trade package. So we have a filibuster on trade and trade adjustment assistance, a quasi-filibuster on the farm bill, and I guess you could call it a filibuster on terrorism insurance—at least an unwillingness to proceed to terrorism insurance.

These issues are important. We hear oftentimes our colleagues talk about how they wish we could accomplish more on the Senate floor. I advise my colleagues, this is one reason it is difficult to accomplish more, when we don't get any more cooperation than that.

I do appreciate the work the Republican leader has invested in getting us at least to this point. I am prepared to entertain the unanimous consent request as soon as he comes to the floor.

I might say that the schedule next week will include not only this elongated debate on a conference report relating to the farm bill but the trade bill. The schedule will include, of course, the debate on Tuesday for 6 hours. We will then go back to the trade bill. The debate on the farm conference report will pick up again on Wednesday, beginning at around 9:30. Our expectation would be that we would then complete debate by Wednesday afternoon with, again, the expectation we would come back to the trade bill and attempt to move and consider additional amendments.

Because there are no vote scheduled on Monday, we will be in a pro forma session on Monday. There will be no votes, and I would not expect any debate on the trade bill on Monday.

That is the schedule. My desire is to dual-track other issues as they become available. I realize the possibility is not very significant, but if we could reach an agreement procedurally on terrorism insurance, of course we would bring that up. We have other confirmation questions we would want to raise and certainly would be prepared to have votes on those as well. In addition, as legislation becomes available that does not involve a great deal of controversy, it would be my hope that we could take that up, as well, on a dual track.

I remind my colleagues, we do have to make every effort to accommodate the May 16 deadline on the Andean Trade Preferences Act. If we fail, obviously all of the conditions involving the trade barriers that existed prior to the enactment of TPA kick back in. We would hate to see that. I hope we can avoid that. We will cross that bridge when we come to it.

Therefore, it is important we use all of that time available to us next week, outside of this consideration of the farm bill, to continue TPA, TAA consideration.

## MORNING BUSINESS

Mr. DASCHLE. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FOSTERING HUMANE TREATMENT OF ANIMALS

Mr. BYRD. Mr. President, I ask unanimous consent to print in the RECORD remarks I made before the U.S. Humane Society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY U.S. SENATOR ROBERT C. BYRD, AT THE U.S. HUMANE SOCIETY, WASHINGTON, D.C.

From ancient days, before the ink of history, man has held dominion over the animals. Should we be able to peer through the mist of those distant times, we might witness the process by which man turned from gatherer to hunter, and, skill permitting, began to use the flesh of animals as a source of food and survival in a cold world full of danger and a perilous future. Later, the relationship of man and animals began to evolve through so-called domestication, and animals became a more reliable source of food. A partnership of sorts was formed in which animals came to bear the brunt of labor and the title ''Beasts of Burden''.

Over this same stretch of time, man developed social compacts from which sprang the seeds of modern civilization, and which led to pursuits of philosophy, and an emphasis on morality. The process was slow in development and uneven in allocation among and within societies. Even today, attitudes and actions persist that run counter to a higher understanding about the value of life and the lives of all things. For better or worse, man is destined to rule this world, and with that charge comes the heavy responsibility of benevolent custody and faithful husbandry to all creatures found within nature. To fail in that duty is to denigrate the sanctity of all life. Choices in our treatment of animals are a good barometer of how well we are carrying out our stewardship of God's beautiful world. Man may choose to rule this world, or attempt to do so, but for all his worry over property rights among his own species, it is well to remember that it is only God who holds title to this planet.

Maintaining civilization sometimes seems a process of constant struggle with those who, either because of ignorance or a deliberate scheme, would prefer to stress efficiency and materialism over more elusive concepts. To balance those forces, those of us who hear a different drummer must educate, legislate, and promulgate better understandings and guidelines aimed at bringing mankind into closer harmony with nature. The Congress embodies the collective will of the American people, and those of us who serve there recognize that our duty is to the people in our states. But, we also have a duty to safeguard the spirit of this Nation and all that it represents in terms of philosophy and ideals, as well as law. You honor me this evening for my work in pursuit of these higher objectives, and I am very grateful.

Your organization works to enrich the condition of man by improving his relationship with nature, and in particular, his relationship with the animal kingdom. You bring to the public discourse a better understanding of the conditions in which animals exist and, unfortunately in many instances, of the inhumane manner in which they are treated. You remind us all that animals share this planet with us, and that their space, their comfort, and their lives are not without importance. You remind us of man's higher purpose in the larger universe. Public debate is enriched by your participation, and the lives of God's creatures greatly benefit because of your contributions.

Animals are man's fellow occupants on this blue-green ball, slowly spinning through eternity, and they enlighten and enliven our lives in many ways. They provide us companionship and friendship. They ward off loneliness. They assist the blind. They protect us. They help maintain the balance of nature. While there are those who object to the practice, they feed us. They benefit us in ways we don't even recognize. In return, it is our duty to ensure that their lives and, in some cases, their deaths, are free from unnecessary discomfort. Animals, deserve our respect because, they, too, are creatures of God. Combating cruelty and apathy towards the welfare of animals is a high and moral calling. I commend you for your altruism, and I am proud to count myself among your number. We cannot correct all the problems overnight, but we can make changes today, and we can make changes tomorrow. We have come a long way towards the goal of fostering more humane treatment for animals, but we still have much to do.

This evening, together we pause to reflect on our achievements and to contemplate future strategies. I am humbled by your recognition of my work, your encouragement, and the hope that our efforts may inspire others to a more sublime level of humanity through empathy with the animals with which we share this lovely world.

Mr. THURMOND. Mr. President, I am pleased to join several of my distinguished colleagues in support of S. 2439, the Human Cloning Prohibition Act of 2002, that will outlaw the reproductive cloning of human beings, and at the same time promote critical medical research. During my consideration of the new and emerging areas of regenerative medicine, including nuclear transplantation technologies, two basic principles have guided my thoughts. First, as someone who has taken a pro-life stance, I believe that Congress should pursue policies that encourage the development of life-saving treatments. Second, nuclear transplantation research, if performed under the strictest

of safeguards, is both moral and ethical.

Nuclear transplantation technologies hold enormous promise for the future of medicine. For example, this research may help those suffering from defective organs. Scientists may one day have the ability to use a patient's own body cells to grow tissues with identical genetic material, thereby eliminating the risk of rejection. Regenerative medicine also has the potential to provide treatments for diseases such as cancer, heart disease, Parkinson's, diabetes, ALS, multiple sclerosis, and many others. Experts estimate that over 100 million Americans suffer from diseases that are candidates for regenerative medicine research using nuclear transplantation.

While some critics of this research claim that we cannot be sure of its benefits, we will certainly not know the answer unless we try. Scientific discoveries are never predictable, and we must not hamper the abilities of our sharpest minds to explore the universe, down to the tiniest cell. We do not know the full potential of this research. These scientific advances may help us gain insight into how undifferentiated stem cells begin to develop into the more than 200 specialized cells and tissues that make up the human body. There are untold benefits to be gained from knowledge of the earliest development of these cells. In addition to the advances that may be made in the treatment of common diseases, we may also learn more about human health, how disease develops, and other conditions ranging from birth defects to genetically-inherited illnesses.

All of us know people who have suffered from incurable diseases. I believe that we must make every effort, within ethical bounds, to help those afflicted with life-threatening illness. While I respect those who disagree with me, I believe that support for regenerative medicine is the essence of the pro-life position. We must help those living in the shadow of sickness, whether they are cancer patients receiving chemotherapy treatments or diabetics facing the loss of vision or kidney failure.

Nuclear transplantation research, if performed under strict ethical guidelines and with appropriate oversight, is an entirely appropriate and morally sound activity. For instance, during nuclear transplantation, an egg is never fertilized by a sperm. Rather, the genetic material from a non-reproductive human cell is placed into an egg cell. Additionally, the resulting embryo is never implanted into a woman's womb or an artificial womb. The result is that a human being can never be born from this carefully controlled research.

I want to assure my colleagues and constituents that I am committed to ensuring the safety and morality of scientific research. I feel confident that nuclear transplantation technologies can be performed in a controlled and regulated environment which will prevent abuse. While the bill as introduced includes stringent ethical guidelines, I am open to amending the bill to ensure that the strongest protections are put in place. For example, women who donate eggs and those who donate body cells must only do so in a voluntary manner. Additionally, the development of the unfertilized embryo in the lab must be restricted. Therefore, the embryo will not grow past a certain time threshold. I will also gladly consider any other appropriate and reasonable guidelines to ensure the safety of nuclear transplantation technologies.

I hope that my colleagues will join me in supporting this legislation that will ban human reproductive cloning but will promote the development of regenerative medicine. We must make reproductive cloning illegal and provide for stiff criminal penalties. This bill accomplishes these all-important goals. Also, this legislation allows invaluable scientific research to go forward under strict ethical standards, thereby establishing a policy that both respects human life and encourages the advancement of medicine.

Regenerative medicine technologies such as nuclear transplantation hold out significant hope for those people who suffer from devastating and debilitating medical conditions. Cures for horrific diseases may one day be a reality. We should not allow these promising areas of research to go untapped, and we should pursue scientific breakthroughs that will improve the quality of life for millions of people. I am pleased to stand in support of regenerative medicine alongside former President Ford, former First Lady Nancy Reagan, the American Pediatric Association, the Juvenile Diabetes Research Foundation, and 40 American Nobel Prize winners.

## LT. CMDR. A. JASON BAYER

Mr. ENSIGN. Mr. President, I stand before you today with a heavy heart. On Thursday, March 28, this country lost one of its prized sons. Lt. Cmdr. A. Jason Bayer was killed during a search and rescue training mission on a rugged Sierra Nevada Ridge.

The son of Arthur Bayer of Carson City, NV, and the late Merry Ann Bayer, Jason's success as a fighter pilot was determined early in life. As his father recalls, the very first word out of his mouth was ''jet.''

Growing up in Carson City, Jason was a star student, an avid athlete, and a loyal friend. Jason graduated from Carson City High School in 1986 and the University of Southern California in 1990. Commissioned to the Navy later the same year, he was accepted to the Naval Aviators Officer Candidate School, from which he was an honor graduate. He graduated first in his class from Intermediate Jet Flight Training, and then first in his class from Advanced Jet Training. Jason was stationed in Japan then was a flight instructor at Cecil Field in Florida and graduated from the Navy Test Pilot School in Maryland. Most recently, he was a test pilot in the Naval Weapons Test Squadron at China Lake. Jason's career was distinguished. He earned the VT 22 Eagle ''Top Hook'' award, the Meritorious Service Medal, and the Navy and Marine Corps Achievement Medal. Each achievement in his career took him closer to his ultimate goal of becoming an astronaut. His love for flying and the military and his devotion to God and this country never wavered and was only paralleled by his love for his family and friends. His lifelong friend, Dan Bernal, described him as ''a true patriot.''

I share these details of Jason's life with you so that his wife Anne, their one-year-old daughter, Gabriella, and their unborn son, Jason Christian, will have one more thing by which to remember him. Anne and Jason were blessed with 6 years of marriage. Although cut short, they were filled with many wonderful memories. But for Gabriella and her brother, stories and pictures of their father are all that they will have. In speaking to Anne about her husband, I quickly learned what a remarkable and strong person she is as well. Jason's legacy and their children are in wonderful hands.

As an F/A–18 Hornet fighter pilot, Jason was prepared to fight for his country no matter what the cost. He was focused on his mission as a pilot, and he never lost sight of his dream to challenge the sky's limits and be the first man on Mars. With our loss of Jason, I am reminded of our loss of seven valiant astronauts on January 28, 1986, on these space shuttle *Challenger*. Jason was a senior in high school with a bright future when President Reagan spoke of the astronauts' final journey in which they ''slipped the surly bonds of earth'' to ''touch the face of God.''

Jason is surely touching the face of God today. His service and dedication earn him a place among the outstanding men and women who risked their lives in the name of freedom and in the end made the ultimate sacrifice. Jason's life was cut tragically short, but his time here is an inspiration to me and an example of a true American hero for us all.

God bless Lt. Cmdr. Jason Bayer, and God bless his family.

Mr. REID. Mr. President, I applaud my colleague from Nevada for his heartfelt remarks concerning the tragic death of Lt. Cmdr. A. Jason Bayer. I rise today to honor this outstanding individual, a patriot, and I agree that this country, and more importantly Nevada, has lost one of its cherished sons.

It is with deep sorrow that I make this statement to you today on the Senate floor. Anne, please accept my sincerest condolences for the loss of your husband.

Jason made the ultimate sacrifice while conducting a search and rescue training mission in the rugged Sierra

Nevada Mountains. He truly is an American hero. You should be extremely proud of your husband, and I want you to know that citizens in Nevada and across this great nation appreciate his selfless service. Your daughter Gabriella and your unborn son, Jason Christian, will forever know the dedication and patriotism of their father.

Mr. President, I am very proud of Jason's patriotism and devotion to duty. I am also extremely grateful for his exemplary service to our country. I know all Nevadans feel the same way. My thoughts and prayers are with you and your family throughout these difficult times.

## THE UNTOLD STORY OF MURDER-SUICIDE IN THE UNITED STATES

Mr. LEVIN. Mr. President, according to a report on murder-suicides released last month by the Violence Policy Center, a firearm is the weapon most frequently used to murder the victims, with the offenders then taking their own lives. The study notes that easy access to a gun was the decisive component for almost all of the murder-suicides. Of the 54 murder-suicides reviewed in this study, 52 were firearm-related. If these people had not had access to a firearm, some of these deaths may not have occurred.

There is a piece of legislation in the Senate I believe would help prevent easy access to firearms by felons, those determined to be mentally ill by a court, those individuals with domestic violence misdemeanors and restraining orders, and others prohibited by law from owning a firearm. In April of last year, Senator JACK REED introduced the Gun Show Background Check Act. The Reed bill, which is supported by the International Association of Chiefs of Police, extends the Brady bill background check requirement to all sellers of firearms at gun shows. I cosponsored that bill because I believe it is critical that we do all we can to prevent guns from getting into the wrong hands.

Mr. President, I believe this piece of legislation would be one of many things we can do to address the problem of easy access to guns.

## THE HOME HEALTH MODERNIZATION ACT OF 2002

Mr. HUTCHINSON. Mr. President, I rise today, as an original cosponsor of the Home Health Modernization Act of 2002, to express my strong support for a clarification of the definition of ''homebound'' with respect to eligibility for home health services under the Medicare program.

I want to tell you about Ms. Pamela Wolfenbarger of Fayettevelle, AR. Ms. Wolfenbarger is a quadriplegic as the result of an accident and has devoted the last twenty years to raising her son. Now that her son is grown, she would like to return to school so that she might become more self-sufficient financially. Due the current Medicare homebound policy, Ms. Wolfenbarger is unable to do so, nor can she leave her home to go clothes or food shopping, despite offers of assistance from a tremendous support group in her community. Ms. Wolfenbarger needs the services of a home health nurse to assist her in personal care, dressing, and transferring from her bed to her wheelchair.

The current Medicare statute states: ''While an individual does not have to be bedridden to be considered to be confined to the home, the condition of the individual should be such that there exists a normal inability to leave home, that leaving home requires a considerable and taxing effort by the individual, and that absences from the home are infrequent or of relatively short duration, or are attributable to the need to receive medical treatment''.

Problems have arisen because the terms ''infrequently'' and for periods of ''relatively short duration'' are comparative terms with no point of comparison, which has led the Centers for Medicare and Medicaid Services to interpret the statutory coverage criteria for home health as requiring patients to remain in their homes virtually at all times, except those times specifically excluded in the statute, in order to remain eligible for coverage of home health services. As a consequence, many beneficiaries who are dependent upon Medicare home services and medical equipment for survival, including Ms. Wolfenbarger, are being unnecessarily restricted to their homes out of fear that they will lose their home health benefits.

I believe we need to correct this problem for people like Ms. Wolfenbarger, and that is why I have joined Senators COLLINS, BOND and CLELAND in introducing S. 2085, to clarify the homebound definition. Under this important legislation, the current requirement that beneficiaries be allowed ''only infrequent absences of short duration'' would be eliminated. By doing so, reasonable absences from the home will be allowed and we will bring the home health benefit into the 21st century. I urge my Senate colleagues to support the Home Health Modernization Act of 2002.

## 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 on May 19, 2001 in Fargo, ND. Two black men were assaulted late at night outside of their apartment. Just prior to the assault, the assailants used racial epithets directed at the victims. Angela Schussler, Thomas Schussler, and Robert Schussler were arrested in connection with the incident, which police described as being ''racially motivated.''

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.

## EARLY MILLER: BIRTH OF A PLAYWRIGHT

Mr. KENNEDY. Mr. President, I would like to commend to my colleagues an article from the New York Times reviewing a new production of Arthur Miller's play, ''The Man Who Had All the Luck.''

Produced by the Williamstown Theater Festival last summer, this revival has earned acclaim for its extraordinary adaptation of this work by one of America's finest playwrights.

The critic has offered special praise for the lead actors, Chris O'Donnell and Samantha Mathis as well as Sam Robards.

The Williamstown Theater Festival is a tremendous organization which brings great drama to the Berkshires every summer, with some of the most talented performers and directors in the country. This production is now brilliantly staged on Broadway and I know that audiences will enjoy this timeless and poignant American story.

I ask unanimous consent that the article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 2, 2002]

EARLY MILLER: BIRTH OF A PLAYWRIGHT

(By Bruce Weber)

Unthreateningly handsome, with cornfed brawn, a polite-to-old-ladies manner and an earnest bleat in the voice, the young actor Chris O'Donnell certainly has the traditional mien of the All-American boy. He's a natural for the lead role in ''The Man Who Had All the Luck,'' Arthur Miller's 1940 play, subtitled ''A Fable,'' about America and the burdens of unmitigated good fortune, which opened in a stirring and rich revival last night on Broadway at the American Airlines Theater. I mean, he's really a natural. Known for playing sidekicks in popular films—he was Robin in two of the ''Batman'' movies, and he starred with Al Pacino in ''Scent of a Woman''—Mr. O'Donnell had never appeared onstage before. ''The Man Who Had All the Luck'' was produced last summer at the Williamstown Theater Festival.

Mr. O'Donnell played the title character, David Beeves, a young Midwesterner who, with seemingly unearned fate, gets the girl, the business, the land and the legacy, while all of those around him fall victim to life's vicissitudes and suffer enormous disappointments. His performance then made it clear that some gifts—like effortless charisma and

physical certainty—do indeed descend on some people as if ordained.

And now, as he leads a splendid cast in a production directed by Scott Ellis that the Roundabout Theater has imported largely intact from Williamstown, Mr. O'Donnell appears, if anything, more in control of a character who is blessed (and cursed) with being preternaturally in control. It's a remarkably complex and counterintuitive performance. You can't be naïve and play naïveté so well; nor can you be conscience stricken and play ambivalence with such conviction.

The play, written by Mr. Miller when he was 25, was his first to appear on Broadway, where, in 1944, it closed after four performances. And from the current production you can understand why producers would take a chance on a youthful playwright and why audiences and critics were not so eager to join them. It is a serious, ambitious work by a precocious and perhaps over-reaching young writer, populated by characters with blunt purpose; a little slow moving, particularly in the opening act; and a little pedantic, particularly in the third (and closing) act. Reviewing the original production in The New York Times, Lewis Nichols said, with a yawn: ''`The Man Who Had All the Luck' lacks either the final care or the luck to make it a good play. But it has tried, and that is something.''

What no one could have known of course is what Mr. Miller would go on to accomplish (''Death of a Salesman'' was only five years away) and I can think of no other revival that is so enriched by retrospective knowledge. Anyone interested in Mr. Miller's career, which has had an extraordinary reconsideration in recent seasons, will be fascinated by the strong roots he planted in this early play.

Indeed, those who have seen any of the fine revivals of recent vintage on Broadway—including ''Salesman,'' ''The Price,'' ''A View From the Bridge,'' ''The Ride Down Mount Morgan'' and ''The Crucible,'' which is currently at the Virginia Theater—are likely to find their appreciation of those plays enhanced by a viewing of this one. Here are the issues of brotherly competition and fatherly betrayal that Mr. Miller explored again and again. (The scene in ''Salesman'' in which Willy Loman's egregious betrayal of his family is revealed to his elder son, Biff, has a clear antecedent here.)

Here are the admonitions against succumbing wholeheartedly to the lures of capitalism and against the sanctimony of ugly-Americanism. Here is the pained ambivalence of Mr. Miller toward the so-called American dream and the agony of a citizen playwright over a wayward national conscience.

All of these things were excitingly evident when I saw the production last summer, but a couple of other contextual elements weren't. One is the recent opening, 10 blocks north, of ''Oklahoma!,'' the revived 1943 musical in which Rodgers and Hammerstein presented a far different picture of American than Arthur Miller ever has. The director of that show, Trevor Nunn (who is British) and the choreographer, Susan Stroman, have uncovered in it the more ominous underpinnings of the national character. But even so, ''Oklahoma!'' ends with a frontier trial that explicitly vindicates our hero, the symbolic and joyous triump of expanding democracy.

Contrarily, at the conclusion of ''The Man Who Had All the Luck,'' David Beeves, a man who has made a great life the way the founding fathers made a great nation, simply by landing in the right place and seizing the awesome opportunity, remains a self-doubter. He has just dodged one more bullet, and future prosperity, embodied by his newborn son, seems assured to everyone except himself.

In the aftermath of Sept. 11, David's uncertainty seems especially poignant and prescient, and especially opposed to the bullheaded optimism of ''Oklahoma!,'' whose most comic character is a lovable peddler (American enterprise at work!) who happens to be from the Middle East.

In other words, this production of ''Luck'' has a fair amount of luck itself, at least in its remarkable timeliness. The rest of its appeal can be attributed to skill.

To begin with, the play is presented on Allen Moyer's handsome sets—the garage that houses David's auto-repair business and the home he takes over with his new wife after the death of her father—that share a vaulting back wall that suggests the unadorned roominess of the American plains. (The props include a magnificent automobile, a 1930 Marmont.)

And the play itself evinces the staunchness that has always characterized the construction of Mr. Miller's work. This is a drama with a fully thought-through dramatic arc and nine large roles, even though, like an apprentice carpenter, Mr. Miller banged in a few crooked nails. When the villainous father of David's fiancée is run over by a car, even the man's daughter shrugs and moves on without a sign. And the play's structure is long on fundamental theme-fulfilling and short on subtlety.

Several characters, for example, exist to make a single point, that most people succumb to a fateful flaw: J.B. Feller (Richard Riehle), a successful local businessman who invests in David's future, undermines his wish for a son with his drinking. Shory (Dan Moran), a wheelchair-bound veteran, curtailed his own sowing of wild oats with his penchant for whoremongering. Dan Dibble (Mason Adams), an elderly farmer who made a fortune raising mink, foreshadows his own personal calamity with a speech about the necessity of looking after your interests with unremitting vigilance.

All the actors are fine, and they've been welded into a nifty down-home-feeling ensemble by Mr. Ellis. Mr. Adams is marvelously crotchety and self-absorbed in the part, never more so than when he delivers this speech, which defends the principles of capitalism and mink farming. It's a set piece, much like the scene in which a baseball scout, played with the blunt and entertaining élan of caricature by David Wohl, explains his search for the source of a ballplayer's incurable flaw. It's a grand character turn, and a fine use of the sport as a metaphor for the American soul.

Sam Robards, who plays Gustav Eberson, an Austrian immigrant whose expertise and dreams become subservient to David's naturally endowed privileges, hits just the right notes of modesty and gratitude of someone who has bought into the fabled promise of our country. The early scene in which he enters David's garage and helps him repair the Marmont is a finely, sweetly evoked illustration of the forging of a lifelong bond.

The one new cast member is Samantha Mathis, who plays Hester Falk, David's fiancée and then wife. This is the play's only significant female role, which tells us something, I think, about the playwright's youth. Wisely, Ms. Mathis plays the part with the undemonstrative but cheering support of midcentury wifeliness, and as a couple she and Mr. O'Donnell are the image of a small town's favorite sweethearts.

The two of them, like the play itself, evoke another era altogether. As David's persistent fortune makes him ever more paranoid—he's convinced it's only a matter of time until fate cruelly catches up with him—she grows desperately helpless. In the middle of the 20th century it was crazy to think that a good-looking young American didn't deserve a golden existence, or that America was living under the sword of Damocles.

Wasn't it?

## CLERGY HOUSING ALLOWANCE CLARIFICATION ACT

Mr. HUTCHINSON. Mr. President, I rise today to express my strong support for the passage of the Clergy Housing Allowance Clarification Act. This important legislation, of which I am a proud cosponsor, will affect the thousands of clergy throughout this country who tirelessly work for so many of us with little regard for their own financial well-being.

I have heard from countless Arkansans who are very concerned that if this legislation is not enacted, the 81-year-old housing tax exclusion for members of the clergy could be eliminated. This in turn would force a devastating tax increase on the many American clergy who can little afford to take on such a large financial burden.

I believe that this legislation needs to be passed today to ensure that clergy of all faiths and denominations can continue to receive the parsonage housing allowance exclusion. This bipartisan legislation was passed overwhelmingly in the House by a vote of 408 to 0, and I applaud my colleagues in the Senate for seeing fit to pass this bill with equal support today.

## ADDITIONAL STATEMENTS

### RETIREMENT OF DEPUTY COMMISSIONER OF CUSTOMS CHARLES W. WINWOOD

• Mr. DORGAN. Mr. President, on May 3rd the Federal law enforcement community will lose one of its finest civil servants. Charles W. Winwood, Deputy Commissioner of the United States Customs Service, will retire after a very distinguished 30-year career.

Mr. Winwood served as Acting Commissioner from January to September 2001. During that time he continued his longstanding and persuasive advocacy of the need to modernize Customs automated systems through the creation of the Automated Commercial Environment, often referred to as ACE. I share his strong view that ACE is critical to enforcement and trade facilitation needs. Therefore, I was especially pleased almost one year ago when Mr. Winwood announced the selection of the contractor team that will make ACE a reality.

While he was Acting Commissioner, Mr. Winwood also had the difficult task of managing Customs through the critical days immediately following the attacks of last September 11th. He immediately put the agency on Level One Alert and set the course for the commendable job that Customs is doing today on anti-terrorism and homeland security efforts.

Mr. Winwood is a graduate of Indiana University of Pennsylvania and earned

a master's in management and public administration from Florida International University. He began his Customs career in 1972 after serving his country for 2 years in the U.S. Army, including a combat tour of duty in Vietnam. After service in a number of important management roles, Charles Winwood was chosen as Deputy Commissioner on June 5, 2000.

Customs was formed in 1789 and is our Nation's oldest law enforcement agency. Mr. Winwood's dedication to duty has added yet another chapter to the agency's long, proud history. As he ends his service to our Nation, I ask the Senate to join me in thanking Mr. Winwood and wishing him a long, happy and satisfying retirement.●

## CONGRATULATIONS TO TECO COAL

● Mr. BUNNING. Mr. President, I rise today to congratulate TECO Coal of Somerset, KY on winning the 2002 PRIDE Rogers-Bickford Environmental Leadership Award. This award, named for my good friend and fellow Member of Congress HAROLD ROGERS and Kentucky Natural Resources Secretary James Bickford, is presented to individuals and companies throughout the Commonwealth who have proved their commitment to making Kentucky an environmentally cleaner and safer place to live.

TECO Coal was specifically honored for their involvement in community service. TECO provided quality equipment, garbage bags, and plenty of manpower for multiple cleanup activities in Letcher, Perry, Pike, and Whitley Counties at a cost of over $100,000. The company also sponsored a televised volunteer of the month recognition program on behalf of PRIDE.

Since 1908, TECO Coal has helped communities throughout Kentucky thrive in terms of economic growth, and now they have demonstrated their commitment to making the entire Commonwealth environmentally safe for current and future generations of Kentuckians.●

## COMMENDING TOM AND SALLY FEGLEY, OWNERS OF TOM AND SALLY'S HANDMADE CHOCOLATES

● Mr. LEAHY. Mr. President, I rise today to commend Tom and Sally Fegley, owners and operators of the award-winning Tom and Sally's Handmade Chocolates. For over a decade, Tom and Sally have been making world-class chocolates at their Brattleboro, VT, facility.

Leaving corporate positions in New York, the Fegleys started anew in Vermont with the dream of making high quality chocolate. Starting in 1989, with little knowledge of the chocolate business, the Fegleys volunteered their time as apprentices with a Jersey City chocolatier. After learning the trade, the Fegleys remodeled a vacant warehouse in downtown Brattleboro to house their new business. Through trial and error over the years, the Fegleys have developed and perfected their superb technique for making fine chocolates. Their diligence, passion, and entrepreneurial spirit have been richly rewarded.

Tom and Sally's Handmade Chocolates is a true Vermont company. While building their business, the Fegleys have remained involved in their community, allowing school groups and tourists alike to visit their facility and learn about the chocolate-making business. Moreover, their efforts are incredibly innovative, incorporating traditional techniques for making fine chocolates with novelty packaging and light-hearted humor. No doubt, their success can be attributed as much to their creativity as to their business savvy. And with their long commitment to producing the best chocolate possible, they've brought their chocolates to the world through the Internet at www.tomandsallys.com.

Thirteen national awards and 1.5 million chocolate cow pies later, the Fegleys continue to make their amazing hand-crafted chocolate in Brattleboro. I am proud that my home State of Vermont has attracted and produced such outstanding entrepreneurs as the Fegleys.

I ask that a December article from the Rutland Herald be printed in the RECORD.

The article follows:

[From the Rutland Herald, Dec. 23, 2001]

### CHOCOLATES AND LAUGHS

#### AT TOM AND SALLY'S HANDMADE, THE SWEETS ARE SPRINKLED WITH HUMOR

(By Ellen Ogden)

Most people will eat sweets any time of the year; but in the high spirit of the holidays, it would be tempting, if only it were big enough, to dive into a box of chocolates. Especially the handmade kind: hand-dipped and decorated with crystallized violets or fancy fillings, packaged as if each bite were a piece of gold. A joy to the eyes as well as the taste buds.

Chocolate is such a treat, you would think anyone who makes it for a living would have fun. ''Truth is,'' says Sally Fegley, co-owner with her husband Tom of Tom and Sally's Handmade Chocolates, ''many fancy chocolatiers take themselves way too seriously.'' Making world class chocolate involves more than just a devotion to the art. It requires expensive packaging and a marketing plan to match. But the Fegleys have learned how to play up the pleasurable side of making chocolate.

Tom and Sally's Handmade Chocolates are the best in their class—they've won 13 national awards—but many of their products are packaged in silly ways. For example, their best selling item is a chocolate cow pie, a loosely formed plop of rich Belgian chocolate mixed with a handful of nuts. The idea came to Tom one morning while shaving and they've sold over 1.5 million of these pies, expanding on the line to include a range of over 50 other animals. There are moose pies with almonds, sheep pies with hazelnuts and elephant pies with peanuts.

The irony is that Tom and Sally's Handmade Chocolates set out in 1989 to make serious chocolate. ''We left high paying corporate jobs to move to Vermont and make chocolate,'' explains Sally. Dressed in a floppy white chef hat, blonde hair curling out from around the sides and large gold hoop earrings, Sally Fegley laughs easily. Her buoyancy seems consistent with the delightful chocolate aroma that fills the air of their 11,000-square-foot warehouse. She and Tom are wearing matching outfits, white chef top with a chocolate brown apron, each with their names spelled out in big letters.

At age 42, they were too young for retirement, but they knew they wanted to live in Vermont. It is a classic story of a couple seeking a career change. They knew they would make a good team. They also shared a love of good chocolate. ''We were convinced that there was no one in the U.S. who was making first-rate chocolate and we were determined to be the first,'' says Sally. While still holding their corporate jobs, they devoted a year to market research. They read, consumed and visited every chocolate venue around New York City.

And since they trained in corporate America, they are highly organized and goal oriented. ''From the time we left our jobs and moved to Vermont, we gave ourselves three months to find a building, build the inventory and open the store doors,'' says Sally. Reading and eating chocolate is one thing, but actually making it was something else. They needed hands-on experience before the big move. They offered themselves as volunteers to several chocolate makers around New York to obtain some form of basic training. But they were rejected until they looked beyond the city, and found a three-generation family-run chocolatier in Jersey City who agreed to let them in on some secrets. The both began an apprenticeship to learn about chocolate.

Everything was moving along like clockwork. They left Wall Street where she worked at Bank of America and he was at Metropolitan Life. They found a vacant building at 6 Harmony Place in Brattleboro, formerly a bar and electricians' warehouse. ''Right up until the opening day, every batch of chocolate we made failed,'' confesses Sally. It is clear she has told this story many times. Now that they have been in business for over a decade and have won those awards, it is easier to admit to early problems. ''It was still perfectly edible and delicious, but no matter what we did, the chocolate kept coming out gray and streaky.''

Before a chocolatier can mold the chocolate, the chocolate must be melted or tempered. This breaks the crystals and the butterfat; but it must be done at an exact temperature that matches the original chocolate. What the Fegleys had learned to make in Jersey City was based on a domestic chocolate, while what they selected for their Brattleboro operation was a premier Belgian brand, Callebaut. This brand has a more finicky tempering habit and wasn't responding to their learned methods.

''To me, having your own business means trying on all the knowledge and all the skills you've learned in your entire life,'' relates Sally, who called upon an eighth grade science class when the couple had to set up an experiment involving an empirical method and deduction. They set up the marble tables with candy-making trays and thermometers and filled each while keeping close tabs on the temperature and the procedure. They finally determined that the thermometers they were using had different calibrations. ''Each batch was off by as little as two degrees, but this made all the difference.''

They are now so confident of their method that they offer educational tours of the process to the public every day. Located five miles north of Brattleboro on Rt. 30, Tom and Sally's is a favorite site for school children who arrive by the busload. It is a pristine facility, with an open floor plan and

overhead signs explaining every step of the production. Large picture windows allow natural light, while a dozen employees are busy at the production and packing stations.

A typical tour begins in the back of the room, at the nine vats of melting milk, dark and white chocolate. Each vat holds between 125 pounds and 200 pounds of what many consider to be the finest chocolate in the world. Tom, the master of the production , is stationed at one marble table cutting slabs of caramel and marshmallow that will be combined into a layered candy and then hand dipped in dark chocolate. This, his favorite concoction, is dubbed Miss American Pie.

Sally explains that there are basically three methods of making Tom and Sally's Handmade Chocolates. They begin with shell molds, trays of high-grade plastic with decorative depressions. The molds are filled with liquid chocolate. Each chocolate piece is hand filled and hand painted, then cooled before another step in the process. It is an exceedingly skilled and time-consuming process. ''The molds are imported from Europe,'' says Sally. ''And they cost $22 apiece. We have hundreds of them.'' The molds, as are all of their equipment and inventory items, clearly labeled and neatly stacked according to the design motif. The high-end confections that result from this molding process sell for $34 per pound, about a dollar each.

A more mechanized method is done on what Sally loves to call the ''I LOVE LUCY'' machine. It is otherwise known as an enrober, a conveyor belt with a series of ''waterfalls'' allowing a cascade of chocolate during which each piece of fruit, créme or chocolate filling is given a chocolate coating. ''Remember the 'I Love Lucy' segment?'' says Sally with a wide smile. ''Where Lucy and Ethel reverse roles with Ricky and Fred? They take a job at a chocolate factory,'' she explains in vivid detail. Unfortunately, the conveyor belt starts running too fast and they have to determine what to do with all the chocolate. ''There is little choice but to fill their mouths, stuff their pockets and hide chocolate in their shirts in a vain attempt to keep up with the output of the enrobing machine,'' says Sally. This skit encapsulates Sally's fondness for the machine—a comedy routine that reflects her own fun with chocolate.

Finally there is the funneling method, and this is where the cow pies fit into the story. Using a large metal funnel filled with warm, tempered chocolate and equipped with a wooden stopper, two-ounce globs of chocolate are ''plopped'' onto a marble table. It is cooled and hardened into a solid mound of chocolate, and then packaged in a clear plastic bag with a catchy novelty tag that describes the contents in a whimsical way. The cow pies began outselling the truffles.

Each year Tom and Sally do something new to make chocolate lovers laugh. In fact they are so good at the marketing that they've had to trademark everything to prevent other companies from using their ideas. ''We just spent many thousands of dollars protecting our trademark on Chocolate Body Paint,'' says Tom, of a product that originated as a gag present for the president of the local Rotary Club. Packaged with a paint brush, the label on the treat reads ''heat to 98.6 and apply liberally.'' It is essentially a delicious chocolate fudge sauce for ice cream, but the name was catchy and it sells the product.

While making the best chocolate in the world is still their goal, Sally admits that their typical customer is more interested in the funny packaging. Most of their novelty chocolates are sold wholesale to over 8,000 stores across the United States. ''Our niche in the world of chocolate is that we are creative,'' says Sally. ''The best thing about having our own business is that we have the freedom to be creative,'' she adds. ''Can you imagine trying to get approval to make something like chocolate cow pies in a corporate world?''●

## MONTANA'S YOUTH OF THE YEAR

● Mr. BURNS. Mr. President, it gives me great pleasure to bring to your attention today a story about a young man that I am proud to say is from Montana.

His name is Jerimiah Tretain and he is Montana's Youth of the Year.

Jerimiah has come from what I consider the ''school of hard knocks.'' At a young age he was abused by his father, then moved with his mother and older sister to Montana. Life has been difficult for him and The Boys and Girls Club of Billings & Yellowstone County have helped him get through some times through anger management and counseling. They are a truly wonderful organization.

It humbles me to see such a brave man conquer so many obstacles and being steered in the right direction in order to achieve his goals and dreams to enter Montana State University in Bozeman, MT, in 2003 and eventually become an architect.

I wish Jerimiah all the success in the national Boys and Girls Club competition. You make Montana proud!●

## PUBLIC SERVICE RECOGNITION WEEK

● Mr. SARBANES. Mr. President, I rise today to honor and commend those who make up our Nation's workforce and who now, more than ever, make a vital contribution to the success of our Nation.

This week, from May 6th to the 12th, is Public Service Recognition Week, organized by the Public Employees Roundtable. The Public Employees Roundtable was formed in 1982 as a non-partisan coalition of management and professional associations representing approximately 1 million public employees and retirees. The mission of the Roundtable is to educate the American people about the numerous ways public employees enrich the quality of life throughout our Nation and advance the country's national interests around the world.

I am indeed proud to join the Public Employees Roundtable in their ongoing efforts to bring special attention to the dedicated individuals who have chosen public service as a career. This past year has demonstrated the crucial role of our Nation's public employees, and has highlighted the brave men and women who make up the public service workforce. On September 11th, it was the public employees of New York, Washington and Pennsylvania who responded to the tragic events of that day. And since September 11th, we have seen public employees playing a vital role in the fight against terrorism and in protecting our national security. The response of our Nation to the attacks of September 11th demonstrates the true value of our public servants.

President Kennedy once stated:

> Let the public service be a proud and lively career. And let every man and woman who works in any area of our Nation's government, in any branch, at any level, be able to say with pride and honor in future years: ''I served the United States Government in that hour of our Nation's need.''

September 11th was an hour of our Nation's need and our public servants rose to challenge. The first responders on the scene in New York, Washington and Pennsylvania didn't hesitate to put their own lives in jeopardy in the hopes of saving others. Many firemen died in the World Trade Center rushing in to help. Postal employees, too, continued to deliver the mail despite the loss of several of their number to the anthrax attacks last fall. And as our hour of need continues, public servants are everyday making our skies safer, investigating the acts of September 11th, and working to prevent further terrorist attacks. The remarkable bravery of these public servants is a testament to the character of our Nation's public workforce, of whom we can be infinitely proud.

The total impact of the work of public employees is impossible to measure. However, I believe very much that the United States will only continue to be a first-rate country if we have first-class public servants. On September 11th our public servants demonstrated that they were more than first-rate, they were heroic. It gives me great pleasure to extend my appreciation to such a worthy and committed group of men and women and encourage them to continue in their efforts on behalf of all Americans.●

## RETIREMENT OF CARROLL BEACH

● Mr. ALLARD. Mr. President, it is my honor today to acknowledge the retirement of Carroll Beach, president of the Colorado and Wyoming Credit Union Leagues.

Mr. Beach began his tenure with the Colorado league in 1973, and since that time has brought about significant progress with that organization. The total number of credit union members in Colorado has grown from 350,000 to almost 1.4 million. These are members who, like others nationwide, own and control their credit unions. During this same period, assets in Colorado credit unions have also increased from $355 million to more than $7 billion.

With great innovation, Mr. Beach has developed a variety of high quality, fairly priced programs, products and services over the years to meet the needs of credit unions and their members. In 1997 the Wyoming Credit Union League contracted with the Colorado League for management services. Since then, all staff and resources available to Colorado credit unions are also available to Wyoming credit unions.

His record of committed service to others and dedication to cooperative principles includes the creation of the Volunteer Involvement Program, which meets the needs of credit union volunteers throughout Colorado and promotes credit union principles and philosophy. Mr. Beach has also been a member of the Credit Union National Association (CUNA) board; the CUNA Service Group Boards; Chairman of the U.S. Central Credit Union; Chairman of the Association of Credit Union League Executives (now AACUL); and a member on the National Credit Union Capitalization Commission. The Colorado Credit Union System also participates in many statewide charity organizations and is the primary sponsor of the Colorado Credit Union's Courage Classic Bicycle Tour to benefit the Children's Hospital in Denver.

The international credit union movement has also been important to Mr. Beach. Over the years, the Colorado League has worked with credit union officials in Macedonia, Romania, Poland and Ecuador in various efforts to help build credit unions in those countries.

In addition to these many accomplishments, as chairman of Credit Union House, LLC, Carroll Beach gained the cooperation and support of all leagues to build Credit Union House, which serves as a gathering location for credit union representatives as they visit Capitol Hill.

I am proud to acknowledge the retirement of this very accomplished man, Mr. Carroll Beach.●

## IN MEMORY OF SENIOR CUSTOMS INSPECTOR THOMAS MICHAEL MURRAY

● Mr. BREAUX. Mr. President, as we address the importance of seaport security and homeland defense, we must remember the bravery and courage of the Federal, State and local law officers who place their lives on the line to protect us.

On October 30, 2001, Senior Customs Inspector Thomas Michael Murray tragically gave his life while inspecting a vessel loaded with scrap metal in the Port of Gramercy, LA. Mr. Murray was asphyxiated while he was conducting an inspection of the commercial vessel, M/V *Sakura* I.

Mr. Murray is survived by his wife and six children. Mr. Murray served with distinction in the U.S. Customs Service for 26 years. That is an extraordinary record of dedicated public service for which the people of Louisiana and our Nation owe a debt of gratitude to Mr. Murray and his family.

As Mr. Murray's personal family and extended Customs family assemble to remember his life, his passing reminds us that we must always look for ways to protect the brave officers who protect us each and every day.●

## TRIBUTE TO THE LATE HUNG WAI CHING

● Mr. INOUYE. Mr. President, recently, I was made aware of an extraordinary eulogy delivered on February 23, 2002, at the memorial services of an old and dear friend, Mr. Hung Wai Ching. It was delivered by a comrade-in-arms, Mr. Ted Tsukiyama. I urge my colleagues to read this inspiring eulogy. It describes an important chapter in the history of Our Nation.

I ask that this eulogy be printed in the RECORD.

The eulogy follows:

HUNG WAI CHING: A EULOGY

Hung Wai Ching was a true and great hero of the Hawaii homefront during World War II. With his passing last February 9, 2002, Hawaii has lost the last survivor of those few wartime leaders who believed in the underlying loyalty of the Japanese in Hawaii, who courageously stood up and spoke up in the face of racial animosity and wartime hysteria to fight and win back for the Nisei the opportunity to demonstrate their loyalty to America.

Hawaii was indeed fortunate that Hung Wai Ching was appointed to the key and critical Morale Section of the Military Governor's office which served as liaison between the Military Government and the civil population to maintain and preserve the morale, peace and stability of a community at war. One of the main jobs of the Morale Section was to stabilize and prevent possible explosive race situations. Reprisals against the Japanese people had to be prevented. Roughneck whites and blacks amongst the thousands of defense workers pouring into Hawaii had to be kept in line working in harmony. When news of the ''Bataan Death March'' reached Hawaii, Hung Wai rushed out to the plantations to find the Filipino workers sharpening their cane knives. He told them: ''Hey, you sharp da knife, eh? Good! You be ready. But no use da knife until I give you da signal, OK?'' Hung Wai's ''cane knife army'' had to wait patiently throughout the whole war, because Hung Wai never gave the signal.

Hung Wai reported directly to FBI Chief Robert Shivers and to Army Intelligence Col. Kendall J. Fielder, who had unlimited authority to preserve the internal security of Hawaii, and to detain anyone deemed a security risk. There were any number of Japanese in Hawaii who, unbeknownst to them, were released early from detention or were never detained at all, because of Hung Wai's intervention. When General Emmons first arrived in Hawaii, he called in Fielder and asked him, ''Fielder, how many Japs did you take in today?'', but after consultation with Hung Wai, Fielder refused to make blanket quota arrests, even at the risk of court martial and his future military career. The tragic wartime mistake of mass evacuation and internment of Japanese was not repeated by Hawaii's military and intelligence leaders, largely because of calm and reasoned behind-the-scenes consultation from advisors like Hung Wai Ching.

The Morale Section concentrated its efforts on the Japanese, because after the Japanese sneak attack on Pearl Harbor, Hung Wai knew that everyone who was of Japanese ancestry, alien or citizen alike, were ''behind the eight ball.'' Pearl Harbor was still in smoking ruins. A Japanese invasion of Hawaii was expected any day. Rumors of Japanese disloyalty was rampant. Nisei soldiers of the 298th Infantry had their guns taken away. The draft status of all Nisei was changed to ''enemy alien'', ineligible for military service. The President of Mutual Telephone Company proposed that all Japanese be evacuated to Molokai. There was widespread fear and distrust against the Japanese in Hawaii and grave questions as to their loyalty to country.

But Hung Wai had no question or doubt whatever of these same people he grew up with, his classmates all the way up to the University, those that he lead in the YMCA programs. But he knew that people in Hawaii and the general American public at large would never be convinced of the loyalty of Japanese Americans until they could get back into the armed services, bear arms, fight, and even die for their country. So the most significant contribution Hung Wai Ching made during the war was the direct role he played in helping Japanese Americans regain the opportunity to bear arms and to prove their ultimate loyalty to country. This is that story.

On December 7, 1941, the UH ROTC cadets which had been called to duty were converted into the Hawaii Territorial Guard, the HTG, and were assigned to guard vital buildings and installations on Oahu. Six weeks later, on January 19, 1942, the War Department had discovered to its horror that ''Honolulu was being guarded by hundreds of Japs in American uniforms,'' all HTG soldiers of Japanese ancestry were discharged. Most of them returned to the University where Hung Wai met, consoled, counseled and inspired a group of confused, bitter and disillusioned Nisei to offer themselves to the Military Governor as a labor battalion. I was one of them, I remember his key pitch was: ''So they don't trust you with rifles, maybe they'll trust you with picks and shovels.'' ''Picks and shovels???'' Here, Hung Wai was asking guys who were trying to get a college education to escape a future of plantation labor to volunteer to go back to manual labor! But considering the desperate situation they were in, Hung Wai made sense. So, in the end, 169 Nisei signed a petition to the Military Governor offering themselves as a labor battalion. Hung Wai took that Petition to Col. Fielder to assure that the Petition would be accepted by the Military Governor. The group was called the ''Varsity Victory Volunteers'' and were assigned to the 34th Construction Engineer Regiment at Schofield Barracks to perform essential defense construction work for the next 11 months.

As the acknowledged ''Father of the VVV'' Hung Wai took a paternal interest in his VVV boys and showed them off at every chance. In December 1942, Col. Fielder asked Hung Wai to escort the Assistant Secretary of War, John J. McCloy, the most powerful man in the War Department, on a field inspection trip. Hung Wai made sure that McCloy saw the VVV Quarry Gang cracking rocks and operating the quarry up at Kolekole Pass and told him, ''those are all Nisei university boys who gave up their education to do their part for the war effort.'' Could it have been a mere coincidence that five-six weeks later, President Roosevelt announced the formation of an all Nisei combat unit and called for volunteers. This was exactly the ultimate objective of the VVV and the chance they had been working and waiting for, so the VVV voted to disband on January 25, 1943 so that they could volunteer for the 442nd. Thus, it was the VVV which had been inspired and initiated by Hung Wai Ching that proved one of the key factors leading to the decision to allow the Nisei to fight for country by the formation of the 442nd Regimental Combat Team, and the rest is well known to history.

Hung Wai then adopted the 442nd in place of his disbanded VVV boys, and used his connections with War Department to assure

that the 442nd be given every opportunity and fair treatment to succeed. When Hawaii's 442nd volunteers sailed out of Pier 11 on the Lurline troopship, Hung Wai was one of the few persons allowed on the Pier to see them off. Five days later when the Lurline sailed into San Francisco, there standing on the pier to greet the 442nd boys was Hung Wai Ching. He had flown up to California to meet and request that General DeWitt treat these volunteers with dignity and to withdraw any armed guards along the route because ''these were not Japanese POW's, they were American soldiers.'' Then Hung Wai asked the General if the 442nd could be given overnight passes so that they could eat chop suey in SF Chinatown. The General thought he was crazy. Imagine, Hung Wai was asking the very same man who had ordered 120,000 Japanese to be evacuated from the West Coast and imprisoned into American concentration camps to allow 2,452 ''buddahead soldiers'' to roam around the City of San Francisco. Crazy it was, but it shows how much Hung Wai tried ''to take care of his boys.''

When the troop trains bulled into Camp Shelby, Mississippi, the boys were greeted with the comforting sight of Hung Wai standing at the train station. He had just returned from a War Department visit where he tried to get the training site of the 442nd moved out of the South to a more racially tolerant Midwest. Secretary McCloy told him the decision was already made but authorized Hung Wai to travel to Camp Shelby to oversee the organization of the 442nd. At that time, the City of Hattiesburg, Mississippi was in uproar over the news, ''Jap regiment to train at Camp Shelby!''. First thing, Hung Wai met with the editor of the Hattiesburg American and the Chief of Police to tell them that ''These were not Japs, these were American soldiers who had volunteered to fight for their country.'' Thereafter, the ''Go Home Japs'' editorials ceased and the ''Japs Not Wanted'' road signs disappeared. Hung Wai saw to it that the 442nd got its own USO and that it was located on the white side of the then still-segregated Hattiesburg. An old-fashioned Southern Baptist minister had been appointed as the first 442nd chaplain but Hung Wai got the Army Chaplain's Corp to replace that chaplain with Hawaii's own Reverends Masao Yamada and Hiro Higuchi. These are some of the reasons why Hung Wai Ching is one of the first to be named an Honorary Member of the 442nd Veterans Club.

Earlier, in May, 1942, Col. Fielder had assigned Hung Wai to observe and monitor the formation of the Hawaiian Provisional Infantry Battalion, predecessor to the famed 100th Infantry Battalion. Hung Wai was instrumental in assuring that the 100th would be staffed and led into battle by Hawaii-born officers like Col. Turner, Maj. Lovell, Captain Johnson and Captain Kometani. Hung Wai monitored the progress of the 100th through its training, maneuvers and overseas Italian and French battlegrounds, and everywhere he went and spoke, he extolled the exploits and distinguished battle record of ''The Purple Heart Battalion.'' And this is why Hung Wai is named as one of the exclusive Honorary Members of the 100th Infantry Battalion Veterans Club.

Back at Camp Shelby, Hung Wai tells us the high brass of the 442nd were going crazy trying to figure out who this ''Bossy Chinaman'' was, always accompanied by ranking officers and who could order all kinds of changes in the 442nd organization. Little did they realize that backing up his demands was the authority of General Emmons, Military Governor of Hawaii, Joe Farrington, Hawaii's Delegate to Congress, Secretary McCloy of the War Department, and eventually the White House itself. Early in the War, Hung Wai's influential Quaker friend had introduced him to Eleanor Roosevelt and they quickly became good friends. She gave Hung Wai an open invitation to visit the White House any time. On one of those visits, as Hung Wai was telling Mrs. Roosevelt about the ''Japanese situation in Hawaii,'' she said, ''The President should hear this,'' and took Hung Wai upstairs to talk to President Roosevelt. Hung Wai remembers they talked for 40 minutes but he was so nervous and excited that when the President offered to light his cigarette, he put it in his coat pocket as a souvenir and burnt a hole in his new suit. But he remembers the one thing he told the President was that General Emmons and FBI Chief Shivers were doing a great job, had the situation well in hand, and that there was no necessity for a mass evacuation of Japanese from Hawaii. As we all know, Hawaii never suffered the same tragedy of mass internment of Japanese as happened in the West Coast of America.

After returning from Camp Shelby, Hung Wai went on speaking tours to countless business groups and civic organizations praising the military record and achievements of the 100th and 442nd. His constant message and plea was: When the boys come home from the wars, accept and treat them as full American citizens, open up greater job opportunities for them, and help them finish their education and vocational training. And after the war, Hung Wai led the way in helping the returning veterans rehabilitate back to civilian life, to go back to their old jobs or get placed into banks and Big Five jobs previously inaccessible to persons of Japanese ancestry. He headed the Veteran's Memorial Scholarship Fund and obtained scholarship aid to help needy veteran finish their schooling and vocational training.

One of Hung Wai's favorite scholarship stories is about a veteran who needed help to go to journalism school, and Hung Wai tapped one of the Big Five businessmen for funds to finance this veteran's schooling. Hung Wai says that donor went to his grave never knowing or realizing that he had helped finance the education of Koji Ariyoshi who was to become publisher and editor of the Honolulu Record, the chief critic and anti-Big Five newspaper in Honolulu. Hung Wai told me of another of his VVV and 442nd boys who was attending Chicago Law School who called and asked Hung Wai if he could get a loan of $300 to finish law school, so Hung Wai sent him the $300. Hung Wai says, ''You know, after that guy came back to Hawaii he not only paid back the $300 but he contributed every year many many times over the $300 so that others could get the same breaks.'' That veteran became the leading labor lawyer in Hawaii and ended up as a Justice of the Hawaii Supreme Court. His name was Edward Nakamura.

But one of the most notable persons he helped was not a veteran, but no less than the former FBI Chief Robert Shivers himself. One day Hung Wai got a call from Shivers who said he wanted to retire in Hawaii and asked Hung Wai to help him get the U.S. Collector of Customs job for Hawaii. The local Japanese community raised funds to send Hung Wai to Washington, D.C., to see Mrs. Eleanor Roosevelt, where he told her how much Shivers had done for the people of Hawaii during the War and was well deserving of the job. Mrs. Roosevelt said, ''All right, I'll go talk to Henry.'' Hung Wai asked, ''Who's Henry?'' ''Henry'' was none other than Henry Morganthau, Secretary of the Treasury and head of the U.S. Customs. A few days later, Mrs. Roosevelt called Hung Wai back and said, ''Tell Mr. Shivers everything is all arranged.'' Then Hung Wai tell me, ''You know, I really wanted that Customs job myself.'' He comes up close and gives me a jab with his bony elbow and says, ''Hey, as Collector of Customs, I could control the opium trade to Hawaii and become a millionaire.'' As we all know, Hung Wai ended his life far from being a millionaire. In fact, it has to be said that Hung Wai never used his wartime position of power nor his high placed contacts to gain benefit or profit for himself. It was always used for the good and benefit of others.

Hung Wai Ching's place in Hawaii's wartime history is secure. At the Centennial celebration of Japanese immigration to Hawaii held in 1986, Hung Wai Ching was nominated as one of the 24 non-Japanese and the only one of Chinese ancestry who had made significant contributions and support to welfare and progress of Hawaii's Japanese during their 100 year history. Hung Wai has been recognized as a national historical figure. Hung Wai called me one day not too long ago and said, ''Say, my grandson, Christopher, called me from Los Angeles all excited and telling me, 'Grandpa, Grandpa, I saw your picture in a museum.''' So Hung Wai asked me what kind of museum would be showing his picture, and I tell him, it's the National Japanese American Museum in Los Angeles and they have a photo and a story about you in the history of the Japanese American experience during World War II. Go see it when you go to LA. Next time I saw Hung Wai after a trip to Los Angeles, he reported that he did go to the Museum but they wanted him to pay admission to get in. He told them, ''You got my picture in there. I just want to go in to see my picture.'' The lady says, ''Five dollars please.'' So Hung Wai turned around and walked away. So I got after Hung Wai telling him, ''Hung Wai, you tight Pake, you. You don't want to shell out $5.00 to go in and see how much all the Japanese in the United States remember you, honor you, and want to thank you for all you did for them!''

And Hung Wai's place in history was revealed directly to his son, King Lit, one day in New York when he was introduced to a mainland-born 442nd Veteran who asked him ''If your name is Ching, do you know Hung Wai Ching?'' King Lit told this story to his father and said, ''When I told him Hung Wai Ching was my father, he really flipped. And as he told me all about you, he cried, Pop, the man cried! It was kind of embarrassing but then I was so proud.'' All of us 442nd veterans know exactly how that veteran felt. He shed tears of gratitude. He cried for all of us.

It is time to say ''Goodbye'' to Hung Wai.

So on behalf of all of ''his boys,'' I will simply say:

''So long, Hung Wai.''

''You did one helluva job for us.''

''Thanks for everything.''

''Aloha.''●

## HONORING JIM McCORD

● Mr. BUNNING. Mr. President, today I pay tribute to Jim McCord of Fort Thomas, KY. Yesterday in San Diego, Mr. McCord officially began his 3,000-mile, 6-month journey in an effort to educate the American people about the ill effects of diabetes. On this cross-country jog, Mr. McCord will run 20 miles a day for the first 2 months, then 25 miles, then 30, resting every third day until he reaches Washington, DC on October 30.

Since the time she was just 9 years old, Maggie McCord, Jim McCord's daughter, has suffered from Type I diabetes. For 11 years now, Maggie has

given herself three to five shots a day. Having diabetes also puts Maggie at a much higher risk for heart attacks, strokes, vision loss and limb amputation. Furthermore, she has a 67 percent chance of dying before the age of 55. In sharing in these day-to-day battles with his daughter, Jim McCord has learned countless facts about diabetes and has come to realize just how little the American public knows about this deadly disease. Sixteen million Americans are currently suffering from diabetes. Every year, diabetes kills about 68,400 individuals. This figure is slightly higher than the victims of breast cancer and AIDS combined. These and many other numbers are the reason why Jim McCord sold his house in Fort Thomas, bought a camper, put his real-estate career on hold and recruited friends to accompany him on his quest. This journey will not be about raising money for diabetes but raising public awareness. Mr. McCord's mission is to help this Nation understand diabetes and the effects it has on millions of Americans. If he can first educate the public, he can then empower them with a sense of belonging and unite them in his mission.

I applaud Mr. McCord for his devotion to family and his devotion to the health of this great Nation. Diabetes is a truly terrible disease that affects households from Kentucky to California. Sometimes, to obtain our goals, we must make sacrifices. Jim McCord has sacrificed his home and career, but in the end, he will have made a difference from coast-to-coast.●

## HONORING THE REV. DR. CALVIN McKINNEY

● Mr. TORRICELLI. Mr. President, I rise today to recognize the outstanding career of Rev. Dr. Calvin McKinney, Pastor of the Calvary Baptist Church of Garfield. For the past 30 years, he has given dedicated and distinguished service to his community.

Rev. Dr. McKinney, a native of Passaic, NJ, has lead a remarkable and memorable life with many accomplishments such as serving as the youngest Moderator in the history of the North Jersey District Missionary Baptist Association. Additionally, he served from 1996 to 2000 in an unprecedented tenure as one of the youngest Presidents in the history of the 300,000 member General Baptist Convention of New Jersey.

In addition to his role as Pastor of the Calvary Baptist Church, Rev. Dr. McKinney has served his community in numerous capacities ranging from Commissioner of the Housing Authority of the City of Passaic, NJ to Executive Board member of the Garfield/Lodi, NJ Branch of the NAACP.

Under the leadership of Rev. Dr. McKinney, the Calvary Baptist Church has enjoyed tremendous growth and development in its membership and its ministry to the community. It is my firm belief that Rev. Dr. McKinney will continue this fine tradition of community service in the years to come, and will serve with distinction as both Pastor to his community and father to his three children.

I am proud to recognize the many accomplishments and contributions of Rev. Dr. Calvin McKinney and I am confident that the Calvary Baptist Church will continue to flourish under his leadership.●

## BRIG. GEN. BRUCE H. BARLOW

● Mr. ALLARD. Mr. President, I want to take a moment to commemorate Brigadier General Bruce H. Barlow, 7th Infantry Division, Light, and Fort Carson Assistant Division Commander/Deputy Commanding General, Central, Fifth United States Army, who died Wednesday while on temporary duty at Offut Air Force Base, Nebraska.

General Barlow, a 1972 West Point graduate, had been stationed at Fort Carson since August 2000. As Maj. Gen. Charles Campbell, 7th Infantry Division and Fort Carson commander, said: ''General Barlow was a valuable member of the Mountain Post team and we will miss him.''

General Barlow graduated from the United States Military Academy and earned a Masters from the Naval War College. He was 51 years old. Our thoughts and prayers are with his wife, Sandra, his son First Lieutenant Christopher Barlow, and daughter, Kelly Barlow.●

## MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL 30TH ANNIVERSARY

● Mr. SARBANES. Mr. President, I rise to recognize and congratulate the Maryland Developmental Disabilities Council as it celebrates its 30th anniversary. An organization composed of individuals with developmental disabilities and their families, representatives of principle State agencies, and representatives of private non-profit organizations, the Maryland Developmental Disabilities Council has been at the cutting edge of national disability policy.

The Council's many achievements stem from an unwavering commitment to the inclusion of all people with developmental disabilities in community life. The Council has worked diligently to promote self determination so that people with disabilities and their families are able to make decisions that impact their lives and are fully involved in the implementation of services and the support they receive in the community. I am pleased that this decade has seen the expansion of family support, which enables families to stay together and assists in meeting their unique needs. The strong leadership of the Council has brought about more opportunities and greater empowerment for people with disabilities and their families in Maryland.

Many Council initiatives and partnerships for the developmentally disabled have proven successful, including efforts to expand availability and accessibility of public transportation and homeownership, advocacy for children with developmental disabilities to be educated in the least restrictive environment in their neighborhood schools, access to assistive technology, and the creation of partnerships between special education personnel, service providers, students, families, and schools. Supported employment programs assure that people with disabilities have real work of their choice and receive the support they need to succeed. Since it's beginning, the Council has worked with many other Maryland organizations and government agencies to implement successful and innovative initiatives effecting systemic change and improved public policies.

As the Council celebrates its 30th anniversary, I want to again recognize its dedicated members for their tireless commitment. The Maryland Developmental Disabilities Council plays a central role in many critical initiatives and will continue to be at the forefront of efforts to encourage community inclusion and support of all citizens.●

## WE THE PEOPLE . . .

● Mr. BREAUX. Mr. President, on may 4–6, 2002 more than 1,200 students from across the United States will visit Washington, DC to compete in the national finals of the We the People . . . The Citizens and the Constitution program, the most extensive education program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. I am proud that a class of 25 students from John Ehret High School in Marrero will represent the State of Louisiana in this national competition after having won first place at the state level. These young scholars from Marrero have worked diligently to reach the national finals, where they will demonstrate a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. I applaud their teacher, Mr. George W. Allen, Jr., for his leadership and dedication to the program and his students.

The 3-day long event, modeled after hearing in the U.S. Congress, consists of oral presentations by high school students on constitutional topics followed by a period of questioning by a panel of adult judges who probe their depth of understanding and ability to apply their constitutional knowledge.

I wish these constitutional experts the best of luck at the We the People . . . national finals. It is inspiring to see students at the high school level successfully master the fundamental ideals and principles of our government. As competitors on a national level, these young scholars have proven their ability to achieve lofty goals, including any they may face in the future. Congratulations and best wishes

to the following John Ehret High School students who represent the future leaders of Louisiana and our nation: Crystal Baum, Jeremy Beasley, Keshawn Chopin, Hong Dao, Cara Davis, Heather Deese, Sherryl Escondo, Anita George, True Ho, Courtney Joseph, Maher Judeh, Bridgette Lai, Scott Le, Marquis O'sirio, Matthew Potter, Jason Pryor, Clark Regas, Ray Rivarde, Katie Roberts, Ronald Singleton, Danielle Smith, Torea Torry, Lisa Tran, Stacy Wing, and Byron Young.●

## 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.)

## MESSAGE FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 1372) to reauthorize the Export-Import Bank of the United States, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Financial Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BEREUTER, Mr. TOOMEY, Mr. GARY G. MILLER of California, Mr. LAFALCE, and Mr. SANDERS.

From the Committee on Government Reform, for consideration of section 7 of the Senate bill, and modifications committed to conference: Mr. BURTON of Indiana, Mr. HORN, and Mr. WAXMAN.

The message further announced that the House has passed the following bill, which it requests the concurrence of the Senate:

H.R. 2604. An act to authorize the United States to participate in and contribute to the seventh replenishment of the resources of the Asian Development Fund and the fifth replenishment of the resources of the International Fund for Agricultural Development, and to set forth additional policies of the United States towards the African Development Bank, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development.

---

At 3:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2604. An act to authorize the United States to participate in and contribute to the seventh replenishment of the resources of the Asian Development Fund and the fifth replenishment of the resources of the International Fund for for Agricultural Development, and to set forth additional policies of the United States towards the African-Development Bank, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 255: A resolution to designate the week beginning May 5, 2002, as ''National Correctional Officers and Employees Week.''

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1644: A bill to further the protection and recognition of veterans' memorials, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 2431: A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Julia Smith Gibbons, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Leonard E. Davis, of Texas, to be United States District Judge for the Eastern District of Texas.

Andrew S. Hanen, of Texas, to be United States District Judge for the Southern District of Texas.

Samuel H. Mays, Jr., of Tennessee, to be United States District Judge for the Western District of Tennessee.

Thomas M. Rose, of Ohio, to be United States District Judge for the Southern District of Ohio.

Paul G. Cassell, of Utah, to be United States District Judge for the District of Utah.

Steven M. Biskupic, of Wisconsin, to be United States Attorney for the Eastern District of Wisconsin for the term of four years.

James E. McMahon, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Jan Paul Miller, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

Walter Robert Bradley, of Kansas, to be United States Marshal for the District of Kansas 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.

William P. Kruziki, of Wisconsin, to be United States Marshal for the Eastern District of Wisconsin 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.

Gary Edward Shovlin, of Pennsylvania, to be United States Marshal for the Eastern District of Pennsylvania for the term of four years.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Elias Adam Zerhouni, of Maryland, to be Director of the National Institutes of Health.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. ROBERTS (for himself and Mr. BROWNBACK):

S. 2440. A bill to designate the Department of Veterans Affairs medical and regional office center in Wichita, Kansas, as the ''Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center''; to the Committee on Veterans' Affairs.

By Mr. SPECTER:

S. 2441. A bill to provide all prisoners with an opportunity to present exculpatory DNA evidence, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2442. A bill to ensure that indigent death penalty defendants in State courts receive adequate legal representation, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2443. A bill to ensure that death penalty defendants have a true opportunity to have their cases considered by the courts, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. HATCH, Mr. HELMS, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. DEWINE, Mr. DURBIN, Mr. HAGEL, Mr. GRAHAM, and Mrs. CLINTON):

S. 2444. A bill to amend the Immigration and Nationality Act to improve the administration and enforcement of the immigration laws, to enhance the security of the United States, and to establish the Office of Children's Services within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 2445. A bill to establish a program to promote child literacy by making books

available through early learning, child care, literacy, and nutrition programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. DURBIN, and Ms. COLLINS):

S. 2446. A bill to ensure that death penalty defendants have a true opportunity to have their cases considered by the courts, to provide all prisoners with an opportunity to present exculpatory DNA evidence, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. HELMS, Mr. KENNEDY, Mr. SPECTER, Ms. LANDRIEU, Mr. TORRICELLI, Mr. KERRY, Mrs. CLINTON, Mr. CLELAND, Mr. EDWARDS, Mr. SCHUMER, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. DAYTON, and Ms. CANTWELL):

S. 2447. A bill to amend title XVIII of the Social Security Act to freeze the reduction in payments to hospitals for indirect costs of medical education; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mrs. CLINTON, Mr. STEVENS, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. DORGAN):

S. 2448. A bill to improve nationwide access to broadband services; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. TORRICELLI, and Mr. CORZINE):

S. 2449. A bill to amend title XIX of the Social Security Act to allow Federal payments to be made to States under the medicaid program for providing pregnancy-related services or services for the testing or treatment for communicable diseases to aliens who are not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 2450. A bill to withdraw Federal land in Finger Lakes National Forest, New York, from entry, location, appropriation, disposal patent, or leasing under certain Federal laws; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND:

S. 2451. A bill to provide for the liquidation or reliquidation of certain entries; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. SPECTER, and Mr. GRAHAM):

S. 2452. A bill to establish the Department of National Homeland Security and the National Office for Combating Terrorism; to the Committee on Governmental Affairs.

By Mr. THURMOND (for himself and Mr. ALLARD):

S. 2453. A bill to provide for the disposition of weapons-usable plutonium at the Savannah River Site, South Carolina; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN (for himself and Mr. KERRY):

S. 2454. A bill to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN:

S. 2455. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. DURBIN, Mr. CLELAND, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. FEINGOLD, Mrs. CARNAHAN, and Mrs. MURRAY):

S. Res. 260. A resolution designating May 1, 2002, as ''National Child Care Worthy Wage Day''; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. Con. Res. 104. A concurrent resolution recognizing the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding and for the many vital contributions of civil engineers to the quality of life of the people of the United States, including the research and development projects that have led to the physical infrastructure of modern America; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Ms. SNOWE):

S. Con. Res. 105. A concurrent resolution expressing the sense of Congress that the Nation should take additional steps to ensure the prevention of teen pregnancy by engaging in measures to educate teenagers as to why they should stop and think about the negative consequences before engaging in premature sexual activity; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 913

At the request of Ms. SNOWE, the names of the Senator from New York (Mr. SCHUMER), the Senator from Virginia (Mr. ALLEN), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 960

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 1269

At the request of Mr. BREAUX, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1269, a bill to amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program.

S. 1335

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1335, a bill to support business incubation in academic settings.

S. 1394

At the request of Mr. ENSIGN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) 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. 1607

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1607, a bill to amend title XVIII of the Social Security Act to provide coverage of remote monitoring services under the medicare program.

S. 1626

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1986

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1986, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 2045

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2045, a bill to amend the Foreign Assistance Act of 1961 to take steps to control the growing international problem of tuberculosis.

S. 2051

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Missouri (Mr. BOND), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2108

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2108, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 2116

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2116, a bill to reform the program of block grants to States for temporary assistance for needy families to help States address the importance of adequate, affordable housing in promoting family progress towards self-sufficiency, and for other purposes.

S. 2182

At the request of Mr. WYDEN, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2182, a bill to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes.

S. 2194

At the request of Mr. MCCONNELL, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2200

At the request of Mr. BAUCUS, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2200, a bill 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.

S. 2213

At the request of Mr. SESSIONS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2213, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain overseas pay of members of the Armed Forces of the United States.

S. 2329

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2329, a bill to improve seaport security.

S. 2428

At the request of Mr. KERRY, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Mississippi (Mr. COCHRAN), the Senator from Virginia (Mr. WARNER), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2429

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2429, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction from certain expenses in connection with the determination, collection, or refund of any tax.

S. 2431

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2431, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

S. 2439

At the request of Mr. SPECTER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2439, a bill to prohibit human cloning while preserving important areas of medical research, including stem sell research.

S.J. RES. 10

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 247

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Res. 247, a resolution expressing solidarity with Israel in its fight against terrorism.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 247, supra.

At the request of Mr. SARBANES, his name was added as a cosponsor of S. Res. 247, supra.

At the request of Mr. LIEBERMAN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from Missouri (Mr. BOND), and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 247, supra.

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 247, supra.

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Res. 247, supra.

At the request of Mr. KERRY, his name was added as a cosponsor of S. Res. 247, supra.

At the request of Mr. CAMPBELL, his name was added as a cosponsor of S. Res. 247, supra.

At the request of Mr. CRAIG, his name was added as a cosponsor of S. Res. 247, supra.

AMENDMENT NO. 3382

At the request of Mrs. DAYTON, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from Wyoming (Mr. ENZI), the Senator from Michigan (Ms. STABENOW), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 3382 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3387

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Minnesota (Mrs. DAYTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3387 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. HATCH, Mr. HELMS, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. DEWINE, Mr. DURBIN, Mr. HAGEL, Mr. GRAHAM, and Mrs. CLINTON):

S. 2444. A bill to amend the Immigration and Nationality Act to improve the administration and enforcement of the immigration laws, to enhance the security of the United States, and to establish the Office of Children's Services within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, I'm honored to join Senator BROWNBACK and my other colleagues in introducing the Immigration Reform, Accountability, and Security Enhancement Act of 2002, which will strengthen our national security by bringing our immigration system into the 21st century. Recently, the Senate took an important step by unanimously passing legislation which strengthens the security of our borders, improves our ability to screen foreign nationals, and improves coordination among the several responsible entities. Restructuring the INS is the next critical step in establishing an agency that can act effectively and fairly to secure our borders and provide better services to immigrants.

There is strong bipartisan agreement that the INS must be reformed. But restructuring must be done correctly. The INS handles the enforcement of our immigration laws and the adjudication of benefits and services. INS's dual missions have long suffered under the current structure.

On the enforcement side, September 11 clearly demonstrated that our immigration laws are being applied inconsistently. Some of the terrorists were residing here legally, others had overstayed their visas, and the status of others is still unknown. Improving the structure of the INS will help ensure

greater accountability and the consistent and effective enforcement of our immigration laws.

The INS service functions have also suffered. Courteous behavior has too often been the exception, rather than the rule. Application fees steadily increase, yet poor service and long delays have persisted. Massive backlogs have forced individuals to languish for years waiting for their naturalization and permanent resident applications to be processed. Files have been lost. Fingerprints have expired.

To address the distinct and at times conflicting responsibilities, successful reform must separate the enforcement functions from the service and adjudication functions. The result will be increased accountability and efficiency, as well as clarity of purpose.

But, meaningful reform must also include a strong central authority to coordinate these dual functions. Our legislation requires that one high-level person take charge of the Nation's immigration laws to ensure uniform policy determinations and implementation, accountability, coordination, and fiscal responsibility. The new agency's director, like the FBI director, will have direct access to high-level officials in the executive branch.

I congratulate the House of Representatives for acting quickly and decisively on restructuring legislation. The House bill abolishes the Immigration and Naturalization Service and establishes separate bureaus for services and enforcement which would operate as parallel structures with limited coordination. An Associate Attorney General would oversee the two bureaus. The goals of the House bill are very similar to our bill, and I look forward to working with my colleagues in the House and the administration to pass effective legislation and put these reforms into law.

The overarching difference between our two bills is the power and authority vested in the agency head and the coordination between the two bureaus. Our bill expands and improves the coordination between the bureaus through strong central leadership.

The Immigration Reform, Accountability, and Security Enhancement Act establishes a Director of Immigration Affairs, a Deputy Director heading the Bureau of Services and Adjudications, and a Deputy Director heading the Bureau of Enforcement and Border Affairs. The Director will serve as the principal advisor to the Attorney General in developing and implementing U.S. immigration law and policy. The Director will be the strong central authority over the two bureaus, and will be able to integrate information systems, policies, and administrative infrastructure.

The coordination and harmonization of policy, services and enforcement will also be enhanced by the establishment of several offices which will assist the two bureaus. The General Counsel, appointed by the Attorney General in consultation with the Agency Director, will serve as the chief legal officer for the Agency, providing specialized advice on all legal matters involving U.S. immigration laws. A Chief Financial Officer will direct, supervise, and coordinate all budgetary duties for the Agency. A Chief of Policy and Strategy will promote a national immigration policy, identify priorities and coordinate policy within the Agency. A Chief of Congressional, Intergovernmental, and Public Affairs will be the central liaison with Congress and other Federal agencies, and the media.

This bill will enhance the accountability of the new Agency and will renew our national commitment to civil rights in the immigration process. This bill establishes an autonomous Office of the Ombudsman to be located within the Department of Justice. The Ombudsman will be appointed by and report directly to the Attorney General. The Ombudsman will identify and report on serious or systematic problems encountered by the public and will assist individuals in resolving problems with the Agency. The Ombudsman also will report annually to Congress on the steps taken to correct the problems and propose changes in the practices of the Agency to correct such problems.

The vital role of statistical information in the modern age is recognized. This bill establishes a Director of Immigration Statistics, appointed by the Attorney General, who will report directly to the Bureau of Justice Statistics of the Department of Justice. Using 21st century technology, the newly established Office of Immigration Statistics will not only record and analyze statistical information, but will also establish standards of reliability and validation and will coordinate with the Service Bureau, the Enforcement Bureau, and the Executive Office for Immigration Review.

This legislation also recognizes the need for alternatives to the detention of asylum seekers. The U.S. asylum program is a bipartisan success story, it provides new hope and new life for the persecuted and oppressed and it advances our foreign policy objectives by protecting human rights and promoting the American dream of opportunity. The United States is a leader in providing asylum to refugees worldwide. Still, we constantly need to strive to improve this very important program. This bill would require the consideration of specific alternatives to detention, including parole with appearance assistance provided by private nonprofit voluntary agencies.

Finally, we are including much needed reform to address the treatment of unaccompanied minors in INS custody. I commend Senator FEINSTEIN's longstanding commitment to this important issue and am honored to include her legislation, the Unaccompanied Alien Child Protection Act, as part of our proposal to restructure the INS. These provisions will address many of the problems facing unaccompanied minors and will help bring U.S. treatment of unaccompanied alien children into line with international standards. The bill establishes a new Office of Children's Services within the Department of Justice to ensure that Federal authorities recognize the special needs and circumstances of unaccompanied alien children when making decisions regarding their custody and repatriation and ensures that unaccompanied alien children have access to appoint counsel and guardians ad litem.

This bill is needed to ensure that our nation is prepared to meet the challenges that are before us. The Immigration Reform, Accountability, and Security Enhancement Act will help remedy many of the problems that currently plague the Immigration and Naturalization Service and will ensure that INS's responsibilities are effectively addressed and coordinated, executed with efficiency and courtesy, and uphold our great tradition of immigration and refugee protection.

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. 2444

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—Titles I through III of this Act may be cited as the ''Immigration Reform, Accountability, and Security Enhancement Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—IMMIGRATION AFFAIRS AGENCY

Subtitle A—Organization

Sec. 101. Abolition of INS.
Sec. 102. Establishment of Immigration Affairs Agency.
Sec. 103. Director of Immigration Affairs.
Sec. 104. Bureau of Immigration Services and Adjudications.
Sec. 105. Bureau of Enforcement and Border Affairs.
Sec. 106. Office of the Ombudsman within the Department of Justice.
Sec. 107. Office of Immigration Statistics within the Bureau of Justice Statistics.
Sec. 108. Clerical amendments.

Subtitle B—Transition Provisions

Sec. 111. Transfer of functions.
Sec. 112. Transfer of personnel and other resources.
Sec. 113. Determinations with respect to functions and resources.
Sec. 114. Delegation and reservation of functions.
Sec. 115. Allocation of personnel and other resources.
Sec. 116. Savings provisions.
Sec. 117. Interim service of the Commissioner of Immigration and Naturalization.
Sec. 118. Executive Office for Immigration Review and Attorney General authorities not affected.

Sec. 119. Other authorities not affected.
Sec. 120. Transition funding.
Subtitle C—Effective Date
Sec. 121. Effective date.
TITLE II—PERSONNEL FLEXIBILITIES
Sec. 201. Improvements in personnel flexibilities.
Sec. 202. Voluntary separation incentive payments for INS employees.
Sec. 203. Voluntary separation incentive payments for employees of the Immigration Affairs Agency.
Sec. 204. Basis for evaluation of Immigration Affairs Agency employees.
Sec. 205. Effective date.
TITLE III—UNACCOMPANIED ALIEN CHILD PROTECTION
Sec. 301. Short title.
Sec. 302. Definitions.
Subtitle A—Structural Changes
Sec. 311. Establishment of the Office of Children's Services.
Sec. 312. Establishment of Interagency Task Force on Unaccompanied Alien Children.
Sec. 313. Effective date.
Subtitle B—Custody, Release, Family Reunification, and Detention
Sec. 321. Procedures when encountering unaccompanied alien children.
Sec. 322. Family reunification for unaccompanied alien children with relatives in the United States.
Sec. 323. Appropriate conditions for detention of unaccompanied alien children.
Sec. 324. Repatriated unaccompanied alien children.
Sec. 325. Establishing the age of an unaccompanied alien child.
Sec. 326. Effective date.
Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel
Sec. 331. Right of unaccompanied alien children to guardians ad litem.
Sec. 332. Right of unaccompanied alien children to counsel.
Sec. 333. Transitional pilot program.
Sec. 334. Effective date; applicability.
Subtitle D—Strengthening Policies for Permanent Protection of Alien Children
Sec. 341. Special immigrant juvenile visa.
Sec. 342. Training for officials and certain private parties who come into contact with unaccompanied alien children.
Sec. 343. Effective dates.
Subtitle E—Children Refugee and Asylum Seekers
Sec. 351. Guidelines for children's asylum claims.
Sec. 352. Exceptions for unaccompanied alien children in asylum and refugee-like circumstances.
Sec. 353. Unaccompanied refugee children.
Subtitle F—Authorization of Appropriations
Sec. 361. Authorization of appropriations.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Funding adjudication and naturalization services.
Sec. 402. Application of Internet-based technologies.
Sec. 403. Department of State study on matters relating to the employment of consular officers.
Sec. 404. Alternatives to detention of asylum seekers.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to improve the administration and enforcement of the immigration laws of the United States and to enhance the security of the United States;

(2) to abolish the Immigration and Naturalization Service and to establish the Immigration Affairs Agency within the Department of Justice; and

(3) to establish the Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of Immigration Affairs appointed under section 112 of the Immigration and Nationality Act, as added by section 103 of this Act.

(2) ENFORCEMENT BUREAU.—The term ''Enforcement Bureau'' means the Bureau of Enforcement and Border Affairs established in section 114 of the Immigration and Nationality Act, as added by section 105 of this Act.

(3) FUNCTION.—The term ''function'' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(4) IMMIGRATION ENFORCEMENT FUNCTIONS.—The term ''immigration enforcement functions'' has the meaning given the term in section 114(b)(2) of the Immigration and Nationality Act, as added by section 105 of this Act.

(5) IMMIGRATION LAWS OF THE UNITED STATES.—The term ''immigration laws of the United States'' has the meaning given the term in section 111(e) of the Immigration and Nationality Act, as added by section 102 of this Act.

(6) IMMIGRATION POLICY, ADMINISTRATION, AND INSPECTION FUNCTIONS.—The term ''immigration policy, administration, and inspection functions'' has the meaning given the term in section 112(b)(3) of the Immigration and Nationality Act, as added by section 103 of this Act.

(7) IMMIGRATION SERVICE AND ADJUDICATION FUNCTIONS.—The term ''immigration service and adjudication functions'' has the meaning given the term in section 113(b)(2) of the Immigration and Nationality Act, as added by section 104 of this Act.

(8) OFFICE.—The term ''office'' includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

(9) SERVICE BUREAU.—The term ''Service Bureau'' means the Bureau of Immigration Services and Adjudications established in section 113 of the Immigration and Nationality Act, as added by section 104 of this Act.

## TITLE I—IMMIGRATION AFFAIRS AGENCY

### Subtitle A—Organization

**SEC. 101. ABOLITION OF INS.**

(a) IN GENERAL.—The Immigration and Naturalization Service is abolished.

(b) REPEAL.—Section 4 of the Act of February 14, 1903, as amended (32 Stat. 826; relating to the establishment of the Immigration and Naturalization Service), is repealed.

**SEC. 102. ESTABLISHMENT OF IMMIGRATION AFFAIRS AGENCY.**

(a) ESTABLISHMENT.—Title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) by inserting ''**CHAPTER 1—DEFINITIONS AND GENERAL AUTHORITIES**'' after ''**TITLE I—GENERAL"**; and

(2) by adding at the end the following:

**"CHAPTER 2—IMMIGRATION AFFAIRS AGENCY**

**"SEC. 111. ESTABLISHMENT OF IMMIGRATION AFFAIRS AGENCY.**

''(a) ESTABLISHMENT.—There is established within the Department of Justice the Immigration Affairs Agency.

''(b) PRINCIPAL OFFICERS.—The principal officers of the Agency are the following:

''(1) The Director of Immigration Affairs appointed under section 112.

''(2) The Deputy Director of Immigration Services and Adjudications appointed under section 113.

''(3) The Deputy Director of Enforcement and Border Affairs appointed under section 114.

''(c) FUNCTIONS.—Under the authority of the Attorney General, the Agency shall perform the following functions:

''(1) Immigration policy, administration, and inspection functions, as defined in section 112(b).

''(2) Immigration service and adjudication functions, as defined in section 113(b).

''(3) Immigration enforcement functions, as defined in section 114(b).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out—

''(A) the functions of the Agency; and

''(B) such other functions of the Attorney General or the Department of Justice under the immigration laws of the United States as are not covered by subparagraph (A).

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

''(e) IMMIGRATION LAWS OF THE UNITED STATES DEFINED.—In this chapter, the term 'immigration laws of the United States' means the following:

''(1) This Act.

''(2) Such other statutes, Executive orders, regulations, or directives, treaties, or other international agreements to which the United States is a party, insofar as they relate to the admission to, detention in, or removal from the United States of aliens, insofar as they relate to the naturalization of aliens, or insofar as they otherwise relate to the status of aliens.''.

(b) CONFORMING AMENDMENTS.—(1) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) by striking section 101(a)(34) (8 U.S.C. 1101(a)(34)) and inserting the following:

''(34) The term 'Agency' means the Immigration Affairs Agency established by section 111.'';

(2) in section 101(a)(17) (8 U.S.C. 1101(a)(17)), by striking ''The'' and inserting ''Except as otherwise provided in section 111(e), the; and

(3) by striking ''Immigration and Naturalization Service'', ''Service'', and ''Service's'' each place they appear and inserting ''Immigration Affairs Agency'', ''Agency'', and ''Agency's'', respectively.

(4) Section 6 of the Act entitled ''An Act to authorize certain administrative expenses for the Department of Justice, and for other purposes'', approved July 28, 1950 (64 Stat. 380), is amended—

(A) by striking ''Immigration and Naturalization Service'' and inserting ''Immigration Affairs Agency'';

(B) by striking clause (a); and

(C) by redesignating clauses (b), (c), (d), and (e) as clauses (a), (b), (c), and (d), respectively.

(c) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Immigration and Naturalization Service shall be deemed to refer to the Immigration Affairs Agency.

**SEC. 103. DIRECTOR OF IMMIGRATION AFFAIRS.**

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 102 of this Act, is amended by adding at the end the following:

**"SEC. 112. DIRECTOR OF IMMIGRATION AFFAIRS.**

''(a) DIRECTOR OF IMMIGRATION AFFAIRS.—The Agency shall be headed by a Director of

Immigration Affairs who shall be appointed in accordance with section 103(c) of the Immigration and Nationality Act.

''(b) RESPONSIBILITIES OF THE DIRECTOR.—

''(1) IN GENERAL.—The Director shall be charged with any and all responsibilities and authority in the administration of the Agency and of this Act which are conferred upon the Attorney General as may be delegated to the Director by the Attorney General or which may be prescribed by the Attorney General.

''(2) DUTIES.—Subject to the authority of the Attorney General under paragraph (1), the Director shall have the following duties:

''(A) IMMIGRATION POLICY.—The Director shall develop and implement policy under the immigration laws of the United States. The Director, shall propose, promulgate, and issue rules, regulations, and statements of policy with respect to any function within the jurisdiction of the Agency.

''(B) ADMINISTRATION.—The Director shall have responsibility for—

''(i) the administration and enforcement of the functions conferred upon the Agency under section 111(c) of this Act; and

''(ii) the administration of the Agency, including the direction, supervision, and coordination of the Bureau of Immigration Services and Adjudications and the Bureau of Enforcement and Border Affairs.

''(C) INSPECTIONS.—The Director shall be directly responsible for the administration and enforcement of the functions of the Attorney General and the Agency under the immigration laws of the United States with respect to the inspection of aliens arriving at ports of entry of the United States.

''(D) OTHER DELEGATED DUTIES AND POWERS.—The Director shall carry out such other duties and exercise such powers as the Attorney General may prescribe.

''(3) ACTIVITIES.—As part of the duties described in paragraph (2), the Director shall do the following:

''(A) RESOURCES AND PERSONNEL MANAGEMENT.—The Director shall manage the resources, personnel, and other support requirements of the Agency.

''(B) INFORMATION RESOURCES MANAGEMENT.—Except as otherwise provided in section 305 of the Omnibus Crime Control and Safe Streets Act of 1968, the Director shall manage the information resources of the Agency, including the maintenance of records and databases and the coordination of records and other information within the Agency, and shall ensure that the Agency obtains and maintains adequate information technology systems to carry out its functions.

''(C) COORDINATION OF RESPONSE TO CIVIL RIGHTS VIOLATIONS.—The Director shall coordinate, with the Assistant Attorney General, the Civil Rights Division, or other officials or components of the Department of Justice, as appropriate, the resolution of immigration issues that involve civil rights violations.

''(3) DEFINITION.—In this chapter, the term ''immigration policy, administration, and inspection functions'' means the duties, activities, and powers described in this subsection.

''(c) GENERAL COUNSEL.—

''(1) IN GENERAL.—There shall be within the Agency a General Counsel, who shall be appointed by the Attorney General, in consultation with the Director.

''(2) FUNCTION.—The General Counsel shall—

''(A) serve as the chief legal officer for the Agency; and

''(B) be responsible for providing specialized legal advice, opinions, determinations, regulations, and any other assistance to the Director with respect to legal matters affecting the Immigration Affairs Agency, and any of its components.

''(d) FINANCIAL OFFICERS FOR THE IMMIGRATION AFFAIRS AGENCY.—

''(1) CHIEF FINANCIAL OFFICER.—

''(A) IN GENERAL.—There shall be within the Agency a Chief Financial Officer for the Immigration Affairs Agency. The position of Chief Financial Officer shall be a career reserved position in the Senior Executive Service and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities of the Agency. For purposes of section 902(a)(1) of such title, the Director shall be deemed to be the head of the agency.

''(B) FUNCTIONS.—The Chief Financial Officer shall be responsible for directing, supervising, and coordinating all budget formulas and execution for the Agency.

''(2) DEPUTY CHIEF FINANCIAL OFFICER.—The Agency shall be deemed to be an agency for purposes of section 903 of such title (relating to Deputy Chief Financial Officers).

''(e) CHIEF OF POLICY AND STRATEGY.—

''(1) IN GENERAL.—There shall be within the Agency a Chief of Policy and Strategy. Under the authority of the Director, the Chief of Policy and Strategy shall be responsible for—

''(A) establishing national immigration policy and priorities;

''(B) performing policy research and analysis on issues arising under the immigration laws of the United States; and

''(C) coordinating immigration policy between the Agency, the Service Bureau, and the Enforcement Bureau.

''(2) WITHIN THE SENIOR EXECUTIVE SERVICE.—The position of Chief of Policy and Strategy shall be a Senior Executive Service position under section 5382 of title 5, United States Code.

''(f) CHIEF OF CONGRESSIONAL, INTERGOVERNMENTAL, AND PUBLIC AFFAIRS.—

''(1) IN GENERAL.—There shall be within the Agency a Chief of Congressional, Intergovernmental, and Public Affairs. Under the authority of the Director, the Chief of Congressional, Intergovernmental, and Public Affairs shall be responsible for—

''(A) providing to Congress information relating to issues arising under the immigration laws of the United States, including information on specific cases;

''(B) serving as a liaison with other Federal agencies on immigration issues; and

''(C) responding to inquiries from, and providing information to, the media on immigration issues.

''(2) WITHIN THE SENIOR EXECUTIVE SERVICE.—The position of Chief of Congressional, Intergovernmental, and Public Affairs shall be a Senior Executive Service position under section 5382 of title 5, United States Code.''.

(b) COMPENSATION OF THE DIRECTOR.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Director of Immigration Affairs, Department of Justice.''.

(c) COMPENSATION OF GENERAL COUNSEL AND CHIEF FINANCIAL OFFICER.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''General Counsel, Immigration Affairs Agency.

''Chief Financial Officer, Immigration Affairs Agency.''.

(d) REPEALS.—The following provisions of law are repealed:

(1) Section 7 of the Act of March 3, 1891, as amended (26 Stat. 1085; relating to the establishment of the office of the Commissioner of Immigration and Naturalization).

(2) Section 201 of the Act of June 20, 1956 (70 Stat. 307; relating to the compensation of assistant commissioners and district directors).

(3) Section 1 of the Act of March 2, 1895 (28 Stat. 780; relating to special immigrant inspectors).

(e) CONFORMING AMENDMENTS.—(1)(A) Section 101(a)(8) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(8)) is amended to read as follows:

''(8) The term 'Director' means the Director of Immigration Affairs who is appointed under section 103(c).''.

(B) Except as provided in subparagraph (C), the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking ''Commissioner of Immigration and Naturalization'' and ''Commissioner'' each place they appear and inserting ''Director of Immigration Affairs'' and ''Director'', respectively.

(C) The amendments made by subparagraph (B) do not apply to references to the ''Commissioner of Social Security'' in section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)).

(2) Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended—

(A) in subsection (c), by striking ''Commissioner'' and inserting ''Director'';

(B) in the section heading, by striking ''COMMISSIONER'' and inserting ''DIRECTOR'';

(C) in subsection (d), by striking ''Commissioner'' and inserting ''Director''; and

(D) in subsection (e), by striking ''Commissioner'' and inserting ''Attorney General''.

(3) Sections 104 and 105 of the Immigration and Nationality Act (8 U.S.C. 1104, 1105) are amended by striking ''Director'' each place it appears and inserting ''Assistant Secretary of State for Consular Affairs''.

(4) Section 104(c) of the Immigration and Nationality Act (8 U.S.C. 1104(c)) is amended—

(A) in the first sentence, by striking ''Passport Office, a Visa Office,'' and inserting ''a Passport Services office, a Visa Services office, an Overseas Citizen Services office,''; and

(B) in the second sentence, by striking ''the Passport Office and the Visa Office'' and inserting ''the Passport Services office and the Visa Services office''.

(5) Section 5315 of title 5, United States Code, is amended by striking the following:

''Commissioner of Immigration and Naturalization, Department of Justice.''.

(f) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Commissioner of Immigration and Naturalization shall be deemed to refer to the Director of Immigration Affairs.

**SEC. 104. BUREAU OF IMMIGRATION SERVICES AND ADJUDICATIONS.**

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 102 and amended by section 103, is further amended by adding at the end the following:

**''SEC. 113. BUREAU OF IMMIGRATION SERVICES AND ADJUDICATIONS.**

''(a) ESTABLISHMENT OF BUREAU.—

''(1) IN GENERAL.—There is established within the Agency a bureau to be known as the Bureau of Immigration Services and Adjudications (in this chapter referred to as the 'Service Bureau').

''(2) DEPUTY DIRECTOR.—The head of the Service Bureau shall be the Deputy Director of Immigration Services and Adjudications (in this chapter referred to as the 'Deputy Director of the Service Bureau'), who—

''(A) shall be appointed by the Attorney General, in consultation with the Director; and

''(B) shall report directly to the Director.

''(b) RESPONSIBILITIES OF THE DEPUTY DIRECTOR.—

''(1) IN GENERAL.—Subject to the authority of the Director, the Deputy Director of the Service Bureau shall administer the immigration service and adjudication functions of the Agency.

''(2) IMMIGRATION SERVICE AND ADJUDICATION FUNCTIONS DEFINED.—In this chapter, the term 'immigration service and adjudication functions' means the following functions under the immigration laws of the United States (as defined in section 111(e)):

''(A) Adjudications of petitions for classification of nonimmigrant and immigrant status.

''(B) Adjudications of applications for adjustment of status and change of status.

''(C) Adjudications of naturalization applications.

''(D) Adjudications of asylum and refugee applications.

''(E) Adjudications performed at Service centers.

''(F) Determinations concerning custody and parole of asylum seekers who do not have prior nonpolitical criminal records and who have been found to have a credible fear of persecution, including determinations under section 236B.

''(G) All other adjudications under the immigration laws of the United States (as defined in section 111(e)).

''(c) CHIEF BUDGET OFFICER OF THE SERVICE BUREAU.—There shall be within the Service Bureau a Chief Budget Officer. Under the authority of the Chief Financial Officer of the Agency, the Chief Budget Officer of the Service Bureau shall be responsible for monitoring and supervising all financial activities of the Service Bureau.

''(d) QUALITY ASSURANCE.—There shall be within the Service Bureau an Office of Quality Assurance that shall develop procedures and conduct audits to—

''(1) ensure that the Agency's policies with respect to the immigration service and adjudication functions of the Agency are properly implemented; and

''(2) ensure that Service Bureau policies or practices result in sound records management and efficient and accurate service.

''(e) OFFICE OF PROFESSIONAL RESPONSIBILITY.—There shall be within the Service Bureau an Office of Professional Responsibility that shall have the responsibility for ensuring the professionalism of the Service Bureau and for receiving and investigating charges of misconduct or ill treatment made by the public.

''(f) TRAINING OF PERSONNEL.—The Deputy Director of the Service Bureau, in consultation with the Director, shall have responsibility for determining the training for all personnel of the Service Bureau.''.

(b) COMPENSATION OF DEPUTY DIRECTOR OF SERVICE BUREAU.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Director of Immigration Services and Adjudications, Immigration Affairs Agency.''.

(c) SERVICE BUREAU OFFICES.—

(1) IN GENERAL.—The Director, acting through the Deputy Director of the Service Bureau, shall establish Service Bureau offices, including suboffices and satellite offices, in appropriate municipalities and locations in the United States. In the selection of sites for the Service Bureau offices, the Director shall consider the location's proximity and accessibility to the community served, the workload for which that office shall be responsible, whether the location would significantly reduce the backlog of cases in that given geographic area, whether the location will improve customer service, and whether the location is in a geographic area with an increase in the population to be served. The Director shall conduct periodic reviews to assess whether the location and size of the respective Service Bureau offices adequately serve customer service needs.

(2) TRANSITION PROVISION.—In determining the location of Service Bureau offices, including suboffices and satellite offices, the Director shall first consider maintaining and upgrading offices in existing geographic locations that satisfy the provisions of paragraph (1). The Director shall also explore the feasibility and desirability of establishing new Service Bureau offices, including suboffices and satellite offices, in new geographic locations where there is a demonstrated need.

**SEC. 105. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.**

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 102 and amended by sections 103 and 104, is further amended by adding at the end the following:

**''SEC. 114. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.**

''(a) ESTABLISHMENT OF BUREAU.—

''(1) IN GENERAL.—There is established within the Agency a bureau to be known as the Bureau of Enforcement and Border Affairs (in this chapter referred to as the 'Enforcement Bureau').

''(2) DEPUTY DIRECTOR.—The head of the Enforcement Bureau shall be the Deputy Director of the Bureau of Enforcement and Border Affairs (in this chapter referred to as the 'Deputy Director of the Enforcement Bureau'), who—

''(A) shall be appointed by the Attorney General, in consultation with the Director; and

''(B) shall report directly to the Director.

''(b) RESPONSIBILITIES OF THE DEPUTY DIRECTOR.—

''(1) IN GENERAL.—Subject to the authority of the Director, the Deputy Director of the Enforcement Bureau shall administer the immigration enforcement functions of the Agency.

''(2) IMMIGRATION ENFORCEMENT FUNCTIONS DEFINED.—In this chapter, the term 'immigration enforcement functions' means the following functions under the immigration laws of the United States (as defined in section 111(e)):

''(A) The border patrol function.

''(B) The detention function, except as specified in section 113(b)(2)(F).

''(C) The removal function.

''(D) The intelligence function.

''(E) The investigations function.

''(c) CHIEF BUDGET OFFICER OF THE ENFORCEMENT BUREAU.—There shall be within the Enforcement Bureau a Chief Budget Officer. Under the authority of the Chief Financial Officer of the Agency, the Chief Budget Officer of the Enforcement Bureau shall be responsible for monitoring and supervising all financial activities of the Enforcement Bureau.

''(d) OFFICE OF PROFESSIONAL RESPONSIBILITY.—There shall be within the Enforcement Bureau an Office of Professional Responsibility that shall have the responsibility for ensuring the professionalism of the Enforcement Bureau and receiving charges of misconduct or ill treatment made by the public and investigating the charges.

''(e) OFFICE OF QUALITY ASSURANCE.—There shall be within the Enforcement Bureau an Office of Quality Assurance that shall develop procedures and conduct audits to—

''(1) ensure that the Agency's policies with respect to immigration enforcement functions are properly implemented; and

''(2) ensure that Enforcement Bureau policies or practices result in sound record management and efficient and accurate recordkeeping.

''(f) TRAINING OF PERSONNEL.—The Deputy Director of the Enforcement Bureau, in consultation with the Director, shall have responsibility for determining the training for all personnel of the Enforcement Bureau.''.

(b) COMPENSATION OF DEPUTY DIRECTOR OF ENFORCEMENT BUREAU.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Director of Enforcement and Border Affairs, Immigration Affairs Agency.''.

(c) ENFORCEMENT BUREAU OFFICES.—

(1) IN GENERAL.—The Director, acting through the Deputy Director of the Enforcement Bureau, shall establish Enforcement Bureau offices, including suboffices and satellite offices, in appropriate municipalities and locations in the United States. In the selection of sites for the Enforcement Bureau offices, the Director shall be selected according to trends in unlawful entry and unlawful presence, alien smuggling, national security concerns, the number of Federal prosecutions of immigration-related offenses in a given geographic area, and other enforcement considerations. The Director shall conduct periodic reviews to assess whether the location and size of the respective Enforcement Bureau offices adequately serve enforcement needs.

(2) TRANSITION PROVISION.—In determining the location of Enforcement Bureau offices, including suboffices and satellite offices, the Director shall first consider maintaining and upgrading offices in existing geographic locations that satisfy the provisions of paragraph (1). The Director shall also explore the feasibility and desirability of establishing new Enforcement Bureau offices, including suboffices and satellite offices, in new geographic locations where there is a demonstrated need.

**SEC. 106. OFFICE OF THE OMBUDSMAN WITHIN THE DEPARTMENT OF JUSTICE.**

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 102 and amended by sections 103, 104 and 105, is further amended by adding at the end the following:

**''SEC. 115. OFFICE OF THE OMBUDSMAN WITHIN THE DEPARTMENT OF JUSTICE.**

''(a) IN GENERAL.—There is established within the Department of Justice the Office of the Ombudsman, which shall be headed by the Ombudsman.

''(b) OMBUDSMAN.—

''(1) APPOINTMENT.—The Ombudsman shall be appointed by the Attorney General. The Ombudsman shall report directly to the Attorney General.

''(2) COMPENSATION.—The Ombudsman shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Attorney General so determines, at a rate fixed under section 9503 of such title.

''(c) FUNCTIONS OF OFFICE.—The functions of the Office of the Ombudsman shall include—

''(1) to assist individuals in resolving problems with the Agency or any component thereof;

''(2) to identify systemic problems encountered by the public in dealings with the Agency or any component thereof;

''(3) to propose changes in the administrative practices or regulations of the Agency, or any component thereof, to mitigate problems identified under paragraph (2);

''(4) to identify potential changes in statutory law that may be required to mitigate such problems; and

''(5) to monitor the coverage and geographic distribution of local offices of the Agency.

''(d) PERSONNEL ACTIONS.—The Ombudsman shall have the responsibility and authority to appoint local or regional representatives of the Ombudsman's Office as in the Ombudsman's judgment may be necessary to address and rectify problems.

''(e) ANNUAL REPORT.—Not later than December 31 of each year, the Ombudsman shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the activities of the Ombudsman during the fiscal year ending in that calendar year. Each report shall contain a full and substantive analysis, in addition to statistical information, and shall contain—

''(1) a description of the initiatives that the Office of the Ombudsman has taken on improving the responsiveness of the Agency;

''(2) a summary of serious or systemic problems encountered by the public, including a description of the nature of such problems;

''(3) an accounting of the items described in paragraphs (1) and (2) for which action has been taken, and the result of such action;

''(4) an accounting of the items described in paragraphs (1) and (2) for which action remains to be completed;

''(5) an accounting of the items described in paragraphs (1) and (2) for which no action has been taken, the reasons for the inaction, and identify any Agency official who is responsible for such inaction;

''(6) recommendations as may be appropriate to resolve problems encountered by the public;

''(7) recommendations as may be appropriate to resolve problems encountered by the public, including problems created by backlogs in the adjudication and processing of petitions and applications;

''(8) recommendations to resolve problems caused by inadequate funding or staffing; and

''(9) such other information as the Ombudsman may deem advisable.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Office of the Ombudsman such sums as may be necessary to carry out its functions.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.''.

**SEC. 107. OFFICE OF IMMIGRATION STATISTICS WITHIN THE BUREAU OF JUSTICE STATISTICS.**

(a) IN GENERAL.—Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3731 et seq.) is amended by adding at the end the following new section:

**''SEC. 305. OFFICE OF IMMIGRATION STATISTICS.**

''(a) ESTABLISHMENT.—There is established within the Bureau of Justice Statistics of the Department of Justice an Office of Immigration Statistics (in this section referred to as the 'Office'), which shall be headed by a Director who shall be appointed by the Attorney General and who shall report to the Director of Justice Statistics.

''(b) RESPONSIBILITIES OF DIRECTOR.—The Director of the Office shall be responsible for the following:

''(1) STATISTICAL INFORMATION.—Maintenance of all immigration statistical information of the Immigration Affairs Agency and the Executive Office for Immigration Review.

''(2) STANDARDS OF RELIABILITY AND VALIDITY.—Establishment of standards of reliability and validity for immigration statistics collected by the Bureau of Immigration Services and Adjudications, the Bureau of Enforcement and Border Affairs of the Immigration Affairs Agency, and the Executive Office for Immigration Review.

''(c) RELATION TO THE IMMIGRATION AFFAIRS AGENCY AND THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.—

''(1) OTHER AUTHORITIES.—The Immigration Affairs Agency and the Executive Office for Immigration Review shall provide statistical information to the Office from the operational data systems controlled by the Immigration Affairs Agency and the Executive Office for Immigration Review, respectively, as requested by the Office, for the purpose of meeting the responsibilities of the Director of the Office.

''(2) DATABASES.—The Director of the Office, under the direction of the Attorney General, shall ensure the interoperability of the databases of the Immigration Affairs Agency, the Bureau of Immigration Services and Adjudications, the Bureau of Enforcement and Border Affairs, and the Executive Office for Immigration Review to permit the Director of the Office to perform the duties of such office.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Attorney General, for exercise through the Office of Immigration Statistics established by section 305 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by subsection (a), the functions performed by the Statistics Branch of the Office of Policy and Planning of the Immigration and Naturalization Service, and the statistical functions performed by the Executive Office for Immigration Review, on the day before the effective date of this title.

(c) CONFORMING AMENDMENT.—Section 302(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)) is amended—

(1) by striking ''and'' at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting ''; and''; and

(3) by adding at the end the following:

''(24) collect, maintain, compile, analyze, publish, and disseminate information and statistics about immigration in the United States, including information and statistics involving the functions of the Immigration Affairs Agency and the Executive Office for Immigration Review.''.

**SEC. 108. CLERICAL AMENDMENTS.**

The table of contents of the Immigration and Nationality Act is amended—

(1) by inserting after the item relating to the heading for title I the following:

**''CHAPTER** 1—DEFINITIONS AND GENERAL AUTHORITIES'';

(2) by striking the item relating to section 103 and inserting the following:

''Sec. 103. Powers and duties of the Attorney General and the Director.'';

and

(3) by inserting after the item relating to section 106 the following:

''CHAPTER 2—IMMIGRATION AFFAIRS AGENCY

''Sec. 111. Establishment of Immigration Affairs Agency.

''Sec. 112. Director of Immigration Affairs.

''Sec. 113. Bureau of Immigration Services and Adjudications.

''Sec. 114. Bureau of Enforcement and Border Affairs.

''Sec. 115. Office of the Ombudsman within the Department of Justice.''.

**Subtitle B—Transition Provisions**

**SEC. 111. TRANSFER OF FUNCTIONS.**

(a) IN GENERAL.—All functions under the immigration laws of the United States vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization or the Immigration and Naturalization Service (or any officer, employee, or component thereof), immediately prior to the effective date of this title, are transferred to the Immigration Affairs Agency on such effective date for exercise by the Director in accordance with section 112(b) of the Immigration and Nationality Act, as added by section 103 of this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Director may, for purposes of performing any function transferred to the Immigration Affairs Agency under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this title.

**SEC. 112. TRANSFER OF PERSONNEL AND OTHER RESOURCES.**

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Director for appropriate allocation in accordance with section 115—

(1) the personnel of the Department of Justice employed in connection with the functions transferred pursuant to this title (and such other functions that the Attorney General determines are properly related to the functions of the Immigration Affairs Agency and that would, if so transferred, further the purposes of the Agency); and

(2) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service in connection with the functions transferred pursuant to this title.

**SEC. 113. DETERMINATIONS WITH RESPECT TO FUNCTIONS AND RESOURCES.**

The Director shall determine, in accordance with the corresponding criteria set forth in sections 112(b), 113(b), and 114(b) of the Immigration and Nationality Act (as added by this Act)—

(1) which of the functions transferred under section 111 are—

(A) immigration policy, administration, and inspection functions;

(B) immigration service and adjudication functions; and

(C) immigration enforcement functions; and

(2) which of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds transferred under section 112 were held or used, arose from, were available to, or were made available, in connection with the performance of the respective functions specified in paragraph (1) immediately prior to the effective date of this title.

**SEC. 114. DELEGATION AND RESERVATION OF FUNCTIONS.**

(a) IN GENERAL.—

(1) DELEGATION TO THE BUREAUS.—Subject to section 112(b)(1) of the Immigration and Nationality Act (as added by section 103 of this Act), the Director shall delegate—

(A) immigration service and adjudication functions to the Deputy Director of the Service Bureau; and

(B) immigration enforcement functions to the Deputy Director of the Enforcement Bureau.

(2) RESERVATION OF FUNCTIONS.—Subject to section 112(b)(1) of the Immigration and Nationality Act (as added by section 103 of this Act), immigration policy, administration, and inspection functions shall be reserved for exercise by the Director.

(b) NONEXCLUSIVE DELEGATIONS AUTHORIZED.—Delegations made under subsection (a)

may be on a nonexclusive basis as the Director may determine may be necessary to ensure the faithful execution of the Director's responsibilities and duties under law.

(c) EFFECT OF DELEGATIONS.—Except as otherwise expressly prohibited by law or otherwise provided in this title, the Director may make delegations under this subsection to such officers and employees of the office of the Director, the Service Bureau, and the Enforcement Bureau, respectively, as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this subsection or under any other provision of this title shall relieve the official to whom a function is transferred pursuant to this title of responsibility for the administration of the function.

(d) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to limit the authority of the Director, acting directly or by delegation under the Attorney General, to establish such offices or positions within the Immigration Affairs Agency, in addition to those specified by this Act, as the Director may determine to be necessary to carry out the functions of the Agency.

**SEC. 115. ALLOCATION OF PERSONNEL AND OTHER RESOURCES.**

(a) AUTHORITY OF THE DIRECTOR.—

(1) IN GENERAL.—Subject to paragraph (2) and section 114(b), the Director shall make allocations of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the performance of the respective functions, as determined under section 113, in accordance with the delegation of functions and the reservation of functions made under section 114.

(2) LIMITATION.—Unexpended funds transferred pursuant to section 112 shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) AUTHORITIES OF ATTORNEY GENERAL.—

(1) INCIDENTAL TRANSFERS.—The Attorney General may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title, and the amendments made by this title. The Attorney General shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this title and the amendments made by this title.

(2) AUTHORITY TO TERMINATE AFFAIRS OF INS.—The Attorney General shall provide for the termination of the affairs of the Immigration and Naturalization Service and such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

(c) TREATMENT OF SHARED RESOURCES.—The Director is authorized to provide for an appropriate allocation, or coordination, or both, of resources involved in supporting shared support functions for the office of the Director, the Service Bureau, the Enforcement Bureau, and offices within the Department of Justice. The Director shall maintain oversight and control over the shared computer databases and systems and records management.

**SEC. 116. SAVINGS PROVISIONS.**

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—Sections 111 through 115 of the Immigration and Nationality Act, and section 305 of the Omnibus Crime Control and Safe Streets Act, as added by title I of this Act, shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this title, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This title, and the amendments made by this title, shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title, and the amendments made by this title, had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this title shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

**SEC. 117. INTERIM SERVICE OF THE COMMISSIONER OF IMMIGRATION AND NATURALIZATION.**

The individual serving as the Commissioner of Immigration and Naturalization on the day before the effective date of this title may serve as Director until the date on which a Director is appointed under section 112 of the Immigration and Nationality Act, as added by section 103 of this Act.

**SEC. 118. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AND ATTORNEY GENERAL AUTHORITIES NOT AFFECTED.**

Nothing in this title, or any amendment made by this title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by—

(1) the Executive Office for Immigration Review of the Department of Justice, or any officer, employee, or component thereof, or

(2) the Attorney General with respect to any matter under the immigration laws of the United States, including the institution of any prosecution, or the institution or defense of any action or appeal, in any court of the United States established under Article III of the Constitution,

immediately prior to the effective date of this title.

**SEC. 119. OTHER AUTHORITIES NOT AFFECTED.**

Nothing in this title, or any amendment made by this title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by—

(1) the Secretary of State under the State Department Basic Authorities Act of 1956, or under the immigration laws of the United States, immediately prior to the effective date of this title, with respect to the issuance and use of passports and visas;

(2) the Secretary of Labor or any official of the Department of Labor immediately prior to the effective date of this title, with respect to labor certifications or any other authority under the immigration laws of the United States; or

(3) except as otherwise specifically provided in this Act, any other official of the Federal Government under the immigration laws of the United States immediately prior to the effective date of this title.

**SEC. 120. TRANSITION FUNDING.**

(a) AUTHORIZATION OF APPROPRIATIONS FOR TRANSITION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary—

(A) to effect—

(i) the abolition of the Immigration and Naturalization Service;

(ii) the establishment of the Immigration Affairs Agency and its components, the Bureau of Immigration Services and Adjudications, and the Bureau of Enforcement and Border Affairs; and

(iii) the transfer of functions required to be made under this Act; and

(B) to carry out any other duty that is made necessary by this Act, or any amendment made by this Act.

(2) ACTIVITIES SUPPORTED.—Activities supported under paragraph (1) include—

(A) planning for the transfer of functions from the Immigration and Naturalization Service to the Immigration Affairs Agency, including the preparation of any reports and implementation plans necessary for such transfer;

(B) the division, acquisition, and disposition of—

(i) buildings and facilities;

(ii) support and infrastructure resources; and

(iii) computer hardware, software, and related documentation;

(C) other capital expenditures necessary to effect the transfer of functions described in this paragraph;

(D) revision of forms, stationery, logos, and signage;

(E) expenses incurred in connection with the transfer and training of existing personnel and hiring of new personnel; and

(F) such other expenses necessary to effect the transfers, as determined by the Attorney General.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(c) TRANSITION ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the general fund of the Treasury of the United States a separate account, which shall be known as the ''Immigration Affairs Agency Transition Account'' (in this section referred to as the ''Account'').

(2) USE OF ACCOUNT.—There shall be deposited into the Account all amounts appropriated under subsection (a) and amounts reprogrammed for the purposes described in subsection (a).

(d) REPORT TO CONGRESS ON TRANSITION.—Beginning not later than 90 days after the date of enactment of this Act, and at the end of each fiscal year in which appropriations are made pursuant to subsection (c), the Attorney General shall submit a report to Congress concerning the availability of funds to cover transition costs, including—

(1) any unobligated balances available for such purposes; and

(2) a calculation of the amount of appropriations that would be necessary to fully fund the activities described in subsection (a).

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

### Subtitle C—Effective Date

**SEC. 121. EFFECTIVE DATE.**

Except as otherwise provided in section 120(e), this title, and the amendments made by this title, shall take effect 18 months after the date of enactment of this Act.

## TITLE II—PERSONNEL FLEXIBILITIES

**SEC. 201. IMPROVEMENTS IN PERSONNEL FLEXIBILITIES.**

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by adding at the end the following new subpart:

**''Subpart J—Immigration Affairs Agency Personnel**

**''CHAPTER 96—PERSONNEL FLEXIBILITIES RELATING TO THE IMMIGRATION AFFAIRS AGENCY**

''Sec.
''9601. Immigration Affairs Agency personnel flexibilities.
''9602. Pay authority for critical positions.
''9603. Streamlined critical pay authority.
''9604. Recruitment, retention, relocation incentives, and relocation expenses.

**''§ 9601. Immigration Affairs Agency personnel flexibilities**

''(a) Any flexibilities provided by sections 9602 through 9604 of this chapter shall be exercised in a manner consistent with—

''(1) chapter 23 (relating to merit system principles and prohibited personnel practices);

''(2) provisions relating to preference eligibles;

''(3) except as otherwise specifically provided, section 5307 (relating to the aggregate limitation on pay);

''(4) except as otherwise specifically provided, chapter 71 (relating to labor-management relations); and

''(5) subject to subsections (b) and (c) of section 1104, as though such authorities were delegated to the Attorney General under section 1104(a)(2).

''(b) The Attorney General shall provide the Office of Personnel Management with any information that Office requires in carrying out its responsibilities under this section.

**''§ 9602. Pay authority for critical positions**

''(a) When the Attorney General seeks a grant of authority under section 5377 for critical pay for 1 or more positions at the Immigration Affairs Agency, the Office of Management and Budget may fix the rate of basic pay, notwithstanding sections 5377(d)(2) and 5307, at any rate up to the salary set in accordance with section 104 of title 3.

''(b) Notwithstanding section 5307, no allowance, differential, bonus, award, or similar cash payment may be paid to any employee receiving critical pay at a rate fixed under subsection (a), in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

**''§ 9603. Streamlined critical pay authority**

''(a) Notwithstanding section 9602, and without regard to the provisions of this title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 (relating to classification and pay rates), the Attorney General may, for a period of 10 years after the effective date of title II of the Immigration Reform, Accountability, and Security Enhancement Act of 2002, establish, fix the compensation of, and appoint individuals to, designated critical administrative, technical, and professional positions needed to carry out the functions of the Immigration Affairs Agency, if—

''(1) the positions—

''(A) require expertise of an extremely high level in an administrative, technical, or professional field; and

''(B) are critical to the Immigration Affairs Agency's successful accomplishment of an important mission;

''(2) exercise of the authority is necessary to recruit or retain an individual exceptionally well qualified for the position;

''(3) the number of such positions does not exceed 40 at any one time;

''(4) designation of such positions are approved by the Attorney General;

''(5) the terms of such appointments are limited to no more than 4 years;

''(6) appointees to such positions were not employees of the Immigration and Naturalization Service prior to the effective date of title II of the Immigration Reform, Accountability, and Security Enhancement Act of 2002;

''(7) total annual compensation for any appointee to such positions does not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3; and

''(8) all such positions are excluded from the collective bargaining unit.

''(b) Individuals appointed under this section shall not be considered to be employees for purposes of subchapter II of chapter 75.

**''§ 9604. Recruitment, retention, relocation incentives, and relocation expenses**

''(a) For a period of 10 years after the effective date of title II of the Immigration Reform, Accountability, and Security Enhancement Act of 2002, and subject to approval by the Office of Personnel Management, the Attorney General may provide for variations from sections 5753 and 5754 governing payment of recruitment, relocation, and retention incentives with respect to employees of the Immigration Affairs Agency.

''(b) For a period of 10 years after the effective date of title II of the Immigration Reform, Accountability, and Security Enhancement Act of 2002, and subject to approval by the Office of Personnel Management, the Attorney General may pay from appropriations made to the Immigration Affairs Agency allowable relocation expenses under section 5724a for employees transferred or reemployed and allowable travel and transportation expenses under section 5723 for new appointees, for any new appointee appointed to a position for which pay is fixed under section 9602 or 9603 after such effective date.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by adding at the end the following new items:

''SUBPART J—IMMIGRATION AFFAIRS AGENCY PERSONNEL

**''96. Personnel flexibilities relating to the Immigration Affairs Agency ... 9601.''.**

**SEC. 202. VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR INS EMPLOYEES.**

(a) DEFINITION.—In this section, the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the Immigration and Naturalization Service serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in paragraph (1);

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(5) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(6) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(7) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Attorney General may pay voluntary separation incentive payments under this section to any employee to the extent necessary to carry out the plan to establish the Immigration Affairs Agency under title I.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by an agency head not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before January 1, 2006;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(c) ADDITIONAL IMMIGRATION AND NATURALIZATION SERVICE CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Immigration and Naturalization Service shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—In paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefore.

(d) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based, shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the Immigration and Naturalization Service or, in the case of employment or work occurring after the effective date of title I, the Immigration Affairs Agency.

(e) USE OF VOLUNTARY SEPARATIONS.—The Immigration and Naturalization Service may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

**SEC. 203. VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE IMMIGRATION AFFAIRS AGENCY.**

(a) DEFINITION.—In this section, the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the Immigration Affairs Agency serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in paragraph (1);

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(5) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(6) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(7) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Attorney General may pay voluntary separation incentive payments under this section to any employee to the extent necessary to carry out the plan to establish the Immigration Affairs Agency under title I.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by an agency head not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before January 1, 2006;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(c) ADDITIONAL IMMIGRATION AFFAIRS AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Immigration Affairs Agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—In paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefore.

(d) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based, shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the Immigration Affairs Agency.

(e) USE OF VOLUNTARY SEPARATIONS.—The Immigration Affairs Agency may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

**SEC. 204. BASIS FOR EVALUATION OF IMMIGRATION AFFAIRS AGENCY EMPLOYEES.**

The Immigration Affairs Agency shall use the fair and equitable treatment of aliens by employees as one of the standards for evaluating employee performance.

**SEC. 205. EFFECTIVE DATE.**

Except as otherwise provided in section 202(f), this title, and the amendments made by this title, shall take effect 18 months after the date of enactment of this Act.

## TITLE III—UNACCOMPANIED ALIEN CHILD PROTECTION

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''Unaccompanied Alien Child Protection Act of 2002''.

**SEC. 302. DEFINITIONS.**

(a) IN GENERAL.—In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office.

(2) OFFICE.—The term ''Office'' means the Office of Children's Services established by section 311.

(3) SERVICE.—The term ''Service'' means the Immigration and Naturalization Service (or, upon the effective date of title I, the Immigration Affairs Agency).

(4) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' means a child who—

(A) has no lawful immigration status in the United States;

(B) has not attained the age of 18; and

(C) with respect to whom—

(i) there is no parent or legal guardian in the United States; or

(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

(5) VOLUNTARY AGENCY.—The term ''voluntary agency'' means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children as licensed by the appropriate State and certified by the Attorney General.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(51) The term 'unaccompanied alien child' means a child who—

''(A) has no lawful immigration status in the United States;

''(B) has not attained the age of 18; and

''(C) with respect to whom—

''(i) there is no parent or legal guardian in the United States; or

''(ii) no parent or legal guardian in the United States is able to provide care and physical custody.

''(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

''(A) have not attained the age of 18; and

''(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.''.

**Subtitle A—Structural Changes**

**SEC. 311. ESTABLISHMENT OF THE OFFICE OF CHILDREN'S SERVICES.**

(a) ESTABLISHMENT.—

(1) PROHIBITED WITHIN INS.—There is established within the Department of Justice the Office of Children's Services. The Office shall not be an office within the Immigration and Naturalization Service.

(2) COMPONENTS.—The Office shall include such other components, staff, and resources as the Attorney General may determine necessary to carry out this title.

(b) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—All functions with respect to the care and custody of unaccompanied alien children under the immigration laws of the United States vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization (or any officer, employee, or component thereof), immediately prior to the effective date of this subtitle, are transferred to the Office under the general authority of the Attorney General.

(2) RESPONSIBILITIES OF THE OFFICE.—The Office shall be responsible for coordinating and implementing law and policy for unaccompanied alien children who come into the custody of the Department of Justice.

(c) DIRECTOR OF THE OFFICE OF CHILDREN'S SERVICES.—

(1) IN GENERAL.—The Office shall be headed by a Director of Children's Services, who shall be appointed by and report directly to the Attorney General or his designee, if the designee is at a level no lower than Associate Attorney General.

(2) COMPENSATION AT LEVEL IV OF EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Director of the Office of Children's Services, Department of Justice.''.

(3) DUTIES.—The Director shall be responsible for—

(A) ensuring that the best interests of the child are considered in decisions and actions relating to the care and placement of an unaccompanied alien child;

(B) making placement, release, and detention determinations for all unaccompanied alien children in the custody of the Office;

(C) implementing the placement, release, and detention determinations made by the Office;

(D) coordinating and implementing law and policy for unaccompanied alien children who come into the custody of the Department of Justice;

(E) convening, in the absence of the Attorney General, the Interagency Task Force on Unaccompanied Alien Children established in section 312;

(F) identifying a sufficient number of qualified persons, entities, and facilities to house unaccompanied alien children in accordance with sections 322 and 323;

(G) overseeing the persons, entities, and facilities described in sections 322 and 323 to ensure their compliance with such provisions;

(H) compiling, updating, and publishing at least annually a State-by-State list of professionals or other entities qualified to contract with the Office to provide the services described in sections 331 and 332;

(I) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care, which shall include—

(i) biographical information such as the child's name, gender, date of birth, country of birth, and country of habitual residence;

(ii) the date on which the child came into the custody of—

(I) the Department of Justice (other than as described in subclause (II) or (III);

(II) the Service; or

(III) the Office;

(iii) information relating to the custody, detention, release, and repatriation of unaccompanied alien children who have been in the custody of the Office;

(iv) in any case in which the child is placed in detention, an explanation relating to the detention; and

(v) the disposition of any actions in which the child is the subject;

(J) collecting and compiling statistical information from the Service, including Border Patrol and inspections officers, on the unaccompanied alien children with whom they come into contact; and

(K) conducting investigations and inspections of facilities and other entities in which unaccompanied alien children reside.

(4) DUTIES WITH RESPECT TO FOSTER CARE.—In carrying out the duties described in paragraph (3)(F), the Director shall assess the extent to which the refugee children foster care system utilized pursuant to section 412(d)(2) of the Immigration and Nationality Act can feasibly be expanded for the placement of unaccompanied alien children.

(5) POWERS.—In carrying out the duties specified in paragraph (3), the Director shall have the power to—

(A) contract with service providers to perform the services described in sections 322, 323, 331, and 332; and

(B) compel compliance with the terms and conditions set forth in section 323, including the power to terminate the contracts of providers that are not in compliance with such conditions and reassign any unaccompanied alien child to a similar facility that is in compliance with such section.

(d) NO EFFECT ON INS, EOIR, AND DEPARTMENT OF STATE ADJUDICATORY RESPONSIBILITIES.—Nothing in this title may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act from the authority of any official of the Service, the Executive Office of Immigration Review of the Department of Justice, or the Department of State.

**SEC. 312. ESTABLISHMENT OF INTERAGENCY TASK FORCE ON UNACCOMPANIED ALIEN CHILDREN.**

(a) ESTABLISHMENT.—There is established an Interagency Task Force on Unaccompanied Alien Children.

(b) COMPOSITION.—The Task Force shall consist of the following members:

(1) The Attorney General.

(2) The Commissioner of Immigration and Naturalization.

(3) The Assistant Secretary of State for Population, Refugees, and Migration.

(4) The Director of the Office of Refugee Resettlement of the Department of Health and Human Services.

(5) The Director.

(6) Such other officials in the executive branch of Government as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Attorney General.

(d) ACTIVITIES OF THE TASK FORCE.—In consultation with nongovernmental organizations, the Task Force shall—

(1) measure and evaluate the progress of the United States in treating unaccompanied alien children in United States custody; and

(2) expand interagency procedures to collect and organize data, including significant research and resource information on the needs and treatment of unaccompanied alien children in the custody of the United States Government.

**SEC. 313. EFFECTIVE DATE.**

This subtitle shall take effect 180 days after the date of enactment of this Act.

**Subtitle B—Custody, Release, Family Reunification, and Detention**

**SEC. 321. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.**

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if an immigration officer finds an unaccompanied alien child who is described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act, the officer shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act; and

(B) remove such child from the United States.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country that is contiguous with the United States and that has an agreement in writing with the United States providing for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country shall be treated in accordance with paragraph (1), unless a determination is made on a case-by-case basis that—

(i) such child has a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(ii) the return of such child to the child's country of nationality or country of last habitual residence would endanger the life or safety of such child; or

(iii) the child cannot make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation, as well as consult with the Office, telephonically, and such child shall be informed of that right.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with the provisions of subsection (b).

(b) CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided in subsection (a) and subparagraph (B), the custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of any unaccompanied alien child who—

(i) has been charged with any felony, excluding offenses proscribed by the Immigration and Nationality Act, while such charges are pending; or

(ii) has been convicted of any such felony.

(2) NOTIFICATION.—Upon apprehension of an unaccompanied alien child, the Attorney General shall promptly notify the Office.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Not later than 72 hours after apprehension of an unaccompanied alien child, the care and custody

of such children not described in paragraph (1)(B) shall be transferred to the Office.

(B) TRANSFER OF CHILDREN WHO HAVE COMMITTED CRIMES.—Upon determining that a child in the custody of the Office is described in paragraph (1)(B), the Director shall promptly make arrangements to transfer the care and custody of such child to the Service.

(c) AGE DETERMINATIONS.—In any case in which the age of an alien is in question and the resolution of questions about such alien's age would affect the alien's eligibility for treatment under the provisions of this title, a determination of whether such alien meets the age requirements of this title shall be made in accordance with the provisions of section 325.

**SEC. 322. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.**

(a) PLACEMENT AUTHORITY.—

(1) ORDER OF PREFERENCE.—Subject to the Attorney General's discretion under paragraph (4) and section 323(a)(2), an unaccompanied alien child in the custody of the Office shall be promptly placed with one of the following individuals in the following order of preference:

(A) A parent who seeks to establish custody, as described in paragraph (3)(A).

(B) A legal guardian who seeks to establish custody, as described in paragraph (3)(A).

(C) An adult relative.

(D) An entity designated by the parent or legal guardian that is capable and willing to care for the child's well-being.

(E) A State-licensed juvenile shelter, group home, or foster home willing to accept legal custody of the child.

(F) A qualified adult or entity seeking custody of the child when it appears that there is no other likely alternative to long-term detention and family reunification does not appear to be a reasonable alternative. For purposes of this subparagraph, the qualification of the adult or entity shall be decided by the Office.

(2) HOME STUDY.—Notwithstanding the provisions of paragraph (1), no unaccompanied alien child shall be placed with a person or entity unless a valid home-study conducted by an agency of the State of the child's proposed residence, by an agency authorized by that State to conduct such a study, or by an appropriate voluntary agency contracted with the Office to conduct such studies has found that the person or entity is capable of providing for the child's physical and mental well-being.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, but subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall assess the suitability of placing the child with the parent or legal guardian and shall make a written determination on the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including The Hague Convention on the Civil Aspects of International Child Abduction, the Vienna Declaration and Programme of Action, and the Declaration of the Rights of the Child; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—The Director shall take steps to ensure that unaccompanied alien children are protected from smugglers, traffickers, or others seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(5) GRANTS AND CONTRACTS.—Subject to the availability of appropriations, the Director is authorized to make grants to, and enter into contracts with, voluntary agencies to carry out the provisions of this section.

(6) REIMBURSEMENT OF STATE EXPENSES.—Subject to the availability of appropriations, the Director is authorized to reimburse States for any expenses they incur in providing assistance to unaccompanied alien children who are served pursuant to this title.

(b) CONFIDENTIALITY.—All information obtained by the Office relating to the immigration status of a person listed in subsection (a) shall remain confidential and may be used only for the purposes of determining such person's qualifications under subsection (a)(1).

**SEC. 323. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.**

(a) STANDARDS FOR PLACEMENT.—

(1) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided in paragraph (2), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(2) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited a violent or criminal behavior that endangers others may be detained in conditions appropriate to the behavior in a facility appropriate for delinquent children.

(3) STATE LICENSURE.—In the case of a placement of a child with an entity described in section 322(a)(1)(E), the entity must be licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(4) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—At a minimum, the Attorney General shall promulgate regulations incorporating standards for conditions of detention in such placements that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Such regulations shall provide that all children are notified orally and in writing of such standards.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Commissioner of Immigration and Naturalization shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as defined in the Stipulated Settlement Agreement under Flores v. Reno.

**SEC. 324. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.**

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—In carrying out repatriations of unaccompanied alien children, the Office shall conduct assessments of country conditions to determine the extent to which the country to which a child is being repatriated has a child welfare system capable of ensuring the child's well being.

(B) FACTORS FOR ASSESSMENT.—In assessing country conditions, the Office shall, to the maximum extent practicable, examine the conditions specific to the locale of the child's repatriation.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Beginning not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director shall submit a report to the Judiciary Committees of the House of Representatives and Senate on the Director's efforts to repatriate unaccompanied alien children. Such report shall include at a minimum the following information:

(1) The number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States.

(2) A description of the type of immigration relief sought and denied to such children.

(3) A statement of the nationalities, ages, and gender of such children.

(4) A description of the procedures used to effect the removal of such children from the United States.

(5) A description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin.

(6) Any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

**SEC. 325. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.**

The Director shall develop procedures that permit the presentation and consideration of a variety of forms of evidence, including testimony of a child and other persons, to determine an unaccompanied alien child's age for purposes of placement, custody, parole, and detention. Such procedures shall allow the appeal of a determination to an immigration judge. Radiographs shall not be the sole means of determining age.

**SEC. 326. EFFECTIVE DATE.**

This subtitle shall take effect 180 days after the date of enactment of this Act.

## Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel

**SEC. 331. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO GUARDIANS AD LITEM.**

(a) GUARDIAN AD LITEM.—

(1) APPOINTMENT.—The Director shall appoint a guardian ad litem who meets the qualifications described in paragraph (2) for each unaccompanied alien child in the custody of the Office not later than 72 hours after the Office assumes physical or constructive custody of such child. The Director is encouraged, wherever practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a guardian ad litem under this paragraph.

(2) QUALIFICATIONS OF GUARDIAN AD LITEM.—

(A) IN GENERAL.—No person shall serve as a guardian ad litem who is not—

(i) a child welfare professional or other individual who has received training in child welfare matters; and

(ii) possessing of special training on the nature of problems encountered by unaccompanied alien children.

(B) PROHIBITION.—A guardian ad litem shall not be an employee of the Service.

(3) DUTIES.—The guardian ad litem shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to such child's presence in the United States, including facts and circumstances arising in the country of the child's nationality or last habitual residence and facts and circumstances arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) ensure that the child's best interests are promoted while the child participates in, or is subject to, proceedings or actions under the Immigration and Nationality Act;

(F) ensure that the child understands such determinations and proceedings; and

(G) report findings and recommendations to the Director and to the Executive Office of Immigration Review.

(4) TERMINATION OF APPOINTMENT.—The guardian ad litem shall carry out the duties described in paragraph (3) until—

(A) those duties are completed,

(B) the child departs the United States,

(C) the child is granted permanent resident status in the United States,

(D) the child attains the age of 18, or

(E) the child is placed in the custody of a parent or legal guardian,

whichever occurs first.

(5) POWERS.—The guardian ad litem—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings involving the child that are held in connection with proceedings under the Immigration and Nationality Act, and shall be given a reasonable opportunity to be present at such hearings; and

(E) shall be permitted to consult with the child during any hearing or interview involving such child.

(b) TRAINING.—The Director shall provide professional training for all persons serving as guardians ad litem under this section in the circumstances and conditions that unaccompanied alien children face as well as in the various immigration benefits for which such a child might be eligible.

**SEC. 332. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO COUNSEL.**

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure that all unaccompanied alien children in the custody of the Office or in the custody of the Service who are not described in section 321(a)(2) shall have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the maximum extent practicable, the Director shall utilize the services of pro bono attorneys who agree to provide representation to such children without charge.

(3) GOVERNMENT FUNDED REPRESENTATION.—

(A) APPOINTMENT OF COMPETENT COUNSEL.—Notwithstanding section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) or any other provision of law, when no competent counsel is available to represent an unaccompanied alien child without charge, the Director shall appoint competent counsel for such child at the expense of the Government.

(B) LIMITATION ON ATTORNEY FEES.—Counsel appointed under subparagraph (A) may not be compensated at a rate in excess of the rate provided under section 3006A of title 18, United States Code.

(C) AVAILABILITY OF FUNDING.—In carrying out this paragraph, the Director may make use of funds derived from—

(i) the premium fee for employment-based petitions and applications authorized by section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)); or

(ii) any other source designated by the Attorney General from discretionary funds available to the Department of Justice.

(D) ASSUMPTION OF THE COST OF GOVERNMENT-PAID COUNSEL.—In the case of a child for whom counsel is appointed under subparagraph (A) who is subsequently placed in the physical custody of a parent or legal guardian, such parent or legal guardian may elect to retain the same counsel to continue representation of the child, at no expense to the Government, beginning on the date that the parent or legal guardian assumes physical custody of the child.

(4) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to such children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation and to recruit such entities.

(5) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Director shall enter into contracts with or make grants to national nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(B) INELIGIBILITY FOR GRANTS AND CONTRACTS.—In making grants and entering into contracts with such agencies, the Director shall ensure that no such agency is—

(i) a grantee or contractee for services provided under section 322 or 331; and

(ii) simultaneously a grantee or contractee for services provided under subparagraph (A).

(b) REQUIREMENT OF LEGAL REPRESENTATION.—The Director shall ensure that all unaccompanied alien children have legal representation within 7 days of the child coming into the custody of the Department of Justice.

(c) DUTIES.—Counsel shall represent the unaccompanied alien child all proceedings and actions relating to the child's immigration status or other actions involving the Service and appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Service.

(d) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel shall have reasonable access to the unaccompanied alien child, including access while the child is being held in detention, in the care of a foster family, or in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, no child who is represented by counsel shall be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(e) TERMINATION OF APPOINTMENT.—Counsel shall carry out the duties described in subsection (c) until—

(1) those duties are completed,

(2) the child departs the United States,

(3) the child is granted withholding of removal under section 241(b)(3) of the Immigration and Nationality Act,

(4) the child is granted protection under the Convention Against Torture,

(5) the child is granted asylum in the United States under section 208 of the Immigration and Nationality Act,

(6) the child is granted permanent resident status in the United States, or

(7) the child attains 18 years of age,

whichever occurs first.

(f) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(g) ACCESS TO RECOMMENDATIONS OF GUARDIAN AD LITEM.—Counsel shall be afforded an opportunity to review the recommendation by the guardian ad litem affecting or involving a client who is an unaccompanied alien child.

**SEC. 333. TRANSITIONAL PILOT PROGRAM.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish and begin to carry out a transitional pilot program (in this section referred to as the ''pilot program'') of not more than 90 days in duration to test the implementation of the guardian ad litem provisions in section 331 and the counsel provisions in section 332(a)(3).

(b) PURPOSE.—The purpose of the pilot program is to study and assess the most efficient and cost-effective means of implementing the guardian ad litem provisions in section 331 and the counsel provisions in section 332(a)(3) on a nationwide basis.

(c) SCOPE OF PROGRAM.—

(1) IN GENERAL.—The Attorney General shall select three sites in which to operate the pilot program, including at least one secure facility and at least one shelter care facility.

(2) ELIGIBILITY OF SITES.—To the maximum extent practicable, each such site should have—

(A) at least 25 children held in immigration custody at any given time; and

(B) an existing pro bono legal representation program for such children.

(d) REFERENCES TO DIRECTOR.—For the purpose of operating the pilot program, to the extent that such program is operating prior to the designation of a Director, the Attorney General may designate any officer within the Department of Justice to perform the functions of the Director, if that officer is not an employee of the Immigration and Naturalization Service.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to operate the pilot program.

**SEC. 334. EFFECTIVE DATE; APPLICABILITY.**

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this subtitle shall take effect 180 days after the date of enactment of this Act.

(2) EXCEPTIONS.—Sections 331 and 332(a)(3) shall take effect 270 days after the date of enactment of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in the custody of the Department of Justice on, before, or after the date of enactment of this Act.

### Subtitle D—Strengthening Policies for Permanent Protection of Alien Children

**SEC. 341. SPECIAL IMMIGRANT JUVENILE VISA.**

(a) J VISA.—Section 101(a)(27)(J) (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

''(J) an immigrant under the age of 18 on the date of application who is present in the United States—

''(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State, and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment, or a similar basis found under State law;

''(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

''(iii) for whom the Office of Children's Services of the Department of Justice has certified to the Commissioner that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien;

except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act;''.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2) (8 U.S.C. 1255(h)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) paragraphs (1), (4), (5), (6), and (7)(A) of section 212(a) shall not apply,'';

(2) in subparagraph (B), by striking the period and inserting '', and''; and

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

''(C) the Attorney General may waive paragraphs (2)(A) and (2)(B) in the case of an offense which arose as a consequence of the child being unaccompanied.''.

(c) ELIGIBILITY FOR ASSISTANCE.—A child who has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by subsection (a), and who is in the custody of a State shall be eligible for all funds made available under section 412(d) of such Act.

**SEC. 342. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.**

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—The Attorney General, acting jointly with the Secretary of Health and Human Services, shall provide appropriate training to be available to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children. The training shall provide education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall be responsible for establishing a core curriculum that can be incorporated into currently existing education, training, or orientation modules or formats that are currently used by these professionals.

(b) TRAINING OF INS PERSONNEL.—The Attorney General shall provide specialized training to all personnel of the Service who come into contact with unaccompanied alien children. In the case of Border Patrol agents and immigration inspectors, such training shall include specific training on identifying children at the United States border or at United States ports of entry who have been victimized by smugglers or traffickers, and children for whom asylum or special immigrant relief may be appropriate, including children described in section 321(a)(2).

**SEC. 343. EFFECTIVE DATES.**

The amendment made by section 341 shall apply to all eligible children who were in the United States before, on, or after the date of enactment of this Act.

### Subtitle E—Children Refugee and Asylum Seekers

**SEC. 351. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.**

(a) SENSE OF CONGRESS.—Congress commends the Service for its issuance of its ''Guidelines for Children's Asylum Claims'', dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims. Congress calls upon the Executive Office for Immigration Review of the Department of Justice to adopt the ''Guidelines for Children's Asylum Claims'' in its handling of children's asylum claims before immigration judges and the Board of Immigration Appeals.

(b) TRAINING.—The Attorney General shall provide periodic comprehensive training under the ''Guidelines for Children's Asylum Claims'' to asylum officers, immigration judges, members of the Board of Immigration Appeals, and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers. Voluntary agencies shall be allowed to assist in such training.

**SEC. 352. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.**

(a) EXCEPTION FROM EXPEDITED REMOVAL.—Section 235(b)(1)(F) (8 U.S.C. 1225(b)(1)(F)) is amended by striking ''an alien'' and inserting ''unaccompanied alien child or an alien''.

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208(a)(2) (8 U.S.C. 1158(a)(2)) is amended by adding at the end the following new subparagraph:

''(E) Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child.''.

**SEC. 353. UNACCOMPANIED REFUGEE CHILDREN.**

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

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

''(3) An analysis of the worldwide situation faced by unaccompanied refugee children, by region. Such analysis shall include an assessment of—

''(A) the number of unaccompanied refugee children, by region;

''(B) the capacity of the Department of State to identify such refugees;

''(C) the capacity of the international community to care for and protect such refugees;

''(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

''(E) the degree to which the United States plans to resettle such refugees in the United States in the coming fiscal year; and

''(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.''.

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) (8 U.S.C. 1157(f)(2)) is amended by—

(1) striking ''and'' after ''countries,''; and

(2) inserting before the period at the end the following: '', and instruction on the needs of unaccompanied refugee children''.

### Subtitle F—Authorization of Appropriations

**SEC. 361. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

## TITLE IV—MISCELLANEOUS PROVISIONS

**SEC. 401. FUNDING ADJUDICATION AND NATURALIZATION SERVICES.**

(a) LEVEL OF FEES.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by striking ''services, including the costs of similar services provided without charge to asylum applicants or other immigrants'' and inserting ''services''.

(b) USE OF FEES.—

(1) IN GENERAL.—Each fee collected for the provision of an adjudication or naturalization service shall be used only to fund adjudication or naturalization services or, subject to the availability of funds provided pursuant to subsection (c), costs of similar services provided without charge to asylum and refugee applicants.

(2) PROHIBITION.—No fee may be used to fund adjudication- or naturalization-related audits that are not regularly conducted in the normal course of operation.

(c) REFUGEE AND ASYLUM ADJUDICATION SERVICES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as may be otherwise available for such purposes, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(d) SEPARATION OF FUNDING.—

(1) IN GENERAL.—There shall be established separate accounts in the Treasury of the United States for appropriated funds and other collections available for the Bureau of Immigration Services and Adjudications and the Bureau of Enforcement and Border Affairs.

(2) FEES.—Fees imposed for a particular service, application, or benefit shall be deposited into the account established under paragraph (1) that is for the bureau with jurisdiction over the function to which the fee relates.

(3) FEES NOT TRANSFERABLE.—No fee may be transferred between the Bureau of Immigration Services and Adjudications and the Bureau of Enforcement and Border Affairs for purposes not authorized by section 286 of the Immigration and Nationality Act, as amended by subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS FOR BACKLOG REDUCTION.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 to carry out the Immigration Services and Infrastructure Improvement Act of 2000 (title II of Public Law 106–313).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(3) INFRASTRUCTURE IMPROVEMENT ACCOUNT.—Amounts appropriated under paragraph (1) shall be deposited into the Immigration Services and Infrastructure Improvements Account established by section 204(a)(2) of title II of Public Law 106–313.

**SEC. 402. APPLICATION OF INTERNET-BASED TECHNOLOGIES.**

(a) ESTABLISHMENT OF ON-LINE DATABASE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director, in consultation with the Technology Advisory Committee, shall establish an Internet-based system that will permit an immigrant, nonimmigrant, employer, or other person who files with the Attorney General any application, petition, or other request for any benefit under the immigration laws of the United States access to on-line information about the processing status of the application, petition, or other request.

(2) PRIVACY CONSIDERATIONS.—The Director shall consider all applicable privacy issues in the establishment of the Internet system described in paragraph (1). No personally identifying information shall be accessible to unauthorized persons.

(3) MEANS OF ACCESS.—The on-line information under the Internet system described in paragraph (1) shall be accessible to other persons described in subsection (a) through a personal identification number (PIN) or other personalized password.

(4) PROHIBITION ON FEES.—The Director shall not charge any immigrant, nonimmigrant, employer, or other person described in subsection (a) a fee for access to the information in the database that pertains to that person.

(b) FEASIBILITY STUDY FOR ON-LINE FILING AND IMPROVED PROCESSING.—

(1) ON-LINE FILING.—

(A) IN GENERAL.—The Director, in consultation with the Technology Advisory Committee, shall conduct a study to determine the feasibility of on-line filing of the documents described in subsection (a).

(B) STUDY ELEMENTS.—The study shall—

(i) include a review of computerization and technology of the Immigration and Naturalization Service (or successor agency) relating to immigration services and the processing of such documents;

(ii) include an estimate of the time-frame and costs of implementing on-line filing of such documents; and

(iii) consider other factors in implementing such a filing system, including the feasibility of the payment of fees on-line.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the findings of the study conducted under this subsection.

(c) TECHNOLOGY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Director shall establish, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, an advisory committee (in this section referred to as the ''Technology Advisory Committee'') to assist the Director in—

(A) establishing the tracking system under subsection (a); and

(B) conducting the study under subsection (b).

(2) COMPOSITION.—The Technology Advisory Committee shall be composed of—

(A) experts from the public and private sector capable of establishing and implementing the system in an expeditious manner; and

(B) representatives of persons or entities who may use the tracking system described in subsection (a) and the on-line filing system described in subsection (b)(1).

**SEC. 403. DEPARTMENT OF STATE STUDY ON MATTERS RELATING TO THE EMPLOYMENT OF CONSULAR OFFICERS.**

(a) FINDINGS.—Congress finds that—

(1) consular officers perform an important role daily, often under difficult conditions, at United States embassies throughout the world; and

(2) many consular officers, who provide the first line of defense against the admission of undesirable persons into the United States, require appropriate training, supervision, and opportunities for promotion while performing this critical work.

(b) STUDY.—The Secretary of State shall conduct a study on matters relating to the employment of consular officers of the Department of State, including training promotion policies, rotation frequency, level of experience and seniority, and level of oversight provided by senior personnel.

(c) REPORT.—Not later than nine months after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a report containing—

(1) the findings of the study conducted under subsection (b); and

(2) recommendations on how to best retain consular officers with the level of training and expertise in visa issuance appropriate to this important function, especially in sensitive, remote, and hostile locations.

**SEC. 404. ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS.**

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 236A the following new section:

**''SEC. 236B. ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS.**

''(a) DEVELOPMENT OF ALTERNATIVES TO DETENTION.—The Director shall—

''(1) authorize and promote the utilization of alternatives to the detention of asylum seekers who do not have nonpolitical criminal records; and

''(2) establish conditions for the detention of asylum seekers that ensure a safe and humane environment.

''(b) SPECIFIC ALTERNATIVES FOR CONSIDERATION.—The Director shall consider the following specific alternatives to the detention of asylum seekers described in subsection (a):

''(1) Parole from detention.

''(2) For individuals not otherwise qualified for parole under paragraph (1), parole with appearance assistance provided by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

''(3) For individuals not otherwise qualified for parole under paragraph (1) or (2), non-secure shelter care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

''(4) Noninstitutional settings for minors such as foster care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

''(c) REGULATIONS.—The Director shall promulgate such regulations as may be necessary to carry out this section.

''(d) DEFINITION.—In this section, the term ''asylum seeker'' means any applicant for asylum under section 208 or any alien who indicates an intention to apply for asylum under that section.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236A the following new item:

''Sec. 236B. Alternatives to detention of asylum seekers.''.

Mr. BROWNBACK. Mr. President, the attacks of September 11 exposed the weaknesses in how we protect our borders. Terrorists exploited the shortcomings in our immigration system and the lack of communication between the respective agencies that might have detected and deterred the events of that horrible day.

At the same time, however, September 11 has also brought out the best of this great Nation. As a people and as a government, we have united and stood firm in support of our freedom and our principles.

Significantly, September 11 has reaffirmed our Nation's pride in its immigrant roots. We have not lapsed into xenophobia, nor have we let terrorism cloud our judgment about the value of our immigrant neighbors or our visitors. We can take great pride in the fact that the Border Security bill which this body passed just two weeks ago, was intelligent and balanced. We were true both to our responsibility to protect our great Nation from those that mean us harm and our responsibility to keep our country open to those who mean us well.

We need an agency that is likewise true to both these missions, an agency that can effectively enforce the immigration laws and provide timely and competent immigration services. Sadly, the Immigration and Naturalization Service has failed to perform either mission well, and restructuring INS has long been on the legislative agenda. While I deeply respect the hard work that Commissioner Ziglar has put into reforming that agency, the fact is that the INS requires more fixes than can be done administratively. The fundamental problems with the INS compel legislative intervention.

That is why I am honored to join Senator KENNEDY, Senator HATCH, and my other colleagues in introducing the Immigration Reform, Accountability, and Security Enhancement Act of 2002. I would like to point out that, as with the border security bill, we have a bipartisan, balanced, and intelligent bill that will deal effectively with the challenges that face our Nation. I am proud to be a part of it.

---

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 2445. A bill to establish a program to promote child literacy by making books available through early learning, child care, literacy, and nutrition programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, last year we reauthorized the Elementary and Secondary Education Act, one of the most far reaching education reform bills in decades. It was a significant bipartisan achievement, but it isn't enough. We must do more to focus on

the years leading up to school. Today, Senator KAY BAILEY HUTCHISON and I are reintroducing the Book Stamp Act and looking forward to working in a bipartisan manner to improve early learning opportunities for our youngest children.

In her statement before the Senate Health, Education, Labor, and Pensions Committee, First Lady Laura Bush called attention to the problems she saw as a teacher. She described children who were having difficulties learning to read because they had not developed the basic building blocks of language during their preschool years, the building blocks forged through reading, language play, and bedtime stories. In her words, ''a failure to learn to read not only leads to failure in school, but portends failure throughout life.''

It should come as no surprise that the foundation for learning and literacy is laid long before children arrive at our public schools. We can't ignore the facts. Each year, millions of children enter kindergarten unprepared for school. Before the first lessons are taught, they are already behind. Low-income children are particularly at risk of school failure. Children in low-income households are less likely than their peers to enter school with the language skills they need.

According to the Carnegie Foundation report, ''Ready to Learn: a Mandate for the Nation,'' 35 percent of children enter kindergarten unprepared to learn and most lack the language skills that are the prerequisites of literacy acquisition. The research also shows that children who are placed in remedial reading groups early in school, often continue to perform below age expectation. Reading failure in school constitutes a major disability that contributes to school dropout, juvenile delinquency, teen pregnancy, and other societal problems.

In other words, the early childhood years are crucial ones for the development of literacy.

There is widespread consensus that reading aloud by parents is the single most important activity for building the knowledge required for eventual success in reading. There is a long history of research linking reading aloud by parents with verbal language and literacy skills with our children.

Regardless of culture or wealth, one of the most important factors in the development of literacy is access to books. Students from homes with an abundance of books and other language activities are substantially better readers than those with few or no reading materials.

Children living in poverty bear a disproportionate burden of early language delay as well as later reading disability. Children from families with lower incomes, as a group, receive comparatively little stimulation at home. As a group, children from low-income families grow up with fewer books in the home, and are exposed to relatively little reading aloud.

The Book Stamp Act will help remedy this. By providing books to the Child Care Resource and Referral Agencies, pediatricians, WIC clinics, and child care providers in each community, we can get developmentally appropriate books into the hands of low-income families. There are over 825 Resource and Referral Agencies that will provide free books to children enrolled in child care programs that serve low income families. Each child will receive at least one book every 6 months to take home.

However, we can't stop there. It is not enough to just give books to the children. Since young children cannot read to themselves, we must make sure that the adults in their lives understand the importance of reading to children as young as six months. Training the parents and the child's caregiver about the importance of reading is just as critical as getting books into homes. Funds set aside by the Book Stamp Act will also be used to provide such training for parents and caregivers.

Funds will be raised through the sale of a postage stamp similar to the Breast Cancer Stamp. Postal patrons may choose to support this program by purchasing premium stamps which feature as early learning character.

We know what works to combat illiteracy. Through the simple act of getting books into the homes of families who might not otherwise be able to afford them and by providing simple training for parents and caregivers about the best ways to read to children, we can make an enormous difference in a short amount of time. 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. 2445

*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 ''Book Stamp Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Literacy is fundamental to all learning.

(2) Between 40 and 60 percent of the Nation's children do not read at grade level, particularly children in families or school districts that are challenged by significant financial or social instability.

(3) Increased investments in child literacy are needed to improve opportunities for children and the efficacy of the Nation's education investments.

(4) Increasing access to books in the home is an important means of improving child literacy, which can be accomplished nationally at modest cost.

(5) Effective channels for book distribution already exist through child care providers, hospitals, pediatrician's offices, entities carrying out faith-based programs, and entities carrying out early literacy programs.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) EARLY LEARNING PROGRAM.—The term ''early learning'', used with respect to a program, means a program of activities designed to facilitate development of cognitive, language, motor, and social-emotional skills in children under age 6 as a means of enabling the children to enter school ready to learn, such as a Head Start or Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), or a State pre-kindergarten program.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) STATE.—The term ''State'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) STATE AGENCY.—The term ''State agency'' means an agency designated under section 658D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b).

**SEC. 4. GRANTS TO STATE AGENCIES.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to promote child literacy and improve children's access to books at home and in early learning, child care, literacy, and nutrition programs, by making books available through early learning programs, child care programs, hospital-based or clinic-based literacy programs, library-based literacy programs, nutrition programs at clinics described in section 6(a)(2)(A)(v), faith-based literacy programs, and other literacy programs.

(b) GRANTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall make grants to State agencies from allotments determined under paragraph (2).

(2) ALLOTMENTS.—For each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to the total of the available funds for the fiscal year as the amount the State receives under section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) for the fiscal year bears to the total amount received by all States under that section for the fiscal year.

(c) APPLICATIONS.—To be eligible to receive an allotment under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) ACCOUNTABILITY.—The provisions of sections 658I(b) and 658K(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(b), 9858i(b)) shall apply to State agencies receiving grants under this Act, except that references in those sections—

(1) to a subchapter shall be considered to be references to this Act; and

(2) to a plan or application shall be considered to be references to an application submitted under subsection (c).

(e) DEFINITION.—In this section, the term ''available funds'', used with respect to a fiscal year, means the total of—

(1) the funds made available under section 417(c)(1) of title 39, United States Code, for the fiscal year; and

(2) the amounts appropriated under section 9 for the fiscal year.

**SEC. 5. CONTRACTS TO CHILD CARE RESOURCE AND REFERRAL AGENCIES.**

A State agency that receives a grant under section 4 shall use funds made available through the grant to enter into contracts with local child care resource and referral agencies to carry out the activities described in section 6. The State agency may reserve not more than 3 percent of the funds made available through the grant to support a public awareness campaign relating to the activities.

**SEC. 6. USE OF FUNDS.**

(a) ACTIVITIES.—

(1) BOOK PAYMENTS FOR ELIGIBLE PROVIDERS.—A child care resource and referral agency that receives a contract under section 5 shall use the funds made available through the grant to provide payments for eligible providers, on the basis of local needs, to enable the providers to make books available to promote child literacy and improve children's access to books at home and in early learning, child care, literacy, and nutrition programs.

(2) ELIGIBLE PROVIDERS.—To be eligible to receive a payment under paragraph (1), a provider shall—

(A)(i) be a center-based child care provider, a group home child care provider, or a family child care provider, described in section 658P(5)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(5)(A));

(ii) be a Head Start agency designated under section 641 of the Head Start Act (42 U.S.C. 9836), an entity that receives assistance under section 645A of such Act (42 U.S.C. 9840a) to carry out an Early Head Start program, or another provider of an early learning program;

(iii) be an entity that carries out a hospital-based or clinic-based literacy program;

(iv) be an entity that carries out a library-based literacy program serving children under age 6;

(v) be an entity that carries out a nutrition program at a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(6));

(vi) be an entity that carries out a faith-based literacy program serving children under age 6; or

(vii) be another entity carrying out a literacy program serving children under age 6; and

(B) provide services in an area where children face high risks of literacy difficulties, as defined by the Secretary.

(b) RESPONSIBILITIES.—A child care resource and referral agency that receives a contract under section 5 to provide payments to eligible providers shall—

(1) consult with local individuals and organizations concerned with early literacy (including parents, teachers, pediatricians, directors of the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), literacy coalitions, and organizations carrying out the Reach Out and Read, First Book, and Reading Is Fundamental programs) regarding local book distribution needs;

(2) make reasonable efforts to learn public demographic and other information about local families and child literacy programs carried out by the eligible providers, as needed to inform the agency's decisions as the agency carries out the contract;

(3) coordinate local orders of the books made available under this Act;

(4) distribute, to each eligible provider that receives a payment under this Act, not fewer than 1 book every 6 months for each child served by the provider for more than 3 of the preceding 6 months;

(5) use not more than 5 percent of the funds made available through the contract to provide training and technical assistance to the eligible providers on the effective use of books with young children at different stages of development; and

(6) be a training resource for eligible providers that want to offer parent workshops on developing reading readiness.

(c) DISCOUNTS.—

(1) IN GENERAL.—Federal funds made available under this Act for the purchase of books may only be used to purchase books on the same terms as are customarily available in the book industry to entities carrying out nonprofit bulk book purchase and distribution programs.

(2) TERMS.—An entity offering books for purchase under this Act shall be present to have met the requirements of paragraph (1), absent contrary evidence, if the terms include a discount of 43 percent off the catalogue price of the books, with no additional charge for shipping and handling of the books.

(d) ADMINISTRATION.—The child care resource and referral agency may not use more than 6 percent of the funds made available through the contract for administrative costs.

**SEC. 7. REPORT TO CONGRESS.**

Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report on the implementation of the activities carried out under this Act.

**SEC. 8. SPECIAL POSTAGE STAMPS FOR CHILD LITERACY.**

Chapter 4 of title 39, United States Code is amended by adding at the end the following:

**"§ 417. Special postage stamps for child literacy**

''(a) In order to afford the public a convenient way to contribute to funding for child literacy, the Postal Service shall establish a special rate of postage for first-class mail under this section. The stamps that bear the special rate of postage shall promote childhood literacy and shall, to the extent practicable, contain an image relating to a character in a children's book or cartoon.

''(b)(1) The rate of postage established under this section—

''(A) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

''(B) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures described in chapter 36); and

''(C) shall be offered as an alternative to the regular first-class rate of postage.

''(2) The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.

''(c)(1) Of the amounts becoming available for child literacy pursuant to this section, the Postal Service shall pay 100 percent to the Department of Health and Human Services.

''(2) Payments made under this subsection to the Department shall be made under such arrangements as the Postal Service shall by mutual agreement with such Department establish in order to carry out the objectives of this section, except that, under those arrangements, payments to such agency shall be made at least twice a year.

''(3) In this section, the term 'amounts becoming available for child literacy pursuant to this section' means—

''(A) the total amounts received by the Postal Service that the Postal Service would not have received but for the enactment of this section; reduced by

''(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including costs attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that the Postal Service shall prescribe.

''(d) It is the sense of Congress that nothing in this section should—

''(1) directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services, or any other agency of the Government (or any component or program of the Government), below the level that would otherwise have been received but for the enactment of this section; or

''(2) affect regular first-class rates of postage or any other regular rates of postage.

''(e) Special postage stamps made available under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of enactment of this section.

''(f) The Postmaster General shall include in each report provided under section 2402, with respect to any period during any portion of which this section is in effect, information concerning the operation of this section, except that, at a minimum, each report shall include information on—

''(1) the total amounts described in subsection (c)(3)(A) that were received by the Postal Service during the period covered by such report; and

''(2) of the amounts described in paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (c)(3)(B).

''(g) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps made available under this section are first made available to the public.''.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act $50,000,000 for each of fiscal years 2003 through 2007.

---

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. DURBIN, and Ms. COLLINS):

S. 2446.A bill to ensure that the death penalty defendants have a true opportunity to have their cases considered by the courts, to provide all prisoners with an opportunity to present exculpatory DNA evidence, and for other purposes; to the Committee on the Judiciary.

---

By Mr. SPECTER:

S. 2441. A bill to provide all prisoners with an opportunity to present exculpatory DNA evidence, and for other purposes; to the Committee on the Judiciary.

---

By Mr. SPECTER:

S. 2442. A bill to ensure that indigent death penalty defendants in State courts receive adequate legal representation, and for other purposes; to the Committee on the Judiciary.

---

By Mr. SPECTER:

S. 2443. A bill to ensure that death penalty defendants have a true opportunity to have their cases considered by the courts, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation which is designed to have societal rights check law enforcement and to protect defendants' rights to fundamental fairness.

We are seeing an evolution of a number of problems in the criminal courts, especially applicable to capital cases involving the death penalty where I believe we are in danger of losing the death penalty in the United States if

we do not act to see to it that there is fairness.

For example, there is one case specifically where the Supreme Court of the United States had four votes to grant certiorari where the defendant was under the death penalty, and that individual was executed without the Supreme Court hearing the case because there was not a fifth vote to stay the execution.

In the past several years, there has been growing evidence that DNA materials would have exonerated many individuals who have been in jail, and among those quite a number of individuals who have been under the death penalty.

And we have also seen very significant problems with the adequacy of defense counsel in capital cases.

The legislation I am introducing today will address these issues.

During my tenure as district attorney of Philadelphia—from 1966 to 1974—I became convinced that the death penalty is an effective deterrent. I had come to that conclusion earlier when I was an assistant district attorney for 4 years preceding my tenure as Philadelphia's district attorney.

I have seen many cases where individuals will decline to carry weapons on robberies or burglaries because of fear that a killing might occur, and that would be murder in the first degree under the felony murder rule and therefore carry the death penalty.

One case is illustrative of many I have seen. There was a case in the late 1950s in Philadelphia with three defendants, Cater, Rivers, and Williams. Those young men were 17, 18, and 19 years old, respectively. They had IQs of less than 100. They set out to rob a merchant in North Philadelphia, and Williams had a gun. Cater and Rivers said: We are not going to go along on this robbery if you take the gun. They took that position because they were apprehensive that a killing might result and they could face the death penalty under the felony murder rule. That is a rule which says anyone committing one of five enumerated felonies, including robbery, would be subject to murder in the first degree and the death penalty if there was a killing in the course of that robbery.

Williams put the gun in the drawer, slammed it shut, and, as the three of them walked out, unbeknownst to Cater and Rivers, Williams took the gun with him. They robbed the store. In the course of the melee, the merchant was killed. The three of them faced murder in the first degree charges and the death penalty.

In the course of the investigation, the confessions disclosed the essential facts which I have related, and all three got the death penalty. Williams, the gunman, was subsequently executed, in the early 1960s, one of the last people executed in Pennsylvania before ''Furman v. Georgia'' set aside all of the death penalty cases.

Cater's and Rivers's cases came up later. I was an assistant DA at the time and argued that case in the Supreme Court of Pennsylvania.

Later, when I was district attorney, Cater and Rivers argued for commutation. Representing the Commonwealth, I agreed that they should not face the death penalty but should face life imprisonment because they had tried to dissuade Williams from carrying the gun. Although in the eyes of the law their culpability was the same as a coconspirator, it seemed to me that as a matter of fairness they ought not to have the death penalty.

That case is illustrative of many cases which have convinced me that the death penalty is a deterrent. But if we are to retain the deterrent, we have to be very careful how we use the death penalty.

When I was district attorney of Philadelphia, we had some 500 homicides a year. I would not permit any of my 160 assistants to ask for the death penalty without my personal review. We asked for the death penalty in a very limited number of cases—four, or five, or six a year—really heinous and outrageous cases where it was the conclusion that only the death penalty would suffice.

There has recently been a commission in Illinois which has been very critical of the application of the death penalty.

The Governor of Illinois has declared a moratorium on the death penalty. And with the growing number of DNA cases which are arising, it is my view, that unless some action is taken to see to it that there are not executions of people whose innocence might be established through DNA evidence, that we will soon lose the death penalty.

So it is a matter of protecting society's interest to maintain the death penalty that this legislation is being introduced, and, at the same time, with equal force, it is in order to provide fundamental fairness to defendants. Where DNA evidence is available, it ought to be examined. And we know it has the capacity, in many, many cases, to rule out the defendant.

The science of DNA has progressed to the point where tangible evidence may specifically exclude a defendant. We have seen many cases where incarcerated people, including those awaiting the death penalty, have been released when the DNA evidence has established their innocence.

There is legislation pending, but none reaches what I consider to be the fundamental question—I ask unanimous consent that I may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. The pending legislation does not reach the critical issue; and that is, to establish a right to DNA evidence as a constitutional right.

Congress, under section V of the 14th amendment, has the authority to legislate in furtherance of the due process clause. Congress has been very inert on establishing constitutional rights under our legislative authority under section V. We have seen the wave of Supreme Court decisions in the constitutional area—''Mapp v. Ohio,'' where the Supreme Court of the United States said it was a constitutional right not be subjected to unreasonable searches and seizures, incorporating the search and seizure provisions of the 4th amendment into the due process clause of the 14th amendment.

The Supreme Court, ''Miranda v. Arizona,'' required warnings for those suspects who are in custodial interrogation. And there have been many cases where it has been up to the Court to establish the constitutional right.

In the obvious landmark case, perhaps the most important case in American constitutional history, ''Brown v. Board of Education of Topeka,'' it was up to the Supreme Court to establish desegregation as a constitutional right. Action should have been taken long before by the Congress, long before by the executive branch, and long before by the State legislatures; but it was up to the Court to establish that constitutional right.

There has been one case in the Eastern District of Pennsylvania, the ''Godschalk'' case, where Judge Weiner established a constitutional right for the defendant to see DNA evidence. And there is a Fourth Circuit opinion which addresses the issue but leaves it up to the Congress to act. And that is a matter that is taken up in this legislation.

On two other items, the bill will first provide for a true opportunity for defendants to have their cases considered by the courts. For example, there was a case where the Supreme Court of the United States had four justices willing to vote to grant certiorari and the defendant was executed because there was not a fifth justice voting for a stay of execution—and I ask unanimous consent that the case be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALEXZENE HAMILTON, AS NATURAL MOTHER AND NEXT FRIEND TO JAMES EDWARD SMITH v. TEXAS, NO. 89–7838, SUPREME COURT OF THE UNITED STATES, 498 U.S. 908; 111 S. CT. 281; 112 L. ED. 2D 236; OCTOBER 9, 1990

PRIOR HISTORY:

On petition for writ of certiorari to The Court of Criminal Appeals of Texas.

JUDGES:

Rehnquist, White, Marshall, Blackmun, Stevens, O'Connor, Scalia, Kennedy. Justice Marshall, with whom Justice Blackmun joins, concurring. Justice Stevens, with whom Justice Blackmun joins, concurring. Justice Souter took no part in the consideration or decision of this motion and this petition.

OPINION:

[*908] [***236] [**281] The motion of Chris Lonchar Kellogg for leave to intervene is denied. The petition for a writ of certiorari is denied.

CONCURBY:

MARSHALL; Stevens

CONCUR:

Justice Marshall, with whom Justice Blackmun joins, concurring.

I agree with Justice Stevens that the issue raised in this petition is important and merits resolution by this Court. I write to express my frustration with the Court's failure to avail itself of the ordinary procedural mechanisms that would have permitted us to resolve that issue in this case.

It is already a matter of public record that four Members of this Court voted to grant certiorari before petitioner was executed. [*909] See *Hamilton* v. *Texas*, 497 U.S. (1990) (Brennan, J., dissenting from denial of application for stay). According to established practice, this fact should have triggered a fifth vote to grant petitioner's application for a stay of [**282] execution. * Indeed, this result flows naturally from the standard by which we evaluate stay applications, a central component of which is ''whether four Justices are likely to vote to grant certiorari.'' *Coleman* v. *Paccar*, 424 U.S. 1301, 1302 (1976) (Rehnquist, J., in chambers) (emphasis added); see also *Maggio* v. *Williams*, 464 U.S. 46, 48 (1983) (*per curiam*) (same).

*See *Autry* v. *Estelle*, 464 U.S. 1, 2 (1983) (*per curiam*) (''Had applicant convinced four Members of the Court that certiorari would be granted on any of his claims, a stay would issue''); *Darden* v. *Wainwright*, 473 U.S. 928, 928–929 (1985) (Powell, J., concurring in granting of stay); *Straight* v. *Wainwright*, 476 U.S. 1132, 1333, n. 2 (1986) (Powell J., concurring in denial of stay, joined by Burger, C. J., Rehnquist, and O'Connor, JJ.) (noting that ''the Court has ordinarily stayed executions when four Members have voted to grant certiorari''); *id.*, at 1134–1135 (Brennan, J., dissenting from denial of stay, joined by Marshall and Blackmun, JJ.) (''When four vote to grant certiorari in a capital case, but there is not a fifth vote to stay the scheduled execution, one of the five Justices, who does not believe the case worthy of granting certiorari will nonetheless vote to stay; this is so that the 'Rule of Four' will not be rendered meaningless by an execution that occurs before the Court considers the case on the merits'').

In my view, the Court's willingness in this case to dispense with the procedures that it ordinarily employs to preserve its jurisdiction only continues the distressing rollback of the legal safeguards traditionally afforded. Compare *Boyde* v. *California*, 494 U.S., (1990) (Marshall, J., dissenting) (criticizing diminution in standard used to assess unconstitutional jury instructions in capital cases); *Barefoot* v. *Estelle*, 463 U.S. 880, 912–914 (1983) (Marshall, J. dissenting) (criticizing Court's endorsement of summary appellate procedures in capital cases); *Autry* v. *McKaskle*, 465 U.S. 1085, 1085–1086 (1984) (Marshall, J., dissenting from denial of certiorari) [***237] (criticizing expedited consideration of petitions for certiorari in capital cases).

Justice Stevens, with whom Justice Blackmun joins, concurring

This petition for a writ of certiorari raises important, recurring questions of law that should be decided by this Court. These questions concern the standards that the Due Process Clause of [*910] the Fourteenth Amendment mandates in a hearing to determine whether a death row inmate is competent to waive his constitutional right to challenge his conviction and sentence and whether he has made a knowing and intelligent waiver of this right.

James Edward Smith was convicted of murder and sentenced to death in Harris County, Texas, in 1984. Smith had a substantial history of mental illness, and his mental difficulties prompted a finding by the Texas trial court that he was not competent to represent himself on appeal. Pet. for Cert., Exh. 2, p. 13, Exhs. 4–8, 10–12. After his conviction, Smith vacillated between forceful insistence on prosecuting his own appeal and equally forceful insistence on abandoning any challenge to this conviction or his sentence. Pet. for Cert., Exh. 2, pp. 10–11, p. 2.

Petitioner is Smith's natural mother. Proceeding as Smith's ''next friend,'' she attempted to establish her standing to litigate on her son's behalf and to have his execution stayed until his competence was established after a full adversarial hearing. She was unsuccessful. On May 23, 1990, without notice to petitioner, the Texas trial court held a nonadversarial hearing, made a finding that Smith was competent to make a decision regarding his execution, and set his execution for 12:01 A. M. on June 26, 1990. Pet. for Cert., Exh. 3.

[**283] On June 22, over the dissent of Justice Teague, n1 the Texas Court of Criminal Appeals for Stay of Execution and Objections to Trial Court's Prior Proceedings.'' Ex Parte Hamilton. No. 18,380–02 (Tex. Crim. App., June 22, 1990) (en banc) (per curiam) (order denying application for stay). On June 24, petitioner filed in this Court her petition for a writ of certiorari and her application for a stay of [*911] Smith's execution. Four Members of the Court voted to grant certiorari, n2 and to stay the execution. Nevertheless, the stay application was denied, and Smith was executed on schedule.

n1 ''Teague, J., notwithstanding that such might, but probably only will cause a slight delay in carrying out applicant's obvious desire to carry into effect his long held death wish, as well as his strong belief that he will be reincarnated after he is killed, but believing that this Court, at least implicitly, has ruled that in a case such as this one, where the reasonable probability that the defendant is not competent to request that he be put to a premature death, or, to put it another way, to commit legal suicide through the hands of others, has been raised, it is necessary for the trial court to conduct a 'full adversarial hearing' should now be conducted in this cause. See Ex parte Jordan, 758 S. W. 2d 250 (Tex. Cr. App. 1988). Also see Ford v. Wainwright, 477 U.S. 399, 106 S. Ct. 2595, 92 L. Ed. 2d 335 (1986).'' Ex Parte Hamilton, No. 18, 380–02 (Tex. Crim. App., June 22, 1990) (Teague, J., dissenting from order denying application for stay).

n2 See Hamilton v. Texas, 497 U.S. (1990) (Brennan, J., dissenting from denial of application for stay).

[***238] Smith's execution obviously mooted this case. The Court has therefore properly denied the petition for a writ of certiorari. This denial, however, does not evidence any lack of merit in the petition; n3 instead, the reason for the denial emphasizes the importance of confronting on the merits the substantial questions that were raised in this case.

n3 See Singleton v. Commissioner, 439 U.S. 940, 942 (1978) (opinion of Stevens, J., respecting denial of petition for writ of certiorari).

Mr. SPECTER. The legislation further addresses the issue of adequacy of counsel.

I will now describe the specific provisions of the bill I am offering today, and the cases and history that shows the manifest need for such legislation.

The bill contains three titles. The first Title will ensure that defendants facing the death penalty will not be executed while the Supreme Court considers their petitions for certiorari or their cases on the merits. The second Title will ensure that both federal and state defendants have a meaningful opportunity to present DNA evidence in their defense. Finally, the third Title will establish minimal standards for defense counsel representing defendants in death penalty cases in state court. I am additionally introducing these three Titles as three separate bills, as I will explain later. The first is ''Title I: Right to Review of the Death Penalty While a Case is Pending Before the Supreme Court.''

There have been death penalty cases where, despite the fact that the Supreme Court was either considering to grant certiorari or had actually granted certiorari and the case was pending, the Court did not issue a stay of execution in the interim. In the 1990 case of ''(*Alexzene*) *Hamilton* v. *Texas*,'' 497 U.S. 1016, the Supreme Court failed to issue a stay of execution while considering a cert. petition, and the defendant was executed before the Court ruled on the petition. James Smith was convicted in 1984 of committing murder while perpetrating a robbery in 1983. He was sentenced to death. Smith appealed his conviction to the Texas Court of Criminal Appeals, citing seven points of errors, ranging from insufficiency of evidence to sustain a death sentence to challenges to the jury selection process in the trial. ''*Smith* v. *State*,'' 744 S.W.2d 86, Tex. Crim. App. 1987. In 1987, that court affirmed his conviction and sentence. In April, 1988, Smith waived any further appellate review of his case. His mother, Alexzene Hamilton, then entered the case, and filed a state habeas corpus petition in the Court of Criminal Appeals, claiming that her son was incompetent. The state responded to the mother's petition, and the Texas court denied relief. Ms. Hamilton then brought a petition for certiorari in the Supreme Court. The Supreme Court granted a stay of execution pending disposition of the cert. petition. ''*Hamilton* v. *Texas*,'' 485 U.S. 1042, 1988. The Court entered an order stating that the ''stay of execution of sentence of death . . . is granted pending the disposition by [the] Court of petition for writ of certiorari. Should the petition for a writ of certiorari be denied, this stay terminates automatically. In the event the petition . . . is granted, this stay shall continue pending the issuance of the mandate of [the] Court.'' Id. On April 3, 1990, the cert. petition was denied. ''*Hamilton* v. *Texas*,'' 496 U.S. 913, 1990. In May, 1990, the state trial court conducted a hearing and found that Smith still wanted to waive his appellate rights and that he was still competent. The trial court scheduled his execution for June 26, 1990. Ms. Hamilton again brought a writ of habeas corpus in the state courts on June 20, 1990, challenging the court's finding that Smith was competent. On June 22, 1990, the state courts denied this petition.

Ms. Hamilton then filed a habeas petition in federal district court on June 23, 1990, which the court denied on June 24th. However, Dr. Brown, one of the several doctors that had previously

opined that Smith was competent, stated that he now had some doubts of Smith's competency due to his review of some medical records he had not previously seen. The federal district court found that this new opinion did not affect its findings, and denied Ms. Hamilton's request for reconsideration. On June 25th, the state trial court had Dr. Brown re-examine Smith, and Dr. Brown then returned to his original opinion that Smith was competent. On the same day, the trial court then denied Ms. Hamilton's habeas corpus petition. The Texas Court of Criminal Appeals also dismissed Ms. Hamilton's motion for reconsideration on the same day. Additionally, on the same day, the United States Court of Appeals for the Fifth Circuit affirmed the federal district court's dismissal of the habeas petition and denied her motion for a stay of execution. ''*Hamilton* v. *Collins*,'' 905 F.2d 825, 5th Cir. 1990. Ms. Hamilton then filed petitions for certiorari, asking the Supreme Court to review both the state and federal court decisions and for a stay of execution. On June 26, 1990, the originally scheduled execution date, four Supreme Court Justices voted to grant certiorari, but for some unknown procedural reason, the Court did not formally act on the petition. The Court also did not vote to grant a stay of execution. Smith was subsequently executed before the Supreme Court decided on his cert. petition. The Supreme Court then denied Smith's petitions of certiorari. ''*Hamilton* v. *Collins*,'' 498 U.S. 895, 1990; ''*Hamilton* v. *Texas*,'' 498 U.S. 908, 1990. In denying the petition from the state court decision, the Court noted that it was dismissing the petition as ''moot.'' 498 U.S. 908, Stevens, J., concurring in the dismissal of the petition.

In the 1992 case of ''*Herrera* v. *Collins*,'' 502 U.S. 1085, the Court actually granted certiorari but failed to issue the stay. Herrera had been convicted of the 1981 murder of two police officers. Herrera then pursued two lines of appeals through the Texas state system—direct appeal and then collateral proceedings. Herrera then pursued two sequential federal habeas corpus proceedings. During these proceedings, certiorari had been denied three times, but on the second federal habeas proceeding, certiorari was granted. Herrera's claim was that he was actually innocent in this proceeding. After granting certiorari, the Supreme Court failed to grant a stay of execution. However, in that case, the Texas Court of Criminal Appeals granted a stay while the case was pending before the Supreme Court. Herrera's claim was ultimately denied by the Supreme Court and he was executed.

The reason for this sequence is a procedural twist. By Supreme Court practice, it takes only four votes to grant certiorari. Although certiorari is recognized by statute as the procedure for getting a case before the Court, the statute does not state how many votes are needed. The four vote standard is the practice of the Court. However, to grant a stay, there must be a majority—five votes—and the standard the Court applies is different from that for granting certiorari. There may be good reasons why the standard is different, and in almost all other cases, the failure to grant a stay when certiorari has been granted or while the Court is still considering whether to grant certiorari does not have the dispositive effect that it does in a capital punishment case. However, in a capital case, the failure to grant a stay while the Court considers whether to even hear the case sends the signal that the Court is, in effect, affirming the decision of a lower court before it even decides that the lower court's decision is worthy of affirmation. In a case where the Court has actually granted certiorari and failed to issue a stay the Court, in effect, tells the world that a case is important enough to be heard, but not important enough to postpone an execution.

Until relatively recently, the Supreme Court had an ''informal'' practice where a fifth Justice would vote to grant a stay when four justices had voted to grant certiorari. The late Justice Brennan articulated the rationale for this rule:

A minority of the Justices has the power to grant a petition for certiorari over the objection of five Justices. The reason for this ''antimajoritarianism'' is evident: in the context of a preliminary 5–4 vote to deny, 5 give the 4 an opportunity to change at least one mind. Accordingly, when four vote to grant certiorari in a capital case, but there is not a fifth vote to stay the scheduled execution, one of the five Justices who does not believe the case worthy of granting certiorari will nonetheless vote to stay; this is so that the ''Rule of Four'' will not be rendered meaningless by an execution that occurs before the Court considers the case on the merits. ''Straight v. Wainwright,'' 476 U.S. 1132, 1134–35, 1986, Brennan, J., dissenting. Justice Brennan's argument requires no further elaboration.

Justice Brennan's opinion involved a ''hold'' case, where he was arguing that a stay should have been granted. The ''hold'' is an informal practice whereby at least three Justices of the Supreme Court can ''hold'' the Court from acting on a petition for certiorari so that the Court does not deny the petition. A ''hold'' is placed on a case when the Court has another case pending before the Court, the disposition of which may have an affect on the first case.

In addition to Justice Brennan's argument, there are other reasons why a stay should be granted. In my experience as District Attorney in Philadelphia, and conducting oversight of the Justice Department while serving in the Senate, one theme is constant concerning our system of criminal justice: It rests on a bedrock that all Americans see the system as being fair to all. When the average American questions the fundamental fairness of any aspect of the criminal justice system, then it is in trouble. To the average American, when the Supreme Court has not yet decided whether it should consider a case or, has in fact, decided to consider a case by granting certiorari, but then fails to act to ensure that it can in actuality hear the case, that raises fundamental questions about fairness, regardless of the procedural nuances that legally allow for such a result. If we are to maintain confidence in our criminal justice system, then it has to be seen as fair to all.

When the Supreme Court takes action like this, in my judgment, it denies the defendant his constitutional right of ''due process'' of law which, in these circumstances, is colloquially referred to as ''procedural due process.'' When the government takes action against an individual, the essential core of procedural due process is notice and an opportunity to be heard. In the instant case, we are not concerned with the notice aspect because the defendant knows why he was convicted. But when the Supreme Court has a case pending before it-that is a motion to stay execution or a petition for certiorari has been filed or the Court has issued a writ of certiorari-and then fails to grant a stay so that it can actually consider the petition or hear the case, it denies the defendant due process of law because the defendant is deprived of his right to be heard. A motion for a stay of execution should be treated as a petition for certiorari in these circumstances because, in effect, the motion is a preliminary petition for certiorari.

As I noted earlier, the writ of certiorari is codified in Title 28 of the U.S. Code. No defendant has a constitutional right to have his or her case heard by the Supreme Court. But once the defendant files a petition, then the defendant has a statutory right to have, at the very least, his petition considered by the court and, if the petition is granted, then the right to have his case considered by the Court. This is the method that Congress has created for the consideration of these cases, which does not allow a right of direct appeal. As Congress has created this two step procedural mechanism, Congress has the authority to ensure that it is effective. The Court does not have to grant a petition, but it must, at the very least, not allow a petition to become moot before it even makes this very basic decision. The same logic applies if the Court grants the petition.

The Court cannot consider the petition or the case if the defendant is executed before the Court acts. When a defendant is executed in these circumstances, he is being denied his right to be heard on his petition or his case and is therefore denied his basic right to ''procedural due process.''

The legislation I propose addresses this issue both at the federal and state level. With respect to federal cases, my

proposed bill would prohibit the Bureau of Prisons or the military from executing a death row inmate when a defendant has filed a petition for certiorari and when the Supreme Court has granted certiorari. Congress created the federal death penalty, and Congress can establish the conditions when it can or cannot be carried out. With respect to state cases, my bill would address this issue in two different ways.

First, just as with federal cases, my bill would prohibit the executive officer of a state from executing a defendant when a cert. petition is pending or has been granted. Congress's authority to legislate in this arena is derived from Section V of the 14th Amendment which reads that ''[t]he Congress shall have power to enforce, by appropriate legislation, the provisions of this article.'' Section 1 of that Amendment reads in pertinent part that no ''State [shall] deprive any person of life . . . without due process of law. . . .'' As noted above, when a person is executed before the Supreme Court has granted or denied certiorari or acted on a case once cert. is granted, that person is deprived of his or her life without due process of law. My bill would also require the Court to treat a motion for a stay of execution as a petition for certiorari.

Furthermore, this bill would also require all federal judges, to include Supreme Court justices, to issue a stay whenever a habeas corpus case is pending before the judge or judges and the habeas petitioner defendant has been sentenced to death. A case is considered to be pending if a defendant has filed a notice of appeal, filed a motion for a stay of execution, filed a petition for certiorari, or when certiorari has been granted. Most death penalty cases, both federal and state cases, have their final hearings through federal habeas corpus review. Congress has broad authority in the area of habeas corpus legislation. Indeed, Congress enacted a similar provision as part of the Antiterrorism and Effective Death Penalty Act of 1996. 28 U.S. Code Section 2262 requires a federal court to issue a stay of execution in those circumstances where a defense counsel has been appointed to an indigent defendant and a state is seeking to fall within the streamlined habeas corpus procedures contained in the Act.

Additionally, my bill would require a lower court to issue a stay if a higher court did not in these circumstances.

Finally, my bill would require that if four Justices vote to grant certiorari in a death penalty case, then certiorari will be granted. When a person petitions the Supreme Court to hear his or her case, that person expects to have the case heard if four Justices believe it should be heard. This is the expectation of all those seeking Supreme Court review, an expectation resulting from the practices of the Court. The Court already has great discretion not to hear almost all cases it does not wish to consider. Congress has given the Court this discretion by eliminating almost all avenues of appeal by right to the Court and instead giving the Court the power to pick the cases it wants to hear through the certiorari process. Accordingly, Congress should have the power to require the Court to review those cases where four Justices vote to hear the case. The procedures for obtaining access to our courts should be as transparent as possible, and it simply defies logic and makes a mockery of the phrase ''equal justice'' when four votes in one set of circumstances can result in Supreme Court review of a case, but not in other circumstances.

The second title is ''TITLE II: DNA Testing.''

My bill also addresses the issue of DNA testing for prisoners who claim that such testing would exonerate them. This bill would establish the procedures for federal prisoners who seek such review. It would also mandate that states adopt similar procedures. My bill would establish federal procedures that set a middle ground between the two DNA bills that are currently pending before the Senate.

My bill requires that a person seeking DNA testing not take a position inconsistent with any affirmative defense he may have raised at trial. An affirmative defense is one such as self-defense, where a defendant is not denying that he committed one or more of the acts constituting the charged offense, but the defendant is denying criminal responsibility. One of the other pending bills does not have any similar provision, and another bill requires that the defendant's current theory of defense not be inconsistent with a prior theory of defense. However, my bill would allow a defendant who pled guilty to request DNA testing. Unfortunately, there are instances where due to inadequate representation or lack of sophistication on a defendant's part, or for a variety of other reasons, a defendant will plead guilty to a crime that he did not commit. My bill would allow such a defendant to seek DNA testing.

Another difference is that my bill has a five year limitation on its application, with one exception regarding newly discovered evidence. One of the other pending bills has no time limitation, and the other has a three year time limitation. The thrust of all the pending DNA bills is to allow a prisoner to seek potentially exculpatory DNA testing, even though such a request would otherwise be barred on procedural grounds, such as timeliness requirements.

My bill would benefit those defendants currently incarcerated who did not have access to DNA testing at the time of their trials. My bill defines lack of access rather broadly. If 1, the technology was actually not available, or 2, it was not generally known that such testing was available at the time of trial, or 3, if the technology was available and the testing was not requested and the applicant shows that the failure to have requested testing is attributable to deficient performance on his counsel's part, then the applicant is deemed not to have had access to the testing. The bill would allow a prisoner to seek testing for up to five years after the enactment of the bill, with the exceptions I noted above. Five years would give all defendants currently incarcerated enough time to bring their claims.

I do not propose that there be no time limitation, because I do not want to create an exception that could conceivably swallow the time limitations currently existing in federal law.

However, that concern may be misplaced. A track record of five years can tell us if this bill is ripe for abuse. If not, then the bill can be reenacted with no time limit. If, however, there is evidence that is being abused by prisoners, then the law would expire. Based on my experience as a prosecutor, I am concerned that the three year limitation is not long enough to develop a good track record on the use of this testing.

There would be an exception for this five year limitation. If a prisoner can show that there is newly discovered evidence in his case, and such evidence could not have been discovered through due diligence, or the failure to discover the evidence is attributable to deficient performance on his counsel's part, then he could bring a claim beyond the five year limit. This exception is consistent with the laws currently in force concerning newly discovered evidence.

Some may question the need for these DNA testing procedures in federal cases, as the level of practice and standard of representation is considered to be of the highest caliber. Even at that level there can be problems. Even though it did not involve DNA testing, we had the case of Timothy McVeigh when only days before his scheduled execution the FBI announced that it had discovered documents it had failed to provide the defense before trial. This highlights that even at the federal level mistakes can be made. This bill would provide one safeguard against such mistakes.

My bill would also mandate that states provide similar procedures to state prisoners in all cases. One of the pending bills has such a requirement, but only in capital cases. DNA evidence is such a powerful tool that can exonerate the unjustly convicted that I believe Congress has the authority pursuant to Section V of the 14th Amendment to impose post-conviction DNA testing requirements on the states.

In 1963, the United States Supreme Court decided the seminal case of ''Brady v. Maryland,'' 373 U.S. 83, where the Court held that ''suppression by the prosecution of evidence favorable to an accused . . . violates due process where the evidence is material either to guilt or punishment . . . .'' The Court also noted that ''[s]ociety wins not only when the guilty are convicted but when criminal trials are

fair; our system of the administration of justice suffers when any accused is treated unfairly.'' Congress has the authority to enact legislation to enforce the protections of the ''due process'' clause through Section V of the 14th Amendment.

DNA evidence is the most powerful evidence that can be ''favorable to an accused,'' because it can prove that the accused did not commit the crime. But when DNA evidence remains in the hands of the state untested, we do not know if it is favorable or unfavorable to the accused. It really is not ''evidence'' until it is tested, because its relevancy to guilt or innocence cannot be determined without testing. When a state does not provide a defendant with the opportunity to determine whether evidence may exculpate him, the state is, in effect, ''suppressing . . . favorable evidence'' by not allowing a defendant to determine whether it is favorable or not.

DNA evidence has proven to be extremely valuable to the criminal justice system. It has aided prosecutions and freed unjustly convicted persons. Since 1973, over 100 people have been freed from Death Row, at least 10 due to DNA testing. Additionally, over a total of 100 people have been freed after having been exonerated in both capital cases and non-capital cases due to DNA testing. The FBI has found that since 1989, DNA testing has cleared about 25% of sexual assault suspects whose samples are sent to the FBI for testing. Indeed, DNA evidence can be a stronger indicator of innocence than guilt. If the defendant's DNA does not match the DNA evidence, that is conclusive evidence. However, when a match results, in actuality, it is only a probability, albeit a very high probability, that the defendant was the source of the DNA.

In questioning whether the death penalty was being fairly administered in the United States, Supreme Court Justice Sandra O'Connor noted the number of Death Row inmates freed due to being exonerated, to include by DNA testing. Indeed, she commented that ''[i]f statistics are any indication, the system may well be allowing some innocent defendants to be executed.'' This concern was made manifest when the Governor of Illinois ordered a moratorium on the death penalty after 13 Death Row inmates were exonerated. Justice O'Connor also noted that the availability of DNA testing in the various states varied widely, with some states affording this post-conviction DNA testing and others not providing any at all. Even in those states that offer such testing, there is a wide variation in procedures. My bill would require the states to adopt procedures similar to the federal standards and thereby promote consistency among the states.

Indeed, the recent groundswell of opinion questioning the death penalty has been based on doubts about its accuracy. Providing Death Row defendants with the opportunity for DNA testing would do much to allay those concerns.

But the death penalty is not the only reason for enacting this bill. Many federal and state prisoners are currently incarcerated for long sentences due to mandatory minimums and Sentencing Guidelines. Indeed, the prisoner most recently freed due to DNA testing had served 21 years of an 80 year sentence for rape. Additionally, DNA evidence is relevant in many types of cases, beyond the classic sex assault cases and violent crimes where there is blood evidence. For example, in a bank robbery case, the FBI was able to connect a suspected robber to the case by recovering some hairs from a woolen cap the robber used as a mask. Obviously, such evidence could also be used to exonerate a defendant.

However, in order for this DNA testing to be of any use, there must be evidence to test. That is why this bill requires the preservation of biological evidence for the five year period after the enactment of this bill or, if someone requests testing pursuant to this bill, while those proceedings are underway.

This bill does more than provide justice to wrongfully convicted defendants. It also protects the public. When a person is wrongfully convicted of murder or rape, that allows the real perpetrator to remain at large. And based on my experience as District Attorney, sexual predators, especially those who prey on children, have the highest levels of recidivism.

As noted above, the authority for enacting this provision is Section V of the 14th Amendment to the Constitution. When a state fails to provide DNA testing that might bear on the guilt or innocence of a defendant, then the state is depriving the defendant of his life or liberty without due process of law. The state's interest in the finality of a conviction is strong. However, when balancing that interest against a prisoner's interest in not being wrongfully executed, justice cries out for access to DNA testing.

The need for Congress to address this issue was highlighted by two recent federal court decisions that addressed giving state prisoners access to DNA testing. In the 2001 case of ''Godschalk v. Montgomery County District Attorney's Office,'' 177 F.Supp.2d 366, Judge Charles R. Weiner of the United States District Court for the Eastern District of Pennsylvania ruled that a prisoner who sought DNA testing had a right to such testing pursuant to the Due Process clause of the 14th Amendment because such evidence could be exculpatory evidence as defined by ''Brady v. Maryland'' and its progeny. In 1987, Godschalk had been convicted of two rapes committed in 1986. At the time of trial, DNA testing was not available. At the trial, the prosecution introduced an audiotaped confession by Godschalk that contained details of the crimes not known to the public. Godschalk's state appeals of his convictions were denied, as well as his petitions for DNA testing. Godschalk then brought an action pursuant to 42 U.S. Code Section 1983 seeking DNA testing. The evidence from only one of the rapes was still in a condition so that it could be tested, but there was no dispute that the same person committed both rapes. The court ordered the DNA testing, noting that ''[w]hile [Godschalk's] detailed confessions to the rapes are powerful inculpatory evidence, so to any DNA testing that would exclude [Godschalk] as the source of the genetic material taken from the victims would be powerful exculpatory evidence. . . . Given the well-known powerful exculpatory effect of DNA testing, confidence in the jury's finding of [Godschalk's] guilt at his past trial, where such evidence was not considered, would be undermined.'' 177 F.Supp.2d at 370. The evidence was tested, and it did not match Godschalks's DNA, and he was subsequently freed.

The United States Court of Appeals for the Fourth Circuit reached a different result in the 2002 case of ''Harvey v. Horan,'' 278 F.3d at 370. In that case, Harvey had been convicted of rape and forcible sodomy. Harvey brought a Section 1983 action to have the evidence in that case tested with a new DNA technology that had not been available at the time of his trial. The district court granted his request, but on appeal the Fourth Circuit found his request to be procedurally barred. The court found that Section 1983 was not the proper path for such a request and that Harvey's request was, in effect, a petition for habeas corpus, which was statutorily barred as a successive petition. The court specifically noted that Harvey's path of redress was either through the state courts and legislature or Congress, stating that ''[f]ederal and state legislatures and state courts are free in ways that [the federal court is] not to set the ground rules by which further collateral attacks on state convictions such as Harvey's may be entertained.'' 278 F.3d at 380. The purpose of my bill is to establish those ''ground rules.''

The third title is ''Title III: Counsel Standards.''

Finally, my bill would establish minimal standards for defense counsel in state court cases where the defendant is facing the death penalty. In 1991, when my distinguished colleague and friend Senator BIDEN chaired the Judiciary Committee, he asked Professor James Liebman of Columbia Law School to calculate the frequency of relief in capital habeas corpus cases. This ultimately led Professor Liebman to conduct a study of the error rates in capital cases. His study found that one of the two most common errors prompting a majority of reversals at the state post-conviction stage was ''egregiously incompetent defense lawyers who didn't even look for and demonstrably missed important evidence

that the defendant was innocent or did not deserve to die . . . .'' In a more recent study released this year, Professor Liebman again cited the poor quality of defense counsel as a contributing factor to erroneous results in capital cases. And we all have heard the stories of defense counsel sleeping during the course of a capital trial.

My bill would establish minimal standards for defense counsel in capital cases who represent indigent defendants. The standards I propose are the same that are required in federal courts and establish an absolute floor for competence of counsel, both at the trial level and the appellate level. Unlike the other two pending bills, my bill would establish and mandate actual standards. If these standards are good enough for the federal courts, they should be good enough for state courts. They are specific enough to ensure that a defendant receives competent representation but also general enough so that they could be applied throughout the United States. Among other requirements, the bill would require that any counsel have several years of felony experience, and that a defendant would have a right to two defense counsel at trial.

One of the requirements is that defense counsel be ''learned in the law applicable to capital cases.'' Concededly, this is a rather general requirement which we can develop and explore at hearings on this bill and bring more definition to through legislative history or amending the bill. However, such generic language would allow flexibility between the different states, where the number of capital cases vary widely. For example, there may be a very experienced felony defense counsel who has never actually tried a capital case, but has attended several training sessions put on by the ABA or an equivalent organization. Why should not such a person be deemed competent to serve as defense counsel in a capital case even though he or she may have never defended such a case before? And this ''generic'' requirement will have a strict enforcement mechanism described below that will ensure it has ''teeth.''

In the seminal 1963 case of ''Gideon v. Wainwright,'' 372 U.S. 335, the Supreme Court recognized that indigent defendants have a constitutional right to be represented by counsel in criminal cases. In the 1984 case of ''Strickland v. Washington,'' 466 U.S. 668, the Supreme Court held that a defendant has a constitutional right to effective assistance of counsel guaranteed by the 6th Amendment to the Constitution, and that this requirement applied to the states through the due process clause of the 14th Amendment. Interestingly, ''Strickland'' was a death penalty case.

As these rights are guaranteed by the Constitution and apply to the states through the ''due process'' clause of the 14th Amendment, Congress has the authority to enforce these rights through Section V of that Amendment. There is no doubt that there is state action in these circumstances, as the state is responsible for appointing and compensating the counsel representing indigent defendants.

My bill, however, also contains an additional enforcement mechanism. ''Strickland'' identified a two-part analysis in determining whether there was a constitutional violation due to ineffective assistance of counsel. The first prong of that analysis is a determination whether ''counsel's performance was deficient,'' that is, whether the ''counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment.'' ''Strickland,'' 466 U.S. at 687. The second prong requires a determination as to whether the ''counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.'' Id. A defendant must establish both prongs to make a successful challenge. My bill would, in effect, eliminate the first prong of the analysis in a habeas corpus proceeding. If a defendant's counsel did not meet the standards established by my bill, then the first prong of ''deficient performance'' would be deemed to have been met. The defendant would then only have to satisfy the requirements of the second prong, thus allowing him to challenge the decisions his counsel made that influenced the outcome of the trial, without having to fear that the habeas court would deem such decisions to be ''tactical'' decisions that were within the realm of reasonable practice. However, if a state adopted the standards contained in my bill, a defendant would have to make both showings, as required by current law. A habeas court's review as to whether these standards were met will be ''de novo'' and the State would have the burden of proving that the standards had been met.

This overall enforcement provision is analogous to the provision I referred to earlier in the 1996 antiterrorism act, that provided for expedited habeas review if a state adopted certain procedures for indigent defendants.

The provisions of my bill are all aimed at achieving one goal—securing for all defendants throughout the criminal justice process all the protections guaranteed by the ''due process'' clause and thereby ensuring that they receive fair treatment throughout the process, regardless of their income level.

Mr. President, I ask unanimous consent that the bill containing these three provisions be printed in the RECORD.

Additionally, in order to facilitate hearings or perhaps legislative enactment of these bills, I am introducing the three separately: a separate bill on DNA evidence; a separate bill on staying execution, where the Supreme Court has granted certiorari; and a separate bill on adequacy of counsel, so that, in total, four bills are being introduced, and I ask that these bills also be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2446

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Confidence in Criminal Justice Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—RIGHT TO REVIEW OF THE DEATH PENALTY UPON THE GRANT OF CERTIORARI
Sec. 101. Protecting the rights of death row inmates to review of cases granted certiorari.
Sec. 102. Habeas corpus.
TITLE II—POSTCONVICTION DNA TESTING
Sec. 201. Postconviction DNA testing.
Sec. 202. Prohibition pursuant to section 5 of the 14th amendment.
TITLE III—MANDATORY MINIMAL DEFENSE COUNSEL STANDARDS IN STATE COURTS FOR CAPITAL CASES.
Sec. 301. Right to legal representation for indigent defendants.
Sec. 302. Minimum experience required for defense counsel.
Sec. 303. Adequate representation.
Sec. 304. Attorney fees and costs.
Sec. 305. Irrebuttable presumption of deficient performance.

## TITLE I—RIGHT TO REVIEW OF THE DEATH PENALTY UPON THE GRANT OF CERTIORARI

### SEC. 101. PROTECTING THE RIGHTS OF DEATH ROW INMATES TO REVIEW OF CASES GRANTED CERTIORARI.

Section 2101 of title 28, United States Code, is amended by adding at the end the following:

''(h) Upon notice by a party that has filed a motion for a stay of execution or filed for certiorari with, or has been granted certiorari by, the United States Supreme Court in an appeal from a case in which the sentence is death, the Governor of the State in which the death sentence is to be carried out, in a State case, or the Director of the Bureau of Prisons, the Secretary of a military branch, or any other Federal official with authority to carry out the death sentence, in a Federal case, shall suspend the execution of the sentence of death until the United States Supreme Court enters a stay of execution or until certiorari is acted upon and the case is disposed of by the United States Supreme Court.

''(i) For purposes of this section, the United States Supreme Court shall treat a motion for a stay of execution as a petition for certiorari.

''(j) In an appeal from a case in which the sentence is death, a writ of certiorari shall be issued by the United States Supreme Court upon the vote of at least 4 qualified justices.''.

### SEC. 102. HABEAS CORPUS.

(a) STATE COURT PROCEEDINGS.—Section 2251 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' at the beginning of the text;

(2) by inserting ''(b)'' before the second sentence; and

(3) by adding at the end the following:

''(c)(1) Notwithstanding any other provision of law, a justice or judge of the United States before whom a habeas corpus proceeding that involves the death sentence is

pending shall stay the execution of the death sentence until the proceeding is completed. If the issuance of such a stay requires more than 1 judge to concur or vote on the stay, the court before which the proceeding is pending shall grant the stay.

''(2) For purposes of this subsection, a case is pending before a court in the Circuit Court of Appeals if a notice of appeal has been filed and is pending before the United States Supreme Court, if a petition for certiorari has been filed, or if a motion to stay execution has been filed.

''(3) A case described in paragraph (2) remains pending before the court until the petition for certiorari is denied. If the petition is granted, the case remains pending.

''(4) If a higher court is unable or fails to issue a stay pursuant to this subsection, a lower court before which the case had been pending shall issue the stay of execution.

''(d) For purposes of this section, a motion to stay execution shall be treated as a petition for certiorari.''.

(b) FEDERAL COURT PROCEEDINGS.—Section 2255 of title 28, United States Code, is amended by adding at the end the following:

''Notwithstanding any other provision of law, a justice or judge of the United States, before whom a habeas corpus proceeding that involves a Federal death sentence is pending, shall stay the execution of the death sentence until the proceeding is completed. If the issuance of such a stay requires more than 1 judge to concur or vote on the stay, the court before which the proceeding is pending shall grant the stay.

''If a higher court is unable or fails to issue a stay pursuant to the preceding paragraph, a lower court before which the case had been pending shall issue the stay of execution. For purposes of this section, a motion to stay execution shall be treated as a petition for certiorari. A case described in the preceding paragraph—

''(1) is pending before a court in the Circuit Court of Appeals if a notice of appeal has been filed; and

''(2) is pending before the United States Supreme Court if—

''(A) a petition for certiorari has been filed and has not been denied; or

''(B) a motion to stay execution has been filed.''.

## TITLE II—POST-CONVICTION DNA TESTING

### SEC. 201. POST-CONVICTION DNA TESTING.

(a) FEDERAL CRIMINAL PROCEDURE.—

(1) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 228 the following:

### ''CHAPTER 228A—POST-CONVICTION DNA TESTING

''Sec.
''3600. DNA testing.
''3600A. Prohibition on destruction of biological evidence.

### ''§ 3600. DNA testing

''(a) MOTION.—

''(1) IN GENERAL.—An individual imprisoned because of a conviction of a criminal offense in a court of the United States (referred to in this section as the 'applicant') may make a written motion to the court that entered the judgment of conviction for the performance of forensic DNA testing on specified evidence that was secured in relation to the investigation or prosecution that resulted in the conviction.

''(2) CONTENTS.—The motion shall—

''(A) include an assertion by the applicant, under penalty of perjury, that the applicant is actually innocent of the crime for which the applicant is imprisoned or of uncharged conduct, if the exoneration of the applicant of such conduct would result in a mandatory reduction in the sentence of the applicant;

''(B) identify the specific evidence secured in relation to the investigation or prosecution that resulted in the conviction for which testing is requested;

''(C) identify a theory of defense—

''(i) the validity of which would establish the actual innocence of the applicant, and explain how the requested DNA testing would substantiate that theory; and

''(ii) that is not inconsistent with any affirmative defense issued by the applicant in the original prosecution;

''(D) make a prima facie showing that the conditions set forth in subsection (c) for issuance of a testing order are satisfied; and

''(E) certify that the applicant will provide a DNA sample from the applicant for purposes of comparison.

''(3) FILING.—A motion filed under this section is timely if—

''(A) it is filed within 60 months of the date of enactment of this section;

''(B) the applicant can show that—

''(i) the evidence identified pursuant to paragraph (2)(B) is newly discovered; and

''(ii)(I) such evidence could not have been discovered through the exercise of due diligence; or

''(II) the proximate cause for not having previously discovered such evidence was the deficient performance of the attorney of the applicant; or

''(C) the applicant can show that—

''(i)(I) the technology for the requested DNA testing was not available at the time of trial;

''(II) it was not generally known that such technology was available at the time of trial; or

''(III) the failure to request such testing using the technology was due to the deficient performance of the attorney of the applicant; and

''(ii) if any of the evidence was previously subjected to DNA testing, the testing now requested uses a newer technology for DNA testing that is reasonably certain to provide results that are substantially more accurate and probative than any previous DNA testing of the evidence.

''(b) NOTICE TO THE GOVERNMENT; PRESERVATION ORDER; APPOINTMENT OF COUNSEL.—

''(1) NOTICE TO THE GOVERNMENT.—Upon receipt of a motion under subsection (a), the court shall promptly notify the government of the motion and afford the government an opportunity to respond to the motion.

''(2) PRESERVATION ORDER.—The court may direct the government to preserve any evidence to which a motion under subsection (a) relates to the extent necessary to carry out proceedings under this section.

''(3) APPOINTMENT OF COUNSEL.—The court may appoint counsel for an indigent applicant under this section in accordance with section 3006A of this title.

''(c) ORDER FOR DNA TESTING.—The court shall order the DNA testing requested in a motion filed under this section if—

''(1) the motion satisfies the requirements of subsection (a);

''(2)(A) the identity of the perpetrator was at issue in the trial that resulted in the conviction of the applicant; or

''(B) in a case where the applicant pled guilty, the identity of the perpetrator would have been at issue at trial;

''(3) the evidence to be tested is in the possession of the government and has been subject to a chain of custody and retained under conditions sufficient to ensure that it has not been substituted, contaminated, tampered with, replaced, or altered in any respect material to the requested DNA testing;

''(4)(A)(i) the technology for the requested DNA testing was not available at the time of trial;

''(ii) it was not generally known that such technology was available; or

''(iii) the applicant can show that the failure to request such testing was due to the deficient performance of the attorney of the applicant; and

''(B) if any of the evidence was previously subjected to DNA testing, the testing now requested uses a newer DNA testing technique which is reasonably certain to provide results that are substantially more accurate and probative than any previous DNA testing of the evidence;

''(5) the proposed DNA testing uses scientifically sound methods and is consistent with accepted forensic practice;

''(6) the proposed DNA testing is reasonable in scope; and

''(7) the court determines, after review of the record of the trial of the applicant and any other relevant evidence, that there is a reasonable probability that the results of the proposed DNA testing will enable the applicant to establish that the applicant is entitled to a new trial under the standard of subsection (e)(3).

''(d) TESTING PROCEDURES; REPORTING OF TEST RESULTS.—

''(1) TESTING PROCEDURES.—The court shall direct that any DNA testing ordered under this section be carried out by—

''(A) a laboratory mutually selected by the government and the applicant; or

''(B) if the government and the applicant are unable to agree on a laboratory, a laboratory selected by the court ordering the testing.

''(2) LABORATORY APPROVAL.—With respect to DNA testing by a laboratory in accordance with this subsection, other than an FBI laboratory, the court must approve the selection of the laboratory and make all necessary orders to ensure the integrity of the evidence and the testing process and the reliability of the test results.

''(3) LABORATORY COSTS.—The applicant shall pay the cost of any testing by a laboratory in accordance with this subsection, other than an FBI laboratory, except that the court shall pay, in accordance with section 3006A of this title, the cost if the applicant would otherwise be financially incapable of securing such testing.

''(4) DISCLOSURE OF TEST RESULTS.—The results of any DNA testing ordered under this section—

''(A) shall be disclosed to—

''(i) the court;

''(ii) the applicant;

''(iii) the government; and

''(iv) the appropriate agency under subsection (e)(3)(B)(ii); and

''(B) shall be included in the Combined DNA Index System if the conditions set forth in subsection (e)(2) are met.

''(e) POSTTESTING PROCEDURES.—

''(1) INCONCLUSIVE RESULT.—If the DNA testing results are inconclusive, the court may order further testing, as appropriate, or may deny the applicant relief.

''(2) POSITIVE RESULT.—If DNA testing results obtained under this section show that the applicant was the source of the DNA identified as evidence under subsection (a)(2)(B), the court shall—

''(A) deny the applicant relief;

''(B) submit the DNA testing results to the Department of Justice for inclusion in the Combined DNA Index System; and

''(C) on motion of the government, proceed as provided in paragraph (5)(A).

''(3) NEGATIVE RESULT.—If DNA testing results obtained under this section show that the applicant was not the source of the DNA identified as evidence under subsection (a)(2)(B)—

''(A) the court shall promptly—

''(i) order any further DNA testing needed to clarify the import of the test results, including any testing needed to exclude persons other than the perpetrator of the crime as potential sources of the DNA evidence; and

''(ii) determine whether the applicant is entitled to relief under paragraph (4); and

''(B) the Attorney General shall—

''(i) compare the DNA evidence collected from the applicant with DNA evidence in the Combined DNA Index System that has been collected from unsolved crimes;

''(ii) if the comparison yields a DNA match with an unsolved crime, notify the appropriate agency and preserve the DNA sample; and

''(iii) if the comparison fails to yield a DNA match with an unsolved crime, destroy the DNA sample collected from the applicant.

''(4) EXCULPATORY EVIDENCE.—If the DNA testing conducted under this section produces exculpatory evidence—

''(A) the applicant may, during the 60-day period beginning on the date on which the applicant is notified of the test results, make a motion to the court that ordered the testing for a new trial based on newly discovered evidence under rule 33 of the Federal Rules of Criminal Procedure, notwithstanding any provision of law that would bar such a motion as untimely; and

''(B) upon receipt of a motion under subparagraph (A), the court that ordered the testing shall consider the motion under rule 33 of the Federal Rules of Criminal Procedure, notwithstanding any provision of law that would bar such consideration as untimely.

''(5) FAILURE TO OBTAIN RELIEF.—

''(A) IN GENERAL.—If the applicant fails to obtain relief under this subsection, the court, on motion by the government, shall make a determination whether the assertion of innocence by the applicant was false.

''(B) FALSE ASSERTION.—If the court finds that the assertion of innocence by the applicant was false, the court—

''(i) may hold the applicant in contempt;

''(ii) shall assess against the applicant the cost of any DNA testing carried out under this section; and

''(iii) shall forward the finding to the Director of the Bureau of Prisons.

''(C) BUREAU OF PRISONS.—On receipt of a finding by the court under this paragraph, the Director of the Bureau of Prisons may deny, wholly or in part, the good conduct credit authorized under section 3624 of this title, on the basis of that finding.

''(D) PAROLE COMMISSION.—If the applicant is subject to the jurisdiction of the United States Parole Commission, the court shall forward its finding under this paragraph to the Parole Commission, and the Parole Commission may deny parole on the basis of that finding.

''(E) PENALTY.—In any prosecution of an applicant under chapter 79 of this title, for false assertions or other conduct in proceedings under this section, the court, upon conviction of the applicant, shall sentence the applicant to a term of imprisonment of 1 year, which shall run consecutively to any other term of imprisonment the applicant is serving.

''(f) FINAL ORDER.—An order granting or denying DNA testing under subsection (c), or an order granting or denying a new trial under subsection (e), is a final order for purposes of section 1291 of title 28.

''(g) TIME LIMITS INAPPLICABLE; OTHER REMEDIES UNAFFECTED.—Notwithstanding any time limit otherwise applicable to motions for new trials based on newly discovered evidence, a court may grant relief under subsection (e) to an applicant, at any time.

''(h) OTHER REMEDIES UNAFFECTED.—This section does not affect the circumstances under which a person may obtain DNA testing or postconviction relief under any other law or rule.

**''§ 3600A. Prohibition on destruction of biological material**

''(a) PROHIBITION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, during the period described in paragraph (2), the government shall not destroy any biological material preserved if the defendant is serving a term of imprisonment following conviction in a case.

''(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date of enactment of this section and ending on the later of—

''(A) the expiration of the 60-month period beginning on that date of enactment; or

''(B) the date on which any proceedings under section 3600 relating to the case are completed.

''(b) SANCTIONS FOR INTENTIONAL VIOLATION.—The court may impose appropriate sanctions, including criminal contempt, for an intentional violation of subsection (a).

''(c) EXCEPTIONS.—The government may dispose of evidence before the expiration of the period of time described in subsection (a) if—

''(1) other than subsection (a), no statute, regulation, court order, or other provision of law requires that the evidence be preserved; and

''(2)(A)(i) the government notifies any person who remains incarcerated in connection with the investigation or prosecution and any counsel of record for that person (or, if there is no counsel of record, the public defender for the judicial district in which the conviction for that person was imposed), of the intention of the government to dispose of the evidence and the provisions of this chapter; and

''(ii) the government affords such person not less than 180 days after such notification to make a motion under section 3600(a) for DNA testing of the evidence; or

''(B)(i) the evidence must be returned to its rightful owner, or is of such a size, bulk, or physical character as to render retention impracticable; and

''(ii) the government takes reasonable measures to remove and preserve portions of the material evidence sufficient to permit future DNA testing.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 228 the following:

**''228A. Postconviction DNA Testing .. 3600''.**

(b) APPLICABILITY.—The provisions and amendments in this section shall take effect on the date of enactment of this Act and shall apply with respect to any offense committed, and to any judgment of conviction entered, before, on, or after that date of enactment.

(c) REPORT BY THE ATTORNEY GENERAL.—

(1) TRACKING SYSTEM.—

(A) IN GENERAL.—The Attorney General shall establish a system for reporting and tracking motions under section 3600 of title 18, United States Code.

(B) REQUESTED ASSISTANCE.—The judicial branch shall provide to the Attorney General any requested assistance in operating a reporting and tracking system and in ensuring the accuracy and completeness of information included in that system.

(2) INFORMATION.—Not later than 180 days before the expiration of the time period referenced in section 3600(a)(3)(A) of title 18, United States Code, the Attorney General shall submit a report to Congress containing—

(A) a summary of the motions filed under section 3600 of title 18, United States Code;

(B) information on whether DNA testing was ordered pursuant to such motions;

(C) information on whether the applicant obtained relief on the basis of DNA test results; and

(D) information on whether further proceedings occurred following a granting of relief and the outcome of those proceedings.

(3) ASSESSMENT.—The report submitted under paragraph (2) may also include—

(A) any other information that the Attorney General believes will be useful in assessing the operation, utility, or costs of section 3600 of title 18, United States Code; and

(B) any recommendations that the Attorney General may have relating to future legislative action concerning section 3600 of title 18, United States Code.

**SEC. 202. PROHIBITION PURSUANT TO SECTION 5 OF THE 14TH AMENDMENT.**

(a) APPLICATION FOR DNA TESTING.—No State shall deny an application for DNA testing made by a prisoner in State custody who would be eligible for such testing under the provisions of sections 3600 and 3600A of title 18, United States Code.

(b) DNA TESTING PROCEDURES.—The procedures for DNA testing for a prisoner in State custody shall be substantially similar to the DNA testing procedures established for Federal courts under sections 3600 and 3600A of title 18, United States Code.

(c) REMEDY.—A prisoner in State custody may enforce subsections (a) and (b) in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States, naming an executive or judicial officer of the State as a defendant.

## TITLE III—MANDATORY MINIMAL DEFENSE COUNSEL STANDARDS IN STATE COURTS FOR CAPITAL CASES

**SEC. 301. RIGHT TO LEGAL REPRESENTATION FOR INDIGENT DEFENDANTS.**

(a) PRECONVICTION REPRESENTATION.—Notwithstanding any other provision of law, a defendant in a criminal action in a State court, which may result in punishment by death, who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services at any time—

(1) before judgment; or

(2) after the entry of a judgment imposing a sentence of death, but before the execution of that judgment;

shall be entitled to the appointment of 1 or more attorneys and the furnishing of such other services in accordance with the provisions of this title.

(b) POSTCONVICTION REPRESENTATION.—In a postconviction proceeding in which a defendant seeks to vacate or set aside a death sentence, a defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services shall be entitled to the appointment of 1 or more attorneys and the furnishing of such other services in accordance with the provisions of this title.

**SEC. 302. MINIMUM EXPERIENCE REQUIRED FOR DEFENSE COUNSEL.**

(a) PREJUDGMENT APPOINTMENT.—

(1) IN GENERAL.—If the appointment of legal counsel under this title is made before judgment, at least 1 attorney so appointed—

(A) must have been admitted to practice for not less than 5 years in the court in which the prosecution is to be tried; and

(B) must have not less than 3 years experience in the actual trial of felony prosecutions in that court.

(2) JUDICIAL APPOINTMENT.—The court before which the defendant is to be tried, or a

judge thereof, shall promptly, upon the request of the defendant, assign 2 attorneys to the case.

(3) EXPERTISE; ACCESSIBILITY.—At least 1 of the attorneys assigned under paragraph (2)—

(A) shall be learned in the law applicable to capital cases; and

(B) shall have free access to the accused at all reasonable hours.

(4) RECOMMENDATION.—In assigning counsel under this section, the court shall consider—

(A) the recommendation of the State public defender organization, community defender organization, or equivalent organization; or

(B) if no such organization exists in the relevant jurisdiction, the administrative office of the local court or any governmental entity, bar association, or organization with knowledge regarding the skills and qualifications of local defense counsel.

(5) WITNESSES.—The court shall allow a defendant, under this title, to produce lawful witnesses to testify in support of the defendant, and shall compel such witnesses to appear at trial in the same manner that witnesses are compelled to appear on behalf of the prosecution.

(b) POSTJUDGMENT APPOINTMENT.—If the appointment is made after judgment, at least 1 attorney appointed shall—

(1) have been admitted to practice for not less than 5 years in the appropriate State appellate court;

(2) have not less than 3 years experience in the handling of felony appeals in that court; and

(3) be learned in the law applicable to capital cases.

(c) LEARNED STANDARD.—In determining whether an attorney is learned in the law of capital cases under this section, the State court shall apply the standard used in the courts of the United States.

**SEC. 303. ADEQUATE REPRESENTATION.**

(a) APPOINTMENT OF SUBSTITUTE COUNSEL.—With respect to this section, the court, for good cause, may appoint another attorney whose background, knowledge, or experience would otherwise enable the attorney to properly represent the defendant, with due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.

(b) SCOPE OF LEGAL REPRESENTATION.—Unless replaced by similarly qualified counsel upon the motion of the attorney or the defendant, each attorney appointed under this title shall represent the defendant throughout every stage of available judicial proceedings, including—

(1) pretrial motions and procedures;

(2) competency proceedings;

(3) trial;

(4) sentencing;

(5) executive and other clemency proceedings;

(6) motions for new trial;

(7) appeals;

(8) applications for stays of execution; and

(9) applications for writ of certiorari to the Supreme Court of the United States.

(c) ADDITIONAL SERVICES.—

(1) IN GENERAL.—Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the attorneys for the defendant to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses for such services pursuant to section 304.

(2) EX PARTE COMMUNICATIONS.—No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.

**SEC. 304. ATTORNEY FEES AND COSTS.**

(a) ATTORNEY FEES.—Compensation shall be paid to attorneys appointed under this title at a rate equivalent to that of attorneys representing defendants in Federal capital cases pursuant to section 408(q)(10)(A) of the Controlled Substances Act (21 U.S.C. 848(q)(10)(A)).

(b) ADDITIONAL EXPENSES.—Fees and expenses paid for investigative, expert, and other reasonably necessary services authorized under this section shall be equivalent to fees paid in Federal capital cases pursuant to section 408(q)(10)(B) of the Controlled Substances Act (21 U.S.C. 848(q)(10)(B)).

(c) PUBLIC DISCLOSURE.—The amounts paid for services under this section shall be disclosed to the public, after the disposition of the petition.

**SEC. 305. IRREBUTTABLE PRESUMPTION OF DEFICIENT PERFORMANCE.**

(a) IN GENERAL.—In a proceeding in Federal court pursuant to section 2254 of title 28, United States Code, the failure to comply with the procedures of this title shall create an irrebuttable presumption that the performance of the counsel for the petitioner was deficient.

(b) ENTITLEMENT TO RELIEF; BURDEN OF PROOF; STANDARD OF REVIEW.—A petitioner is not entitled to relief unless the petitioner shows that the result of the proceeding would have been different if the performance of the counsel for the petitioner had not been deficient. The party opposing the petition has the burden of establishing that the standards in this section have been met. The court shall conduct a de novo review to settle this issue.

(c) OTHER REMEDIES.—The provisions of this section are not intended to limit any other Federal or State court from enforcing this section by any other appropriate remedy.

---

S. 2441

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

**SECTION 1. SHORT TITLE.**

(a) SHORT TITLE.—This Act may be cited as the ''Post-Conviction DNA Testing Act of 2002''.

**SEC. 2. POST-CONVICTION DNA TESTING.**

(a) FEDERAL CRIMINAL PROCEDURE.—

(1) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 228 the following:

**''CHAPTER 228A—POST-CONVICTION DNA TESTING**

''Sec.
''3600. DNA testing.
''3600A. Prohibition on destruction of biological evidence.

**''§ 3600. DNA testing**

''(a) MOTION.—

''(1) IN GENERAL.—An individual imprisoned because of a conviction of a criminal offense in a court of the United States (referred to in this section as the 'applicant') may make a written motion to the court that entered the judgment of conviction for the performance of forensic DNA testing on specified evidence that was secured in relation to the investigation or prosecution that resulted in the conviction.

''(2) CONTENTS.—The motion shall—

''(A) include an assertion by the applicant, under penalty of perjury, that the applicant is actually innocent of the crime for which the applicant is imprisoned or of uncharged conduct, if the exoneration of the applicant of such conduct would result in a mandatory reduction in the sentence of the applicant;

''(B) identify the specific evidence secured in relation to the investigation or prosecution that resulted in the conviction for which testing is requested;

''(C) identify a theory of defense—

''(i) the validity of which would establish the actual innocence of the applicant, and explain how the requested DNA testing would substantiate that theory; and

''(ii) that is not inconsistent with any affirmative defense issued by the applicant in the original prosecution;

''(D) make a prima facie showing that the conditions set forth in subsection (c) for issuance of a testing order are satisfied; and

''(E) certify that the applicant will provide a DNA sample from the applicant for purposes of comparison.

''(3) FILING.—A motion filed under this section is timely if—

''(A) it is filed within 60 months of the date of enactment of this section;

''(B) the applicant can show that—

''(i) the evidence identified pursuant to paragraph (2)(B) is newly discovered; and

''(ii)(I) such evidence could not have been discovered through the exercise of due diligence; or

''(II) the proximate cause for not having previously discovered such evidence was the deficient performance of the attorney of the applicant; or

''(C) the applicant can show that—

''(i)(I) the technology for the requested DNA testing was not available at the time of trial;

''(II) it was not generally known that such technology was available at the time of trial; or

''(III) the failure to request such testing using the technology was due to the deficient performance of the attorney of the applicant; and

''(ii) if any of the evidence was previously subjected to DNA testing, the testing now requested uses a newer technology for DNA testing that is reasonably certain to provide results that are substantially more accurate and probative than any previous DNA testing of the evidence.

''(b) NOTICE TO THE GOVERNMENT; PRESERVATION ORDER; APPOINTMENT OF COUNSEL.—

''(1) NOTICE TO THE GOVERNMENT.—Upon receipt of a motion under subsection (a), the court shall promptly notify the government of the motion and afford the government an opportunity to respond to the motion.

''(2) PRESERVATION ORDER.—The court may direct the government to preserve any evidence to which a motion under subsection (a) relates to the extent necessary to carry out proceedings under this section.

''(3) APPOINTMENT OF COUNSEL.—The court may appoint counsel for an indigent applicant under this section in accordance with section 3006A of this title.

''(c) ORDER FOR DNA TESTING.—The court shall order the DNA testing requested in a motion filed under this section if—

''(1) the motion satisfies the requirements of subsection (a);

''(2)(A) the identity of the perpetrator was at issue in the trial that resulted in the conviction of the applicant; or

''(B) in a case where the applicant pled guilty, the identity of the perpetrator would have been at issue at trial;

''(3) the evidence to be tested is in the possession of the government and has been subject to a chain of custody and retained under conditions sufficient to ensure that it has not been substituted, contaminated, tampered with, replaced, or altered in any respect material to the requested DNA testing;

''(4)(A)(i) the technology for the requested DNA testing was not available at the time of trial;

''(ii) it was not generally known that such technology was available; or

''(iii) the applicant can show that the failure to request such testing was due to the deficient performance of the attorney of the applicant; and

''(B) if any of the evidence was previously subjected to DNA testing, the testing now requested uses a newer DNA testing technique which is reasonably certain to provide results that are substantially more accurate and probative than any previous DNA testing of the evidence;

''(5) the proposed DNA testing uses scientifically sound methods and is consistent with accepted forensic practice;

''(6) the proposed DNA testing is reasonable in scope; and

''(7) the court determines, after review of the record of the trial of the applicant and any other relevant evidence, that there is a reasonable probability that the results of the proposed DNA testing will enable the applicant to establish that the applicant is entitled to a new trial under the standard of subsection (e)(3).

''(d) TESTING PROCEDURES; REPORTING OF TEST RESULTS.—

''(1) TESTING PROCEDURES.—The court shall direct that any DNA testing ordered under this section be carried out by—

''(A) a laboratory mutually selected by the government and the applicant; or

''(B) if the government and the applicant are unable to agree on a laboratory, a laboratory selected by the court ordering the testing.

''(2) LABORATORY APPROVAL.—With respect to DNA testing by a laboratory in accordance with this subsection, other than an FBI laboratory, the court must approve the selection of the laboratory and make all necessary orders to ensure the integrity of the evidence and the testing process and the reliability of the test results.

''(3) LABORATORY COSTS.—The applicant shall pay the cost of any testing by a laboratory in accordance with this subsection, other than an FBI laboratory, except that the court shall pay, in accordance with section 3006A of this title, the cost if the applicant would otherwise be financially incapable of securing such testing.

''(4) DISCLOSURE OF TEST RESULTS.—The results of any DNA testing ordered under this section—

''(A) shall be disclosed to—

''(i) the court;

''(ii) the applicant;

''(iii) the government; and

''(iv) the appropriate agency under subsection (e)(3)(B)(ii); and

''(B) shall be included in the Combined DNA Index System if the conditions set forth in subsection (e)(2) are met.

''(e) POSTTESTING PROCEDURES.—

''(1) INCONCLUSIVE RESULT.—If the DNA testing results are inconclusive, the court may order further testing, as appropriate, or may deny the applicant relief.

''(2) POSITIVE RESULT.—If DNA testing results obtained under this section show that the applicant was the source of the DNA identified as evidence under subsection (a)(2)(B), the court shall—

''(A) deny the applicant relief;

''(B) submit the DNA testing results to the Department of Justice for inclusion in the Combined DNA Index System; and

''(C) on motion of the government, proceed as provided in paragraph (5)(A).

''(3) NEGATIVE RESULT.—If DNA testing results obtained under this section show that the applicant was not the source of the DNA identified as evidence under subsection (a)(2)(B)—

''(A) the court shall promptly—

''(i) order any further DNA testing needed to clarify the import of the test results, including any testing needed to exclude persons other than the perpetrator of the crime as potential sources of the DNA evidence; and

''(ii) determine whether the applicant is entitled to relief under paragraph (4); and

''(B) the Attorney General shall—

''(i) compare the DNA evidence collected from the applicant with DNA evidence in the Combined DNA Index System that has been collected from unsolved crimes;

''(ii) if the comparison yields a DNA match with an unsolved crime, notify the appropriate agency and preserve the DNA sample; and

''(iii) if the comparison fails to yield a DNA match with an unsolved crime, destroy the DNA sample collected from the applicant.

''(4) EXCULPATORY EVIDENCE.—If the DNA testing conducted under this section produces exculpatory evidence—

''(A) the applicant may, during the 60-day period beginning on the date on which the applicant is notified of the test results, make a motion to the court that ordered the testing for a new trial based on newly discovered evidence under rule 33 of the Federal Rules of Criminal Procedure, notwithstanding any provision of law that would bar such a motion as untimely; and

''(B) upon receipt of a motion under subparagraph (A), the court that ordered the testing shall consider the motion under rule 33 of the Federal Rules of Criminal Procedure, notwithstanding any provision of law that would bar such consideration as untimely.

''(5) FAILURE TO OBTAIN RELIEF.—

''(A) IN GENERAL.—If the applicant fails to obtain relief under this subsection, the court, on motion by the government, shall make a determination whether the assertion of innocence by the applicant was false.

''(B) FALSE ASSERTION.—If the court finds that the assertion of innocence by the applicant was false, the court—

''(i) may hold the applicant in contempt;

''(ii) shall assess against the applicant the cost of any DNA testing carried out under this section; and

''(iii) shall forward the finding to the Director of the Bureau of Prisons.

''(C) BUREAU OF PRISONS.—On receipt of a finding by the court under this paragraph, the Director of the Bureau of Prisons may deny, wholly or in part, the good conduct credit authorized under section 3624 of this title, on the basis of that finding.

''(D) PAROLE COMMISSION.—If the applicant is subject to the jurisdiction of the United States Parole Commission, the court shall forward its finding under this paragraph to the Parole Commission, and the Parole Commission may deny parole on the basis of that finding.

''(E) PENALTY.—In any prosecution of an applicant under chapter 79 of this title, for false assertions or other conduct in proceedings under this section, the court, upon conviction of the applicant, shall sentence the applicant to a term of imprisonment of 1 year, which shall run consecutively to any other term of imprisonment the applicant is serving.

''(f) FINAL ORDER.—An order granting or denying DNA testing under subsection (c), or an order granting or denying a new trial under subsection (e), is a final order for purposes of section 1291 of title 28.

''(g) TIME LIMITS INAPPLICABLE; OTHER REMEDIES UNAFFECTED.—Notwithstanding any time limit otherwise applicable to motions for new trials based on newly discovered evidence, a court may grant relief under subsection (e) to an applicant, at any time.

''(h) OTHER REMEDIES UNAFFECTED.—This section does not affect the circumstances under which a person may obtain DNA testing or postconviction relief under any other law or rule.

**''§ 3600A. Prohibition on destruction of biological material**

''(a) PROHIBITION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, during the period described in paragraph (2), the government shall not destroy any biological material preserved if the defendant is serving a term of imprisonment following conviction in a case.

''(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date of enactment of this section and ending on the later of—

''(A) the expiration of the 60-month period beginning on that date of enactment; or

''(B) the date on which any proceedings under section 3600 relating to the case are completed.

''(b) SANCTIONS FOR INTENTIONAL VIOLATION.—The court may impose appropriate sanctions, including criminal contempt, for an intentional violation of subsection (a).

''(c) EXCEPTIONS.—The government may dispose of evidence before the expiration of the period of time described in subsection (a) if—

''(1) other than subsection (a), no statute, regulation, court order, or other provision of law requires that the evidence be preserved; and

''(2)(A)(i) the government notifies any person who remains incarcerated in connection with the investigation or prosecution and any counsel of record for that person (or, if there is no counsel of record, the public defender for the judicial district in which the conviction for that person was imposed), of the intention of the government to dispose of the evidence and the provisions of this chapter; and

''(ii) the government affords such person not less than 180 days after such notification to make a motion under section 3600(a) for DNA testing of the evidence; or

''(B)(i) the evidence must be returned to its rightful owner, or is of such a size, bulk, or physical character as to render retention impracticable; and

''(ii) the government takes reasonable measures to remove and preserve portions of the material evidence sufficient to permit future DNA testing.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 228 the following:

**''228A. Postconviction DNA Testing .. 3600''.**

(b) APPLICABILITY.—The provisions and amendments in this section shall take effect on the date of enactment of this Act and shall apply with respect to any offense committed, and to any judgment of conviction entered, before, on, or after that date of enactment.

(c) REPORT BY THE ATTORNEY GENERAL.—

(1) TRACKING SYSTEM.—

(A) IN GENERAL.—The Attorney General shall establish a system for reporting and tracking motions under section 3600 of title 18, United States Code.

(B) REQUESTED ASSISTANCE.—The judicial branch shall provide to the Attorney General any requested assistance in operating a reporting and tracking system and in ensuring the accuracy and completeness of information included in that system.

(2) INFORMATION.—Not later than 180 days before the expiration of the time period referenced in section 3600(a)(3)(A) of title 18, United States Code, the Attorney General shall submit a report to Congress containing—

(A) a summary of the motions filed under section 3600 of title 18, United States Code;

(B) information on whether DNA testing was ordered pursuant to such motions;

(C) information on whether the applicant obtained relief on the basis of DNA test results; and

(D) information on whether further proceedings occurred following a granting of relief and the outcome of those proceedings.

(3) ASSESSMENT.—The report submitted under paragraph (2) may also include—

(A) any other information that the Attorney General believes will be useful in assessing the operation, utility, or costs of section 3600 of title 18, United States Code; and

(B) any recommendations that the Attorney General may have relating to future legislative action concerning section 3600 of title 18, United States Code.

**SEC. 3. PROHIBITION PURSUANT TO SECTION 5 OF THE 14TH AMENDMENT.**

(a) APPLICATION FOR DNA TESTING.—No State shall deny an application for DNA testing made by a prisoner in State custody who would be eligible for such testing under the provisions of sections 3600 and 3600A of title 18, United States Code.

(b) DNA TESTING PROCEDURES.—The procedures for DNA testing for a prisoner in State custody shall be substantially similar to the DNA testing procedures established for Federal courts under sections 3600 and 3600A of title 18, United States Code.

(c) REMEDY.—A prisoner in State custody may enforce subsections (a) and (b) in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States, naming an executive or judicial officer of the State as a defendant.

---

S. 2442

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

**SECTION 1. SHORT TITLE.**

(a) SHORT TITLE.—This Act may be cited as the ''Capital Defense Counsel Standards Act of 2002''.

**SEC. 2. RIGHT TO LEGAL REPRESENTATION FOR INDIGENT DEFENDANTS.**

(a) PRECONVICTION REPRESENTATION.—Notwithstanding any other provision of law, a defendant in a criminal action in a State court, which may result in punishment by death, who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services at any time—

(1) before judgment; or

(2) after the entry of a judgment imposing a sentence of death, but before the execution of that judgment;

shall be entitled to the appointment of 1 or more attorneys and the furnishing of such other services in accordance with the provisions of this Act.

(b) POSTCONVICTION REPRESENTATION.—In a postconviction proceeding in which a defendant seeks to vacate or set aside a death sentence, a defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services shall be entitled to the appointment of 1 or more attorneys and the furnishing of such other services in accordance with the provisions of this Act.

**SEC. 3. MINIMUM EXPERIENCE REQUIRED FOR DEFENSE COUNSEL.**

(a) PREJUDGMENT APPOINTMENT.—

(1) IN GENERAL.—If the appointment of legal counsel under this Act is made before judgment, at least 1 attorney so appointed—

(A) must have been admitted to practice for not less than 5 years in the court in which the prosecution is to be tried; and

(B) must have not less than 3 years experience in the actual trial of felony prosecutions in that court.

(2) JUDICIAL APPOINTMENT.—The court before which the defendant is to be tried, or a judge thereof, shall promptly, upon the request of the defendant, assign 2 attorneys to the case.

(3) EXPERTISE; ACCESSIBILITY.—At least 1 of the attorneys assigned under paragraph (2)—

(A) shall be learned in the law applicable to capital cases; and

(B) shall have free access to the accused at all reasonable hours.

(4) RECOMMENDATION.—In assigning counsel under this section, the court shall consider—

(A) the recommendation of the State public defender organization, community defender organization, or equivalent organization; or

(B) if no such organization exists in the relevant jurisdiction, the administrative office of the local court or any governmental entity, bar association, or organization with knowledge regarding the skills and qualifications of local defense counsel.

(5) WITNESSES.—The court shall allow a defendant, under this Act, to produce lawful witnesses to testify in support of the defendant, and shall compel such witnesses to appear at trial in the same manner that witnesses are compelled to appear on behalf of the prosecution.

(b) POSTJUDGMENT APPOINTMENT.—If the appointment is made after judgment, at least 1 attorney appointed shall—

(1) have been admitted to practice for not less than 5 years in the appropriate State appellate court;

(2) have not less than 3 years experience in the handling of felony appeals in that court; and

(3) be learned in the law applicable to capital cases.

(c) LEARNED STANDARD.—In determining whether an attorney is learned in the law of capital cases under this section, the State court shall apply the standard used in the courts of the United States.

**SEC. 4. ADEQUATE REPRESENTATION.**

(a) APPOINTMENT OF SUBSTITUTE COUNSEL.—With respect to this section, the court, for good cause, may appoint another attorney whose background, knowledge, or experience would otherwise enable the attorney to properly represent the defendant, with due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.

(b) SCOPE OF LEGAL REPRESENTATION.—Unless replaced by similarly qualified counsel upon the motion of the attorney or the defendant, each attorney appointed under this Act shall represent the defendant throughout every stage of available judicial proceedings, including—

(1) pretrial motions and procedures;

(2) competency proceedings;

(3) trial;

(4) sentencing;

(5) executive and other clemency proceedings;

(6) motions for new trial;

(7) appeals;

(8) applications for stays of execution; and

(9) applications for writ of certiorari to the Supreme Court of the United States.

(c) ADDITIONAL SERVICES.—

(1) IN GENERAL.—Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the attorneys for the defendant to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses for such services pursuant to section 5.

(2) EX PARTE COMMUNICATIONS.—No ex parte proceeding, communication, or request may be considered under this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.

**SEC. 5. ATTORNEY FEES AND COSTS.**

(a) ATTORNEY FEES.—Compensation shall be paid to attorneys appointed under this Act at a rate equivalent to that of attorneys representing defendants in Federal capital cases under section 408(q)(10)(A) of the Controlled Substances Act (21 U.S.C. 848(q)(10)(A)).

(b) ADDITIONAL EXPENSES.—Fees and expenses paid for investigative, expert, and other reasonably necessary services authorized under this section shall be equivalent to fees paid in Federal capital cases under section 408(q)(10)(B) of the Controlled Substances Act (21 U.S.C. 848(q)(10)(B)).

(c) PUBLIC DISCLOSURE.—The amounts paid for services under this section shall be disclosed to the public, after the disposition of the petition.

**SEC. 6. IRREBUTTABLE PRESUMPTION OF DEFICIENT PERFORMANCE.**

(a) IN GENERAL.—In a proceeding in Federal court under section 2254 of title 28, United States Code, the failure to comply with the procedures of this Act shall create an irrebuttable presumption that the performance of the counsel for the petitioner was deficient.

(b) ENTITLEMENT TO RELIEF; BURDEN OF PROOF; STANDARD OF REVIEW.—A petitioner is not entitled to relief unless the petitioner shows that the result of the proceeding would have been different if the performance of the counsel for the petitioner had not been deficient. The party opposing the petition has the burden of establishing that the standards in this section have been met. The court shall conduct a de novo review to settle this issue.

(c) OTHER REMEDIES.—The provisions of this section are not intended to limit any other Federal or State court from enforcing this section by any other appropriate remedy.

---

S. 2443

*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 ''Death Penalty Review Act of 2002''.

**SEC. 2. PROTECTING THE RIGHTS OF DEATH ROW INMATES TO REVIEW OF CASES GRANTED CERTIORARI.**

Section 2101 of title 28, United States Code, is amended by adding at the end the following:

''(h) Upon notice by a party that has filed a motion for a stay of execution or filed for certiorari with, or has been granted certiorari by, the United States Supreme Court in an appeal from a case in which the sentence is death, the Governor of the State in which the death sentence is to be carried out, in a State case, or the Director of the Bureau of Prisons, the Secretary of a military branch, or any other Federal official with authority to carry out the death sentence, in a Federal case, shall suspend the execution of the sentence of death until the United States Supreme Court enters a stay of execution or

until certiorari is acted upon and the case is disposed of by the United States Supreme Court.

''(i) For purposes of this section, the United States Supreme Court shall treat a motion for a stay of execution as a petition for certiorari.

''(j) In an appeal from a case in which the sentence is death, a writ of certiorari shall be issued by the United States Supreme Court upon the vote of at least 4 qualified justices.''.

**SEC. 3. HABEAS CORPUS.**

(a) STATE COURT PROCEEDINGS.—Section 2251 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' at the beginning of the text;

(2) by designating the second sentence as subsection (b); and

(3) by adding at the end the following:

''(c)(1) Notwithstanding any other provision of law, a justice or judge of the United States before whom a habeas corpus proceeding that involves the death sentence is pending shall stay the execution of the death sentence until the proceeding is completed. If the issuance of such a stay requires more than 1 judge to concur or vote on the stay, the court before which the proceeding is pending shall grant the stay.

''(2) For purposes of this subsection, a case is pending before—

''(A) a court in the Circuit Court of Appeals, if a notice of appeal has been filed; and

''(B) the United States Supreme Court, if a petition for certiorari has been filed, or if a motion to stay execution has been filed.

''(3) A case described in paragraph (2) remains pending before the court until the petition for certiorari is denied. If the petition is granted, the case remains pending.

''(4) If a higher court is unable or fails to issue a stay pursuant to this subsection, a lower court before which the case had been pending shall issue the stay of execution.

''(d) For purposes of this section, a motion to stay execution shall be treated as a petition for certiorari.''.

(b) FEDERAL COURT PROCEEDINGS.—Section 2255 of title 28, United States Code, is amended by adding at the end the following:

''Notwithstanding any other provision of law, a justice or judge of the United States, before whom a habeas corpus proceeding that involves a Federal death sentence is pending, shall stay the execution of the death sentence until the proceeding is completed. If the issuance of such a stay requires more than 1 judge to concur or vote on the stay, the court before which the proceeding is pending shall grant the stay.

''If a higher court is unable or fails to issue a stay pursuant to the preceding paragraph, a lower court before which the case had been pending shall issue the stay of execution. For purposes of this section, a motion to stay execution shall be treated as a petition for certiorari. A case described in the preceding paragraph—

''(1) is pending before a court in the Circuit Court of Appeals if a notice of appeal has been filed; and

''(2) is pending before the United States Supreme Court if—

''(A) a petition for certiorari has been filed and has not been denied; or

''(B) a motion to stay execution has been filed.''.

---

By Mr. HOLLINGS (for himself, Mrs. CLINTON, Mr. STEVENS, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. DORGAN):

S. 2448. A bill to improve nationwide access to broadband services; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to introduce the Broadband Telecommunications Act of 2002. This legislation is designed to promote the deployment of broadband technology in rural and under-served areas of the market.

The Internet has unquestionably revolutionized our society, making it possible to transmit data and engage in commerce in a manner not previously experienced. However, notwithstanding its enormous benefits, the Internet is still in its building stage, with its greatest capacity yet to be reached. An important element in enhancing the Internet's capability is the technology known as ''broadband.'' This refers to the technologies and facilities that enhance the speed and efficiency by which voice, video, data communications are transmitted.

Many, in fact, believe that broadband is the key to securing the Internet as the central medium of interstate and global commerce. Once extensively and fully deployed and accepted by consumers and the marketplace, broadband will undoubtedly produce marvelous advantages: permitting physicians to consult with each other and share information instantaneously, thus enriching the learning process; allowing consumers to access entertainment including music and movies, as well as other products at any given time; and offering workers greater options, as it will facilitate the ability of workers to access from home, electronic files as well as communicate with coworkers by voice and video.

Before this great vision can be realized, however, several key issues will have to be addressed. These include ensuring that broadband is deployed to all Americans and promoting consumer confidence in the Internet, while simultaneously preserving competition in the telecommunications and Internet markets.

With respect to broadband deployment, telephone and cable companies have been upgrading their networks, in order to provide broadband service. As it stands today, broadband availability for residential Internet users is approximately 85 percent. However, even though this number is admirable, there are still specific areas where broadband capability has yet to take hold. This predicament mostly involves rural, as well as some inner city areas. Ensuring the availability of broadband in these markets is the public policy challenge we face today. Clearly, Congress' main responsibility is ensuring that the right policy is pursued and implemented to accomplish this goal.

Reports indicate that small telephone companies, have been diligently rolling out broadband service in rural areas. Nevertheless, to achieve the goal of broadband deployment in all rural and underserved areas, the government will need to provide some assistance. In recognition of this need, Senators ROCKEFELLER and DORGAN both members of the Commerce Committee, have sponsored bills to support such deployments with options such as low interest loans and tax credits.

The approach taken by Senators ROCKEFELLER and DORGAN represent a constructive approach to achieving greater broadband deployment. Financial assistance, through measures such as loans, grants, and tax incentives, is necessary to help defray the cost of these additional deployments. By providing loans and grants, the bill I introduce today takes a similar approach to achieving broadband deployment.

In addition to deployment of broadband facilities, there also is an issue concerning broadband speeds. Currently, the broadband facilities that are being deployed to residential consumers provide speeds of up to 1.5 megabits per second. However, groups such as TechNet, maintain that in order to realize the real potential of broadband—telemedicine, distance learning, teleworking, and entertainment over the Internet, telecommunications facilities must be able to provide speeds of 50 to 100 megabits. If this is correct, as policy makers we must, at a minimum, determine what is necessary both technologically and financially to accomplish this goal. Such findings will provide the basis to determine the policies Congress will be compelled to pursue if a determination is made that speeds of 50 to 100 megabits per second are necessary.

Even as we discuss broadband speeds of 50–100 megabits, we must acknowledge that consumers do not seem seduced by the available broadband speeds of 1.5 megabits. In fact, reports show, that about 10 percent actually subscribe to broadband, leading many to believe that low demand is the problem, not slow deployment. If achieving a broadband environment is a priority, in addition to spurring deployment, we must eliminate the impediments that block consumers from obtaining the content, services, and applications necessary to make broadband service a useful and productive tool.

Another essential issue concerning the promotion of broadband involves the issue of privacy. Consumers use of the Internet is a fundamental first step to promoting interest in broadband. This will not be possible, however, unless consumers are confident that their privacy and personal information are protected and secured. To accomplish this goal, sufficient precautions will have to be taken to ensure that highly sensitive personal data—including financial, medical, social security numbers—cannot be stolen or misused. The Commerce Committee has established a substantial record on the issue of Internet privacy. That record demonstrates that consumers will use the Internet for more personal purposes only when they are confident that their information is secure. I have introduced separate legislation on this matter.

The broadband bill entitled the Broadband Telecommunications Act of

2002, that I introduce today represents a step towards fostering the deployment and adoption of broadband services. It uses monies from the telephone excise tax to fund a number of loan and grant programs. It stimulates broadband deployment in rural and underserved areas by providing low interest loans to upgrade facilities including remote terminals and fiber between a remote terminal and central office. It authorizes NIST to study how we can facilitate broadband deployment in rural and under-served areas. It promotes competition by establishing pilot projects for wireless and other non-wireline broadband technologies in rural and underserved areas. The bill begins to help us understand what is necessary to accomplish broadband with speeds of 50 to 100 megabits per second by providing grants to NTIA's Lab, NIST Labs, National Science Board and to universities for research. In order to address the demand issue, we provide grants to digitize library and museum collections as well as grants to Universities to conduct technical research to develop Internet applications useful to consumers. The bill also provides grants to connect underrepresented colleges and communities to the Internet.

Ultimately, if we decide as a nation that a broadband world must be achieved, we must move beyond the rhetoric of parity and regulation versus deregulation. We must move forward and begin to deal with the real issues that impact broadband deployment and use. These include stimulating deployment in unserved and under-served areas, promoting competition to existing monopolies, ensuring the availability of content and other Internet applications, preserving the privacy of consumers as they use the Internet, safeguarding cyber security, in addition to advancing policies such as e-government, teleworking, telemedicine, and distance learning. I ask my colleagues to join me in an open and forthright debate on these issues.

---

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. TORRICELLI, and Mr. CORZINE):

S. 2449. A bill to amend title XIX of the Social Security Act to allow Federal payments to be made to States under the medicaid program for providing pregnancy-related services or services for the testing or treatment for communicable diseases to aliens who are not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators MCCAIN, TORRICELLI, and CORZINE entitled the ''Federal Responsibility for Immigrant Health Act of 2002'' is designed to address the hardship caused by Federal limitations on Medicaid reimbursement to health care providers and states for health services provided to immigrants. Despite the fact that immigration is a Federal responsibility, medical providers, who have a legal and ethical responsibility to save lives regardless of immigration status, and State and local governments bear most of the costs for services provided to immigrants.

The bill expressly allows States and health care providers to receive Medicaid reimbursement for dialysis and chemotherapy services, prenatal care, and the testing and treatment of communicable diseases provided to immigrants; reauthorizes funding, which was provided between fiscal years 1998 and 2001 but expired this year, in the increased amount of $50 million annually for fiscal years 2003 to 2007 for unreimbursed emergency health services provided to immigrants; and clarifies that the federal government should not limit the ability of state or local governments to use their own funding to address the health care needs of immigrants within their communities.

The Constitution of the United States establishes sole authority in the Federal Government to control immigration to this country. Despite that fact, the Federal Government often fails to take financial responsibility for the costs of immigration. Numerous studies also indicate that immigrants pay more to the Federal Government in the form of taxes than they receive in services, but State government and local communities and providers bear most of the costs of services provided to them.

In Luna County, NM, for example, the Columbus Volunteer Fire Department and Ambulance Service has a contract with the county to provide emergency medical services to the people in Luna County. Luna County is one of the poorest counties in the Nation with almost one-third of its citizens below poverty and with a per capita income at just 49 percent of the national average. Luna County has an extremely difficult time addressing the needs of its own citizens due to a high level of need and limited resources.

And yet, with respect to emergency medical services, Luna County, the Columbus Volunteer Fire Department and Ambulance Service, and Mimbres Memorial Hospital must also respond to the numerous calls from federal officials at the port-of-entry near Columbus, NM, to treat or transport an injured or ill immigrants. The Columbus Volunteer Fire Department and Ambulance Service is located just three miles from the Columbus port-of-entry and is 32 miles from Mimbres Memorial Hospital in Deming, NM.

Moreover, the ambulance service is also called in when individuals are apprehended after crossing illegally if injury or illness results, often while in the custody of the Federal Immigration and Naturalization Service, INS. Once treated, the Luna County Sheriff's Office is called to take them back from Deming to the Columbus port-of-entry where they are returned across the border to their homes in Mexico.

According to data collected by the United States/Mexico Border Counties Coalition through a grant from the Department of Justice, in 1999, the Columbus Volunteer Fire Department and Ambulance Service responded to 264 calls, of which 56 percent were at the port-of-entry and 52 percent were for patients residing outside of the United States. Of services billed, 59 percent were for treatment of non-U.S. resident patients and the vast majority of those bills went unpaid. In fact, for both the EMS system and the hospital, a large majority of billings sent to patients residing outside of the United States are returned as either unclaimed or undeliverable much less paid.

To help the County and ambulance service, I secured $200,000 last year through the Labor-HHS Appropriations bill for the costs of emergency medical services delivered to immigrants in this fiscal year. The funding, however, is just a temporary band-aid to a system that is poorly funded and cannot survive without the federal government living up to its responsibility to help pay the costs of health services delivered to immigrants. This bill helps address that responsibility.

As Ronald Reagan, then Governor of the State of California, testified before the Senate Finance Committee in 1972, ''the support of citizens of other countries shall be a fiscal obligation of the federal government.'' He added, ''States should not be required to support citizens of another country, when the state and county governments have no effective voice in determining admission standards.''

In response to such concerns, the Federal Government has taken two important steps over the years, providing for federal reimbursement for emergency care to low-income immigrants in 1986 and providing additional funding to states for unreimbursed costs delivered to immigrants in emergency situations in 1997. The first needs a technical change and the second, unfortunately, expired in 2001 and needs to be reauthorized.

The first step that was taken occurred through the leadership of Senator Lloyd Bentsen and Representative HENRY WAXMAN in 1986 and was signed into law by President Reagan. It provides for federal reimbursement through the Medicaid program to health providers for emergency care services provided to low-income immigrants. Services delivered to immigrants who are residents in the country may have the cost of their emergency care reimbursed through Medicaid—a joint federal and state program serving low-income and disabled people. However, in the case of Luna County, the majority of its cases are to immigrants who reside outside of the country, and therefore, do not qualify. This legislation clarifies that States may waive the residency requirement for an immigrant who either comes

across the border under a temporary visa or is paroled into the country by INS.

The bill also clarifies that, since dialysis and chemotherapy are life-threatening conditions, these services qualify as emergency care and are eligible for reimbursement by Medicaid. Unfortunately, the Centers for Medicare and Medicaid Services, CMS, recently denied payment to the State of Arizona for such services and have forced the State to pay for such treatment with 100 percent state funding. This is, once again, a case of the federal government not fulfilling its responsibility and our bill corrects this problem.

The ''Federal Responsibility for Immigrant Health Act of 2002'' would also provide states the option to reimburse providers for the costs of prenatal care and the testing and treatment of communicable diseases to low-income immigrants. A January 2000 study in the American Journal of Obstetrics and Gynecology found that undocumented women with no prenatal care were four times more likely to deliver low birthweight American citizen infants and seven times more likely to deliver premature infants than undocumented women with prenatal care. Moreover, a child born in the United States of undocumented parents is a United States citizen.

Simply stated, if a pregnant women is denied access to prenatal care due to immigration status, it is her child who is denied the opportunity to be ''well-born'' and the financial costs associated with poor outcomes are high.

In addition, States and local governments often seek to ensure that all of their residents, including immigrants, are tested and treated for certain communicable diseases. It is in the interest of all citizens to ensure that everybody residing in this country is treated for communicable diseases. As Dr. Richard Brown, Director of UCLA's Center for Health Policy Research says, ''Tuberculosis and other communicable diseases do not respect distinctions between citizens and non-citizens . . . The key to controlling an outbreak of tuberculosis, hepatitis, sexually transmitted diseases, or other communicable diseases is early identification of the source of infection and immediate intervention to treat all infected persons.'' Again, to address these problems, the bill would allow states to reimburse providers for the costs of prenatal care and the testing and treatment of communicable diseases to low-income immigrants through the Medicaid program.

Another area where the Federal Government did take an important step to assume its responsibility for the costs of emergency health services delivered to immigrants was through $25 million in payments to States between fiscal year 1998 through 2001. The following 12 States were eligible for this additional funding over the four-year period, which expired at the end of last year: California, $11.3 million, Texas, $4.0 million, New York, $3.1 million, Florida, $2.0 million, Illinois, $1.6 million, New Jersey, $765,000, Arizona, $652,000, Massachusetts, $482,000, Virginia, $312,000, Washington, $295,000, Colorado, $255,000, and Maryland, $249,000. Unfortunately, that provision in law expired in 2001 and needs to be reauthorized.

The ''Federal Responsibility for Immigrant Health Act of 2002'' reauthorizes the program at $50 million between fiscal years 2003 and 2007, extends the number of qualifying States to 15, and requires that States pass those payments on to health care providers who are providing this care. This helps cover the costs associated with care to immigrants needing emergency care that do not qualify for Medicaid, such as men who do not meet the categorical requirements for Medicaid coverage. In addition, the bill clarifies that the 15 qualifying States are those that have the highest percentage of immigrants rather than the highest numbers, which assures States such as New Mexico are not inappropriately left out of the funding in the future.

And finally, the bill clarifies that the Federal Government should not limit State or local governments from using their own funding to provide health services to immigrants in their communities. The 10th Amendment prevents the Federal Government from interfering in the authority by State and local governments to spend their own revenue as they see fit.

Unfortunately, a provision in the Personal Responsibility and Work Opportunity Reconciliation Act, PRWORA, in 1996 has been interpreted by Texas Attorney General John Cornyn and some in the State of New Mexico, including the University of New Mexico Hospital, to preclude state and local governments from providing non-emergency care services, with the exceptions of immunizations and the testing and treatment of communicable diseases, unless the State decides to override the law by passing its own legislation specifically authorizing such services.

Others have disagreed. El Paso County Attorney Jose Rodriquez disagreed with the opinion of the Texas Attorney General in a August 14, 2001, letter by saying, ''There is nothing in the PRWORA that expressly prohibits providing health care to undocumented aliens . . . There are no enforcement mechanisms in the PRWORA, and there are no penalties directed at state or local governments.'' As a result, the public hospitals in El Paso, TX, and elsewhere in Texas have largely ignored the Texas Attorney General's opinion.

However, in New Mexico, the University of New Mexico Hospital has chosen to tighten eligibility requirements for its health care services. They argue they are complying with the ambiguous law.

An article that appears in an Internet-based publication entitled Borderlines entitled ''Debate Over Immigrant Health Care Heats Up in New Mexico'' in November 2001 notes, ''Critics say the move to deny health care to some U.S. residents, regardless of the reasons, is dangerous, impractical, and inhumane. It is dangerous, they argue, because anyone with a communicable disease, illegal immigrant or not, can spread that disease if not treated. The policy is impractical, they add, because an untreated health problem will likely worsen and require more expensive treatments later, often in emergency rooms. And denying non-emergency health care to people with serious, chronic diseases like diabetes, asthma, or cancer means they must endure more pain and suffering, often as their conditions deteriorate.''

As Dr. Catherine Torres of First Step Women's Health Center in Las Cruces, NM, and a member of the U.S.-Mexico Border Health Commission notes, ''When do you treat a child with asthma? When [the child] can't breathe?''

This provision has also led to the unfortunate situation of imposing additional liability or malpractice exposure on health providers that work for state or local governmental health programs for denying needed health services to an individual. Health providers should not have to violate medical ethics of purposely denying needed health services to anyone and nor should they be exposed to additional liability because of a convoluted provision in federal law.

As Dan Reyna, director of New Mexico's Border Health Office in Las Cruces, NM, adds, ''First, we're near an international border, we're not going to change that. Second, health care providers, both public and private, are not immigration officers for the Federal Government. And third, it's to the benefit of every state to protect community health and the quality of life of every resident. If you accept these primary premises, you have to provide preventative care services to everyone who needs it.''

I urge the passage of this legislation. Although it may not be popular, the federal government should help assume its responsibility for immigration and the costs associated with health services. We talk a great deal about personal responsibility when talking about welfare reform. It is time for the federal government to take on its responsibility as well. State and local governments and health providers, already stressed by the fact that our country has around 40 million uninsured residents, cannot take on these additional costs.

I would like to thank Senators MCCAIN, TORRICELLI, and CORZINE for their support and help on this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2449

*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 ''Federal Responsibility for Immigrant Health Act of 2002''.

**SEC. 2. FEDERAL PAYMENTS UNDER MEDICAID FOR EMERGENCY MEDICAL CONDITIONS OF CERTAIN ALIENS.**

(a) IN GENERAL.—Section 1903(v)(2)(A) of the Social Security Act (42 U.S.C. 1396b(v)(2)(A)) of the Social Security Act is amended to read as follows:

''(A) such care and services are—

''(i) necessary for the treatment of an emergency medical condition of the alien or necessary for the prevention of an emergency medical condition (including dialysis and chemotherapy services),

''(ii) services related to pregnancy (including prenatal, delivery, postpartum, and family planning services) and to other conditions that may complicate pregnancy, or

''(iii) services for the testing or treatment for communicable diseases,''.

(b) STATE OPTION TO ELIMINATE RESIDENCY REQUIREMENT FOR CERTAIN ALIENS.—Section 1903(v)(2)(B) of the Social Security Act (42 U.S.C. 1396b(v)(2)(B)) is amended by inserting '', or, at State option, in the case of an alien granted parole under section 212(d)(5) of the Immigration and Nationality Act or an alien admitted into the United States as a nonimmigrant alien under section 101(a)(15) of such Act, any residency requirement imposed under the State plan'' after ''payment''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance provided on or after the date of enactment of this Act.

**SEC. 3. FUNDING FOR EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.**

(a) FUNDING.—Section 4723(a) of the Balanced Budget Act of 1997 (8 U.S.C. 1611 note) is amended to read as follows:

''(a) TOTAL AMOUNT AVAILABLE FOR ALLOTMENTS.—There are available for allotments for payments to certain States under this section—

''(1) for each of fiscal years 1998 through 2001, $25,000,000; and

''(2) for each of fiscal years 2003 through 2007, $50,000,000.''.

(b) DETERMINATION OF STATE ALLOTMENTS.—Section 4723(b) of the Balanced Budget Act of 1997 (8 U.S.C. 1611 note) is amended—

(1) in paragraph (1), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to paragraph (3), the Secretary''; and

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

''(3) FISCAL YEARS 2003 THROUGH 2007 ALLOTMENTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary of Health and Human Services shall compute an allotment for each of fiscal years 2003 through 2007 for each of the 15 States with the highest percentage of undocumented aliens. The amount of such allotment for each such State for a fiscal year shall bear the same ratio to the total amount available for allotments under subsection (a) for the fiscal year as the ratio of the percentage of undocumented aliens in the State in the fiscal year bears to the total of such percentages for all such States for such fiscal year. The amount of allotment to a State provided under this paragraph for a fiscal year that is not paid out under subsection (c) shall be available for payment during the subsequent fiscal year.

''(B) DETERMINATION.—For purposes of subparagraph (A), the percentage of undocumented aliens in a State under this section shall be determined based on the most recent available estimates of the resident illegal alien population residing in each State prepared by the Statistics Division of the Immigration and Naturalization Service.''.

(c) REQUIRING USE OF FUNDS TO ASSIST HOSPITALS AND RELATED PROVIDERS OF EMERGENCY HEALTH SERVICES TO UNDOCUMENTED ALIENS.—Section 4723(c) of the Balanced Budget Act of 1997 (8 U.S.C. 1611 note) is amended to read as follows:

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—From the allotments made under subsection (b), the Secretary shall pay to each State amounts described in a State plan, submitted to the Secretary, under which the amounts so allotted will be paid—

''(A) to hospitals and related providers of emergency health services to undocumented aliens that are located in areas that the Secretary or a State determines to be substantially impacted by health costs related to undocumented aliens; and

''(B) on the basis of—

''(i) each eligible hospital's or related provider's payments under the State plan approved under title XIX of the Social Security Act for emergency medical services described in section 1903(v)(2)(A) of such Act (42 U.S.C. 1396b(v)(2)(A)); or

''(ii) an appropriate alternative proxy for measuring the volume of emergency health services provided to undocumented aliens by eligible hospitals and related providers.

''(2) DEFINITIONS; SPECIAL RULES.—For purposes of this subsection:

''(A) The term 'hospital' has the meaning given such term in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)).

''(B) The term 'provider' includes a physician, another health care professional, and an entity that furnishes emergency ambulance services.

''(C) A provider shall be considered to be 'related' to a hospital to the extent that the provider furnishes emergency health services to an individual for whom the hospital also furnishes emergency health services.

''(D) Amounts paid under this subsection shall not—

''(i) be substituted for Federal payments made under title XIX of the Social Security Act to reimburse a State for expenditures for the provision of emergency medical services described in section 1903(v)(2)(A) of such Act; or

''(ii) be used by a State for the State share of expenditures for such services under title XIX of such Act.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2003.

**SEC. 4. PERMITTING STATES AND LOCALITIES TO PROVIDE HEALTH CARE TO ALL INDIVIDUALS.**

(a) IN GENERAL.—Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(2) and (3)'' and inserting ''(2), (3), and (4)''; and

(ii) in subparagraph (B), by striking ''health,''; and

(B) by adding at the end the following new paragraph

''(4) Such term does not include any health benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to health care furnished before, on, or after the date of the enactment of this Act.

---

By Mr. LIEBERMAN (for himself, Mr. SPECTER, and Mr. GRAHAM):

S. 2452. A bill to establish the Department of National Homeland Security and the National Office for Combating Terrorism; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, today I am pleased to introduce, with Senators SPECTER and GRAHAM, the National Homeland Security and Combating Terrorism Act of 2002. This legislation seeks to strengthen the Federal Government's ability to confront terrorism and other threats to our homeland security.

Specifically, this legislation would create a new Department of National Homeland Security to focus an array of agencies and programs that are vital to securing our borders and critical infrastructure, and to preparing for and responding to homeland threats. It also would create a White House terrorism director to forge an effective strategy to combat terrorism across the entire Federal Government. In addition to the bill we introduce here, I am pleased to note that companion legislation is being introduced today by Representatives THORNBERRY, HARMAN, TAUSCHER and GIBBONS.

The events of September 11 brought home to us the very real threat of terrorism not only on foreign shores, but also here at home. Though the pain of that day will stay in our hearts and minds forever, we now have an opportunity to step back from that single most horrid event in our modern history and take action to prevent something like it from ever happening again.

It seems that nearly every day, the media or government investigators expose a new crack in America's homeland defense foundation, at our borders, our ports, or within our cyberspace. The fact is, without a government that is permanently reoriented to meet unexpected challenges here at home, new vulnerabilities will emerge. That's why we must mobilize government so that it can quickly and effectively prevent terrorist threats here at home and respond should the worst occur.

Our approach, combining a homeland security department with a White House office for combating terrorism, addresses the need to permanently restructure critical homeland security functions under a cabinet-level secretary with real operational authority and the ability to personally direct a homeland security plan. At the same time, we would allow for the highest

level of coordination with other Federal agencies—Health and Human Services, the Defense Department, the Energy Department, for example, and real budget certification authority.

Our proposal stems from a series of hearings I convened last fall as chairman of the Governmental Affairs Committee. We held about a dozen different sessions looking into various aspects of homeland security, ranging from protection of our critical infrastructure to the state and local role in protecting Americans at home. Those hearings confirmed what experts and commissions had already warned us: that our government is poorly prepared to deal with the threat of terrorism. Although the government has an array of programs related to terrorism and other homeland threats, these efforts are poorly coordinated and lack overall strategic leadership. We need focused, accountable leadership to forge these efforts into a cohesive homeland security program.

Among the witnesses we heard from were former Senators Warren Rudman and Gary Hart, who co-chaired the so-called Hart-Rudman Commission on National Security/21st Century. Guided by recommendations of that Commission, Senator SPECTER and I introduced legislation to create a Homeland Security Department. After negotiations through the winter with Senator GRAHAM, we combined our proposal with his idea of conferring statutory authority on a White House terrorism office.

As our bill is written, the department will be led by a Cabinet official with real line and budget authority over critical homeland security programs. The new department will bring together under one roof our key border security agencies, Coast Guard, Customs, INS law enforcement, as well as the Federal Emergency Management Agency, which is the cornerstone of our emergency preparation and response efforts. The department will also include programs to protect our critical infrastructure, and an office to promote research and development of technologies vital to our homeland security. The new department will provide state and local authorities with a clear resource and point of contact to forge a truly national response to this problem.

Yet we recognize that, no matter how robust a department we create, it can not include every agency that plays a role in homeland security, which is why our legislation incorporates Senator GRAHAM's proposal to confer statutory authority on a White House office. That office—the National Office for Combating Terrorism—would coordinate a national anti-terrorism strategy. The office would be led by a presidentially-appointed, Senate-confirmed director charged with coordinating a comprehensive assessment of terrorist threats and, along with the department secretary, developing a strategy and a budget to fight terrorism here at home. The director would coordinate execution of the strategy by relevant federal agencies—particularly those concerned with intelligence and law enforcement.

Naturally, our new formation would require a major restructuring of the Federal Government's public safety-related responsibilities. I know this will not be easy. Machiavelli trenchantly observed ''there is nothing more difficult to plan, more doubtful of success nor more dangerous to manage than the creation of a new system.'' Within the agencies, and within Congress as well, as Governor Ridge has already discovered, there are powerful reflexes to protect administrative turf. Bureaucracies are slow to change. Change is disruptive. It creates uncertainty and it distorts existing balances of power.

But we must look at September 11 as an urgent reason to create something better. A restructuring of the kind we envision is not unprecedented. We have undertaken bold organizational change in periods of crisis before. Consider General Marshall's transformation of the army which helped win World War II or the National Security Act of 1947 that created the CIA and Department of Defense in the midst of the Cold War. More recently, the Goldwater-Nichols Act of 1986, in streamlining the military command, helped us to prosecute the Persian Gulf War.

The bottom line is if statutory and budget authority are not conferred upon the director of homeland security, the homeland defense of this nation will be less than what it should be. In the one area where compromise can be catastrophic, this is an unacceptable compromise.

Let's be motivated by the words of Winston Churchill, who in 1941 said to the Axis powers, ''You do your worst and we will do our best.'' We can tinker around the edges of change. Or, we can understand that September 11 confirmed our worst fears: warfare has changed and we are no longer safe at home. We are in a terrible, new era and we urgently need a government that is invigorated and effectively organized to meet the challenge.

I thank my colleagues and ask unanimous consent that the text of our legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2452

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''National Homeland Security and Combating Terrorism Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—DEPARTMENT OF NATIONAL HOMELAND SECURITY
Sec. 101. Establishment of the Department of National Homeland Security.
Sec. 102. Transfer of authorities, functions, personnel, and assets to the Department.
Sec. 103. Establishment of directorates and office.
Sec. 104. Steering Group; Coordination Committee; and Acceleration Fund.
Sec. 105. Reporting requirements.
Sec. 106. Planning, programming, and budgeting process.
Sec. 107. Environmental protection, safety, and health requirements.
Sec. 108. Savings provisions.
TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM
Sec. 201. National Office for Combating Terrorism.
Sec. 202. Funding for Strategy programs and activities.
TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM AND THE HOMELAND SECURITY RESPONSE
Sec. 301. Strategy.
Sec. 302. National Homeland Security Panel.
TITLE IV—EFFECTIVE DATE
Sec. 401. Effective Date.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) DIRECTOR.—Except as provided under section 104, the term ''Director'' means the Director of the National Office for Combating Terrorism.

(2) DEPARTMENT.—The term ''Department'' means the Department of National Homeland Security established under title I.

(3) FEDERAL TERRORISM PREVENTION AND RESPONSE AGENCY.—The term ''Federal terrorism prevention and response agency'' means any Federal department or agency charged under the Strategy with responsibilities for carrying out the Strategy.

(4) OFFICE.—The term ''Office'' means the National Office for Combating Terrorism established under title II.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of National Homeland Security.

(6) STRATEGY.—The term ''Strategy'' means the National Strategy for Combating Terrorism and the Homeland Security Response developed under this Act.

**TITLE I—DEPARTMENT OF NATIONAL HOMELAND SECURITY**

**SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF NATIONAL HOMELAND SECURITY.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Department of National Homeland Security.

(2) EXECUTIVE DEPARTMENT.—Section 101 of title 5, United States Code, is amended by adding at the end the following:

''The Department of National Homeland Security.''.

(b) SECRETARY OF NATIONAL HOMELAND SECURITY.—

(1) IN GENERAL.—The Secretary of National Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(2) RESPONSIBILITIES.—The responsibilities of the Secretary shall be the following:

(A) To develop policies, goals, objectives, priorities, and plans for the United States for the promotion of homeland security.

(B) To develop, with the Director, a comprehensive strategy in accordance with title III.

(C) Develop processes to integrate the elements and goals of the Strategy into the strategies and plans of Federal, State, and local departments and agencies, including interagency and intergovernmental shared policies.

(D) To evaluate the programs of the Federal Government relating to homeland security that involve activities of State and local governments as part of the Strategy.

(E) To advise the Director on the development of a comprehensive annual budget for the programs and activities under the Strategy, and have the responsibility for budget recommendations relating to border security, critical infrastructure protection, emergency preparation and response, and State and local activities.

(F) To plan, coordinate, and integrate those United States Government activities relating to border security, critical infrastructure protection and emergency preparedness, and to act as the focal point regarding natural and manmade crises and emergency planning and response.

(G) To work and coordinate with State and local governments and executive agencies in providing United States homeland security, and to communicate with and support State and local officials through the use of regional offices around the Nation.

(H) To provide overall operational planning guidance to executive agencies regarding United States homeland security.

(I) To conduct exercise and training programs for employees of the Department and other involved agencies, and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(J) To annually develop a Federal response plan for homeland security and emergency preparedness with regard to terrorism and other manmade and natural disasters.

(K) To identify and promote technological innovation that will enhance homeland security.

(L)(i) To develop and implement within the Department a coordinating center with representatives from other Federal departments or agencies with homeland security responsibilities.

(ii) To designate departments and agencies to provide a representative under clause (i) and require those departments and agencies to furnish a representative on a permanent, part-time, or as needed basis, as determined by the Secretary.

(iii) To request additional personnel from appropriate departments and agencies as may be necessary and coordinate with those departments and agencies.

(iv) To request State and local authorities to provide representatives to the coordination center.

(3) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Secretary of National Homeland Security.''.

(4) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

''(5) the Secretary of National Homeland Security; and

''(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.''.

(c) DEPUTY SECRETARY OF NATIONAL HOMELAND SECURITY.—

(1) IN GENERAL.—There shall be in the Department a Deputy Secretary of National Homeland Security, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) RESPONSIBILITIES.—The Deputy Secretary of National Homeland Security shall—

(A) assist the Secretary in the administration and operations of the Department;

(B) perform such responsibilities as the Secretary shall prescribe; and

(C) act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary.

(3) EXECUTIVE SCHEDULE LEVEL II POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Secretary of National Homeland Security.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—There shall be in the Department an Inspector General for the Department. The Inspector General and the Office of Inspector General shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

(2) ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by inserting ''National Homeland Security,'' after ''Labor,''; and

(B) in paragraph (2), by inserting ''National Homeland Security,'' after ''Labor,''.

(e) DIRECTOR OF THE COORDINATING CENTER.—

(1) IN GENERAL.—There shall be in the Department a Director of the Coordinating Center who shall report directly to the Deputy Secretary. The Coordinating Center shall be developed and implemented in accordance with subsection (b)(2)(L).

(2) RESPONSIBILITIES.—The Director of the Coordinating Center shall be responsible for—

(A) ensuring that the law enforcement, immigration, and intelligence databases information systems containing information relevant to homeland security are compatible; and

(B) with respect to the functions under this paragraph, ensuring compliance with Federal laws relating to privacy and intelligence information.

**SEC. 102. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.**

The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department.

(2) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(3) The law enforcement components of the Immigration and Naturalization Service relating to Border Patrol, Inspections, Investigations (interior enforcement), Intelligence, Detention and Removal, and International Affairs.

(4) The United States Coast Guard, which shall be maintained as a distinct entity within the Department.

(5) The Critical Infrastructure Assurance Office of the Department of Commerce.

(6) The National Infrastructure Protection Center and the National Domestic Preparedness Office of the Federal Bureau of Investigation.

(7) The Animal and Plant Health Inspection Service of the Department of Agriculture, that portion of which administers laws relating to agricultural quarantine inspections at points of entry.

**SEC. 103. ESTABLISHMENT OF DIRECTORATES AND OFFICE.**

(a) ESTABLISHMENT OF DIRECTORATES.—The following staff directorates are established within the Department:

(1) DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.—The Directorate of Border and Transportation Protection, which shall be responsible for the following:

(A) Overseeing and coordinating all United States border security activities.

(B) Developing border and maritime security policy for the United States.

(C) Developing and implementing international standards for enhanced security in transportation nodes.

(D) Performing such other duties assigned by the Secretary.

(2) DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.—The Directorate of Critical Infrastructure Protection, which shall be responsible for the following:

(A) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department to coordinate efforts to address the vulnerability of the United States to electronic or physical attacks on critical infrastructure of the United States, including utilities, transportation nodes, and energy resources.

(B) Overseeing the protection of such infrastructure and the physical assets and information networks that make up such infrastructure.

(C) Ensuring the maintenance of a nucleus of cyber security experts within the United States Government.

(D) Enhancing sharing of information regarding cyber security and physical security of the United States, tracking vulnerabilities and proposing improved risk management policies, and delineating the roles of various government agencies in preventing, defending, and recovering from attacks.

(E) Coordinating with the Federal Communications Commission in helping to establish cyber security policy, standards, and enforcement mechanisms, and working closely with the Federal Communications Commission on cyber security issues with respect to international bodies.

(F) Coordinating the activities of Information Sharing and Analysis Centers to share information on threats, vulnerabilities, individual incidents, and privacy issues regarding United States homeland security.

(G) Assuming the responsibilities carried out by the Critical Infrastructure Assurance Office before the effective date of this Act.

(H) Assuming the responsibilities carried out by the National Infrastructure Protection Center before the effective date of this Act.

(I) Performing such other duties assigned by the Secretary.

(3) DIRECTORATE FOR EMERGENCY PREPAREDNESS AND RESPONSE.—The Directorate for Emergency Preparedness and Response, which shall be responsible for the following:

(A) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the effective date of this Act.

(B) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the effective date of this Act.

(C) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(D) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with current intelligence estimates and providing a single staff for Federal assistance for any emergency (including emergencies caused by flood, earthquake, hurricane, disease, or terrorist bomb).

(E) Creating a National Crisis Action Center to act as the focal point for monitoring emergencies and for coordinating Federal support for State and local governments and the private sector in crises.

(F) Establishing training and equipment standards, providing resource grants, and encouraging intelligence and information sharing among the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, State emergency management officials, and local first responders.

(G) Coordinating and integrating operational activities of the Department of Defense, the National Guard, and other Federal agencies into a Federal response plan.

(H) Coordinating activities among private sector entities, including entities within the medical community, with respect to recovery, consequence management, and planning for continuity of services.

(I) Developing and managing a single response system for national incidents in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of Health and Human Services, the Centers for Disease Control, and other appropriate Federal departments and agencies.

(J) Maintaining Federal asset databases and supporting up-to-date State and local databases.

(K) Performing such other duties as assigned by the Secretary.

(b) ESTABLISHMENT OF OFFICE OF SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—There is established in the Department an Office of Science and Technology.

(2) PURPOSE.—The Office of Science and Technology shall advise the Secretary regarding research and development efforts and priorities for the directorates established in subsection (a).

**SEC. 104. STEERING GROUP; COORDINATION COMMITTEE; AND ACCELERATION FUND.**

(a) DEFINITIONS.—In this section:

(1) COORDINATION COMMITTEE.—The term ''Coordination Committee'' means the Homeland Security Science and Technology Coordination Committee established under this section.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Science and Technology.

(3) FUND.—The term ''Fund'' means the Acceleration Fund for Research and Development of Homeland Security Technologies established under this section.

(4) HOMELAND SECURITY RESEARCH AND DEVELOPMENT.—The term ''homeland security research and development'' means research and development of technologies that are applicable in the detection of, prevention of, protection against, response to, and recovery from homeland security threats, particularly acts of terrorism.

(5) STEERING GROUP.—The term ''Steering Group'' means the Homeland Security Science and Technology Senior Steering Group established under this section.

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

(1) establish a fund to leverage existing research and development and accelerate the deployment of technology that will serve to enhance homeland defense;

(2) establish a committee and steering group to coordinate and advise on issues relating to homeland security research and development and administer the Fund; and

(3) establish the responsibilities of the Director of the Office of Science and Technology relating to homeland security research and development.

(c) FUND.—

(1) ESTABLISHMENT.—There is established the Acceleration Fund for Research and Development of Homeland Security Technologies.

(2) USE OF FUND.—The Fund may be used to—

(A) accelerate research, development, testing, and evaluation of critical homeland security technologies; and

(B) support homeland security research and development.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 to the Fund for fiscal year 2003.

(d) STEERING GROUP.—

(1) ESTABLISHMENT.—There is established the Homeland Security Science and Technology Senior Steering Group within the Office of Science and Technology. The Director shall chair the Steering Group.

(2) RESPONSIBILITIES.—The Steering Group shall—

(A) provide recommendations and priorities to the Director; and

(B) assist the Director in establishing priorities and forwarding recommendations on homeland security technology to the Secretary.

(3) COMPOSITION.—The Steering Group shall be composed, as named by the Director, of senior research and development officials representing all appropriate Federal departments and agencies that conduct research and development relevant for homeland security and combating terrorism.

(4) QUALIFICATIONS.—Each representative shall—

(A) possess extensive experience in managing research and development projects; and

(B) be appointed by the head of the respective department or agency.

(5) SUBGROUPS.—

(A) IN GENERAL.—At the discretion of the Director, the Steering Group may be composed of subgroups with expertise in specific homeland security areas.

(B) SUBGROUP AREAS.—The Director may establish subgroups in areas including—

(i) information technology infrastructure;

(ii) critical infrastructure;

(iii) interoperability issues in communications technology;

(iv) bioterrorism;

(v) chemical, biological, radiological defense; and

(vi) any other area as determined necessary.

(e) COORDINATION COMMITTEE.—

(1) ESTABLISHMENT.—There is established a Homeland Security Science and Technology Coordination Committee within the Office of Science and Technology. The Director shall chair the Coordination Committee.

(2) COMPOSITION.—The Coordination Committee shall be a working level group composed of representatives managing relevant agency research and development portfolios, appointed by the head of each department or agency described under subsection (d)(2).

(3) SUBGROUPS.—

(A) IN GENERAL.—At the discretion of the Director, the Coordination Committee may be composed of subgroups with relevant expertise in specific homeland security areas.

(B) SUBGROUP AREAS.—The Director may establish subgroups in areas, including—

(i) information technology infrastructure;

(ii) critical infrastructure;

(iii) interoperability issues in Communications Technology;

(iv) bioterrorism;

(v) chemical, biological, radiological defense; and

(vi) any other area as determined necessary.

(4) RESPONSIBILITIES.—The Coordination Committee shall have the following responsibilities:

(A) To facilitate effective communication among departments, agencies, and other entities of the Federal Government, with respect to the conduct of research and development related to homeland security.

(B) To identify, by consensus and on a yearly basis, specific technology areas for which the Fund shall be used to rapidly transition homeland security research and development into deployed technology and reduce identified homeland security vulnerabilities. The identified technology areas shall, as determined by the Coordination Committee, be areas in which there exist research and development projects that address identified homeland security vulnerabilities and, assuming single-year funding, can be accelerated to the stage of prototyping, evaluating, transitioning, or deploying.

(C) To administer the Fund, including—

(i) issuing an annual multiagency program announcement soliciting proposals from governmental entities, industry, and academia;

(ii) competitively selecting, on the basis of a merit-based review, proposals that advance the state of deployed technologies in the areas identified for that year;

(iii) at the discretion of the Coordination Committee, assigning 1 or more program managers from any department or agency represented on the Coordination Committee to oversee, administer, and execute a Fund project as the agent of the Coordination Committee; and

(iv) providing methods of funding administration, including grant, cooperative agreement, or any other transaction.

(f) OFFICE OF SCIENCE AND TECHNOLOGY RESPONSIBILITIES.—The Director shall—

(1) assist the Secretary, the Directorates, and cooperating agencies in—

(A) assessing and testing homeland security vulnerabilities and possible threats;

(B) evaluating and advising on maintaining talent resources in key technology and skill areas required for homeland security, including information security experts;

(C) developing a system for sharing key homeland security research and technology developments and opportunities with appropriate Federal, State, local, and private sector entities; and

(D) proposing risk management strategies based on technology developments;

(2) assist the Directorate of Critical Infrastructure Protection in the responsibilities of that Directorate;

(3) with respect to expenditures from the Fund, exercise acquisition authority consistent with the authority described under section 2371 of title 10, United States Code, relating to authorizing cooperative agreements and other transactions;

(4) in hiring personnel to assist in the administration of the Office of Science and Technology, have the authority to exercise the personnel hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261); and

(5) develop and oversee the implementation of periodic homeland security technology demonstrations, held at least annually, for the purpose of improving contact between technology developers, vendors, and acquisition personnel associated with related industries.

**SEC. 105. REPORTING REQUIREMENTS.**

(a) BIENNIAL REPORTS.—Every 2 years the Secretary shall submit to Congress—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(b) ADDITIONAL REPORT.—Not later than 1 year after the effective date of this Act, the

Secretary shall submit to Congress a report—

(1) assessing the progress of the Department in—

(A) implementing this title; and

(B) ensuring the core functions of each entity transferred to the Department are maintained and strengthened; and

(2) recommending any conforming changes in law necessary as a result of the enactment and implementation of this title.

**SEC. 106. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.**

The Secretary shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Department comport with sound financial and fiscal management principles. At a minimum, those procedures shall provide for the planning, programming, and budgeting of activities of the Department using funds that are available for obligation for a limited number of years.

**SEC. 107. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.**

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and substantive requirements; and

(2) develop procedures for meeting such requirements.

**SEC. 108. SAVINGS PROVISIONS.**

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, recognitions of labor organizations, collective bargaining agreements, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act, shall, to the extent related to such functions, continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of National Homeland Security or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this title may be continued by the Department of National Homeland Security with the same effect as if this title had not been enacted.

(f) EMPLOYMENT AND PERSONNEL.—

(1) INTERIM AUTHORITY FOR APPOINTMENT AND COMPENSATION.—Funds available to any official or component of any entity the functions of which are transferred to the Department, may with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer or employee under this title until such time as funds for that purpose are otherwise available.

(2) EMPLOYEE RIGHTS.—

(A) IN GENERAL.—The Department or a subdivision within the Department shall not be excluded under section 7103(b)(1) of title 5, United States Code, from coverage under chapter 71 of that title unless the President determines that a majority of employees within the Department or applicable subdivision have, as their primary job duty, intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

(B) NATIONAL SECURITY POSITIONS.—Employees transferred under this title shall not be considered to perform work which directly affects national security within the meaning of section 7112(b)(6) of title 5, United States Code, unless their primary job duty involves intelligence, counterintelligence, or investigative duties directly related to terrorism investigation. All employees transferred under this title who are not in the counterterrorism positions described in the preceding sentence shall continue to be afforded the full rights and protections under chapter 71 of title 5, United States Code.

(g) NO AFFECT ON INTELLIGENCE AUTHORITIES.—The transfer of authorities, functions, personnel, and assets of elements of the United States Government under this title, or the assumption of authorities and functions, by the Department of Homeland Security under this title, shall not be construed, in cases where such authorities, functions, personnel, and assets, are engaged in intelligence activities as defined in the National Security Act of 1947, as affecting the authorities of the Director of Central Intelligence, the Secretary of Defense, or the heads of departments and agencies within the intelligence community.

(h) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the Secretary of National Homeland Security; or

(2) to such department, agency, or office is deemed to refer to the Department of National Homeland Security.

## TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM

**SEC. 201. NATIONAL OFFICE FOR COMBATING TERRORISM.**

(a) ESTABLISHMENT.—There is established within the Executive Office of the President the National Office for Combating Terrorism.

(b) OFFICERS.—

(1) DIRECTOR.—The head of the Office shall be the Director of the National Office for Combating Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Director of the National Office for Combating Terrorism.''.

(3) OTHER OFFICERS.—The President shall assign to the Office such other officers as the President, in consultation with the Director, considers appropriate to discharge the responsibilities of the Office.

(c) RESPONSIBILITIES.—Subject to the direction and control of the President, the responsibilities of the Office shall include the following:

(1) To develop national objectives and policies for combating terrorism.

(2) To direct and review the development of a comprehensive national assessment of terrorist threats and vulnerabilities to those threats, which shall be—

(A) conducted by the heads of relevant Federal agencies; and

(B) used in preparation of the Strategy.

(3) To develop with the Secretary of National Homeland Security, the Strategy under title III.

(4) To coordinate, oversee, and evaluate the implementation and execution of the Strategy by agencies of the Federal Government with responsibilities for combating terrorism under the Strategy, particularly those involving military, intelligence, law enforcement, and diplomatic assets.

(5)(A) To coordinate, with the advice of the Secretary of National Homeland Security, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects, or activities relating to force protection.

(B) To have the lead responsibility for budget recommendations relating to military, intelligence, law enforcement, and diplomatic assets in support of the Strategy.

(6) To exercise funding authority for Federal terrorism prevention and response agencies in accordance with section 202.

(7) To serve as an advisor to the National Security Council.

(d) RESOURCES.—In consultation with the Director, the President shall assign or allocate to the Office such resources, including funds, personnel, and other resources, as the President considers appropriate in order to facilitate the discharge of the responsibilities of the Office.

(e) OVERSIGHT BY CONGRESS.—The establishment of the Office within the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of Congress, to—

(1) any information, document, record, or paper in the possession of the Office or any study conducted by or at the direction of the Director; or

(2) any personnel of the Office.

**SEC. 202. FUNDING FOR STRATEGY PROGRAMS AND ACTIVITIES.**

(a) BUDGET REVIEW.—In consultation with the Director of the Office of Management and Budget, the Secretary of National Homeland Security, and the heads of other executive departments and agencies, the Director shall—

(1) identify programs that contribute to the Strategy; and

(2) in the development of the budget submitted by the President to Congress under section 1105 of title 31, United States Code, review and provide advice to the heads of executive departments and agencies on the amount and use of funding for programs identified under paragraph (1).

(b) SUBMITTAL OF PROPOSED BUDGETS TO THE DIRECTOR.—

(1) IN GENERAL.—The head of each Federal terrorism prevention and response agency shall submit to the Director each year the proposed budget of that agency for the fiscal year beginning in that year for programs and activities of that agency under the Strategy during that fiscal year.

(2) DATE FOR SUBMISSION.—The proposed budget of an agency for a fiscal year under paragraph (1) shall be submitted to the Director—

(A) not later than the date on which the agency completes the collection of information for purposes of the submission by the President of a budget to Congress for that fiscal year under section 1105 of title 31, United States Code; and

(B) before that information is submitted to the Director of the Office of Management and Budget for such purposes.

(3) FORMAT.—In consultation with the Director of the Office of Management and Budget, the Director shall specify the format for the submittal of proposed budgets under paragraph (1).

(c) REVIEW OF PROPOSED BUDGETS.—

(1) IN GENERAL.—The Director shall review each proposed budget submitted to the Director under subsection (b).

(2) INADEQUATE FUNDING DETERMINATION.—If the Director determines under paragraph (1) that the proposed budget of an agency for a fiscal year under subsection (b) is inadequate, in whole or in part, to permit the implementation by the agency during the fiscal year of the goals of the Strategy applicable to the agency during the fiscal year, the Director shall submit to the head of the agency—

(A) a notice in writing of the determination; and

(B) a statement of the proposed funding, and any specific initiatives, that would (as determined by the Director) permit the implementation by the agency during the fiscal year of the goals of the Strategy applicable to the agency during the fiscal year.

(3) ADEQUATE FUNDING DETERMINATION.—If the Director determines under paragraph (1) that the proposed budget of an agency for a fiscal year under subsection (b) is adequate to permit the implementation by the agency during the fiscal year of the goals of the Strategy applicable to the agency during the fiscal year, the Director shall submit to the head of the agency a notice in writing of that determination.

(4) MAINTENANCE OF RECORDS.—The Director shall maintain a record of—

(A) each notice submitted under paragraph (2), including any statement accompanying such notice; and

(B) each notice submitted under paragraph (3).

(d) AGENCY RESPONSE TO REVIEW OF PROPOSED BUDGETS.—

(1) INCORPORATION OF PROPOSED FUNDING.—The head of a Federal terrorism prevention and response agency that receives a notice under subsection (c)(2) with respect to the proposed budget of the agency for a fiscal year shall incorporate the proposed funding, and any initiatives, set forth in the statement accompanying the notice into the information submitted to the Office of Management and Budget in support of the proposed budget for the agency for the fiscal year under section 1105 of title 31, United States Code.

(2) ADDITIONAL INFORMATION.—The head of each agency described under paragraph (1) for a fiscal year shall include as an appendix to the information submitted to the Office of Management and Budget under that paragraph for the fiscal year the following:

(A) A summary of any modifications in the proposed budget of such agency for the fiscal year under that paragraph.

(B) An assessment of the effect of such modifications on the capacity of such agency to perform its responsibilities during the fiscal year other than its responsibilities under the Strategy.

(3) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—Subject to subparagraph (B), the head of each agency described under paragraph (1) for a fiscal year shall submit to Congress a copy of the appendix submitted to the Office of Management and Budget for the fiscal year under paragraph (2) at the same time the budget of the President for the fiscal year is submitted to Congress under section 1105 of title 31, United States Code.

(B) ELEMENTS WITHIN INTELLIGENCE PROGRAMS.—In the submission of the copy of the appendix to Congress under subparagraph (A), those elements of the appendix which are within the National Foreign Intelligence Program shall be submitted to—

(i) the Select Committee on Intelligence of the Senate; and

(ii) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) SUBMITTAL OF REVISED PROPOSED BUDGETS.—

(1) IN GENERAL.—At the same time the head of a Federal terrorism prevention and response agency submits its proposed budget for a fiscal year to the Office of Management and Budget for purposes of the submission by the President of a budget to Congress for the fiscal year under section 1105 of title 31, United States Code, the head of the agency shall submit a copy of the proposed budget to the Director.

(2) REVIEW AND DECERTIFICATION AUTHORITY.—The Director of the National Office for Combating Terrorism—

(A) shall review each proposed budget submitted under paragraph (1); and

(B) in the case of a proposed budget for a fiscal year to which subsection (c)(2) applies in the fiscal year, if the Director determines as a result of the review that the proposed budget does not include the proposed funding, and any initiatives, set forth in the notice under that subsection with respect to the proposed budget—

(i) may decertify the proposed budget; and

(ii) with respect to any proposed budget so decertified, shall submit to Congress—

(I) a notice of the decertification;

(II) a copy of the notice submitted to the agency concerned for the fiscal year under subsection (c)(2)(B); and

(III) the budget recommendations made under this section.

(f) NATIONAL TERRORISM PREVENTION AND RESPONSE PROGRAM BUDGET.—

(1) IN GENERAL.—For each fiscal year, following the submittal of proposed budgets to the Director under subsection (b), the Director shall, in consultation with the Secretary of National Homeland Security and the head of each Federal terrorism prevention and response agency concerned—

(A) develop a consolidated proposed budget for such fiscal year for all programs and activities under the Strategy for such fiscal year; and

(B) subject to paragraph (2), submit the consolidated proposed budget to the President and to Congress.

(2) ELEMENTS WITHIN INTELLIGENCE PROGRAMS.—In the submission of the consolidated proposed budget to Congress under paragraph (1)(B), those elements of the budget which are within the National Foreign Intelligence Program shall be submitted to—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) DESIGNATION OF CONSOLIDATED PROPOSED BUDGET.—The consolidated proposed budget for a fiscal year under this subsection shall be known as the National Terrorism Prevention and Response Program Budget for the fiscal year.

(g) REPROGRAMMING AND TRANSFER REQUESTS.—

(1) APPROVAL BY THE DIRECTOR.—The head of a Federal terrorism prevention and response agency may not submit to Congress a request for the reprogramming or transfer of any funds specified in the National Terrorism Prevention and Response Program Budget for programs or activities of the agency under the Strategy for a fiscal year in excess of $5,000,000 without the approval of the Director.

(2) APPROVAL BY THE PRESIDENT.—The President may, upon the request of the head of the agency concerned, permit the submittal to Congress of a request previously disapproved by the Director under paragraph (1) if the President determines that the submittal of the request to Congress will further the purposes of the Strategy.

## TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM AND THE HOMELAND SECURITY RESPONSE

### SEC. 301. STRATEGY.

(a) DEVELOPMENT.—The Secretary and the Director shall develop the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recovery to counter terrorist threats, including the plans, policies, training, exercises, evaluation, and interagency cooperation that address each such action relating to such threats.

(b) RESPONSIBILITIES.—

(1) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall have responsibility for portions of the Strategy addressing border security, critical infrastructure protection, emergency preparation and response, and integrating State and local efforts with activities of the Federal Government.

(2) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have overall responsibility for development of the Strategy, and particularly for those portions of the Strategy addressing intelligence, military assets, law enforcement, and diplomacy.

(c) CONTENTS.—The contents of the Strategy shall include—

(1) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal Government and with State and local authorities;

(2) plans for countering chemical, biological, radiological, nuclear and explosives, and cyber threats;

(3) plans for improving the resources of, coordination among, and effectiveness of health and medical sectors for detecting and responding to terrorist attacks on the homeland;

(4) specific measures to enhance cooperative efforts between the public and private sectors in protecting against terrorist attacks;

(5) a review of measures needed to enhance transportation security with respect to potential terrorist attacks; and

(6) other critical areas.

(d) COOPERATION.—At the request of the Secretary or Director, departments and

agencies shall provide necessary information or planning documents relating to the Strategy.

(e) INTERAGENCY COUNCIL.—

(1) ESTABLISHMENT.—There is established the National Combating Terrorism and Homeland Security Response Council to assist with preparation and implementation of the Strategy.

(2) MEMBERSHIP.—The members of the Council shall be the heads of the Federal terrorism prevention and response agencies or their designees. The Secretary and Director shall designate such agencies.

(3) CO-CHAIRS AND MEETINGS.—The Secretary and Director shall co-chair the Council, which shall meet at their direction.

(f) SUBMISSION TO CONGRESS.—Not later than December 1, 2003, and each year thereafter in which a President is inaugurated, the Secretary and the Director shall submit the Strategy to Congress.

(g) UPDATING.—Not later than December 1, 2005, and on December 1, of every 2 years thereafter, the Secretary and the Director shall submit to Congress an updated version of the Strategy.

(h) PROGRESS REPORTS.—Not later than December 1, 2004, and on December 1, of each year thereafter, the Secretary and the Director may submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

**SEC. 302. NATIONAL COMBATING TERRORISM STRATEGY PANEL.**

(a) ESTABLISHMENT.—The Secretary and the Director shall establish a nonpartisan, independent panel to be known as the National Combating Terrorism Strategy Panel (in this section referred to as the ''Panel'').

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Panel shall be composed of a chairperson and 8 other individuals appointed by the Secretary and the Director, in consultation with the chairman and ranking member of the Committee on Governmental Affairs of the Senate and the chairman and ranking member of the Committee on Government Reform of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the homeland security of the United States.

(2) TERMS.—

(A) IN GENERAL.—An individual shall be appointed to the Panel for an 18-month term.

(B) TERM PERIODS.—Terms on the Panel shall not be continuous. All terms shall be for the 18-month period which begins 12 months before each date a report is required to be submitted under subsection (l)(2)(A).

(C) MULTIPLE TERMS.—An individual may serve more than 1 term.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the Strategy; and

(2) conduct the independent, alternative assessment of homeland security measures required under this section.

(d) ALTERNATIVE ASSESSMENT.—The Panel shall submit to the Secretary an independent assessment of the optimal policies and programs to combat terrorism, including homeland security measures. As part of the assessment, the Panel shall, to the extent practicable, estimate the funding required by fiscal year to achieve these optimal approaches.

(e) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Panel may secure directly from any Federal department or agency such information as the Panel considers necessary to carry out this section. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Panel.

(2) INTELLIGENCE INFORMATION.—The provision of information under this paragraph related to intelligence shall be provided in accordance with procedures established by the Director of Central Intelligence and in accordance with section 103(d)(3) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(3)).

(f) COMPENSATION OF MEMBERS.—Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(g) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(h) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(4) REDUCTION OF STAFF.—During periods that members are not serving terms on the Panel, the executive director shall reduce the number and hours of employees to the minimum necessary to—

(A) provide effective continuity of the Panel; and

(B) minimize personnel costs of the Panel.

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) ADMINISTRATIVE PROVISIONS.—

(1) USE OF MAIL AND PRINTING.—The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) SUPPORT SERVICES.—The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

(k) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(l) REPORTS.—

(1) PRELIMINARY REPORT.—

(A) REPORT TO SECRETARY.—Not later than July 1, 2004, the Panel shall submit to the Secretary and the Director a preliminary report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORT TO CONGRESS.—Not later than 30 days after the submission of the report under subparagraph (A), the Secretary and the Director shall submit to the committees referred to under subsection (b) a copy of that report with the comments of the Secretary on the report.

(2) QUADRENNIAL REPORTS.—

(A) REPORTS TO SECRETARY.—Not later than December 1, 2004, and not later than December 1 every 4 years thereafter, the Panel shall submit to the Secretary and the Director a report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORTS TO CONGRESS.—Not later than 60 days after each report is submitted under subparagraph (A), the Secretary shall submit to the committees referred to under subsection (b) a copy of the report with the comments of the Secretary and the Director on the report.

**TITLE IV—EFFECTIVE DATE**

**SEC. 401. EFFECTIVE DATE.**

This Act shall take effect 180 days after the date of enactment of this Act.

---

By Mr. THURMOND (for himself and Mr. ALLARD):

S. 2453. A bill to provide for the disposition of weapons-usable plutonium at the Savannah River Site South Carolina; to the Committee on Energy and Natural Resources.

Mr. THURMOND. Mr. President, I rise today to introduce legislation that will provide for the disposition of weapons usable plutonium at the Savannah River Site, South Carolina. This bill will ensure the State of South Carolina will have an enforceable agreement on the construction and operation of a mixed-oxide, MOX, fuel fabrication facility at the Savannah River Site. The bill also provides for clear pathway to remove any weapons-usable plutonium from our State if the MOX facility is delayed or fails to operate as planned.

The Plutonium Disposition program is an important element of our National Security. Under agreements made by the United States and the Russian Federation, each Nation agreed to dispose of designated amounts of weapons-grade plutonium. This agreement is a significant step toward safeguarding nuclear materials and preventing their diversion to rogue states. In addition, it has been widely acknowledged that Russian criminal

groups are attempting to steal weapons-usable plutonium from poorly secured sites for known terrorist organizations, and therefore most certainly this is a matter of extreme National Security.

The MOX facility will be an important economic factor in my State. As a result of this bill, Department of Energy officials will also know that SRS, the largest industrial employer in my State, will be ready and eager to accept new missions and create jobs. Helping the Savannah River Site SRS, grow and remain the ''Crown Jewel'' among Department of Energy facilities has been one of my proudest achievements of public service as a Senator and Governor of my State. South Carolina and the Department of Energy have had an outstanding working relationship to bring jobs to SRS while helping to defend our National Security.

I deeply regretted the recent dispute over the mixed oxide (MOX) fuel fabrication facility and the Federal lawsuit that was recently filed. I have called for reasoned and mature thinking to prevail in this matter. This legislation is intended to provide the assurances to both parties and restore the elements of trust and cooperation, while protecting the interests of the State and the health, safety and economy of its citizens. Interested parties must not fail to view this matter without taking all the factors into consideration. The health and security of South Carolinians must always be protected. current and future jobs in South Carolina must be protected. The National Security of the United States must be protected. The legislation I am introducing today will accomplish all of these objectives.

This initiative is good government and I encourage its support by my colleagues. I yield the floor.

## STATEMENTS ON SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 260—DESIGNATING MAY 1, 2002, AS ''NATIONAL CHILD CARE WORTHY WAGE DAY''

Mr. CORZINE (for himself, Mr. DURBIN, Mr. CLELAND, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. FEINGOLD, Mrs. CARNAHAN, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 260

Whereas approximately 14,000,000 children are in out-of-home care during part or all of the day so that their parents may work;

Whereas the average salary of early childhood educators is $16,000 per year, and only ⅓ have health insurance and even fewer have a pension plan;

Whereas the quality of child care and other early childhood education programs is directly linked to the quality of early childhood educators, and low wages make it difficult to attract qualified individuals to the profession;

Whereas the turnover rate of early childhood educators is approximately 30 percent per year because of low wages and lack of benefits, making it difficult to retain high quality educators, and research has demonstrated that young children require caring relationships to have a consistent presence in their lives for their positive development;

Whereas the compensation of early childhood educators must be commensurate with the importance of the job of helping the young children of the United States develop their social, emotional, physical, and intellectual skills to be ready for school;

Whereas the cost of adequate compensation cannot be funded by further burdening parents with higher child care fees but requires public as well as private resources so that quality care and education is accessible for all families; and

Whereas the Center for the Child Care Workforce and other early childhood education organizations recognize May 1st as National Child Care Worthy Wage Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 1, 2002, as ''National Child Care Worthy Wage Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe ''National Child Care Worthy Wage Day'' by—

(A) honoring early childhood educators and programs in their communities; and

(B) working together to resolve the early childhood educator compensation crisis.

Mr. CORZINE. Mr. President, I rise today to submit a resolution designating May 1, 2002 as National Child Care Worthy Wage Day. On May 1 each year, child care providers and other early childhood professionals nationwide conduct public awareness and education efforts highlighting the importance of early childhood education. I hope these efforts will bring attention to early childhood education and the importance of attracting and retaining qualified child care workers.

Every day, approximately 14 million children are cared for outside the home so that their parents can work. This figure includes six million of our Nation's infants and toddlers. Children begin to learn at birth, and the quality of care they receive will affect them for the rest of their lives. Early child care affects language development, math skills, social behavior, and general readiness for school. Experienced child care workers can identify children who have development or emotional problems and provide the care they need to take on life's challenges. Through the creative use of play, structured activities and individual attention, child care workers help their charges learn about the world around them and how to interact with others.

The dedicated individuals who nurture and teach our Nation's young children are undervalued despite the importance of their work. The average salary of a child care worker is approximately $16,000 annually. According to the Department of Labor, in 1998, the middle 50 percent of child care workers and pre-school teachers earned between $5.82 and $8.13 an hour. The lowest 10 percent of child care workers were paid an hourly wage of $5.49 or less. Only one third of our Nation's child care workers have health insurance and even fewer have pension plans. This grossly inadequate level of wages and benefits for child care staff has led to difficulties in attracting and retaining high quality caretakers and educators. As a result, the turnover rate for child care providers is 30 percent a year. This high turnover rate interrupts consistent and stable relationships that children need to have with their caregivers.

To address this issue, Senator DODD and I have introduced the ''Focus On Committed and Underpaid Staff for Children's Sake Act,'' a bill that would establish a grant and scholarship program for child care providers.

I encourage my colleagues to join me in recognizing the importance of the service that child care workers provide and the need to increase their compensation accordingly. The Nation's child care workforce, the families who depend on them, and the next generation of children that they care for deserve our support.

### SENATE CONCURRENT RESOLUTION 104—RECOGNIZING THE AMERICAN SOCIETY OF CIVIL ENGINEERS ON THE OCCASION OF THE 150TH ANNIVERSARY OF ITS FOUNDING AND FOR THE MANY VITAL CONTRIBUTIONS OF CIVIL ENGINEERS TO THE QUALITY OF LIFE OF THE PEOPLE OF THE UNITED STATES, INCLUDING THE RESEARCH AND DEVELOPMENT PROJECTS THAT HAVE LED TO THE PHYSICAL INFRASTRUCTURE OF MODERN AMERICA

Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 104

Whereas, founded in 1852, the American Society of Civil Engineers is the oldest national engineering society in the United States;

Whereas civil engineers work to constantly improve buildings, water systems, and other civil engineering works through research, demonstration projects, and the technical codes and standards developed by the American Society of Civil Engineers;

Whereas the American Society of Civil Engineers incorporates educational, scientific, and charitable efforts to advance the science of engineering, improve engineering education, maintain the highest standards of excellence in the practice of civil engineering, and protect the public health, safety, and welfare;

Whereas the American Society of Civil Engineers represents the profession primarily responsible for the design, construction, and maintenance of the roads, bridges, airports, railroads, public buildings, mass transit systems, resource recovery systems, water systems, waste disposal and treatment facilities, dams, ports, waterways, and other public facilities that are the foundation on which the economy of the United States stands and grows; and

Whereas the civil engineers of the United States, through innovation and the highest

professional standards in the practice of civil engineering, protect the public health and safety and ensure the high quality of life enjoyed by the people of the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) recognizes the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding;

(2) commends the many achievements of the civil engineers of the United States; and

(3) encourages the American Society of Civil Engineers to continue its tradition of excellence in service to the profession of civil engineering and to the public.

Mr. JEFFORDS. Mr. President, from the pyramids of Egypt, to the roadways and waterworks of Rome, through the great Gothic cathedrals of Europe, to today's water treatment facilities and transportation systems, civil engineers have been building societies.

For the past 150 years, The American Society of Civil Engineers, ASCE, has served as the professional organization for, and represented, this great body of engineers within our country. The professional standards and quality of work in the civil engineering community have been ensured through the efforts of the Society.

Without the efforts of our Nation's civil engineers, and those who lead within the profession, this country would not be the great Nation that it is today. With the help of ASCE and the professional expertise of the Society's membership, we are working together to ensure that our children and grandchildren have a clean and safe environment in which to live.

It is with pleasure, as the Chairman of the Senate Committee on Environment and Public Works, along with Senator SMITH, the committee's ranking member, that I recognize, through this concurrent resolution, the 150th anniversary of the American Society of Civil Engineers. We appreciate the leadership and efforts of ASCE and its membership.

## SENATE CONCURRENT RESOLUTION 105—EXPRESSING THE SENSE OF CONGRESS THAT THE NATION SHOULD TAKE ADDITIONAL STEPS TO ENSURE THE PREVENTION OF TEEN PREGNANCY BY ENGAGING IN MEASURES TO EDUCATE TEENAGERS AS TO WHY THEY SHOULD STOP AND THINK ABOUT THE NEGATIVE CONSEQUENCES BEFORE ENGAGING IN PREMATURE SEXUAL ACTIVITY

Mr. LIEBERMAN (for himself and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 105

Whereas 4 in 10 girls in the United States will become pregnant before the age of 20;

Whereas childbearing by teenagers costs taxpayers at least $7,000,000,000 each year in direct costs associated with health care, foster care, criminal justice, and public assistance;

Whereas the United States has the highest rates of teenage pregnancy and birth in the industrialized world;

Whereas more than half of all mothers on welfare had their first child as a teenager;

Whereas 80 percent of births to teenagers are to unmarried teenagers, and teenage mothers have more children, on average, than women who delay childbearing, which makes it more difficult for them and their children to escape a life of poverty;

Whereas teenagers who give birth are less likely to complete high school and to go on to college, thereby reducing their potential for economic self-sufficiency; and

Whereas the children of teenage mothers are more likely to be born prematurely and at low birth-weight, and suffer from higher rates of abuse and neglect than other children: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that the Nation should take additional steps to ensure the prevention of teen pregnancy by engaging in measures to educate teenagers as to why they should stop and think about the negative consequences before engaging in premature sexual activity.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3388. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3389. Mr. REID (for Mr. LIEBERMAN (for himself, Mr. DASCHLE, Mr. SMITH, of Oregon, Mr. ALLARD, Mr. BROWNBACK, Mr. BUNNING, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. DEWINE, Mr. HATCH, Mr. KYL, Mr. MCCONNELL, Mr. SANTORUM, Mr. SMITH, of New Hampshire, Mr. STEVENS, Mr. WARNER, Mr. BAUCUS, Mrs. BOXER, Mr. WYDEN, Mr. CORZINE, Mr. DURBIN, Mr. GRAHAM, Ms. LANDRIEU, Mr. HARKIN, Mr. JOHNSON, Mrs. MURRAY, Mrs. LINCOLN, Mr. NELSON, of Florida, Ms. MIKULSKI, Mr. REED, Mr. SCHUMER, Mr. HUTCHINSON, Mr. GRASSLEY, Mr. CAMPBELL, Mr. VOINOVICH, Mr. MURKOWSKI, Mr. ALLEN, Ms. SNOWE, Mr. THURMOND, Mr. NICKLES , Mr. MCCAIN, Mr. KERRY, Mr. BAYH, Mr. BENNETT, Mr. BOND, Mr. BREAUX, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. FITZGERALD)) proposed an amendment to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) supra; which was considered and agreed to.

SA 3390. Mr. DASCHLE (for Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3391. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R . 3009) supra; which was ordered to lie on the table.

SA 3392. Mr. BROWNBACK (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3388.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3009, to extend the Andean Trade Preference Act to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 351, between lines 18 and 19, insert the following:

(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

**SA 3389.** Mr. REID (for Mr. LIEBERMAN (for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. ALLARD, Mr. BROWNBACK, Mr. BUNNING, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. DEWINE, Mr. HATCH, Mr. KYL, Mr. MCCONNELL, Mr. SANTORUM, Mr. SMITH of New Hampshire, Mr. STEVENS, Mr. WARNER, Mr. BAUCUS, Mrs. BOXER, Mr. WYDEN, Mr. CORZINE, Mr. DURBIN, Mr. GRAHAM, Ms. LANDRIEU, Mr. HARKIN, Mr. JOHNSON, Mrs. MURRAY, Mrs. LINCOLN, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. REED, Mr. SCHUMER, Mr. HUTCHINSON, Mr. GRASSLEY, Mr. CAMPBELL, Mr. VOINOVICH, Mr. MURKOWSKI, Mr. ALLEN, Ms. SNOWE, Mr. THURMOND, Mr. NICKLES, Mr. MCCAIN, Mr. KERRY, Mr. BAYH, Mr. BENNETT, Mr. BOND, Mr. BREAUX, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. FITZGERALD) proposed an amendment to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) supra; which was considered and agreed to.

At the appropriate place, insert the following new section:

**SEC. ____. EXPRESSING SOLIDARTIY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Israel are now engaged in a common struggle against terrorism and are on the frontlines of a conflict thrust upon them against their will.

(2) President George W. Bush declared on November 21, 2001, ''We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world: If you harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends.''.

(3) The United States has committed to provide resources to states on the frontline in the war against terrorism.

(b) SENSE OF CONGRESS.—The Congress—

(1) stands in solidarity with Israel, a frontline state in the war against terrorism, as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;

(2) remains committed to Israel's right to self-defense;

(3) will continue to assist Israel in strengthening its homeland defenses;

(4) condemns Palestinian suicide bombings;

(5) demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas;

(6) urges all Arab states, particularly the United States allies, Egypt and Saudi Arabia, to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing, and to act in concert with the United States to stop the violence; and

(7) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East.

**SA 3390.** Mr. DASCHLE (for Mr. TORRICELLI) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 259, beginning on line 19, strike all through page 261, line 15, and insert the following:

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws;

(B) to ensure that parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-up;

(C) to ensure that the parties to a trade agreement ensure that their laws provide for labor standards consistent with the ILO Declaration of Fundamental Principles and Rights at Work and the internationally recognized labor rights set forth in section 13(2) and constantly improve those standards in that light;

(D) to ensure that parties to a trade agreement do not weaken, reduce, waive, or otherwise derogate from, or offer to waive or derogate from, their labor laws as an encouragement for trade;

(E) to create a general exception from the obligations of a trade agreement for—

(i) Government measures taken pursuant to a recommendation of the ILO under Article 33 of the ILO Constitution; and

(ii) Government measures relating to goods or services produced in violation of any of the ILO core labor standards, including freedom of association and the effective recognition of the right to collective bargaining (as defined by ILO Conventions 87 and 98); the elimination of all forms of forced or compulsory labor (as defined by ILO Conventions 29 and 105); the effective abolition of child labor (as defined by ILO Conventions 138 and 182); and the elimination of discrimination in respect of employment and occupation (as defined by ILO Conventions 100 and 111); and

(F) to ensure that—

(i) all labor provisions of a trade agreement are fully enforceable, including recourse to trade sanctions;

(ii) the same enforcement mechanisms and penalties are available for the commercial provisions of an agreement and for the labor provisions of the agreement; and

(iii) trade unions from all countries that are party to a dispute over the labor provisions of the agreement can participate in the dispute process;

(G) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 13(2));

(H) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(I) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(J) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(K) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

**SA 3391.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. CENTRAL ASIA TRADE ACT.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is now engaged in a war against terrorism, and it is vital that the United States respond to this threat through the use of all available resources;

(2) Open markets between the United States and friendly nations remain a vital component of the national security of the United States for the purposes of forming long lasting friendships, strategic partnerships, and creating new long-term allies through the exportation of America's democratic ideals, civil liberties, freedoms, ethics, principles, tolerance, openness, ingenuity, and productiveness.

(3) Utilizing trade with other nations is indispensable to United States foreign policy in that trade assists developing nations in achieving these very objectives.

(4) It is in the national security interests of the United States to increase and improve ties, economically and otherwise, with nations in Central Asia and the South Caucasus.

(5) The development of strong political, economic, and security ties between the nations of Central Asia and the South Caucasus and the United States will foster stability in this region.

(6) The development of open market economies and open democratic systems in the nations of Central Asia and the South Caucasus will provide positive incentives for American private investment, increased trade, and other forms of commercial interaction with the United States.

(7) Many of the nations of Central Asia and the South Caucasus have secular Muslim governments that are seeking closer alliance with the United States and that have diplomatic and commercial relations with Israel.

(8) The region of Central Asia and the South Caucasus could produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(9) Normal trade relations between the nations of Central Asia and the South Caucasus and the United States will help achieve these objectives.

(b) SENSE OF CONGRESS.—(1) Prior to extending normal trade relations with the nations of Central Asia and the South Caucasus, the President should—

(A) obtain the commitment of those countries to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the ''Helsinki Final Act'') regarding human rights and humanitarian affairs;

(B) ensure that those countries have endeavored to address issues related to their national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(C) ensure that those countries have also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism; and

(D) ensure that those countries have continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of each of those countries and establishing the legal framework for completion of this process in the future.

(2) Earlier this year the governments of the United States and Kazakhstan exchanged letters underscoring the importance of religious freedom and human rights, and the President should seek similar exchanges with all nations of Central Asia and the South Caucasus.

(c) PERMANENT NORMAL TRADE RELATIONS FOR KAZAKHSTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Kazakhstan; and

(B) after making a determination under subparagraph (A) with respect to Kazakhstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kazakhstan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(d) PERMANENT NORMAL TRADE RELATIONS FOR TAJIKISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Tajikistan; and

(B) after making a determination under subparagraph (A) with respect to Tajikistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Tajikistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(e) PERMANENT NORMAL TRADE RELATIONS FOR UZBEKISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Uzbekistan; and

(B) after making a determination under subparagraph (A) with respect to Uzbekistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Uzbekistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(f) PERMANENT NORMAL TRADE RELATIONS FOR ARMENIA.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—

Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Armenia; and

(B) after making a determination under subparagraph (A) with respect to Armenia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Armenia included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(g) PERMANENT NORMAL TRADE RELATIONS FOR AZERBAIJAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Azerbaijan; and

(B) after making a determination under paragraph (1) with respect to Azerbaijan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Azerbaijan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

(h) PERMANENT NORMAL TRADE RELATIONS FOR TURKMENISTAN.—

(1) PRESIDENTIAL DETERMINATION AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Turkmenistan; and

(B) after making a determination under subparagraph (A) with respect Turkmenistan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extensions under paragraph (1)(B) of nondiscriminatory treatment to the products of Turkmenistan included under paragraph (1)(B), title IV of the Trade Act of 1974 shall cease to apply to that country.

---

**SA. 3392** Mr. BROWNBACK (for himself, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Whereas the American people respect the Iranian people, and value the contribution that Iran's culture has made to world civilization over three millennia:

Whereas the Iranian people aspire to democracy, civil, political and religious rights and the rule of law, evidence by increasingly frequent anti-government and anti-Khatami demonstrations within Iran and the statements of numerous Iranian expatriates and dissidents;

Whereas Iran is an ideological dictatorship presided over by an unelected Supreme Leader with limitless veto power, an unelected Expediency Council and Council of Guardians capable of eviscerating any reforms, and a President elected only after the aforementioned disqualified 234 other candidates for being too liberal, reformist, or secular;

Whereas the United States recoganizes the Iranian peoples' concerns that President Muhammad Khatami's rhetoric has not been matched by his actions;

Whereas President Khatami clearly lacks the ability and inclination to change the behavior of the State either toward the vast majority of Iranians who seek freedom; or toward the international community;

Whereas political repression, newspaper censorship, corruption, vigilante intimidation, arbitrary imprisonment of students, and public executions have increased since Khatami's inauguration in 1997;

Whereas men and women are not equal under the law and women are legally deprived of their basic rights;

Whereas the Iranian government shipped 50-tons of sophisticated weaponry to the Palestinian Authority despite Chairman's Arafat's cease-fire agreement, consistently seeks to undermine the Middle East peace process; provides safe-haven to al-Qa'ida and Taliban terrorists; allows transit of arms for guerillas seeking to undermine our ally Turkey; provides transit of terrorists seeking to destabilize the U.S.-protected safe-haven in Iraq; and develop weapons of mass destruction;

Whereas since the terrorist attacks of September 11, 2001, and despite rhetorical protestations to the contrary, the Islamic Republic has actively and repeatedly sought to undermine the United States' war on terror;

Whereas there is a broad-base movement for change in Iran that represents all sectors of Iranian society, including youth, women, student bodies, military personnel, and even religious figures, that is pro-democratic, believes in secular government, and is yearning to live in freedom;

Whereas following the tragedies of September 11, tens of thousands of Iranians filled the streets spontaneously and in solidarity with the United States and the victims of the terrorist attacks;

Whereas the people of Iran deserve the support of the American people: Now therefore be it

*Resolved*, That it is the Sense of the Congress that—

(1) legitimizing the regime in Iran stifles the growth of the genuine democratic forces in Iran and does not serve U.s. national security interest;

(2) positive U.S. gestures toward Iran should be directed toward the people of Iran, and not political figures whose survival depends upon preservation of the current regime;

(3) it should be the policy of the United States to seek genuine democratic government that will restore freedom to the Iranian people, abandon terrorism, and live in peace and security with the international community.

## NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full committee of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 8, 2002, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building. The purpose of this hearing is to receive testimony on the nomination of Guy F. Caruso to be Administrator of the Energy Information Administration.

Those wishing to submit written testimony for the hearing record should sent two copies of their testimony to the Committee on Energy and Natural Resources, Attn: Majority Staff, 264 Dirksen Senate Office Building, U.S. Senate, Washington, DC 20510.

For further information, please contact Sam Fowler on 202–224–7571 or Amanda Goldman on 202–224–6836.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 2, 2002, at 10 a.m., to conduct an oversight hearing on ''Bringing More Unbanked Americans Into the Financial Mainstream.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 2, 2002, at 10:15 a.m., to hold a hearing titled, ''Protecting U.S. Citizens Abroad From Terrorism''.

Agenda

*Witnesses*

Panel 1: Mr. Peter Bergin, Principal Deputy Assistant for Diplomatic Security and Director of the Diplomatic Security Service, Department of State, Washington, DC, and Ms. Dianne Andruch, Deputy Assistant Secretary for Overseas Citizens Services, Department of State, Washington, DC.

Panel 2: Mr. Frank Smyth, Washington Representative, the Committee to Protect Journalists, Washington, DC; the Honorable Vernon Penner, Vice President for Corporate International Services, Crisis Management Worldwide, Former Deputy Assistant Secretary of State for Overseas Citizens Services, Annapolis, MD; Mr. Thomas P. Ondeck, President, GlobalOptions, Inc., Washington, DC; and Dr. Sheryl E. Spivack, Assistant Professor of Tourism Studies, George Washington University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 2, 2002, at 9:10 a.m., for the purpose of conducting a business meeting to consider the nomination of Paul A. Quander, Jr. to be Director of the District of Columbia Court Services and Offender Supervision Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, May 2, 2002, after the first scheduled vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 2, 2002, at 10 a.m., in Dirksen Building Room 226.

Agenda

*I. Nominations*

Julia Smith Gibbons to be United States Circuit Court Judge for the Sixth Circuit; Leonard E. Davis to be United States Circuit Court Judge for the Eastern District of Texas; David C. Godbey to be United States Circuit Court Judge for the Northern District of Texas; Andrew S. Hansen to be United States Circuit Court Judge for the Southern District of Texas; Samuel H. Mays, Jr., to be United States Circuit Court Judge for the Western District of Tennessee; Thomas M. Rose to be United States Circuit Court Judge for the Southern District of Ohio; and Paul G. Cassell to be United States Circuit Court Judge for the District of Utah.

To be United States Attorney: Steven M. Biskupic for the Eastern District of Wisconsin; James E. McMahon for the District of South Dakota; and Jan Paul Miller for the Central District of Illinois.

To be United States Marshal: Walter Robert Bradley for the District of Kansas; Randy Paul Ely for the Northern District of Texas; William Paul Kruziki for the Eastern District of Wisconsin; Stephen Robert Monier for the District of New Hampshire; and Gary Edward Shovlin for the Eastern District of Pennsylvania.

*II. Bills*

S. 2031, Intellectual Property Protection Restoration Act of 2002 [Leahy/Brownback].

S. 848, Social Security Number Misuse Prevention Act of 2001 [Feinstein/Gregg].

S. 1742, Restore Your Identity Act of 2001 [Cantwell].

S. 1644, Veterans' Memorial Preservation and Recognition Act of 2001 [Campbell].

S. 2431, The Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 [Leahy/Campbell/Schumer/Clinton/Biden].

S. 1868, National Child Protection Improvement Act [Biden/Thurmond].

*III. Resolutions*

S. Res. 255, A resolution to designate the week beginning May 5, 2002, as ''National Correctional Officers and Employees Week'' [Feinstein/Hatch].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Immigration and Naturalization Service: How Should It Be Restructured?'' on Thursday, May 2, 2002, in Dirksen Room 226 at 2:30 p.m.

*Witness List*

Panel I: Congressman Romano Mazzoli, Former U.S. Representative, Louisville, Kentucky.

Panel II: Paul Virtue, Former INS General Counsel, Washington, DC, and Stephen Yale-Loehr, American Immigration Lawyers Association, Ithaca, New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, May 2, 2002, for a hearing on pending legislation.

The hearing will take place in SR–418 of the Russell Senate Office Building at 9:30 a.m.

*Agenda for Legislative Hearing Pending Legislation*

S. 1113, to increase the Medal of Honor pension, and to provide for an annual adjustment in that pension.

S. 1408, 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. 1517, to implement Hart-Rudman Commission recommendations on enhancing Montgomery GI Bill benefits.

S. 1561, to strengthen the preparedness of health care providers within the Department of Veterans Affairs and community hospitals to respond to bioterrorism.

S. 1576, to extend the eligibility for health care of veterans who served in Southwest Asia during the Persian Gulf War.

S. 1680, to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under the Soldier and Sailors Civil Relief Act.

S. 1905, to enhance veterans' programs and the ability of the Department of Veterans Affairs to administer them.

S. 2003, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes.

S. 2025, to increase the rate of special pension for Medal of Honor recipients, to make that special pension effective from the date of the act for which the Medal of Honor is awarded, and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor.

S. 2043, to extend by five years the period for the provision by the Secretary of Veterans Affairs of non-institutional extended care serves and required nursing home care, and for other purposes.

S. 2044, to provide for further improvement of the program to expand and improve the provision of specialized mental health services to veterans.

S. 2060, to name the Department of Veterans Affairs Regional Office in St. Petersburg, Florida, after Franklin D. Miller.

S. 2073, to provide for the retroactive entitlement of Ed W. Freeman to Medal of Honor special pension.

S. 2074, to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2079, to facilitate and enhance judicial review of certain matters regarding veteran's benefits, and for other purposes.

S. 2132, 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.

S. 2186, to establish a new Assistant Secretary to perform operations, preparedness, security and law enforcement functions, and for other purposes.

S. 2187, to authorize the Secretary of Veterans Affairs to furnish health care during a major disaster or medical emergency, and for other purposes.

S. 2205, to clarify the entitlement to disability compensation of women veterans who have service-connected mastectomies, to provide permanent authority for counseling and treatment for sexual trauma, and for other purposes.

S. 2209, to provide an additional program of service disabled veterans' insurance for veterans, and for other purposes.

S. 2227, to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals.

S. 2228, to authorize the Secretary of Veterans Affairs to operate up to 15 centers for mental illness research, education, and clinical activities.

S. 2229, to authorize a cost-of-living increase in rates of disability compensation and dependency and indemnity compensation, and to revise the requirement for maintaining levels of extended-care services to veterans.

S. 2230, to authorize VA to guarantee adjustable rate mortgage loans.

S. 2231, to increase Chapter 35 educational assistance benefits, and to increase funding to State Approving Agencies.

S. 2237, to enhance compensation for veterans with hearing loss.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Thursday, May 2, 2002, at 9:30 a.m., for a hearing entitled ''Gas Prices: How Are They Really Set?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that David Roll, a fellow on my staff, be granted the privilege of floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I ask unanimous consent that privileges of the floor be granted to Shara Aranoff, a fellow with the Senate Finance Committee trade staff, during the duration of the debate on the trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that Sarah Lennon, a Department of Energy fellow in Senator CARNAHAN'S office, be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to executive session to consider the following nomination reported out earlier today by the Health, Education, and Labor Committee: Elias Adam Zerhouni, to be Director of the National Institutes of Health. I further ask that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements be printed in the RECORD, and the Senate return to legislative session without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Elias Adam Zerhouni, of Maryland, to be Director of the National Institutes of Health.

Ms. MIKULSKI. Mr. President, I rise to congratulate Dr. Elias Zerhouni on his confirmation by the U.S. Senate as the new Director of the National Institutes of Health. I am pleased that his nomination was approved by the Health, Education, Labor, and Pensions Committee this morning and that the Senate has approved his nomination today.

I am proud that Maryland is home to the National Institutes of Health, and some of the best and brightest researchers in the world. Now Maryland is the home of the National Institutes of Health's new Director, Dr. Zerhouni.

Dr. Zerhouni has spent his impressive career turning medical research into tools and treatments that improve patients' lives. He is an innovative thinker and a successful entrepreneur who has turned his scientific discoveries into successful businesses. He is also a talented administrator who will bring his leadership skills to bear on this challenging new role. His administrative skills will be especially important as Congress completes the bipartisan commitment to double NIH's budget this year.

I am pleased that the U.S. Senate has given Dr. Zerhouni this resounding show of support as he prepares to take the helm of the world's finest research institution. I look forward to working with Dr. Zerhouni in his new role as Director of the National Institutes of Health. The National Institutes of Health and the American people will be well served by Dr. Elias Zerhouni.

Mr. KENNEDY. Mr. President, today the Senate is considering the nomination of one of the nation's most distinguished scientific leaders, Dr. Elias Zerhouni, to be the Director of the National Institutes of Health.

Dr. Zerhouni's life is a story about endless possibilities. He arrived from Algeria with little else but his medical training—and a desire to help his fellow human beings facing disease. From that humble beginning, he has explored the endless possibilities of medical research. His contributions have been extraordinary.

Dr. Zerhouni developed new methods for imaging living tissues that are in use in hospitals around the nation. As a skilled administrator, he has demonstrated leadership and vision time and time again at Johns Hopkins. He revitalized the Medical School's Clinical Practice Association. He worked skillfully with scientists, business leaders and elected officials to create a thriving biotechnology park.

Most recently, he established the groundbreaking Institute for Cell Engineering. At this remarkable new facility, scientists are exploring the potential of stem cells to alleviate some of the most deadly diseases we face as a nation. The stem cell research conducted at the new Institute is already providing new insights into therapies for Parkinson's Disease, spinal injury, diabetes, and other serious illnesses.

In many ways, the story of NIH is also a story about endless possibilities. NIH research has developed therapies to free millions of Americans from the limitations of disease and disability so that they, too, can explore the endless possibilities of an active and productive life.

Dr. Zerhouni will become the first NIH Director in this new century of the life sciences. Never have the possibilities for NIH been greater. The NIH budget will increase to more than $27 billion this year. Those funds will support research and training in thousands of research institutions across the nation and around the world. Leading the NIH is an awesome responsibility that will determine the quality of life for millions and millions of Americans for many years to come.

NIH research ranges from studies of microscopic structures in living cells to investigations of patterns of disease in entire populations. NIH research not only gives us information about what keeps us healthy or makes us sick, but it reveals new insights into who we are as human beings.

The advances made by NIH research in just the first two years of this new century are extraordinary—and the future promises still greater wonders. Already in this century, NIH research has helped map the human genome. No less important than these basic genetic studies are recent findings from NIH scientists that structured lifestyle changes can significantly reduce the risk of diabetics, sparing millions of Americans from this deadly disease.

The impact of NIH research on human health is incalculable. Life expectancies have risen dramatically over the last century, and some scientists believe that the first human being to live to be a productive 150 year-old is already alive today.

Never before have the challenges for NIH been greater. The anthrax attacks of last fall taught the nation what many of us knew already—that the powerful techniques of modern biology can be used not only to heal but to harm. Just this week, the Brookings Institute published a risk assessment showing that a million Americans could die in a major biological attack.

NIH must provide the leadership required to develop new medical weapons in the battle against bioterrorism. I know that good progress is already being make in the race to develop better vaccines against smallpox, anthrax, and other dangerous pathogens.

I would also like to extend my thanks, and the thanks of the entire Senate to Dr. Ruth Kirschstein, who has served so effectively as Acting Director since the departure of Dr. Harold Varmus. She has served in this important position with dedication and skill, to the great benefit of NIH and the nation.

Earlier this week, our committee received Dr. Zerhouni's nomination papers from the President. A few days ago, we listened to him explain his vision for meeting the challenges and seizing the opportunities of this new century of the life sciences as NIH Director. Earlier today, our committee approved his nomination unanimously. I hope my Senate colleagues will confirm his nomination quickly. I wish every good future to Dr. Zerhouni, and

I look forward to working with him closely in the years to come.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## PRINTING OF AMENDMENT 3386

Mr. DASCHLE. I ask unanimous consent that the Daschle substitute amendment No. 3386 be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLERGY HOUSING ALLOWANCE CLARIFICATION ACT

Mr. DASCHLE. I ask unanimous consent the Finance Committee be discharged from further consideration and the Senate proceed to the immediate consideration of H.R. 4156.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4156) was read the third time and passed.

## NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 365, S. Res. 255.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 255) to designate the week beginning May 5, 2002, as ''National Correctional Officers and Employees Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. I ask unanimous consent the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

*Resolved,*

**SECTION 1. DESIGNATION OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK.**

That the Senate—

(1) designates the week beginning May 5, 2002, as ''National Correctional Officers and Employees Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

## PROGRAM

Mr. DASCHLE. Mr. President, I will inform my colleagues we will be in session on Tuesday for debate only to address the trade legislation. Senators will be welcome to offer amendments. They will be welcome, of course, to talk about the bill and, of course, if they have other matters to address, they would be welcome to do that as well in morning business. But we will come in at 3 o'clock on Monday, primarily to address for debate purposes only the trade bill.

## UNANIMOUS CONSENT AGREEMENT—H.R. 2646

Mr. DASCHLE. Mr. President, I ask unanimous consent that on Tuesday, May 7, at 9:30 a.m., the Senate proceed to the conference report to accompany the farm bill under the following limitations with the total time limit of 12 hours divided as follows: On Tuesday, May 7, there be 6 hours of debate equally divided under the control of the chairman and ranking member of the Agriculture Committee; further, I ask unanimous consent that on Wednesday May 8, there be 6 hours equally divided; and, finally, I ask unanimous consent that following the use or yielding back of that time on Wednesday, the Senate proceed to a vote on or in relation to the conference report without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object—I will not object—let me withdraw the reservation and speak after we have gotten the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader.

Mr. LOTT. Mr. President, thank you for the recognition. I thank Senator DASCHLE for agreeing to this time.

Obviously, the farm bill is a very important issue for our country, for our trade, and for many farmers, as well as consumers who depend on agriculture in America.

There are a lot of concerns about this legislation. This is a very large piece of legislation. I think it is a 6-year program. It adds over $73 billion to farm programs, as well as not only the commodities but conservation and nutrition and food stamps. This is a huge bill.

I think having adequate time to discuss the conference report is important.

The ranking member on our side of the aisle, Senator LUGAR, has a number of concerns which he needs to point out.

I think this is a fair way to get it done. It does take away time that we could be spending on other bills but we cannot just ignore the support or the opposition to a bill of this magnitude.

All things considered, this is the best way to proceed.

Mr. DASCHLE. Mr. President, I will say one more time that I appreciate the help and leadership shown by the Republican leader in bringing this bill to the floor. I know sometimes you can't have everything you want. I wanted a shorter period of time, but we will live with this, and we will move on. I thank him for that.

I yield the floor.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR MONDAY, MAY 6, 2002

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 o'clock on Monday, May 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DASCHLE. Mr. President, on Monday, we will then be on the trade bill with no votes. As I said a moment ago, the bill will be open to amendment.

## ADJOURNMENT UNTIL MONDAY, MAY 6, 2002, AT 3 P.M.

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Monday, May 6, 2002, at 3 p.m.

## NOMINATIONS

Executive nominations received by the Senate May 2, 2002:

FEDERAL ENERGY REGULATORY COMMISSION

JOSEPH TIMOTHY KELLIHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2007, VICE LINDA KEY BREATHITT, TERM EXPIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

DONALD W. PITTS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

WADE V. DELIBERTO, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT AS A PERMANENT LIMITED DUTY OFFICER IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

*To be lieutenant*

MARC J. GLORIOSO, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

JACK S PIERCE, 0000

*To be lieutenant commander*

BRUCE H BOYLE, 0000
KEVIN L CRABBE, 0000
TERRY C GORDON, 0000
BRENT D JOHNSON, 0000
ROBERT S LAWRENCE, 0000
FREDERICK A MCGUFFIN, 0000
EDWARD J NASH, 0000
SETH D PHILLIPS, 0000
CURTIS PRICE, 0000
GORDON D RITCHIE, 0000
PATRICK M STURM, 0000
THOMAS B WEBBER, 0000

## CONFIRMATION

Executive nomination confirmed by the Senate May 2, 2002:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ELIAS ADAM ZERHOUNI, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## TRIBUTE TO LYON COLLEGE CONCERT CHOIR

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. BERRY. Mr. Speaker, the United States House of Representatives recognizes the Lyon College Concert Choir on the occasion of their performance at the National Cathedral on March 17, 2002. Lyon College, located in Batesville, Arkansas, offers a liberal arts education of superior quality in a personalized setting.

A selective, independent, undergraduate, residential teaching and learning community affiliated with the Presbyterian Church (U.S.A.), Lyon encourages the free intellectual inquiry essential to social ethical and spiritual growth. With a rich scholarly and religious heritage, Lyon develops, in a culture of honor, responsible citizens and leaders committed to continued personal growth and service.

The Lyon College Concert Choir is directed by Dr. Michael Arshagouni and its members are:

SOPRANO: Cecilia Bogowith—Gainesville, MO; Briana Bopp—Black Rock, AR; Heather Copeland—Albuquerque, NM; Patricia A. Eusterbrock—Old Monroe, MO; Amber Haskins—Everton, AR; Laura Higginbottom—Ash Flat, AR; Annicia Johnson—Little Rock, AR; Laura Lofton—Hughes, AR; Bobbi Love—Cabot, AR; Jessica R. Miller—Cave City, AR; Melanie Morrison—Jonesboro, AR; Angela Polsgrove—Little Rock, AR; Lynsey M. Russell—Little Rock, AR; Rebecca Sharp—Evening Shade, AR; Meredith Shipman—Mountain View, AR; Jennifer Stottman—Russellville, AR;

ALTO: Kristy Barrington—Sherwood, AR; Edlira Bashari—Tirana, Albania; Holly Collins—Cabot, AR; Kristi Dement—Hot Springs, AR; Elizabeth Gabbard—Fort Smith, AR; Heather LeAnn Grantham—Hominy, OK; Teryn R. McDuff—Biloxi, MS; Chloé D. Robinson—West Memphis, AR; Shannon D. Spears—Blytheville, AR; Shannon Sullivan—Newark, AR; Allison Turner—The Woodlands, TX; Sarah Williams—Batesville, AR; Valarie Layne Wylie—Benton, AR.

TENOR: Stephen Briner—Walnut Ridge, AR; Josh Broughton—Benton, LA; Matt Buchanan—Perryville, AR; Laura Hignight—Benton, LA; Mike Horan—Omaha, NE; Brian Phillips—Batesville, AR; Kent Runnells—Little Rock, AR; Shannon Schoeller—Rogers, AR; Russ Swearingen—Rogers, AR;

BASS: Joshua Barnes—Vilonia, AR; Tony Davis—Judsonia, AR; Steven Jones—Los Alamos, NM; Andrew Kuszak—Rogers, AR; Cory McDaniel—Jonesboro, AR; Stephen A. Moore—Chicago, IL; William Lucas Patton—Forrest City, AR; Rob Yates—Jonesboro, AR; Jason Clark Zellmer—Little Rock.

## WAUKESHA WEST WINS NATIONAL ACADEMIC DECATHLON

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. KLECZKA. Mr. Speaker, on Saturday, April 13, nine students from Waukesha West High School made history as the first team from outside of California or Texas to win the United States Academic Decathlon in its 21-year history.

The Academic Decathlon consists of 10 events with questions involving six subjects: art; music; economics and science; language and literature; mathematics; and social science. The students make presentations, write essays, give interviews and participate in the SuperQuiz, a Jeopardy-like challenge with nine rounds of five questions each along a common topic.

The Waukesha team broke new ground by winning the Wisconsin state championship. Then with that victory under their belt, they moved on to the nationals. There, they were named ''rookie team of the year'' and placed first among Division 11 schools. In the final round, they truly proved themselves first among equals by winning the overall competition.

Decathletes Ryan Ramlow, Katy Long, Jacob Kowalski, Adam Siegel, Jon Lindsley, Brian Kyle, Nicole Chartier, Nate Edwards and Scott Wilcox and alternates Steve Moon and Chris Schrader are to be congratulated for their accomplishments and the milestone they have set. Waukesha West won the overall competition that drew 55 top-notch teams representing 38 states.

Their victory could not have been accomplished without the help of coaches Duane Stein, Christine Beck and Lee Schmidt, as well as the parents, faculty and administrators of Waukesha West. It was with their encouragement that the team was able to win at the state and national competitions. Their pride was evident from the reception that welcomed the winning team home at Mitchell International Airport on the Monday after the victory with the same fervor usually reserved for sports heroes.

One of the goals when the Academic Decathlon was founded in 1981 was to develop interest in academics among all students. Teams are comprised of individuals representing a range of skill levels: three A students, three B students and three C students. The competition promotes the value of academic excellence, and stresses the importance of involvement for all students.

Waukesha West High School's win shows that great things can be accomplished through the hard work and dedication of students, teachers and parents acting together. This is not only a goal of the Academic Decathlon program, but also the education system as a whole.

## HONORING THE WOODBRIDGE FATHERS BASEBALL LEAGUE ON THEIR 30TH ANNIVERSARY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my sincere congratulations to an outstanding organization in our community, the Woodbridge Fathers Baseball League, as they celebrate their thirtieth anniversary. This Saturday, I will have the honor of joining the WFBL as they kick-off this season with their Opening Day ceremonies.

For three decades, the WFBL has provided children between the ages of 5 and 15 with the opportunity to participate in softball and baseball—our country's greatest pastime. The league was born out of the concern of several fathers in Woodbridge who wanted to provide a more competitive baseball league for their children. In only a few short months, the WFBL was formed and, in its initial season, had about 200 children that made up fifteen teams, Today, with the addition of softball and a Rookies League Division, the WFBL has 575 participating children, making up forty-eight teams.

Baseball and softball, like all sports, teaches us the value of team work, practice, camaraderie, and commitment to excellence. These are the skills that will serve our young people well as they begin to make a difference in the world. Through baseball or softball, the WFBL has given the children of Woodbridge and Bethany the opportunity to develop strong bonds of friendship based on many years of teamwork that often last well beyond their high school years. This is the true gift that the WFBL has and continues to give to the young people of Woodbridge and Bethany.

As a symbol of the start of spring, Opening Day has always been one of my favorite times to visit communities—especially Woodbridge, Connecticut. Every year, families from throughout the community gather to celebrate the beginning of the season—it is one of this community's most enjoyable spring rituals. Every team is in first place, dreaming of a championship that will be theirs at the end of the summer. The smell of a new glove, the crack of a bat, and the chatter of the outfield remind us why this is America's favorite pastime.

This year, as the Woodbridge community celebrates Opening Day and what has become a symbol of America, we will also take a moment to reflect on one of our country's greatest tragedies. In the months that have passed since September 11th, the American people have struggled to regain a sense of normalcy. Who can forget the truly awesome scene at Yankee Stadium, with the brilliant voice of a New York Police Officer singing God Bless America as an eagle swooped through the stadium—unifying our nation and

● 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.

strengthening our resolve. In these past months, communities across the nation have developed a new found respect for those who dedicate their careers to protecting our families and our communities. I am honored to join the Woodbridge Fathers Baseball League and the Woodbridge community in extending my deepest thanks and appreciation to the Woodbridge Volunteer Fire Department. Their commitment and unparalleled courage make a real difference in our community.

Celebrating thirty years of prosperity and fun, it is with my sincere thanks that I join the Woodbridge community in congratulating the Woodbridge Fathers Baseball League on their 30th Anniversary. From your first president, Tony Malafronte, to the current president Dwight Rowland, this organization has left an indelible mark on this community.

## PERSONAL EXPLANATION

### HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 117, H.R. 169, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Concur in Senate Amendment). Had I been present I would have voted ''yea.''

I was also unavoidably detained for rollcall No. 118, S. 2248, the Export-Import Bank Extension Act. Had I been present I would have voted ''yea.''

I was also unavoidably detained for rollcall No. 119, H. Con. Res. 386, Supporting a National Charter Schools Week. Had I been present I would have voted ''yea.''

## AMERICAN SAMOA MEDICAID PROGRAM

### HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce a bill to provide American Samoa with treatment under the medicaid program similar to that provided to States.

American Samoa receives only about $3 million annually in medicaid reimbursement. Each year, American Samoa's expenditures exceed its federal fiscal ceiling. For example, in FY 2000, Medicaid expenditures were $4,909,677, or $1,709,677 over ceiling. Although Congress adjusts the federal fiscal ceiling annually for the states based on the percentage change in the medical care component of the consumer price index for the preceding year ending in March, this adjustment has very little relation to the needs of American Samoa.

The fact of the matter is American Samoa pays a higher federal match than 40 other states yet the per capita income in American Samoa is less that $4,500 per year. More than 56% of the population lives below the poverty level. All on-island heath care is provided by the LBJ Tropical Medical Center.

Construction of the LBJ medical center was completed in 1967. The in-patient wards have not been renovated since this time. The patient wards have no air conditioning. Bathroom and washroom facilities are inadequate and many of these wards do not even meet fire safety codes and ADA standards and requirements.

In order to meet fire safety codes and ADA standards, the LBJ Tropical Medical Center is in need of upgrading or installing restrooms, medical air, medical vacuums, piped oxygen, proper lighting, a nurse call system, a fire sprinkler system, and sufficient electrical outlets for medical equipment.

However, the LBJ Tropical Medical Center does not operate at a profit and is consistently strapped for funds because every year medicaid expenditures exceed the federal fiscal ceiling. Mr. Speaker, I am not asking for millions of dollars to address the inequity that currently exists in the way we provide for the medicaid needs of American Samoa.

I am simply asking that the federal ceiling for American Samoa be raised to $10 million. I am also asking that the calculations used to determine the federal match for the states be applied to American Samoa. Currently, our federal match is fixed at 50%. Year after year we're at 50% with no thought or review or consideration by Congress to adjust this match to more adequately address our needs.

Mr. Speaker, it is time for the U.S. Congress to take this issue seriously. The bill I have put forth is a fair and reasonable approach to provide for the health care needs of low-income residents in American Samoa. I urge my colleagues to support this bill.

## IN HONOR OF CAUSE-VISION 21 AND ASIAN PACIFIC AMERICAN HERITAGE MONTH

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Asian Pacific American Heritage Month. The month of May marks the 25th year in which we honor the accomplishments and struggles of the Asian Pacific American community in this great nation.

I am proud that the region I represent in Congress is a diverse one and is home to many people of Asian Pacific heritage. So many constituents have distinguished themselves through their accomplishments in education, business, medicine and science, and other forms of public and private sector involvement, and through a strong successful family life. To commemorate Asian Pacific Heritage Month, I would like to highlight the remarkable accomplishments of an organization in my Congressional district, committed to supporting and inspiring change in the area of civic participation for the Chinese American and Asian American communities.

Cause-Vision 21, established in 1993, is dedicated to advancing the political empowerment of the Chinese American and Asian American communities through voter education, community outreach and leadership development. They have established dynamic and innovative programs designed to increases awareness and access to the political process.

Once such program, the Chinese American Student Internship Coalition (CASIC), celebrating its tenth year, provides Chinese American college students with the opportunity to gain hands-on experience with the political process and a deeper understanding of issues important to the Chinese American community. By being placed in a legislative office, each student is given an opportunity to become more aware of current legislative initiatives being debated in California's State Legislature.

Along with CASIC, Cause-Vision 21 offers a number of community forums on a broad range of issues, voter registration drives, and get-out-the-vote efforts. Due to their efforts, the political awareness of the Chinese American community has risen exponentially and the voter registration of this group has grown considerably since the organization's inception.

I ask all Members of Congress to join me in honoring Cause-Vision 21, an organization striving to ensure that Asian Americans have a strong voice in the democratic process. Their efforts on behalf of the community have been extraordinary.

## TRIBUTE TO CHRISTINE AND ORAL EDWARDS

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to two great American citizens, and I am proud to recognize Christine and Oral Edwards in the Congress for their invaluable contributions and service to Arkansas on the occasion of their fiftieth wedding anniversary.

Chris, the daughter of Frank and Effie Austin of Blytheville, and Oral, the son of Jesse and Grace Edwards, were married on May 11, 1952 at the First Baptist Church in Blytheville, AR by Reverend David McPeak. The story of their meeting is practically lifted from the pages of a Hollywood movie script.

They met in the summer of 1951 when Chris was home from Southwestern College and working at Farmer's Bank and Trust in Blytheville. A friend of hers had told her about Oral, and she wanted to meet him. She knew that he worked at the grocery store on Saturdays, so she went to shop with her parents one Saturday.

Oral ended up carrying out her family's groceries to the car. When he turned to go back in the store, she called out his name. When he turned around, she knew it was him, and she invited him to go to church with her. He didn't go, but later called for a date. They dated for about a year and decided to get married. They had no money and no car. Friends chipped in to help with the wedding arrangement, and they had a beautiful wedding. The rest as they say is history.

The Edwardses have two children and six grandchildren. Steve, their first born, lives in Marianna with his wife, Laura. Steve and Laura have three children. Ashley, the oldest, lives in Maumelle with her husband Paul Rowton. Leigh is a student at Arkansas State University, and Steve, Jr., the youngest, is a first grader at Lee Academy.

Susan, their daughter, lives in Memphis, Tennessee with her husband, Dr. Jim DeRossitt. Susan and Jim also have three

children. Jay, the oldest, lives in Austin, Texas with his wife, Leigh. Frank attends Christian Brothers High School, and John, the youngest, is a student at Woodland Presbyterian School.

Oral and Chris became permanent residents of Forrest City in 1962, when they moved here to establish a new location for their grocery store business at the intersection of Division Street and Highway 70. The business has since grown and Oral and his son, Steve, now own GES, Inc., which operates businesses in Arkansas named Food Giant, FG Express, Tobacco Warehouse and EDPROP Development Co.

In addition to being a business leader, Oral has also been an active community leader. Oral has served as the Chairman of the Board of Trustees of East Arkansas Community College and the Baptist College of Medical Sciences in Memphis, Tennessee. He has also served on the Board of Directors of the Arkansas State Chamber of Commerce and the Executive Committee of the Board of Trustees of Baptist Memorial Health Care Company, in Memphis.

Chris, not to be outdone by her husband, has also played an important role in a number of community organizations. She has been a member of the Garden Gate Garden Club and the Forrest City Musical Coterie for more than 40 years. She has also been an active member of the P.E.O. Sisterhood.

The state of Arkansas is a better place because of my close fiends Oral and Chris Edwards, and I am proud to call them my friends. On behalf of the Congress, I extend congratulations and best wishes to these faithful public servants on the fiftieth anniversary of their wedding.

## HERITAGE CHRISTIAN HIGH SCHOOL 2002 WISCONSIN ''WE THE PEOPLE'' CHAMPIONS

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. KLECZKA. Mr. Speaker, at the end of the Constitutional Convention in 1787, our great statesman Benjamin Franklin was asked, ''What have you wrought?'' He replied, ''A republic, if you can keep it.''

Two hundred years later, the Center for Civic Education, created by Act of Congress and funded by the U.S. Department of Education, began working with our nation's elementary and secondary students to help them understand the enduring relevance of that statement. Since the inception of the ''We the People'' program in 1987, more than 26 million students and 82 thousand educators have participated in the Center's outstanding program to promote civic competence and participation.

Our founding fathers recognized that ultimately a free society must depend upon the civic virtue of its citizens, and that our schools have an important mission to prepare students to become informed, responsible citizens. Heritage Christian High School's social studies teacher Tim Moore certainly understands the important role of schools in promoting democratic values and an involved citizenry. In the seven years that Heritage Christian has participated in the ''We the People'' program, Mr. Moore's students have won first place in the Wisconsin state competition five separate times!

The students from Heritage Christian have truly been inspired to academic excellence, and have demonstrated an impressive knowledge of the fundamental principles of our nation's constitutional democracy. It is with great pride that I recognize their outstanding achievement, and commend them for their exemplary commitment to the study of constitutional issues.

This year's representatives from Heritage Christian High School are: Sarah Bohl, Tim Bruce, Tim Cisler, Liz Culver, Jordan Hawkins, Joe Hense, Joanna Hinks, David Kludt, Amy Krejcarek, Brad Larson, Paul Lorenz, Tim Melville, Jon Pickens, Ashley Ramsland, Erik Skoglund, Meredith Spry, Courtney Van der Ploeg, and Andrew Wier.

Congratulations, and best wishes for continued success in this year's national competition in Washington, D.C.!

## HONORING MAY AS OLDER AMERICANS MONTH

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Ms. DELAURO. Mr. Speaker, today, May 1st, marks the beginning of Older Americans Month. This should give us pause to focus on the status of our nation's seniors.

What is the major concern facing older Americans today? It is the need for affordable prescription drugs. As we all know very well, the Medicare program does not cover outpatient prescription drugs. Women, in particular, are affected by this shortfall in coverage. Women live, on average, seven years longer than men, have earned less during their working lives and have half the average annual income of older men. This makes women vulnerable to high health care costs, including out-of-pocket expenses and insurance deductibles as well as the price of prescription drugs.

Because of their longevity, women are more likely to have chronic health conditions and functional limitations. Eight of ten women on Medicare, including those with disabilities, use prescription drugs regularly to manage chronic conditions and subsequently are vulnerable to catastrophic expenses. These women fill fewer prescriptions annually than those with drug coverage but spend nearly twice as much out-of-pocket for their medications. The Congressional Budget Office reports that the average out-of-pocket costs for older Americans just for prescription drugs will be $1500 this year alone.

This month, Connecticut seniors who are members of the Alliance for Retired Americans will board buses and travel to Canada in order to have their prescriptions filled at affordable prices. The Alliance, which will send its members from every state that borders Canada, expects to show that in just one month of short trips seniors can collectively save as much as one million dollars in annual prescription costs.

The trips are not a solution, but they will demonstrate just how ludicrous it is for U.S. citizens, especially older Americans, to have to go to Canada to purchase lower cost medicines because of the lack of a prescription drug benefit within the Medicare program. We must bear in mind that for every person making the trip to Canada there are others who are far worse-off physically and who need the lower-priced medications even more. Unfortunately, they cannot physically board a bus.

Congress must act this year to break the hold that the pharmaceutical industry has on the drug pricing system that forces our citizens to travel to Canada to purchase their prescription drugs at affordable prices. Congress must relieve the emotional and financial distress that millions of older Americans are experiencing. Mr. Speaker, the best way to honor older Americans is for Congress to enact a comprehensive Medicare prescription drug benefit this year.

## TRIBUTE TO SALESIAN HIGH SCHOOL OF RICHMOND, CALIFORNIA

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to offer my congratulations to the students, faculty, staff, alumni and families of Salesian High School of Richmond, California, who will be celebrating their 75th Anniversary on September 6, 2002.

On September 8, 1927, the Salesians of Saint John Bosco, a religious society of the Catholic Church specializing in youth services and education, established a high school seminary program for boys. Then, in 1960, the seminary relocated to Watsonville, California, and became a college preparatory Catholic high school.

In 1989, the school became coeducational and now, with 570 students, they reflect the ethnically diverse population of the area: 18% African-American, 7% Asian Pacific, 20% Euro-American, 23% Latino, 20% Filipino, and 12% from other ethnic and racial backgrounds.

65% of these students come from low-income families in the local neighborhood. Salesian High School has the lowest annual tuition among all the private schools in Contra Costa and Alameda counties, and it is their policy that no student will be left behind due to an inability to meet tuition costs. Therefore, they maintain a strong tuition assistance and scholarship program.

Salesian High School graduates 98% of their seniors into colleges and universities throughout California and the United States. This attests to their combination of church, school, playground, home, and family in their educational system.

The school is dedicated to developing well-rounded students through curriculum that encourages the students to develop their unique talents through education, Christian formation and service.

I rise to congratulate Salesian High School for 75 successful years of educational service and wish them continued success in the years to come.

EDITORIAL BY DR. BILL LEE

## HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. MATSUI. Mr. Speaker, I rise today to share with my colleagues an exceptional editorial by Dr. Bill Lee of The Sacramento Observer, which underscores the threat Social Security privatization poses to minority communities. The Observer is the premier African-American news source in my hometown of Sacramento, and has been a staple of the community for nearly forty years. It has received over 500 national and local awards for journalism excellence, and has a weekly circulation of 50,000 paid subscribers.

Dr. Lee's column makes a critical point that is sometimes overlooked: privatizing Social Security would be devastating to minorities, who benefit disproportionately from the program. In fact, privatization would likely result in smaller benefits not only for minorities, but also for women and low-income workers.

The future of Social Security is profoundly important to all Americans, particularly minorities. The voices of African-American leaders like Dr. Lee—the founding editor of the family-owned Observer—must be heard. I commend Dr. Lee for bringing this issue to the attention of his readers and his community, and I am proud to bring the Observer's unique perspective to the floor of the House.

[From the Sacramento Observer]

SOCIAL SECURITY CONTINUES TO WORK FOR US, HERE'S HOW

(By Dr. William H. Lee)

Everywhere I look in the African American community, I see the success stories of Social Security. I see seniors counting on it in their retirement. I see people who were able to pay their rent or make it through college thanks to survivors'benefits. I know I am counting on Social Security to help me in my golden years, just like others in the African American community are counting on it.

But why is Social Security so important?

Social Security says a lot about who America is and what we stand for as a nation. By providing seniors with guaranteed retirement income for life and protecting young families who lose a breadwinner to disability or death, Social Security shows that America can be a compassionate nation.

It proves that this is a nation with a bottom line: that we can stand together, especially when life is most difficult. It's a promise America has made to its people, a promise that has kept millions of its citizens out of poverty.

I want to tell you, however, about a threat to this successful and popular program: proposals to privatize Social Security.

Privatization of the Social Security program may sound like a good idea at first, but ''the devil is in the details''—the more you learn about it, the worse it becomes. It would cut benefits and pave the way for the ultimate destruction of the program. That is something we cannot allow to happen.

Some people in Washington D.C. want us to believe that Social Security is about to collapse. We have to make one thing clear to our readers: Social Security is not in crisis.

In March, the Social Security Trustees released their annual report on the program's financial health. For the fourth year in a row, the outlook improved.

New economic and demographic projections show that Social Security can pay full benefits until 2041. We need to acknowledge the challenge ahead: four decades from now, Social Security will only be able to pay three-quarters of promised benefits.

That is, however, a challenge we can overcome. It is not an imminent crisis that requires the unraveling of Social Security's fundamental purpose.

Privatization proponents want you to believe that Social Security is in crisis and that ''a radical change'' is necessary. But the truth is privatization will only make Social Security's financial problems worse.

Privatization is based on the idea that one can take money out of the trust fund without any negative consequences. But this seemingly simple proposition is based on a flawed and misleading understanding of how the program works.

Since Social Security taxes are immediately paid out to current beneficiaries (it's a ''pay-as-you-go'' system), money taken out of the program would come directly out of our parents or grandparents' pockets. That's why privatization will mean benefit cuts. And these cuts would affect all recipients—retirees, disabled workers, and survivors alike.

And since privatization opens a gaping hole in Social Security's finances, trillions of dollars would be needed to make up the difference. Where would this money come from? No one knows.

Privatization will weaken Social Security for all Americans, but for some the results will be even more devastating.

This is particularly true for African Americans. But, it is also true for women, lower-income workers, and other ethnic minorities.

For example, minorities tend to benefit disproportionately from the disability and survivors components of Social Security, but these will be cut across the board to make room for private accounts.

Women are also particularly vulnerable to the effects of privatization.

For example, African American women, on average, live longer than men and spend more time out of the workforce to raise children or take care of elderly parents. As a result, they would have less to deposit into private accounts. They would therefore have to live on smaller benefits from smaller accounts over a longer period of time, without the protection from inflation offered by Social Security.

Social Security serves as the foundation of a secure retirement—unshakable by the ups and downs of the stock market, the timing of your retirement, or corporate scandals. Social Security is set up so that our nation's seniors, all our seniors will be protected at the end of the road.

It ensures that seniors will not suffer like Enron employees who watched the value of their stock accounts plummet and their dreams of a secure retirement vanish along with it.

Of course, Americans should be encouraged to save more. Personal savings have an important role to play, especially in the African American community. But it is critical that we keep a portion of retirement income guaranteed. Social Security is that guarantee.

Privatization does not work. Social Security does. It has worked in the African American community, and in all other communities, for over 60 years. We should work together to defend it, protect it, and improve it. But we should oppose those who would fundamentally alter it, break it, or send it, piece by piece, to its demise.

IFAD

## HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. PAUL. Mr. Speaker, Congress can preform a great service to the American taxpayer, as well as citizens in developing countries, by rejecting HR 2604, which reauthorizes two multilateral development banks, the International Fund for Agricultural Development (IFAD) and the Asian Development Fund (AsDF).

Congress has no constitutional authority to take money from American taxpayers and send that money overseas for any reason. Furthermore, foreign aid undermines the recipient countries' long-term economic progress by breeding a culture of dependency. Ironically, foreign aid also undermines long-term United States foreign policy goals by breeding resentment among recipients of the aid, which may manifest itself in a foreign policy hostile to the United States.

If Congress lacks authority to fund an international food aid program, then Congress certainly lacks authority to use taxpayer funds to promote economic development in foreign lands. Programs such as the AsDF are not only unconstitutional, but, by removing resources from the control of consumers and placing them under the control of bureaucrats and politically-powerful special interests, these programs actually retard economic development in the countries receiving this ''aid!'' This is because funds received from programs like the AsDF are all-too-often wasted on political boondoggles which benefit the political elites in the recipient countries, but are of little benefit to the individual citizens of those countries.

In conclusion, HR 2604 authorizes the continued taking of taxpayer funds for unconstitutional and economically destructive programs. I therefore urge my colleagues to reject this bill, return the money to the American taxpayers, and show the world that the United States Congress is embracing the greatest means of generating prosperity: the free market.

TRIBUTE TO LOUISE P. DEMPSEY

## HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a very special constituent, Louise P. Dempsey, on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. This award is the OWBA's highest award for professional excellence and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and in improving the legal profession in the state of Ohio. It gives me great pleasure to wish Ms. Dempsey my warmest congratulations on this truly special occasion.

Louise Dempsey is currently Assistant Dean for External Affairs at Cleveland-Marshall College of Law in Cleveland. She received her B.A. from McGill University in Montreal, Quebec; Certificate of Advanced Study in Bioethics from the Department of Philosophy,

College of Graduate Studies and Research, Cleveland State University; and J.D. from Cleveland-Marshall College of Law.

She is a former Trustee of the OWBA (1994–1997) and also a past co-chair of the OWBA's Law School Liaison Committee. The OWBA was initially formed in 1991 and is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging networking and the creation of a statewide mentor program for women attorneys.

Louise has also been active in other bar associations. She served on the Cleveland Bar Association's Board of Trustees and also, in 1999, was named One of Ten Outstanding Women in the Law by the Cleveland Bar. In 2001, she was awarded the Nonprofit Lawyers Academic Award by the American Bar Association.

At the same time, Ms. Dempsey has been active in the community in a variety of areas, including: appointment to the Board of the Cleveland Municipal School District; Board of Trustees of Laurel School; Board of Trustees of Park Works; Board of Trustees of Visiting Nurse Association; member of Northern Ohio Hate Crimes Working Group; and United Way Services.

On May 1, 2002, Justice Resnick will be presenting Ms. Dempsey with the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction at its Annual Meeting in Columbus, Ohio.

It gives me great please to rise today,

Mr. Speaker, and Join the OWBA in congratulating Louise Dempsey and wishing her continued success.

## TRIBUTE TO THE FOUNDATION FIGHTING BLINDNESS

### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. WEXLER. Mr. Speaker, I would like to pay tribute to the Foundation Fighting Blindness for their incessant efforts toward finding a cure for macular degeneration and all retinal degenerative diseases. The Foundation provides funding for over 155 research studies at 55 prominent institutions, and since its inception in 1971, the Foundation has raised over $160 million.

Macular degeneration causes progressive loss of central vision and is the leading cause of blindness in people older than 55 years. Approximately 6 million Americans, including one million Floridians, of every age and race suffer vision loss from retinal degenerative diseases. An additional 15 million Americans have pre-symptomatic signs of macular degeneration. By recognizing the symptoms and problems associated with macular degeneration, individuals can be tested early and receive treatment for this disabling disease.

Macular degeneration, which is believed to be caused by a combination of genetic or environmental factors, can be devastating for those diagnosed late. The loss of vision cannot be reversed, leaving its victims handicapped. These individuals usually suffer from depression at the thought of losing their independence. Because of the toll this takes on the lives of so many seniors, I call on Congress to provide additional research funding to the National Eye Institute to help cure this disabling disease. Many local communities and some state governments have passed proclamations calling for May 1, 2002 to be designated ''Cure Macular Degeneration Day.'' Therefore, I find this day fitting to bring attention to this important issue and to urge prompt action to find a cure.

## HUNTINGDON AREA MIDDLE SCHOOL ENVIRONMENTAL CLUB

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the Huntingdon Area Middle School Environmental Club for being among 30 students to receive the President's Environmental Youth Awards in 2001. On April 18th these students were honored by President Bush at the White House where they were recognized for their outstanding service to their communities and their achievements in environmental protection.

Kaleigh Felisberto, Amy Slicker, and Margo Wilson were recognized for their participation in the ''Standing Stone Creek Water Quality Pre-Assessment'' project. The stream assessment was conducted at four sites and examined biological organisms living on the stream bottom, chemical stream analysis, physical stream characteristics and stream habitat parameters. The students also developed a questionnaire in order to gain more input from the Huntingdon Water Treatment Plant concerning the environmental healthiness of the stream water. The tests showed good water quality and their research results were accepted as part of the Pennsylvania Department of Environmental Protection statewide stream assessments.

These students have an impressive history of improving the environment through their community projects. Since 1995 they have been members of Science Teams in Rural Environments for Aquatic Management Studies, or STREAMS. Through this organization they have studied watershed ecology and applied their knowledge to resolving local environmental problems. They have volunteered their time to educate and help their community be a more environmentally friendly place through their service.

I congratulate these students on receiving this important award and on successful completion of their stream assessment project. These students have demonstrated that they possess a dedicated spirit of service and environmental awareness. I would like to thank them for their hard work and wish them the best of luck on all their future endeavors.

## HONORING IDAHO'S SENIOR CITIZENS FOR OLDER AMERICANS MONTH

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. SIMPSON. Mr. Speaker, I rise to today to honor a generation of Americans who have made this country what it is today.

This group learned the value of a dollar when food and jobs were rare during the great Depression and built the largest free economy the world has ever known.

This group of people saved the world from tyranny and oppression during World War II, illustrating powerful patriotism. Then sent their children to continue the fight for freedom in subsequent conflicts.

They survived the Bay of Pigs, the Beatles, disco-mania and Big Macs.

They've adapted to a changing world . . . starting school doing math problems with slates and chalk, to punching calculators, to utilizing computers, and then becoming one of the highest percentage of people to surf the Internet.

Most of all they've shown generations how to live with dignity, change a world and enhance a Nation—they are the United States' older Americans.

During the month of May, we'll honor their commitment and service to our country. In my home state of Idaho, thousands of senior citizens voluteer countless hours in classrooms, churches, small businesses, public parks, and service organizations. I recently attended a recognition luncheon for senior volunteers where just 755 volunteers gave more than 124,000 hours of service. They're grandparents, neighbors, and friends. Despite all they've given to us, they're still not done. Today, I honor that continuing sense of community that drives our seniors and respectfully thank older Americans for all they've contributed, and continue to contribute, to our great Nation.

## TRIBUTE TO THE KENT COUNTY REPUBLICAN WOMEN'S ORGANIZATION OF DELAWARE

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to an exemplary group of women from my home state of Delaware, the Kent County Republican Women's Organization.

This year, the Kent County Republican Women's Organization will celebrate 50 years of service to the community on the Federal, State, and local level.

Revered and respected by their peers, these women formed the first organization of its kind in Kent County. From the beginning, they focused on promoting the tradition of a two party system, encouraging civic participation in the county and throughout the State and educating voters about the Republican message of low taxes and individual empowerment.

They have been instrumental in electing Republican candidates in Delaware through working on various campaigns and fundraisers, sponsoring events such as ''Meet Our Candidates Night,'' congregating in Washington to advocate Republican issues and attending various Republican conventions to learn how they can better the party and improve their efforts.

I would like to acknowledge the dedication and resolve that the Kent County Republican Women's Organization has maintained over

the last fifty years. Their continuous efforts to uphold the standards and integrity of the Republican Party is to be commended.

I would like to join my colleagues in congratulating the Kent County Republican Women's Organization on their 50th anniversary and to thank them for their unmeasurable support and direction.

## HONORING NATIONAL COMMUNITY RESIDENTIAL CARE MONTH—2002

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. OSE. Mr. Speaker, I rise today to honor the men and women who work hard everyday to provide quality health care for the elderly, disabled and mentally ill. May is National Community Residential Care Month, and I can't think of a better way to pay tribute to these men and women.

Community care providers offer medical, social, and nutritional assistance to those in need. They are committed professionals who work hard to create comfortable environments for people who are unable to care for themselves in their own homes.

More importantly, these professionals work hard to boost the self-confidence of those whose confidence is often broken as a result of their dependence on others. By caring and interacting with those in need, they have enriched the lives of those who they help.

Again, I want to congratulate all the men and women in this field of work. The United States Congress certainly appreciates the valuable service they provide. We thank you for the job you do and for the compassion that you bring to your field.

## HONORING ABE SELMAN

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Ms. SCHAKOWSKY. Mr. Speaker, I rise to congratulate Mr. Abe Selman, Niles Village Manager from my home state of Illinois, for his outstanding years of service to the community. Mr. Selman will be retiring from his position on May 1st, 2002. Mr. Selman has been a Niles resident since 1962 and has dedicated himself to the public sector, bettering the Niles community. He served as a village trustee for 17 years and resigned in 1989 to become the Village Manager.

Mr. Selman worked nonstop to make Niles a community for all to enjoy and achieved this goal through his knowledge, experience, and most important of all, his passion for service. As Village Manager, he was a visionary. Mr. Selman was in charge of managing development of a Village-wide computer network project, starting from setting up a single computer to over 200 in the village. He was also responsible for the planning, financing, and construction of several municipal buildings that greatly improved the quality of life of many residents. His business savvy was felt through his efficient use of public funds and by reducing operating costs through improved business practices.

Mr. Selman will be missed. His contributions to the community have been felt by all. Thank you Abe, for all you have done for the community.

## A BILL TO ACCELERATE THE BASIC STANDARD DEDUCTION MARRIAGE PENALTY RELIEF AND MODIFY THE WORK OPPORTUNITY TAX CREDIT AND THE WELFARE-TO-WORK TAX CREDIT

### HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. HOUGHTON. Mr. Speaker, today I am joined by my colleague from Illinois, Mr. WELLER, in introducing our bill, the ''Encouraging Work and Supporting Marriage Act of 2002'' to accelerate the marriage penalty relief for low- and middle-income families and to modify and simplify the Work Opportunity Tax Credit (WOTC) and the Welfare-To-Work Tax Credit (WtW).

Last year's tax law eliminates the marriage penalty in the standard deduction by gradually increasing the standard deduction for married couples beginning in 2005. The proposal would accelerate this relief by increasing the standard deduction beginning in 2003. The proposal would benefit low- and middle-income families and would simplify tax filing by reducing the number of taxpayers who itemize.

After a number of improvements over the past few years, the WOTC and WtW programs are being well received in providing employment, with training, for our disadvantaged. We believe the WOTC and WtW programs have been very important in helping individuals become employed and make the transition from welfare to work. Such training can be costly, and the credits provide an incentive to employers to hire the disadvantaged and provide the needed training, while offsetting costs associated with the latter effort. However, the job is not over. These individuals are usually the first ones to suffer when we see economic conditions such as we have experienced the past year.

The current WOTC provides employers with a graduated tax credit of 25 percent of the first $6,000 in wages for eligible individuals working between 120 hours and 399 hours and a 40 percent tax credit on the first $6,000 in wages for those working over 400 hours. The WtW tax credit is targeted toward long-term welfare recipients—providing a 35 percent tax credit on the first $10,000 in wages during the first year of employment and a 50 percent credit on the first $10,000 for those who stay on the job a second year.

The proposal would make the following changes: (1) combine the two credits and establish WtW as a separate targeted group, (2) repeal the requirement that a qualified ex-felon be a member of an economically disadvantaged family for purposes of eligibility for the tax credit (a time-consuming requirement that discourages hiring from this group), (3) increase the age limit for qualified food stamp recipients by five years (from 18–24 to 18–29), and (4) standardize the definition of wages as ''cash wages'' paid by employer to a member of the targeted group.

The present-law WOTC rules for calculating the credit would be retained for the eight categories currently eligible for the work opportunity tax credit. In the case of long-term family assistance recipients, i.e. the ninth targeted group, the credit would equal 40 percent (25 percent for employment of less than 400 hours) of qualified first-year wages. Therefore the maximum credit would be $4,000 (40 percent of $10,000) with respect to long-term family assistance recipients. In the second year, the maximum credit would be 40 percent of the first $10,000 of qualified second-year wages for the long-term family assistance recipients. The net effect of the change would increase the WtW credit by frontloading the benefits, thus increasing an employer's incentive to hire long-term Temporary Assistance for Needy Families (TANF) recipients. All of the provisions would be effective for wages paid or incurred for qualified individuals who begin work for an employer after December 31, 2002.

We believe these changes will bring tax relief to low- and middle-income families by accelerating the elimination of the marriage penalty, as well as strengthening the WOTC program, which has become a major factor in helping individuals become employed and make the transition from welfare to work. We urge our colleagues to support this legislation.

## TRIBUTE TO JAMES E. VENY

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. HONDA. Mr. Speaker, I rise today to recognize James E. Veny for his exemplary service to the community. Jim Veny was born and raised in White Plains, New York, and attended White Plains High School.

In the summer of 1963, Jim joined the U.S. Navy and was selected to be a part of the Navy's Nuclear Power Submarine Program. During his tour, Jim attended various naval schools, traveled around the world, and was a featured soloist of the U.S. Navy's Naval Choir at Great Lakes, Illinois. Jim served one year in the Vietnam War, concluding a seven-year career in the Navy.

After the Navy, Jim earned a Bachelor of Arts degree with distinction from Franklin Pierce College in Rindge, New Hampshire. In 1975, he completed his formal academic studies by receiving a Masters in Business Administration degree from the Amos Tuck School at Dartmouth College.

Fortunately for those of us in the Bay Area, Jim moved to San Jose in July of 1980, working for FMC (Food Machinery Corporation, which is now United Defense). In 1983, he was appointed Community Relations Manager at United Defense, focusing the department on four areas of need in the community—the arts, diversity, social service, and education. Jim quickly learned that to do community work and to make an impact he had to get personally involved.

Jim has served on the boards of the following organizations: the Boy Scouts and Girl Scouts of Santa Clara County, the 100 Black Men of Silicon Valley, and the African American Community Service Agency. Over the years, Jim's greatest commitment has been to the education of young people, and he has been recognized by organizations in San Jose

for this commitment. Most recently, he has been the recipient of the Santa Clara County Alliance of Black Educators 2001 LaVerne Owens Community Service Award, the City of San Jose 2000 Excellence in Education Award, and the 1998 KNTV 'Spirit of Excellence Award' for community service.

Working with students in the community is more than a job for Jim—it is a way of life. Under Jim's guidance, United Defense adopted San Jose High Academy in 1983, and over time created a summer high school internship program. This unique program allows students to learn about the corporate environment, while gaining valuable work experience and earning money.

Clearly, Jim Veny has shown a lifetime of commitment towards making the community a better place, and his experience with San Jose High Academy has shown that individual involvement can make a difference for the better. We in San Jose are thankful for Jim's commitment to our community.

## IN RECOGNITION OF BARBARA McGRATH

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Ms. SOLIS. Mr. Speaker, I rise today to recognize Barbara McGrath as she completes her fellowship in my office this week and returns to her permanent position at the U.S. Department Defense's National Imagery and Mapping Agency.

Barb joined my office last May and quickly became an integral part of my staff. As a full time Legislative Fellow, Barb handled several key issues that are important to my constituents—tax relief for working families, the preservation of Social Security for our senior citizens and the viability of our community's small businesses just to name a few.

She worked tirelessly to research the background for my bill H.R. 3015, The Working Families Tax Rebate, which would provide an immediate $300 payroll tax refund to families that didn't qualify for one under President Bush's plan. If passed, this law would have benefited the 29 million workers who paid payroll taxes but did not earn enough to receive an income tax rebate last year.

Barb also coordinated the multiple newsletters we have sent to my district's senior citizens, informing them about Congressional efforts to guarantee the security of Social Security adjust the Social Security Cost-of-Living Adjustment and provide an affordable prescription drug benefit under Medicare. And she was instrumental in helping arrange a small business fair for my community.

Her knowledge of defense issues was also especially important in the days following the tragic events of Sept. 11. In fact, Barb made such a contribution to my staff that we negotiated with NFMA to extend her fellowship, which was scheduled to end in December, through early May.

But Barb has been more than a dedicated staff member. She has also become a key contributor to the camaraderie in my office. The unique perspective she brought to her fellowship enabled everyone in my office to approach their jobs from a different angle. And with her witty and insightful comments about everything from personal Issues to professional ones, she was quickly dubbed the office favorite. I know she will be dearly missed, and I wish her well in her future endeavors.

## BARBARA JORDAN IMMIGRATION REFORM AND ACCOUNTABILITY ACT OF 2002

SPEECH OF

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 25, 2002*

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 3231 and encourage my colleagues to vote for this important bipartisan measure to reform our Nation's immigration system.

The Immigration and Naturalization Service, created in 1933 to consolidate immigration, border control, and naturalization functions in various departments, has been plagued for years by bureaucratic inefficiency, wasteful practices, and an unclear mission. At first, Congress responded to the problem by increasing funding for the agency, quadrupling its budget from $1.4 billion to $5.6 billion between fiscal years 1992 and 2002. Despite the infusion of resources, the INS reported an increase in its backlog of visa and immigration-related applications.

Though a commission chaired by former Congresswoman Barbara Jordan recommended in 1997 that the INS be dismantled, Congress still did not take the drastic action necessary to fix the problems of an agency that had become for many Americans the stereotype of Federal bureaucracy. However, when the INS sent student visa confirmations for two of the September 11 terrorists—six months after their attacks on America—the subsequent public outrage expedited much-needed reform. I commend Chairman SENSENBRENNER and Ranking Member CONYERS for their cooperation in crafting a common-sense bipartisan measure that will address many of the INS's existing problems. The separation of the INS into the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement will prevent the type of mission conflict that plagues the current agency. I also approve of the creation of an Associate Attorney General to oversee the functions of these two bureaus and to emphasize the importance of immigration matters within the Justice Department.

However, I would be remiss if I did not express the concerns of some of my constituents, who fear that splitting a bureaucracy into two only creates two bureaucracies. I have to laugh as I am reminded of the perils of Hercules as he tried to slay Hydra, the nine-headed snake, which grew two heads for every one that was chopped off. Instead, we must strike at the heart of our current problem, and I believe that H.R. 3231 will effectively accomplish this goal. I will be carefully monitoring the implementation of INS reform to see that the new bureaus are efficient, responsive and focused in their mission.

## RECOGNIZING EDDIE AND MARY EMMA CHERRY FOR SIXTY-TWO YEARS OF MARRIAGE

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. TANNER. Mr. Speaker, I rise today to honor a Tennessee couple who prove that love is still very much alive.

Next month, Eddie and Mary Emma Cherry will celebrate the 62nd anniversary of the day they committed themselves to one another.

Eddie, originally from Dover in Stewart County, and Mary Emma, originally from Danville in Houston County, met through a mutual friend in 1938. The pair met up again the following year when they both enrolled at Austin Peay State College—now named Austin Peay State University—in Clarksville, Tennessee.

After becoming reacquainted, the two decided they wanted to spend their lives together, and they wedded June 1, 1940. Since then, the Cherrys have added to their family two sons, Charles and Don, a daughter, Ann, seven grandchildren and four great-grandchildren.

Over the years, Eddie and Mary Emma have undertaken numerous successful business ventures in West Tennessee but eventually returned to Dover. Eddie spent many years raising cattle and hogs and growing corn and hay. Mary Emma worked for years as a teacher and administrator at Dover Elementary School.

The two are retired now and spend their days together.

Mrs. Cherry has said of their marriage, ''Love is the basis of all of it. I never thought of not loving him.'' Mr. Cherry has added jokingly that his secret is in learning to agree with his wife. The couple says that now, as they celebrate more than six decades of union, their children should be planning a big party to celebrate their 70th anniversary.

Mr. Speaker, I rise to ask that you and our colleagues join me in applauding the marriage of my friends Eddie and Mary Emma Cherry and in wishing them many more years of happiness with their family and many friends who admire them greatly.

## TRIBUTE TO THE McBAIN HIGH SCHOOL VARSITY BOYS BASKETBALL TEAM 2002 MICHIGAN CLASS C BASKETBALL CHAMPIONS

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the McBain High School Varsity Basketball Team, who recently won the 2002 Michigan Class C state title. In their heart-stopping championship game played at the Breslin Center, located in Lansing, Michigan, the McBain Ramblers defeated Kalamazoo Christian 57–48.

Led by Head Coach Bruce Koopman and assistant coaches Jerry Boven and Justin Eubank, members of the 2002 Ramblers include: Kevin Boven (3), Andy Bronkema (5),

Gavin Reinink (10), Trent Mulder (12), Peter DeKam (20), Blake Wiltzer (22), Andy Gilde (24), Kyle Eisenga (25), Travis Nederhood (30), Luke Bronkema (34), Ryan Westdorp (40) and Dan Bazuin (32).

The dedication that these players put forth throughout the entire season is one of which the entire district can be proud. Their victory not only brought the team together in great spirit, but their family, friends and community as well.

Once again, on behalf of the Fourth Congressional District of Michigan, I would like to congratulate the coaches and members of the McBain High School Varsity Basketball Team on their achievement. I wish them the best in their future seasons.

## PERSONAL EXPLANATION

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Ms. DUNN. Mr. Speaker, on Thursday, April 25, 2002, I was unable to be present for rollcall vote No. 115.

Had I been present, I would have voted ''no'' on rollcall No. 115.

## HONORING TRULIANT FEDERAL CREDIT UNION ON THEIR 50TH ANNIVERSARY

### HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. BURR of North Carolina. Mr. Speaker, I want to take this opportunity to recognize a committed and longstanding financial institution in my hometown of Winston-Salem, North Carolina—Truliant Federal Credit Union. For the past fifty years, Truliant's family-like tradition of progressive thinking, reliability and accessibility has served more than 200,000 members in five states. On their 50th Anniversary, the founders and executives of Truliant are to be commended for maintaining a valued and trusted reputation and their tireless contribution to the community.

In 1952, the Radio Shops Credit Union—what was to become Truliant—was chartered in Winston-Salem to serve employees of Western Electric. Founder Tom Pullen built the Credit Union on four cornerstones—member ownership, democratic governance, volunteer directors and access for working families. Pullen's success as a trusted and loyal financial guide immediately brought in 2,000 members and more than $100,000 in assets. His commitment to providing the best technology and friendly, personal attention grew his reputation, diversified his membership and tripled his holdings. The recent change in name to Truliant certainly reflects Pullen's mission to maintain relationships of mutual respect and trust with all of the Credit Union's members.

Winston-Salem is thankful for Truliant's philosophy of ''people helping people.'' Truliant members are leaders in the community, sponsoring the Special Olympics, American Red Cross blood drives, Habitat for Humanity builds, Junior Achievement events and the annual March of Dimes' walk. Truliant also sponsors a scholarship fund that has helped 52 high school graduates gain access to over $26,000.

Today I applaud Tom Pullen and every member of the Truliant family for fifty successful years of endless community to their members and the Winston-Salem community.

## CHILD LABOR

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this spring at the University of Vermont. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

ON BEHALF OF ANDREA SHAHAN, DANIELLE HARVEY, REID GARROW, TROY AULT AND STEFANIE GRAY

REGARDING CHILD LABOR

(April 8, 2002)

REID GARROW: On the western edge of Dacca, Bangladesh, on a man-made ridge constructed to prevent flooding, dust is everywhere. The air is full of a single-sound sequence: The sharp sing of hammers hitting stone anvils. The sun beats bright as the children with their naked dust-covered bodies hammer away with tiny hammers in imitation of their mothers.

Many mothers work here. Hundreds, even thousands, are employed in breaking bricks for the foundations of the buildings. And by many mothers' sides, living in horrible conditions, are their children, laboring away. There are many places such as the factory described in Dacca, Bangladesh, all over the world. Children are forced to work in horrible conditions, with extremely low wages, and with no rights whatsoever.

We are the beneficiaries of child labor. Many of us here today are wearing clothing made overseas, and a significant percentage of it is made by small children. The United States has the world's largest economy, and with just a little effort, our government could drastically reduce child labor, and maybe even someday eliminate it.

DANIELLE HARVEY: A common way for children to become exploited in the system of child labor is to be sold by their parents to a bondsman in order to pay off a debt. The debt is usually very small, ranging from 500 to 7,500 rupees, which, when converted to U.S. currency, mounts to about $14 to $200. Destitute families are offered these loans, and most families accept them, because they need to pay for the cost of an illness, to provide a dowry for a married child, or perhaps just to keep food on the table.

A significant job in the workforce is the manufacturing of domestic and export products. Some of these products include silk, bee, which are hand-rolled cigarettes, silver jewelry, synthetic gemstones, leather products, including footwear and sporting goods, handwoven wool carpets, and precious gemstones and diamonds. Some services that bondsmen force bonded children to perform include prostitution, small-restaurant work, truck-stop work, tea-shop services, and domestic servitude.

STEFANIE GRAY: Child labor prevents children from receiving a good education. Without an education, they are unable to receive jobs at reasonable pay as an adult. Children want a good education, and they believe that the only way their beliefs will be fulfilled is if they are willing to work.

With the lack of support from their parents and their employers, it is hard to be a student and an employee. There are some companies in Nepal, Pakistan, that give classes to employers and parents to recognize the students' education rights.

Child domestic workers cannot join a normal school. A little twelve-year-old boy cleans utensils, washes clothes, and sweeps the house. He rarely sees outside the small four-walled house where he works. He wants to go to school and study, and is unable because of his housework. Children work in the hope they will make enough money to go to school, and, in the end, they realize they won't every make enough money. And it is hard for them to get out of work once they enter. They become disappointed that they won't get the education that they had hoped for.

TROY AULT: Child debt servitude has been illegal since 1933 in India, when the Children Pledging Labor Act was enacted under British rule. There are specific laws which were meant to govern child labor in factories, in commercial establishments, on plantations, and in apprenticeships. There are also laws about the use of migrant labor and contract labor. A recent law established in 1986 was set in place by the Child Labor Prohibition and Regulation Act, and designates a child as a person who has not completed their 14th year of age.'' It purports to regulate the hours and conditions of some child workers, and to prohibit the use of child labor in certain enumerated hazardous industries. Most importantly, there is a law that was established in 1976 by the Bonded Labor System Abolition Act, which strictly outlaws all forms of debt bondage and forced labor.

Why these laws have not been enforced. The governing systems in Asia feel that child labor is inevitable. They think that it is caused by poverty, and cannot be changed by force, that it must evolve slowly towards eradication. It has been discovered, though, that some governments fund child labor in their country, which isn't making the population of child workers any smaller.

Many feel that the systems are concerned only with maintaining a lead in the global marketplace, rather than the condition of their nation's youth. The problem at hand is really that, with the laws formed by these nations against having child labor in their countries are not being enforced harshly enough, and that an involvement with the American government, which has much more power, would make much more of an impact on child labor.

ANDREA SHAHAN: Rosy, from the Philippines, who is 14 years old, has to take care of the household as well as her employer's 14 breeding dogs. She says, The dogs are so big. I'm afraid to go near them. Every day, I prepare kilos of dog food, wash out their pens, and take care of the mother dogs with newly born puppies. Sometimes I can't sleep properly for three nights or the puppies may die.

All dogs are made in heaven, they say, but some domestics live in hell. My employer doesn't allow me to have any of the leftover food from their table, and I can't just help myself. I'm always hungry. One day, I couldn't tighten my belt anymore, so I ate the food of the dogs.

Saneena, from Nepal, who is twelve years old, in an interview, says: I have been a domestic worker for the last two years, and recently started going to school. At first, my stepmother didn't allow me to attend, but I used to go to the class anyway, without telling her. A few days later, she caught me, scolded me, and gave me a slap.

The teacher visited our house and tried to convince her to send me back. To begin with, she was not ready even to talk, but later she agreed, on the condition that I should take my younger brother with me. So I bring my baby brother to school. He can't really understand the class because he is only one and a half years old, but I'm glad at least to have a chance to go to school again.

Fatima, from Bangladesh, is 14 years old. Fatima came to Dacca to work as a domestic worker. Her employer used to beat her up often. After four months, when her employer beat her up severely, she ran away, and took shelter in another home. Seeing the bruises on her body, the owner of her house took her to the police station when she was a bit better.

The police brought her back to her old employer's house for investigation. The employers bribed the police and give them a written statement saying that she would be sent back to her village. But after the police left, she was locked in the toilet. She started screaming, and upon hearing her cries for help, the neighbors phoned ASK. ASK Lawyers rescued her and tried to file suit against the employer. While this was going on, the employer offered Fatima's family about 230 U.S. dollars. Fatima's mother took the money and refused to file charges. At present, Fatima is working in a garment factory.

Johoya has to get up at 5 a.m., wash the utensils, sweep the compound, wash the cloths, attend to the demands of the mistress in the kitchen, attend to the old lady in the house, and also look after the pet dog. One day, Johoya was on the road, crying, holding a dog chain in her hand. When approached, she burst out crying, saying, ''the dog has run away. I am afraid. Tomorrow the master will be returning to the house, and he will kill me for losing the dog. My mistress has not given me food for two days because I have lost the dog. Have you seen my dog anywhere?''

The next day the house owner arrived, and Johoya was beaten for her carelessness and told she was not to be given any food until the dog was found. Some days later, the dog was found in the house of a neighbor, and money was paid to them for finding and keeping the dog safely. Johoya was happy the dog was returned, but her salary for the previous month was not given to her mother, when she came, as usual, to collect. She was told it had been paid to the neighbor who found and looked after the dog.

When you look into a child's eyes, you expect to see hope, trust and innocence, but when you see these signs of childhood are replaced by the trail of hunger, fear and suspicion, we need to take serious stock in ourselves and the society we have created.

## HONORING CIBOLA SCHOOL FOR ITS DEMONSTRATED RECORD OF OUTSTANDING STUDENT ACHIEVEMENT

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. PASTOR. Mr. Speaker, I rise today to honor Cibola High School in Yuma, Arizona, for its demonstrated record of outstanding student achievement. Because national statistics, gathered through the U.S. Census and educational surveys, have indicated high Hispanic drop-out rates at both the high school and college levels, I am especially pleased with the achievements of Cibola High School. Its student population is 75 percent Hispanic and Cibola has demonstrated that it is the success orientation of the school that impacts the success of the students. Cibola is not located in a wealthy school district and does not limit its student admissions to only the brightest or most successful students in the school district.

As Jon Walk, Cibola's first and founding principal indicated when the school opened 11 years ago, ''(we) had the opportunity of a lifetime, the chance to establish the culture of a school.'' Fortunately for the children who attended Cibola over the years, Jon Walk, his teachers and his administrators established a culture of success and made it work.

The results of that ''success culture'' are impressive: Daily attendance runs at 96 percent; 89 percent of the class of 2001 went on to college; the graduation rate is 86 percent; the drop out rate is only 2 percent; the class of 2001 was awarded a total of 2.5 million dollars in scholarship money. In addition, Cibola High School achieved an A+ School Award for 1996 and has produced 7 Flinn Scholars since 1995 with 3 of that 7 being in the Spring of 2001.

How did they do it? The secrets to this outstanding success have evolved through caring, committed principals, teachers, administrators and staff. They evolved a system for making the students at Cibola High School believe in themselves, and be diligent about being the best they could be. Cibola promotes a culture of academic achievement that supports both students and teachers. My Cibola High School friends have shared the secrets of their success: Cibola is family and all members will be supported towards success. Freshmen are told they are preparing for college. The entire school builds a shared vision of success. Both teachers and students are supported to achieve their highest potential. It is a healthy environment with a lot of trust. Adults develop strong relationships with students. Positive attitudes and upbeat interactions are encouraged. Communication is emphasized. Each student has a 4 Year Plan. There are Freshmen Counseling Teams that work at getting to know each student. There are Senior Packets. Parents are encouraged to be engaged and active in their student's school life. Cibola sets high academic standards that are paired with appropriate resources.

These are attitudes and formulas that can easily be replicated throughout our nation's schools. We need to see all of our children succeeding. With Cibola High School, we have a model that is working superbly and which emphasizes the interaction of its people as the key. Thank you Cibola High School for all you have done for the children of Yuma and for the guide you have provided for our nation. I work for the day that all of our nation's children will be given this same educational environment.

## IAN CHAN OGILVIE MAKES HIS MARK ON THE WORLD

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Mr. Clark Ogilvie of my staff and his wife Ms. Deb Chan on the birth of their first child, Master Ian Chan Ogilvie. Ian was born on Tuesday, March 26, 2002 and weighed 7 pounds and 13 ounces. Faye joins me in wishing Clark and Deb great happiness during this very special time in their lives.

As a father of three, I know the immeasurable pride and rewarding challenges that children bring into your life. Their innocence keeps you young-at-heart. Through their inquiring minds and wide-eyed wonder, they show you the world in a fresh, new way and change your perspective on life. A little miracle, a new baby holds all the potential of what human beings can achieve.

I welcome young Ian into the world and wish Clark and Deb all the best as they raise him.

## TRIBUTE TO DR. JEFFREY P. KOPLAN

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. OBEY. Mr. Speaker, I rise today to pay tribute to Dr. Jeffrey P. Koplan and his 26 years of outstanding public service.

Dr. Koplan served as the Director of the Centers of Disease Control and Prevention and the Administrator of the Agency for Toxic Substances and Disease Registry, from 1998 until March of this year when he stepped down to continue his career in public health outside of the Federal government.

We are very fortunate in this country to be able to attract some of the best minds and most talented professionals to public service. However, it is typically not their impressive educational training, professional experience, or list of accomplishments that distinguishes their public service careers. What we often remember most is the daily heart and soul that they devote to solving the myriad of problems and challenges that we as a nation expect our Federal, state and local governments to address.

Despite the great responsibility we thrust upon leaders in public service, they toil in relative anonymity behind the agency acronyms that the world comes to rely upon. While Dr. Koplan is certainly well known and respected in the public health community and in Washington, there are untold millions of people in this country and throughout the world who he has in some way touched through his leadership at CDC who will never know his name—who will never know how he has given them the blessing of a healthier life through the often invisible efforts of public health programs that he has promoted and the thousands of CDC employees whom he has led.

Dr. Koplan will be remembered for passion and aggressive actions he spurred CDC to take in addressing some of the most pressing public health concerns of our time. Not only has he led the CDC response to the tumultuous events of last Fall and our nation's first major bioterrorism event, but be has also called for a national response to an epidemic in obesity, efforts to control infectious diseases, reduce smoking, address chronic diseases such as cancer, diabetes, and heart disease, expand immunization coverage, and build the capacity and infrastructure of CDC and state public health departments.

Dr. Koplan is simply an exemplary public servant who has made many personal sacrifices to advance public health. He is a man of great integrity, dedication, and humor. I, along with many Members of Congress, will greatly miss his leadership at CDC, and I wish he and his family all the best as they move on to other pursuits. In closing, just as Dr. Koplan received a standing ovation by CDC employees upon the announcement of his appointment as Director in 1998, upon his departure, I applaud his distinguished tenure and the honor that he has brought to that position.

## HONORING DR. JEFFREY P. KOPLAN

### HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. REGULA. Mr. Speaker, I rise today to acknowledge the 26 years of service that Dr. Jeffrey P. Koplan has dedicated to improving the public health and the many contributions he has made at the Department of Health and Human Services.

At the end of March of this year, Dr. Koplan stepped down from the dual positions he held since 1998 as the director of the Centers of Disease Control and prevention (CDC) and the Administrator of the Agency for Toxic substances and Disease Registry.

As the Chairman of the appropriations subcommittee responsible for funding the CDC, I have come to know Dr. Koplan during one of the most challenging times in public health—the events of September 11, 2001, the following anthrax attacks, and the urgent call for public health preparedness for possible further bioterrorism attacks.

Dr. Koplan has done a tremendous job leading the CDC response to this national crisis, which included deploying dozens of epidemiologists to New York City to assist the health departments with the response to the attack on the World Trade Center, dispatching personnel and medical supplies to aid the response efforts to the attack on the Pentagon, and coordinating a public health response to prevent, detect and treat anthrax. We are still in the midst of building capacity for an adequate public health response for potential terrorist attacks, but many of the needed improvements are well underway thanks in large part to his leadership.

In addition to responding to terrorist threats, under the leadership of Dr. Koplan, CDC has responded to hundreds of requests from state, local and international health departments to investigate the outbreak of diseases such as West Nile virus, Ebola, tuberculosis, meningitis and other health threats. Just last spring I experienced first hand the response and leadership of the CDC in my own congressional district during a frightening meningitis outbreak. The presence of the CDC on the scene helped to address this situation and bring calm to the community.

Dr. Koplan has also led CDC efforts to reduce tobacco use, improve childhood immunization, prevent birth defects and chronic diseases, and upgrade CDC buildings and facilities. These important efforts are bringing improved health to our nation.

When I visited the CDC in Atlanta last year, I was impressed with the commitment of all of the CDC doctors, scientists, and employees who are pursuing their mission with pride and enthusiasm, and it was evident that that attitude emanates from the top.

In short, CDC plays a critical role in protecting the public health of our nation. From the earlier days of his career working on the eradication of smallpox as an EIS officer to rebuilding the public health system to respond to the health threats of the 21st century as director of CDC, Dr. Koplan has tackled these many tough problems with determination. We will greatly miss his spirit, optimism, and leadership. We wish him all the best in his future endeavors.

## RECOGNIZING THE 150TH ANNIVERSARY OF THE YMCA

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity today to laud the efforts of one of the finest international organizations in our nation: the YMCA. The YMCA was founded in England and was based on an openness which transcended class lines. In its 150 years, the YMCA of the USA has come to include men, women and children regardless of race, religion or nationality.

The United States of America today has over 2,400 YMCAs which serve nearly 18 million people. The YMCA of the USA is involved in promoting healthy behaviors in youngsters, teaching them how to become positive members of society. Although each YMCA is different in its approach to serving the needs of its members, they all help make their communities stronger.

The YMCA of Springfield, Massachusetts was founded on May 3, 1852, after J.R. Hixon issued a call for a meeting at the Old First Church on Court Square. Henry Morris, a prominent judge from the area, was elected the first president. Springfield's YMCA is noteworthy for being the workplace of Mr. James Naismith. In 1891, Mr. Naismith was charged with the physical education of a number of rambunctious young men. As the boys were not interested in the typical winter time activities, Mr. Naismith invented a new game to be played indoors. Mr. Naismith posted 13 rules at class one day and created the sport of basketball.

The invention of basketball is an example of the creative thinking that is the hallmark of the YMCA. The staff members roaming the halls of Ys throughout the country are a dedicated group focused on character development and social service.

Today's YMCA in Springfield continues to serve human needs in the city by providing quality programs that promote lifelong personal growth and the balanced development of spirit, mind and body. I would like to thank Steve Clay, the President, and his staff for their tireless dedication and commitment to the community. Congratulations to the YMCA on 150 years of service to the community.

## PERSONAL EXPLANATION

### HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mrs. CLAYTON. Mr. Speaker, on Tuesday evening April 30, 2001, I was in my District due to a family emergency and as a result missed three rollcall votes.

Had I been present, the following is how I would have voted:

Rollcall No. 119 (On a Motion to Suspend the Rules and Agree to H. Con. Res. 386—''Supporting a National Charter Schools Week'') ''yea.''

Rollcall No. 118 (On a Motion to Suspend the Rules and Pass—S. 2248—''To Extend the Authority of the Export-Import Bank until May 31, 2002'') ''yea.''

Rollcall No. 117 (Suspend the Rules and Agree to Senate Amendments—H.R. 169—''Notification and Federal Employee Anti-discrimination and Retaliation Act'') ''yea.''

## COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 24, 2002*

Mr. ROGERS of Michigan. Mr. Speaker, today, I rise in somber remembrance of the horrors of the Armenian Genocide. It is essential to reflect on the evils of the past to ensure that historical lessons are properly understood. It is in an effort to accomplish this that I call on my colleagues, as well as the international community, to remember and recognize the genocide of over a million Armenians by the Ottoman Empire.

During the end of the Ottoman Empire, the Armenian people were the victims of an atrocity of a horrifying magnitude. As many as 1.5 million were massacred through forced exile and murder. Refugees were scattered throughout the region and many found their way to the United States. As events during the Holocaust, as well as in Rwanda and Bosnia, have demonstrated, we have yet to fully internalize the lessons taught us by the dehumanizing actions of the Ottoman Empire against the Armenians. Human rights violations and discrimination due to ethnic background are still prevalent throughout the world. As such it is more important than ever that the genocide experienced by the Armenians is recognized by the world community. It is only through such recognition that we as a society can begin to ensure that such events will not happen again. In line with this goal, I specifically call on the country of Turkey to formally recognize the genocide.

I join with the Armenians today in sad remembrance of the horrible crimes committed against their people. I appreciate the support that the Armenian people have demonstrated as our own nation has dealt with the horrors of September 11. I am confidant that the friendship between Armenia and the U.S. will continue to flourish as we work together for freedom and prosperity in both our nations.

## LOCAL MUSICAL TRIBUTES FOR SEPTEMBER 11, 2001

### HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. JENKINS. Mr. Speaker, as our nation continues to heal the wounds from the losses suffered on September 11, 2001, I have personally received numbers of phone calls, e-mails, and letters from East Tennesseans offering suggestions, words of support, and prayers for all Americans dealing with this tragedy. Mr. Jerry White, a teacher from Hampton, Tennessee composed a song titled ''Freedom Didn't Fall.'' In addition, Dr. Charles L. Walter from Johnson City, Tennessee enclosed a hymn titled ''When Sudden Terror Tears Apart.'' Having been moved by these musical compositions, I wanted to share these lyrics with the Congress in order that others may read these uplifting and comforting words.

FREEDOM DIDN'T FALL—MR. JERRY WHITE

We took a mighty hit that day, brothers hear the call.
Buildings crumbled to the ground, but freedom didn't fall.
Today our hearts are heavy, we share the grief you bear.
Evil bounds through the world, we've turned to God in prayer.
America must be strong this hour, rays of hope through perils and fright,
A light of love for freedom, shining brightly through the night.
Innocent souls passed on that day, they are martyrs to the cause.
We must be devoted to fight and never stop to pause.
It will be hard to find the enemy to fight.
This may be the final chance for the whole world to unite.
We must stand firm to eradicate evil from our home,
And stand as models to the world no matter where we roam.
Why did this happen here, we ask? The answer's plain to see.
They terrorize for naught, but strike fear in you and me.
These were evil deeds, the acts of evil men.
We must resolve and affirm that this will never occur again.
Firemen, policemen, volunteers have answered freedom's call.
Dedicated sacrifice in this land of sacred law.
The heroes in the plane of Air Flight Ninety-Three,
Have set the tone of sacrifice for all of us to see.
Yea, we took a mighty hit today, now Americans hear the call
Buildings crumbled to the ground, but freedom didn't fall!

WHEN SUDDEN TERROR TEARS APART—THE REV. CARL P. DAW

When sudden terror tears apart the world we thought was ours, we find how fragile strength can be, how limited our powers.
As tower and fortress fall we watch with disbelieving stare and numbly hear the anguished cries, the pierce the ash-filled air.
Yet most of all we are aware of emptiness and void: of lives cut short, of structures razed, of confidence destroyed.
From this abyss of doubt and fear we grope for words to pray, and hear our stammering tongues embrace a timeless Kyrie.
Have mercy Lord, give us strength and peace and make our courage great; restrain our urge to seek revenge, to turn our heart to hate.
Help us to know your steadfast love, your presence near as breath; rekindle in our hearts the hope of life that conquers death.

## TRIBUTE TO ROBERT BYRNE JESSUP

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to pay tribute to a Fellow Marine, Robert Jessup, who passed away on April 7th, 2002.

Robert Byrne Jessup was born January 4, 1942 in Washington, DC. He attended Washington and Lee High School and George Washington University. He was honorably discharged after serving in the US Marine Corps from 1960–1964 as a Lance Corporal, H&S Co., 2nd Shore Party Battalion, 2nd Marine Division, FMF, Camp LeJeune, NC. He was awarded two Good Conduct Medals.

Mr. Jessup worked for Eastern Airlines from 1964 to 1974. He married Caroline Mary Gerard on November 19, 1966 in Alexandria, VA. They moved to Gaithersburg, MD, where he began a career with the General Electric Corporation. While at GE, he was instrumental in the development of the MARK 3000 System.

In the true spirit of a United States Marine, he served his community throughout his life. He was involved in numerous community activities, serving on the Board of Directors for his neighborhood and the Gaithersburg Board of Appeals. He was a football, baseball and basketball coach for his children and a Boy Scout Leader in Troops 207 and 494.

He is survived by his wife; his children, Bill, Rick and Dana; five grandchildren, two brothers, his mother and many other relatives and friends. He was a beloved father, husband, son, grandfather and friend who loved to play games with his family from cards to Trivial Pursuit. Friends remember the Jessup home always as one of boisterous activity, laughter and joy.

Robert Jessup's ideas about serving others live on in his children. His sons work in federal law enforcement; his daughter cares for senior citizens who do not have family to care for them in the Denver area.

It is an honor to share this farewell tribute with my Colleagues.

Mr. Jessup is being interred today, May 1, in Arlington Cemetery. Semper Fi.

## PERSONAL STATEMENT

### HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. MASCARA. Mr. Speaker, on April 30, 2002, I was absent for personal reasons and missed rollcall votes numbered 117, 118 and 119. For the record, had I been present I would have voted ''aye'' on rollcall votes 117 and 119 and ''nay'' on rollcall vote 118.

## INTRODUCTION OF LEGISLATION

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. WU. Mr. Speaker, today I am introducing legislation that would renew two important provisions of the Higher Education Act, which are set to expire on September 30, 2002.

The first expiring provision, Section 428G(a)(3), allows schools with cohort default rates below 10 percent to disburse a loan in a single installment for any period of enrollment that is not more than 1 semester, 1 trimester, 1 quarter, or 4 months.

The second expiring provision, Section 428G(b)(1), allows schools with cohort default rates below 10 percent to waive the requirement that first-year, first-time borrowers loan proceeds be withheld for 30 days.

Each provision was part of the 1998 HEA reauthorization law (H.R. 6). The decision to sunset both provisions was due to a combination of PAY–GO budget pressures and a wish by the HEA reauthorization conferees to revisit each provision's efficacy in reducing regulatory burden while maintaining the integrity of the federal loan programs.

These goals have been met. Not only has regulatory burden been reduced, but costs also have been reduced for schools and lenders.

Further, there is no evidence that adoption of these provisions has caused any increase in default rates at participating schools or increased costs to the government. In light of the reality that both provisions benefit students and do not increase loan defaults, it is important that we extend both provisions permanently.

Expiration of these beneficial provisions not only will place unnecessary administrative burdens on schools, but also will disadvantage students. The first provision allows schools the flexibility, especially in the case of students attending summer sessions and graduating mid-year seniors, to disburse the proceeds of their loan in a single payment, and is just a commonsense administrative decision.

The second provision allows school to disburse a loan to their first year students so that they may have access to their funds to purchase books and supplies, pay housing costs, and other associated educational expenses. Without extension of this provision, many students, due to their inability to purchase textbooks and acquire housing for 30 days, fall behind in their studies and may dropout. This process may paradoxically drive up default rates.

Additionally, failure to renew these provisions would cause administrative disruption for schools. Schools would need to revise policies and procedures, counseling activities and student disclosure and related materials, and reprogram computer systems. These activities would need to be completed prior to the beginning of the award year on July 1st. Consequently, legislative action should be completed as soon as possible but no later than June 1, 2002.

Failure to renew these provisions would lead to unnecessary disruption of financial aid office activities and significant costs to revise system operations. A similar administrative disruption and costs would be visited upon lending institutions.

A college education is becoming increasingly more expensive. These two important provisions make it easier on the student to receive financial aid in a timely manner. Not only is it important that we maximize federal assistance in student financial aid, but we must ensure that the process is not overly burdensome on students or schools.

Renewing these provisions would not only make the daunting task of finding financial aid easier for students. And the cost to the federal government would be minimal.

I urge my colleagues to join with me in renewing HEA Sections 428G(a)(3) & (B)(1) so we can continue benefiting students and avoid disrupting financial aid operations.

## HONORING JOHN McCORMICK, CHICAGO TRIBUNE PAGE EDITOR

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay special tribute to John McCormick, winner of the American Society of Newspaper Editors (ASNE) 2002 Distinguished Writing Award for Editorial Writing.

John McCormick is the deputy editorial page editor of the Chicago Tribune. He joined the Chicago Tribune editorial board in 2000 and was promoted to deputy editor the following year. Prior to joining the Tribune, John worked for several years as the Chicago bureau chief for Newsweek magazine.

On April 12, 2002, John was awarded the 2002 Distinguished Writing Award for Editorial Writing at the ASNE annual convention in Washington, D.C. John has proven his astute writing abilities in various editorials for the Tribune including topics ranging from the September 11th attacks to the poignant circumstances surrounding the death of a Chicago police officer.

ASNE judges stated the following comment on John's abilities as a writer by saying, ''he won the editorial writing award for his eloquent commentary on topics including September 11th as well as veteran sacrifices that would be cheapened by efforts to sell the naming rights to a renovated Soldier Field. In a classic editorial writing style, McCormick is a strong advocate without being preachy.''

John is joined in this recognition by his wife Dawn and their two sons, who reside in LaGrange Park, Illinois.

Mr. Speaker, I ask that my colleagues join me in honoring John McCormick on his achievements and wish John many years of future success.

## LOYALTY DAY

### HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. FERGUSON. Mr. Speaker, on July 18, 1958, the United States Congress passed Public Law 85–529 and designated May 1 of each year as ''Loyalty Day.'' I am pleased to join my fellow Americans today in confirming our allegiance to the United States of America by celebrating this important occasion. Now more than ever, it is vital that we stand together as a nation and remain committed to the common good of our people.

As we speak, the courageous men and women of our Armed Services stand firm across the world, protecting our freedom from all those who threaten its existence. Like their predecessors who fought for our nation in years past, today's service men and women need our support and require our loyalty.

However, Loyalty Day should not be confined to support of our military. The spirit of Loyalty Day can extend throughout our daily lives. Strong devotion to our country can be shown through service to fellow citizens and participation in government. By voting, by fighting for a cause and by helping your community, you are showing loyalty to our nation by honoring the virtues our great country was founded on.

An organization exhibiting the true essence of Loyalty Day is the Bay Leaf Post No. 6807 Ladies Auxiliary in Garwood, New Jersey. I commend the ladies of Post No. 6807 for their continuing support of veterans in the 7th District of New Jersey. Their actions to benefit veterans stand as an example of true loyalty to our nation. Organizations such as this are instrumental in keeping the American spirit alive by serving and remaining devoted to our great country.

Today, I commend all the Americans celebrating Loyalty Day and congratulate all those who have served and continue to serve our great country.

## HONORING WILLIAM J. KEATING AS HE RECEIVES THE 2002 METROPOLITAN AWARD

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. PORTMAN. Mr. Speaker, I rise to honor William J. Keating, a friend, valued constitute and distinguished former Member of this House, who will receive the Metropolitan Club's 2002 Metropolitan Award on May 21, 2002. Recipients of this prestigious honor are citizens of the Greater Cincinnati and Northern Kentucky area who have exhibited extraordinary effort toward improving the lives of our community's residents, and have significantly bridged the gap between Greater Cincinnati and Northern Kentucky.

A native of Cincinnati, Bill Keating has a very long list of accomplishments. As former congressman, newspaper publisher, successful businessperson and judge, his influence can be seen in nearly every major civic project in this area in the past fifty years, including downtown development, arts, education and sports.

After graduating from St. Xavier High School, where he was an All-American swimmer, Bill enlisted in the U.S. Navy and served during World War II. He returned home and earned two degrees (bachelor's and law) from the University of Cincinnati in just four years. He was admitted to the Ohio bar in 1950, began practicing law in Cincinnati and helped to found what has become a major Cincinnati law firm in 1954.

Bill's name has been virtually synonymous with public service since 1957, when he became assistant attorney general for the state of Ohio. In 1958, he was appointed judge of the Hamilton County Municipal Court, was elected to that court in 1959 and was presiding judge from 1962 until 1963. In 1964, Bill was elected to the Hamilton County Court of Common Pleas, where he served until 1967. For two terms, Bill was member of Cincinnati City Council, from 1967 to 1970. First elected to the House of Representatives in 1970. Bill served with distinction in the Ninety-second and Ninety-third Congresses representing the First District of Ohio.

Following his Congressional service, Bill moved into journalism and joined the Cincinnati Enquirer, where he was president and publisher. Later, he serves president of the Gannett Central Newspaper Group, chairman of the Cincinnati Inquirer, executive vice President and general counsel of Gannett Company, Inc. and chief executive officer of the Detroit Newspaper Agency in May, 1986.

Bill is a proven leader. He has been active with numerous causes in our area, including the Cincinnati Business Committee, the Greater Cincinnati Chamber of Commerce, the Cincinnati Arts Association, and the Bid Development Committee for Olympics 2012. In 2001, he was awarded the covered title of Great Living Cincinnati by the Greater Cincinnati Chamber of Commerce.

All of us in the Greater Cincinnati and Northern Kentucky area congratulate Bill Eating on receiving the 2002 Metropolitan Award, the latest acknowledgment of this remarkable device to our region.

## SIXTH DISTRICT IS HOME TO FOUR STATE ROUNDBALL CHAMPS

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 2002*

Mr. COLBE. Mr. Speaker, the University of Maryland just won the NCAA college basketball championship, we are deep into the NBA pro basketball playoffs, and the nation's high schools recently completed their basketball tournaments. During this basketball season, I am pleased to report that the Sixth District of North Carolina is the proud home of four state champions—three girl's teams and one boys' squad.

North Carolina is known nationally as a hotbed of basketball—both from a playing standpoint as well as a spectator sport. We know basketball in the Tar Heel State. That is what makes this season so special for the folks back home. We have not one, not two, not three, but four state champions. It has been a special season and one that is worthy of recognition in the CONGRESSIONAL RECORD.

We begin with the Ledford Senior High School girls' basketball team because the Panthers completed a perfect season with a win in the title contest on March 15. The Panthers finished the year 32–0 with a surprisingly easy 73–51 victory over Tarboro High in the 2–A championship game. In fact, every win this year was by double digits; no one could touch the Panthers of Ledford High.

The title game was highlighted by one of the most impressive offensive showings in state history. Senior guard Leslie Hinkle poured in 40 points to lead the Panthers over Tarboro. ''I just played my best,'' Hinkle told The (Lexington, N.C.) Dispatch. ''I kept shooting, even when my shots weren't falling in the beginning. I also knew when my outside shots weren't falling, I could still penetrate and get to the basket.'' Named MVP for the championship, Hinkle was remarkable throughout the tournament. She scored 97 points in the final three games of the year. ''Leslie Hinkle was a very special player today,'' Head Coach John Ralls told The Dispatch.

Coach Ralls should know something about special players. Ledford High has won four state titles under his tutelage—the others coming in 1995, 1997 and 2000. ''This is the biggest team I've had,'' the Ledford coach told the Lexington newspaper, ''but we've got a lot of really good players. I don't really know if there is a best team, but this one has to rank as one of the best we've ever had.'' Coach Ralls knows it takes a total team effort to complete a magical perfect season. Joining him in that effort were his assistants Alan Patterson and David Sands.

Each member of the Panthers did her part on the path to perfection. The squad includes Allyson David, Melissa Fitzgerald, Leslie Hinkle, Kristina Homesley, Jennifer McCarthy, Jamie Montsinger, Katelyn Moore, Kristi Pietsch, Katie Ralls, Mallory Recce, Megan Rogers, Alicia Stoke, and Jesse Taylor. Joining in the celebration are Principal Max Cole, Athletic Director Donald Palmer, the faculty, staff,students, and families of the perfect state champions, the Ledford Senior High Panthers.

Believe it or not, the Sixth District is actually home to two basketball teams that achieved perfect records this year. West Rowan High School completed a remarkable 30-0 season by capturing the state 3–A boys' championship. On March 16, the Falcons completed their dream season with an 80-68 victory over Winston-Salem Parkland High. West Rowan was led by title game MVP Donte Minter; Donte led the Falcons with 29 points in the championship game. What makes the feat all the more remarkable is that the left-handed senior was playing with a broken left wrist! Donte told the Salisbury Post that despite his injuries there were no doubts about the outcome. ''Never,'' Minter told the newspaper. ''Not at any point did we question ourselves. Here's all you need to know: as a team, we came to play tonight.''

In fact, all season long the Falcons came to play. During their perfect season, West Rowan won every contest by double-digit margins. The championship game win culminated a four-year journey for Minter and Head Coach Mike Gurley. In Minter's freshman season, he and Gurley reached the title game against the same school, Winston-Salem Parkland, only to be defeated 101–83. Coach Gurley told the Salisbury Post, ''Donte and I have cried a lot of tears together since that game. But when you have a successful program like ours, you're going to have some tough losses. Yeah, we've got some scars.''

Now, however, they have a championship to savor, and they accomplished their goal of winning the title for retiring West Rowan Principal Henry Kluttz. The total team effort was led by Coach Gurley and his assistants Josh Avery, Willie Ellis and Robert Hairston. Each member of the squad contributed to the 30–0 season including Brian Avery, Horatio Everhart, Thomas ''T.J.'' Gaither, Jr., Junior Hairston, Joe Hartsell, Michael Johnson, Donte Minter, Brent Patterson, Darren Ramsey, Blake Scearce, Durrell White, Jason Williams, and Phillip Williams. Also contributing to the perfect season were managers Amber Dedoming, LaQuinta Ellerbe, Tamanche Rankin, trainer Larry Sides, and mascot Hayden Gurley. Congratulations to Principal Kluttz, Athletic Director William Ward, the faculty, staff, students and families of the other perfect state champions, the West Rowan Falcons.

As I said earlier, the Sixth District was blessed to win other state titles, too. High Point Central High captured the girls' 3–A title, while Thomasville High secured its first ever girls' 1–A crown. Let's begin with a school that is used to winning—High Point Central. On March 16, the Lady Bison completed their title quest with a 56–53 win over Rockingham County High. The Central girls have won five state championship in the last 10 years. The Lady Bison came into this season with a perfect 30–0 record and almost matched it this year by finishing 31–1. The final outcome was the same though as the Lady Bison brought home another crown to High Point Central.

Leading the way was senior guard and title game MVP Leslie Cook who scored 22 points including the last five to secure the win. ''Those last couple of minutes seemed'' like they took forever,'' Cook told the High Point Enterprise. ''We were thrilled to survive,'' Head Coach Kenny Carter told the same newspaper. ''I told them, 'championship teams will make big plays, and we made big ones when we had to.' ''

The team made big plays all year en route to its latest title. Associate Coach Jetanna McClain and assistants Chris Martin, Chris Shafer and Dwain Waddell ably assisted Coach Carter. The members of the winning squad included Elizabeth Adkisson, Lakisha Bryant, Leslie Cook, Kathryn Fulp, Mary Gheen, Erica Green, Brittany Hendley, Shameka Leach, Jillian Martin, Krystion Obie, Brittany Tate, Teshymia Tillman, Nikki Warren, and Sara Wynne. Congratulations should also be shared by Principal Joe Yaegar, Athletic Director Gary Whitney, the faculty, staff, students and families of High Point Central High School.

While High Point Central is used to winning girls' basketball championships, a school just down the road is still celebrating its first ever girls' basketball title. Thomasville High School won the state 1–A crown with a convincing 68–44 victory over Midway on March 16. Maya Ray, who was named championship game MVP, told the High Point Enterprise that the first title is sweetest of all. ''Right now, it's just surreal,'' Ray told the newspaper. ''I'm overwhelmed. It's a feeling I can't explain. It's like I'm not even here right now. It's nice that it's us to say we were the first.''

The first for Thomasville and one of the best ever. The Lady Dogs finished the year with a record of 28–3. While the outcome of the final game was never in doubt, when Midway cut the lead to 11 with 6:20 to go, Head Coach Eric Radar became worried as all coaches do. ''We were concerned,'' Coach Radar told the High Point Enterprise. ''We thought we sort of lost our edge. We started playing their style of game a little bit more than we had. We got a little complacent, and I thought we started looking at the scoreboard. Looking back, I'm glad that it happened, because our girls were able to do it twice. That shows how good a team this really can be.''

The future is indeed bright for Thomasville High. As we close the books on this season, let's congratulate Coach Rader and his assistant Phil Apple. Each member of the Lady Dogs contributed to the title quest including Brittany Marsh, Erin Crowder, Impris Manning, Katie Myers, Kendra Rutledge, Lavonda Harriott, Lavinia Flowers, Maya Ray, Shae Harris, Shay Harris, Sheena Harriott, Sonya Madsen, and Tyronica Alford. Special thanks also go to managers Pat Jakson, Byron Lattimore and Jaz Tate, scorekeepers Sheena Jenkins and Keisha Alba, and video manager Kendra Sanders. Sharing in the glory are Principal Michael Allred, Athletic Director Woody Huneycutt, the faculty, staff, students, and families of Thomasville High School for winning its first ever girls' 1–A state basketball championship.

All in all, Mr. Speaker, a remarkable high school basketball season in the Sixth District of North Carolina. At the beginning, I mentioned the University of Maryland winning the NCAA championship. I did so deliberately because there are two Sixth District connections there too. One of the assistant coaches is from Greensboro, North Carolina. Matt Kovarik, played for the Terrapins and just completed his first year as an assistant to Head Coach Gary Williams. More importantly, he played his high school ball at Grimsley High School in Greensboro. The entire athletic department is led by a woman from Gibsonville, North Carolina. Dr. Deborah Yow is the athletic director in College Park, and the Sixth District is proud that one of our own led Maryland to its first ever NCAA basketball championship. In addition to our high school champions, we are proud of Matt and Debbie, too.

# *Daily Digest*

## HIGHLIGHTS

**The House agreed to the conference report on H.R. 2646, Farm Security and Rural Investment Act of 2002.**

**The House agreed to H. Res. 392, a resolution expressing solidarity with Israel in its fight against terrorism.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S3791–S3888***

**Measures Introduced:** Sixteen bills and three resolutions were introduced, as follows: S. 2440–2455, S. Res. 260, and S. Con. Res. 104–105. **Pages S3842–43**

**Measures Reported:**

S. Res. 255, to designate the week beginning May 5, 2002, as "National Correctional Officers and Employees Week".

S. 1644, to further the protection and recognition of veterans' memorials.

S. 2431, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits, with an amendment. **Page S3842**

**Measures Passed:**

***Clergy Housing Allowance Clarification Act:*** Committee on Finance was discharged from further consideration of 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, and the bill was then passed, clearing the measure for the President. **Page S3887**

***National Correctional Officers and Employees Week:*** Senate agreed to S. Res. 255, to designate the week beginning May 5, 2002, as "National Correctional Officers and Employees Week". **Page S3887**

**Andean Trade Preference Expansion Act:** Senate continued consideration of H.R. 3009, to extend the Andean Trade Preference Act, and to grant additional trade benefits under that Act, taking action on the following amendments proposed thereto:

**Pages S3795–S3832**

Adopted:

By 94 yeas to 2 nays (Vote No. 102), Reid (for Lieberman) Amendment No. 3389 (to Amendment No. 3387), to express solidarity with Israel in its fight against terrorism. **Pages S3807–29**

Pending:

Daschle Amendment No. 3386, in the nature of a substitute. **Pages S3795–S3832**

Dorgan Amendment No. 3387 (to Amendment No. 3386), to ensure transparency of investor protection dispute resolution tribunals under the North American Free Trade Agreement. (By 29 yeas to 67 nays (Vote No. 101), Senate failed to table the amendment.) **Pages S3795–S3807**

A unanimous-consent agreement was reached providing for further consideration of the bill at 3 p.m., on Monday, May 6, 2002. **Page S3887**

**Farm Security Act Conference Report—Agreement:** A unanimous-consent-time agreement was reached providing for consideration of the conference report to accompany H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011, at 9:30 a.m., on Tuesday, May 7, 2002; and to continue consideration of the conference report on Wednesday, May 8, 2002, with a vote to occur on or in relation to the conference report. **Page S3887**

***CORRECTION: The title of H.R. 4 appeared incorrectly in the Daily Digest of May 1, 2002 (Page D420). The title and Senate action should have appeared as follows:***

**Securing America's Future Energy Act—Conferees:** Senate appointed the following conferees to H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people:

Senators Bingaman, Hollings, Baucus, Kerry, Rockefeller, Breaux, Reid, Jeffords, Lieberman, Murkowski, Domenici, Grassley, Nickles, Lott, Craig, Campbell, and Thomas. Page S3789

**Nominations Confirmed:** Senate confirmed the following nominations:

Elias Adam Zerhouni, of Maryland, to be Director of the National Institutes of Health.

Pages S3886–87, S3888

**Nominations Received:** Senate received the following nominations:

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2007.

Routine lists in the Air Force, Marine Corps, Navy. Page S3888

**Messages From the House:** Page S3842

**Measures Referred:** Page S3842

**Executive Reports of Committees:** Page S3842

**Additional Cosponsors:** Pages S3843–44

**Statements on Introduced Bills/Resolutions:** Pages S3844–82

**Additional Statements:** Pages S3836–42

**Amendments Submitted:** Pages S3882–84

**Notices of Hearings/Meetings:** Page S3884

**Authority for Committees to Meet:** Pages S3884–86

**Privilege of the Floor:** Page S3886

**Record Votes:** Two record votes were taken today. (Total—102) Pages S3806–07, S3829

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 5:58 p.m., until 3 p.m., on Monday, May 6, 2002. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3887).

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS—HOMELAND SECURITY/ SUPPLEMENTAL

*Committee on Appropriations:* Committee resumed hearings to examine homeland security funding issues and proposed legislation making supplemental appropriations for the fiscal year ending September 30, 2002, receiving testimony on behalf of funds for their respective activities from Norma Y. Mineta, Secretary of Transportation; Tommy G. Thompson, Secretary of Health and Human Services; John Ashcroft, Attorney General of the United States; and Joe M. Allbaugh, Director, Federal Emergency Management Agency.

Hearings continue on Tuesday, May 7.

## FINANCIAL SERVICES ACCESS

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded oversight hearings to examine accessibility of basic financial services to lower income households and bringing more Americans into the financial mainstream, after receiving testimony from Sheila C. Bair, Assistant Secretary of the Treasury for Financial Institutions; Michael S. Barr, University of Michigan Law School, Ann Arbor, former Deputy Assistant Secretary of the Treasury for Community Development Policy; Fran Grossman, Shorebank Advisory Services, and Marva E. Williams, Woodstock Institute, both of Chicago, Illinois; Jaye Morgan Williams, Bank One Corporation, Washington, D.C.; and Rufino Carbajal, Jr., West Texas Credit Union, El Paso, on behalf of the Credit Union National Association.

## CITIZEN PROTECTION ABROAD

*Committee on Foreign Relations:* Subcommittee on International Operations and Terrorism concluded hearings to examine Federal efforts to protect U. S. citizens from terrorism abroad, including Embassy personnel, journalists, and private citizens, after receiving testimony from Peter E. Bergin, Principal Deputy Assistant Secretary for Diplomatic Security and Director of the Diplomatic Security Service, and Dianne M. Andruch, Deputy Assistant Secretary for Overseas Citizens Services, Bureau of Consular Affairs, both of the Department of State; Frank Smyth, Committee to Protect Journalists, Thomas P. Ondeck, GlobalOptions, Inc, and Sheryl E. Spivack, George Washington University, all of Washington, D.C.; and Vernon Penner, Crisis Management Worldwide, former Deputy Assistant Secretary of State for Overseas Citizens Services, Annapolis, Maryland.

## GASOLINE PRICES

*Committee on Governmental Affairs:* Permanent Subcommittee on Investigations concluded hearings to examine how gasoline prices are set in the United States, focusing on price volatility, mergers and acquisitions, cost of crude oil, and gasoline production and delivery, after receiving testimony from Senator Wyden; Connecticut Attorney General Richard Blumenthal, Hartford; Michigan Attorney General Jennifer M. Granholm, Lansing; Tom Green, California Department of Justice, Sacramento; Peter K. Ashton, Innovation and Information Consultants, Inc., Concord, Massachusetts; Justine S. Hastings,

Dartmouth College Department of Economics, Hanover, New Hampshire; R. Preston McAfee, University of Texas Department of Economics, Austin; and Philip K. Verleger, Jr., PKVerleger, Newport Beach, California.

## NOMINATION

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the nomination Elias Adam Zerhouni, of Maryland, to be Director of the National Institutes of Health, Department of Health and Human Services.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 1644, to further the protection and recognition of veterans' memorials;

S. 2431, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits, with an amendment;

S. Res. 255, to designate the week beginning May 5, 2002, as "National Correctional Officers and Employees Week"; and

The nominations of Julia Smith Gibbons, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, Leonard E. Davis, to be United States District Judge for the Eastern District of Texas, Andrew S. Hanen, to be United States District Judge for the Southern District of Texas, Samuel H. Mays, Jr., to be United States District Judge for the Western District of Tennessee, Thomas M. Rose, to be United States District Judge for the Southern District of Ohio, Paul G. Cassell, to be United States District Judge for the District of Utah, and Steven M. Biskupic, to be United States Attorney for the Eastern District of Wisconsin, James E. McMahon, to be United States Attorney for the District of South Dakota, Jan Paul Miller, to be United States Attorney for the Central District of Illinois, Walter Robert Bradley, to be United States Marshal for the District of Kansas, Randy Paul Ely, to be United States Marshal for the Northern District of Texas, William P. Kruziki, to be United States Marshal for the Eastern District of Wisconsin, Stephen Robert Monier, to be United States Marshal for the District of New Hampshire, and Gary Edward Shovlin, to be United States Marshal for the Eastern District of Pennsylvania, all of the Department of Justice.

## IMMIGRATION AND NATURALIZATION SERVICE

*Committee on the Judiciary:* Committee concluded hearings to examine proposed legislation to restructure the Immigration and Naturalization Service, Department of Justice, after receiving testimony from Representative Mazzoli; Paul W. Virtue, Hogan and Hartson, Washington, D.C., former General Counsel, Immigration and Naturalization Service, Department of Justice; and Stephen Yale-Loehr, Cornell Law School, Ithaca, New York, on behalf American Immigration Lawyers Association.

## VETERANS AFFAIRS

*Committee on Veterans' Affairs:* Committee concluded hearings on miscellaneous Veterans Affairs legislation (S. 984, S. 1113, S. 1408, S. 1517, S. 1561, S. 1576, S. 1680, S. 1905, S. 2003, S. 2025, S. 2043, S. 2044, S. 2060, S. 2073, S. 2074, S. 2079, S. 2132, S. 2186, S. 2187, S. 2205, S. 2209, S. 2227, S. 2228, S. 2229, S. 2230, S. 2231, S. 2237), after receiving testimony from Tim McClain, General Counsel, Department of Veterans Affairs, who was accompanied by several of his associates; and James R. Fischl, American Legion National Veterans Affairs and Rehabilitation Commission, Joseph A. Violante, Disabled American Veterans, David M. Tucker, Paralyzed Veterans of America, and Dennis M. Cullinan, Veterans of Foreign Wars of the United States, all of Washington, D.C.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 22 public bills, H.R. 4640–4661; 1 private bill, H.R. 4662; 6 resolutions, H.J. Res. 91, H. Con. Res. 395–396, and H. Res. 409–411, were introduced. **Pages H2099–H2100**

**Reports Filed:** Reports were filed as follows:

H.R. 2672, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse'' (H. Rept. 107–428);

H.R. 2911, to designate the Federal building located at 5100 Paint Branch Parkway in College Park, Maryland, as the ''Harvey W. Wiley Federal Building'' (H. Rept. 107–429);

H.R. 4006, to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the ''Alfonse M. D'Amato United States Courthouse'' (H. Rept. 107–430);

H.R. 4028, to designate the United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, as the ''Richard S. Arnold United States Courthouse'' (H. Rept. 107–431);

H.R. 2867, to amend the Small Business Act to require the Administrator to submit certain disagreements to the Director of the Office of Management and Budget for resolution, and to establish a minimum period for the solicitation of offers for a bundled contract (H. Rept. 107–432); and

H.R. 4231, to improve small business advocacy, and for other purposes (H. Rept. 107–433).

**Page H2099**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Msgr. Michael J. Bransfield, Rector of the Basilica of the National Shrine of the Immaculate Conception, Washington, D.C. **Page H2021**

**Farm Security and Rural Investment Act of 2002:** The House agreed to the conference report on H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011 by a yea-and-nay vote of 280 yeas to 141 nays, Roll No. 123. **Pages H2022–57**

In lieu of the matter to be inserted by the amendment of the Senate to the title of the bill the following was inserted: ''An Act to provide for the continuation of agricultural programs through fiscal year 2007, and for other purposes.''.

By a recorded vote of 172 ayes to 251 noes, Roll No. 122, rejected the Kind motion to recommit the conference report to the committee of conference with instructions to agree to provisions in section 169(a) of the Senate amendment relating to payment limitations for commodity programs, and, within the scope of conference, to increase amounts for the following programs by the specified percent of any reduction in Federal spending resulting from the commodity program limitation: conservation programs, 50%; nutrition programs, 15%; rural development programs, 25%; and energy programs, 10%. **Pages H2056–57**

**Suspension—Solidarity with Israel:** The House agreed to suspend the rules and agree to H. Res. 392, amended, expressing solidarity with Israel in its fight against terrorism by a 2/3 recorded vote of 352 ayes to 21 noes with 29 voting ''present'', Roll No. 126. **Pages H2078–90**

Agreed to H. Res. 404, the rule that provided for consideration of the resolution under suspension of the rules by a recorded vote of 329 ayes to 76 noes, Roll No. 125. Earlier, agreed to order the previous question by a yea-and-nay vote of 328 yeas to 82 nays, Roll No. 124. **Pages H2058–78**

**Legislative Program:** Representative Blunt announced the Legislative Program for the week of May 6. **Page H2090**

**Meeting Hour—Monday, May 6:** Agreed that when the House adjourns on Friday, May 3, it adjourn to meet at 2 p.m. on Monday, May 6. **Page H2090**

**Meeting Hour—Tuesday, May 7:** Agreed that when the House adjourns on Monday, May 6, it adjourn to meet at 12:30 p.m. on Tuesday, May 7 for morning hour debate. **Page H2090**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, May 8. **Page H2090**

**Receiving Former Members of Congress—Thursday, May 9:** Agreed that when the House adjourns on Wednesday, May 8, it adjourn to meet at 9 a.m. on Thursday, May 9, for the purpose of receiving in the House Chamber former Members of Congress. Further agreed that it may be in order on Thursday, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving the former Members of Congress. **Page H2090**

**Senate Message:** Message received from the Senate today appears on pages H2057–58.

**Referrals:** S. Con. Res. 103 is held at the desk.

**Quorum Calls—Votes:** Two yea-and-nay votes and three recorded votes during the proceedings of the House today and appear on pages H2056–57,

H2057, H2077, H2077–78, and H2089–90. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 5:50 p.m.

# *Committee Meetings*

### LABOR, HHS, AND EDUCATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education continued appropriation hearings. Testimony was heard from public witnesses.

Hearings continue May 7.

### CBO ROLE AND PERFORMANCE

*Committee on the Budget:* Held a hearing on Congressional Budget Office Role and Performance: Enhancing Accuracy, Reliability and Responsiveness in Budget and Economic Estimates. Testimony was heard from Dan L. Crippen, Director, CBO; and public witnesses.

### WORKING TOWARD INDEPENDENCE ACT

*Committee on Education and the Workforce:* Ordered reported, as amended, H.R. 4092, Working Toward Independence Act of 2002.

### RETHINKING SPECIAL EDUCATION

*Committee on Education and the Workforce:* Subcommittee on Education Reform held a hearing on ''Rethinking Special Education: How to Reform the Individuals with Disabilities Education Act.'' Testimony was heard from public witnesses.

### AUCTION REFORM ACT

*Committee on Energy and Commerce:* Ordered reported H.R. 4560, Auction Reform Act of 2002.

### PROPOSED CHANGES—WORLD BANK IDA—NORTH AMERICAN DEVELOPMENT BANK

*Committee on Financial Services,* Subcommittee on International Monetary Policy and Trade held a hearing entitled ''Proposed changes to both the World Bank International Development Association and the North American Development Bank.'' Testimony was heard from Joseph Cristoff, Director, International Affairs and Trade, GAO; and public witnesses.

### FEDERAL INFORMATION SECURITY MANAGEMENT ACT

*Committee on Government Reform:* Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations and the Subcommittee on Technology and Procurement Policy held a joint hearing on H.R. 3844, Federal Information Security Management Act of 2002. Testimony was heard from Robert F. Dacey, Director, Information Security, GAO; Mark A. Forman, Associate Director, Information Technology and E-Government, OMB; Daniel G. Wolf, Director, Information Assurance Directorate, NSA, Department of Defense; Benjamin H. Wu, Deputy Under Secretary, Technology Administration, Department of Commerce; David C. Williams, Inspector General, Tax Administration, Department of the Treasury; and Ronald E. Miller, Chief Information Officer, FEMA; and a public witness.

### NORTH KOREA: HUMANITARIAN AND HUMAN RIGHTS CONCERNS

*Committee on International Relations:* Subcommittee on East Asia and the Pacific held a hearing on North Korea: Humanitarian and Human Rights Concerns. Testimony was heard from public witnesses.

### FEDERAL COURTS IMPROVEMENT ACT

*Committee on the Judiciary:* Subcommittee on Courts, the Internet, and Intellectual Property approved for full Committee action, as amended, H.R. 4125, Federal Courts Improvement Act of 2002.

### MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Subcommittee on Immigration and Claims approved for full Committee action the following bills: H.R. 4043, to bar Federal agencies from accepting for any identification-related purpose and State-issued driver's license, or other comparable identification document, unless the State requires licenses or comparable documents issued to nonimmigrant aliens to expire upon the expiration of the aliens' nonimmigrant visas; H.R. 4558, to extend the Irish Peace Process Cultural and Training Programs; and H.R. 4597, to prevent nonimmigrant aliens who are delinquent in child support payments from gaining entry into the United States.

### MAGNUSON-STEVENS ACT AMENDMENTS

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans, held a hearing on the Magnuson-Stevens Act Amendments of 2002. Testimony was heard from Representatives Frank, Hefley and Farr; William T. Hogarth, Assistant Administrator, Fisheries, National Marine Fisheries Service, Department of Commerce; and public witnesses.

## FEDERAL BUDGET ESTIMATING—ASSESSING ACCURACY

*Committee on Rules:* Subcommittee on Legislative and Budget Process held a hearing on "Assessing the Accuracy of Federal Budget Estimating." Testimony was heard from public witnesses.

Hearings continue May 9.

## TRAVEL AGENCY BUSINESS ISSUES

*Committee on Small Business:* Subcommittee on Regulatory Reform and Oversight held a hearing entitled "Issues in the Travel Agency Business." Testimony was heard from Representative Foley; and public witnesses.

## OVERSIGHT—ARMING FLIGHT CREWS AGAINST TERRORIST ACTS

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation oversight hearing on Arming Flight Crews Against Terrorist Acts. Testimony was heard from Sarah V. Hart, Director, National Institute of Justice, Office of Justice Programs, Department of Justice; and public witnesses.

## VETERANS LEGISLATION

*Committee on Veterans' Affairs:* Subcommittee on Benefits approved for full Committee action, as amended, the following bills: H.R. 4015, Jobs for Veterans Act; and H.R. 4085, to increase, effective as of December 1, 2002, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans.

## MISCELLANEOUS MEASURES

*Committee on Ways and Means:* Ordered reported, as amended, the following bills: H.R. 4090, Personal Responsibility, Work, and Family Promotion Act of 2002; and H.R. 4626, Encouraging and Supporting Marriage Act of 2002.

## SOCIAL SECURITY COMMISSIONER—CHALLENGES FACING

*Committee on Ways and Means:* Subcommittee on Social Security held a hearing on Challenges Facing the New Commissioner of Social Security. Testimony was heard from the following officials of the SSA: Jo Anne Barnhart, Commissioner; and James G. Huse, Jr., Inspector General; Hal Daub, Chairman, Social Security Advisory Board; Barbara Bovbjerg, Director, Education, Workforce, and Income Security Issues, GAO; and public witnesses.

## CONSOLIDATED CRYPTOLOGIC PROGRAM BUDGET

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on Consolidated Cryptologic Program Budget. Testimony was heard from departmental witnesses.

## COMMITTEE MEETINGS FOR FRIDAY, MAY 3, 2002

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No Committee meetings are scheduled.

## CONGRESSIONAL PROGRAM AHEAD

### Week of May 6 through May 11, 2002

### Senate Chamber

On *Monday, at 3 p.m.,* Senate will resume consideration of H.R. 3009, Andean Trade Preference Expansion Act.

On *Tuesday and Wednesday,* Senate will consider the conference report to accompany H.R. 2646, Farm Security Act, with a vote on or in relation to the conference report to occur on Wednesday.

During the balance of the week, Senate expects to continue consideration of H.R. 3009, Andean Trade Preference Expansion Act, and may also consider H.R. 3210, Terrorism Risk Protection Act, and any other cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Appropriations:* May 7, to resume hearings to examine homeland security funding issues and proposed legislation making supplemental appropriations for the fiscal year ending September 30, 2002, 2:30 p.m., SD–192.

May 8, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Emergency Management Agency, 9:30 a.m., SD–138.

May 8, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor, 10 a.m., SD–124.

May 8, Subcommittee on Defense, to hold hearings to examine Defense medical programs, 10 a.m., SD–192.

May 8, Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2003 for the General Accounting Office, Congressional Budget Office, and Government Printing Office, 10:30 a.m., SD–116.

*Committee on Armed Services:* May 7, Subcommittee on Airland, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 3 p.m., SR–232A.

May 7, Subcommittee on Personnel, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 4 p.m., SR–222.

May 7, Subcommittee on Readiness and Management Support, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 5 p.m., SR–232A.

May 8, Subcommittee on SeaPower, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 9 a.m., SR–232A.

May 8, Subcommittee on Strategic, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 10 a.m., SR–222.

May 8, Subcommittee on Emerging Threats and Capabilities, closed business meeting to mark up those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 11:30 a.m., SR–232A.

May 8, Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 2:30 p.m., SR–222.

May 9, Full Committee, closed business meeting to continue to mark up proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 9:30 a.m., SR–222.

*Committee on Banking, Housing, and Urban Affairs:* May 8, to hold hearings on the nomination of Anthony Lowe, of Washington, to be Federal Insurance Administrator, Federal Emergency Management Agency, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* May 7, to hold hearings to examine and review the Merger Investigation Agreement between the Federal Trade Commission and the Department of Justice, 9:30 a.m., SR–253.

May 8, Subcommittee on Science, Technology, and Space, to hold hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration, 9:30 a.m., SR–253.

May 9, Subcommittee on Oceans, Atmosphere, and Fisheries, to hold oversight hearings to examine management issues at the National Marine Fisheries Services, 9:30 a.m., SR–253.

*Committee on Energy and Natural Resources:* May 7, to hold hearings to examine this year's wildlife fire season, as well as to assess the Federal land management agencies' state of readiness and preparedness for the wildland fire season, 9:30 a.m., SD–366.

May 8, Full Committee, to hold hearings on the nomination of Guy F. Caruso, of Virginia, to be Administrator of the Energy Information Administration, Department of Energy, 9:30 a.m., SD–366.

May 9, Subcommittee on Public Lands and Forests, to hold hearings on S. 454, to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; S. 1139, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; S. 1325, to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island; S. 1497/H.R. 2385, to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property; S. 1711/H.R. 1576, to designate the James Peak Wilderness and the James Peak Protection Area in the State of Colorado; and S. 1907, to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon, 2:30 p.m., SD–366.

*Committee on Environment and Public Works:* May 7, to hold hearings on the nomination of John Peter Suarez, of New Jersey, to be Assistant Administrator, Office of Enforcement and Compliance Assurance, Environmental Protection Agency, 11 a.m., SD–406.

May 8, Subcommittee on Superfund, Toxics, Risk, and Waste Management, to hold hearings on S. 1850, 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, 1:30 p.m., SD–406.

May 9, Full Committee, to hold hearings on S. 2118, to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants and the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and a related Administrative proposal, 2 p.m., SD–406.

*Committee on Finance:* May 9, to hold hearings to examine revenue issues related to the Highway Trust Fund, 9:30 a.m., SD–215.

*Committee on Governmental Affairs:* May 7, Permanent Subcommittee on Investigations, to hold hearings to examine the role of the Board of Directors in the collapse of the Enron Corporation, 9:30 a.m., SH–216.

May 8, Full Committee, to hold hearings to examine infrastructure security, focusing on private/public information sharing, 9:30 a.m., SD–342.

*Committee on Health, Education, Labor, and Pensions:* May 7, to hold hearings to examine certain provisions of the Hatch-Waxman Act, assuring greater access to affordable pharmaceuticals, 10 a.m., SD–430.

May 7, Subcommittee on Aging, to hold hearings to examine issues surrounding the National Family Caregiver Support Program, 2:30 p.m., SD–430.

May 9, Full Committee, to hold hearings to examine consolidated student loans, focusing on variable rates, 10 a.m., SD–430.

*Committee on Indian Affairs:* May 8, to hold hearings on S.343, to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities, 10 a.m., SR–485.

May 10, Full Committee, to hold hearings on proposed legislation authorizing funds for the implementation of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 10 a.m., SR–485.

*Select Committee on Intelligence:* May 8, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

*Committee on the Judiciary:* May 8, to hold hearings to examine the reformation of the Federal Bureau of Investigation, Department of Justice, focusing on mission refocusing and reorganization, 10 a.m., SD–226.

May 9, Full Committee, to hold hearings on pending judicial nominations, 2 p.m., SD–226.

## House Chamber

To be announced

## House Committees

*Committee on Appropriations,* May 7 and 9, Subcommittee on Labor, Health and Human Services, and Education, to continue on Public Witnesses, 2 p.m., on May 7 and 9:45 a.m., on May 9, 2358 Rayburn.

May 7, Subcommittee on Treasury, Postal Service, and General Government, on OPM, 10 a.m., 2359 Rayburn.

May 9, Subcommittee on Foreign Operations, Export Financing and Related Programs, on Congressional and Public Witnesses, 10 a.m., H–144 Capitol.

*Committee on the Budget,* May 8, hearing on Medicare and the Federal Budget, 10 a.m., 210 Cannon.

*Committee on Education and the Workforce,* May 8, Subcommittee on Education Reform, hearing on "State Level Special Education Reforms that Work and Federal Barriers to Innovation", 2 p.m., 2175 Rayburn.

*Committee on Energy and Commerce,* May 8, Subcommittee on Health, hearing entitled "Reducing Medical Errors: A Review of Innovative Strategies to Improve Patient Safety," 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* May 7, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, to continue hearings entitled "Corporate Accounting Practices: Is There a Credibility GAAP?" 2 p.m., 2128 Rayburn.

May 8, Subcommittee on Financial Institutions and Consumer Credit, to consider H.R. 3951, Financial Services Regulatory Relief Act of 2002, 10 a.m., 2128 Rayburn.

May 9, Subcommittee on Financial Institutions and Consumer Credit, hearing on Recovering Dictators' Plunder, 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* May 8, Subcommittee on the District of Columbia, hearing on "The Metropolitan Washington Airports Authority—The Impact of the September 11 Terrorist Attacks on the Security and Operation of Airports Serving the Nation's Capital," 10 a.m., 2154 Rayburn.

May 9, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on "Oversight of the Management Practices of the Office of Workers; Compensation: Are the Complaints Justified?" 10 a.m., 2154 Rayburn.

*Committee on House Administration,* May 8, oversight hearing on Congressional Mail Delivery in the U.S. House of Representatives, 10 a.m., 1310 Longworth.

*Committee on the Judiciary,* May 8, to mark up the following bills: H.R. 3482, Cyber Security Enhancement Act of 2001; H.R. 2054, to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States; H.R. 1448; to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H.R. 3180, to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact; H.R. 2621, Consumer Product Protection Act of 2001; H.R. 3215, Combating Illegal Gambling Reform and Modernization Act; H.R. 2068, to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works"; and H.R. 1452, Family Reunification Act of 2001, 10 a.m., 2141 Rayburn.

May 9, Subcommittee on the Constitution, hearing on H.J. Res. 91, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 12 p.m., 2237 Rayburn.

May 9, Subcommittee on Crime, hearing and markup of the following bills: H.R. 4623, Child Obscenity and Pornography Prevention Act of 2002; and H.R. 4477, Sex Tourism Prohibition Improvement Act of 2002, and other related measures, 10 a.m., 2141 Rayburn.

*Committee on Resources,* May 7, Subcommittee on National Parks, Recreation, and Public Lands, hearing on the following measures: H.R. 3786, Glen Canyon National Recreation Area Boundary Revision Act of 2002; H.R. 3942, John Muir National Historic Site Boundary Adjustment Act; and a measure to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, 2 p.m., 1334 Longworth.

May 8, full Committee, hearing on the following bills: H.R. 521, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of

Guam; and H.R. 791, to provide for the equitable settlement of certain Indian land disputes regarding land in Illinois, 10 a.m., 1334 Longworth.

*Committee on Rules,* May 9, Subcommittee on Legislation and Budget Process, to continue hearings on "Assessing the Accuracy of Federal Budget Estimating," Part 11, 10:30 a.m., H–313 Capitol.

*Committee on Science,* May 8, hearing on Health Effects of Particulate Air Pollution: What does the Science Say? 10 a.m., 2328 Rayburn.

May 9, Subcommittee on Research, hearing on the National Science Foundation Reauthorization Act of 2002; followed by a markup of H.R. 3130, Technology Talent Act of 2001; 9:30 a.m., 2318 Rayburn.

May 9, Subcommittee on Space and Aeronautics, hearing on NASA's Science Priorities, 2 p.m., 2318 Rayburn.

*Committee on Small Business,* May 8, hearing on National Small Business Week: Small Business Success Stories, 2:30 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* May 9, Subcommittee on Highways and Transit, to mark up the following bills: H.R. 3298, to waive certain limitations in the case of use of the emergency fund authorized by section 125 of title 23, United States Code, to pay the costs of projects in response to the attack on the World Trade Center in New York City that occurred on September 11, 2001; H.R. 3609, Pipeline Infrastructure Protection to Enhance Security and Safety Act; and the Over-the-Road Bus Security and Safety Act, 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* May 9, to mark up pending business, 10 a.m., 334 Cannon.

*Committee on Ways and Means,* May 7, Subcommittee on Oversight, hearing on Modeling the Economic Effect of Changes in Tax Policy, 2 p.m., 1100 Longworth.

May 9, Subcommittee on Select Revenue Measures, to continue hearings on the Extraterritorial Income (ETI) Regime, 2 p.m., 1100 Longworth.

## Joint Meetings

*Commission on Security and Cooperation in Europe:* May 8, to hold hearings to examine cooperation concerning the war on terrorism, focusing on the Organization for Security and Co-operation in Europe, 10 a.m., room to be announced.

*Next Meeting of the* **SENATE**

**3 p.m., Monday, May 6**

**Senate Chamber**

**Program for Monday:** Senate will continue consideration of H.R. 3009, Andean Trade Preference Expansion Act.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**10 a.m., Friday, May 3**

**House Chamber**

**Program for Friday:** Pro forma session.

## Extensions of Remarks, as inserted in this issue

HOUSE


Berry, Marion, Ark., E673, E674
Burr, Richard, N.C., E680
Camp, Dave, Mich., E679
Castle, Michael N., Del., E677
Clayton, Eva M., N.C., E682
Coble, Howard, N.C., E684
DeLauro, Rosa L., Conn., E673, E675
Dunn, Jennifer, Wash., E680
Etheridge, Bob, N.C., E681
Faleomavaega, Eni F.H., American Samoa, E674
Ferguson, Michael, N.J., E684
Honda, Michael M., Calif., E678
Houghton, Amo, N.Y., E678
Jenkins, William L., Tenn., E683
Jones, Stephanie Tubbs, Ohio, E676
Kleczka, Gerald D., Wisc., E673, E675
Langevin, James R., R.I., E679
Lipinski, William O., Ill., E684
Mascara, Frank, Pa., E683
Matsui, Robert T., Calif., E676
Miller, George, Calif., E675
Murtha, John P., Pa., E683
Neal, Richard E., Mass., E682
Obey, David R., Wisc., E681
Ose, Doug, Calif., E678
Pastor, Ed, Ariz., E681
Paul, Ron, Tex., E676
Portman, Rob, Ohio, E684
Regula, Ralph, Ohio, E682
Riley, Bob, Ala., E674
Rogers, Mike, Mich., E682
Sanders, Bernard, Vt., E680
Schakowsky, Janice D., Ill., E678
Schiff, Adam B., Calif., E674
Shuster, Bill, Pa., E677
Simpson, Michael K., Idaho, E677
Solis, Hilda L., Calif., E679
Tanner, John S., Tenn., E679
Wexler, Robert, Fla., E677
Wu, David, Ore., E683



**Congressional Record** The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $211.00 for six months, $422.00 per year, or purchased for $5.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.