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No. 83

## House of Representatives

The House met at 10 a.m.

The Most Reverend Oscar H. Lipscomb, Archbishop of Mobile, Mobile, Alabama, offered the following prayer:

O God, our shield and defender, ancient of days, pavilioned in the splendor of Your creation and girded with the praise of Your children, be with us now as we pray for this House and all parts of our government and Nation.

Our troubled times teach us that of ourselves peace and security rests uneasy and incomplete. Help us with the wisdom and strength sought by Your servant Solomon as he set out to govern the people You committed to his care.

Touch all our hearts and change them after the model offered us by Your Son: "As I have loved you, love one another." Then may there be realized in our land the vision of the prophet Isaiah: "There shall be no harm or ruin on all my holy mountain; for the Earth shall be filled with the knowledge of the Lord, as water covers the sea." 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.

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

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

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

Mr. FOLEY. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 50, not voting 32, as follows:

[Roll No. 239]

YEAS—352

Abercrombie	Chabot	Frank	John	Miller, Gary	Sawyer
Ackerman	Clay	Frelinghuysen	Johnson (CT)	Miller, George	Saxton
Akin	Clayton	Frost	Johnson (IL)	Miller, Jeff	Schakowsky
Allen	Clement	Galleghy	Johnson, Sam	Mink	Schiff
Andrews	Clyburn	Ganske	Jones (NC)	Mollohan	Schrock
Armey	Coble	Gekas	Kanjorski	Moore	Scott
Baca	Collins	Gephardt	Kaptur	Moran (VA)	Sensenbrenner
Bachus	Combest	Gibbons	Keller	Morella	Serrano
Baker	Condit	Gillmor	Kelly	Murtha	Sessions
Ballenger	Cooksey	Gilman	Kennedy (RI)	Myrick	Shadegg
Barcia	Coyne	Gonzalez	Kerns	Nadler	Shaw
Barr	Cramer	Goode	Kildee	Napolitano	Sherman
Barrett	Crenshaw	Goodlatte	Kilpatrick	Nethercutt	Sherwood
Bartlett	Crowley	Goss	Kind (WI)	Ney	Shimkus
Barton	Cubin	Lantos	King (NY)	Northup	Shows
Bass	Culberson	Larson (CT)	Kirk	Norwood	Shuster
Becerra	Cunningham	Latham	Kleczka	Nussle	Simmons
Bentsen	Davis (CA)	LaHood	Knollenberg	Obey	Skeen
Bereuter	Davis (FL)	Lampson	Kolbe	Ortiz	Skelton
Berkley	Davis (IL)	Langevin	LaFalce	Osborne	Smith (MI)
Berman	Davis, Jo Ann	Lantos	LaHood	Ose	Smith (WA)
Berry	Davis, Tom	Larson (CT)	Lampson	Owens	Snyder
Biggert	Deal	Latham	Lee	Oxley	Solis
Bilirakis	DeGette	LaTourette	Levin	Pallone	Souder
Bishop	DeLauro	Leach	Lewis (CA)	Pascarell	Spratt
Blagojevich	Delahunt	Lee	Lewis (KY)	Pastor	Stearns
Blumenauer	DeLay	Levin	Linder	Paul	Stenholm
Blunt	DeMint	Lewis (CA)	Lipinski	Payne	Sullivan
Boehkert	Deutsch	Lewis (KY)	Lofgren	Pelosi	Sununu
Boehner	Diaz-Balart	Linder	Lowey	Pence	Tanner
Bonilla	Dicks	Lipinski	Lucas (KY)	Peterson (PA)	Tauscher
Bonior	Dingell	Lofgren	Lucas (OK)	Petri	Tauzin
Bono	Doggett	Lowey	Luther	Phelps	Taylor (NC)
Boozman	Dooley	Lucas (OK)	Lynch	Pickering	Terry
Boswell	Doolittle	Luther	Maloney (CT)	Pitts	Thomas
Boucher	Dreier	Maloney (NY)	Maloney (NY)	Platts	Thornberry
Boyd	Duncan	Manzullo	Manzullo	Pombo	Thune
Brady (TX)	Dunn	Markey	Markey	Portman	Thurman
Brown (FL)	Dunn	Mascara	Masera	Price (NC)	Tiahrt
Brown (SC)	Edwards	Matheson	Matsui	Pryce (OH)	Tiberi
Bryant	Ehlers	McCarthy (MO)	McCarthy (MO)	Putnam	Tierney
Burr	Emerson	McCarthy (NY)	McCarthy (NY)	Quinn	Toomey
Burton	Engel	McCollum	McCollum	Radanovich	Towns
Buyer	Eshoo	McCrery	McCrery	Rahall	Turner
Callahan	Etheridge	McGovern	McGovern	Rangel	Upton
Calvert	Evans	McHugh	McHugh	Regula	Velazquez
Camp	Everett	McIntyre	McIntyre	Rehberg	Vitter
Cannon	Farr	McKeon	McKeon	Reynolds	Walsh
Cantor	Fattah	McKinney	McKinney	Riley	Wamp
Capito	Ferguson	Meehan	Meehan	Rivers	Watkins (OK)
Capps	Flake	Meek (FL)	Meek (FL)	Rodriguez	Watson (CA)
Cardin	Fletcher	Meeks (NY)	Meeks (NY)	Roemer	Watt (NC)
Carson (IN)	Foley	Mica	Mica	Rogers (KY)	Watts (OK)
Carson (OK)	Forbes	Millender-McDonald	Millender-McDonald	Rogers (MI)	Waxman
Castle	Ford	Miller, Dan	Miller, Dan	Rohrabacher	Weldon (FL)
	Fossella			Ros-Lehtinen	Whitfield
				Ross	Wicker
				Rothman	Wilson (NM)
				Roybal-Allard	Wilson (SC)
				Ryan (WI)	Wolf
				Sanders	Woolsey
				Sandlin	Young (FL)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H3723

## NAYS—50

Aderholt	Johnson, E. B.	Sanchez
Baird	Jones (OH)	Schaffer
Baldwin	Kennedy (MN)	Slaughter
Borski	Kucinich	Stark
Brady (PA)	Larsen (WA)	Strickland
Brown (OH)	LoBiondo	Stupak
Capuano	McDermott	Sweeney
Costello	McNulty	Taylor (MS)
DeFazio	Menendez	Thompson (CA)
English	Moran (KS)	Thompson (MS)
Filner	Neal	Udall (CO)
Gutknecht	Oberstar	Udall (NM)
Hart	Olver	Visclosky
Hefley	Otter	Waters
Hinchey	Peterson (MN)	Weller
Holt	Ramstad	Wu
Israel	Sabo	

## NOT VOTING—32

Baldacci	Isakson	Smith (NJ)
Chambliss	Kingston	Smith (TX)
Conyers	Lewis (GA)	Stump
Cox	McInnis	Tancred
Crane	Pomeroy	Trafigant
Cummings	Roukema	Weiner
Doyle	Royce	Weldon (PA)
Ehrlich	Rush	Wexler
Gordon	Ryun (KS)	Wynn
Hilliard	Shays	Young (AK)
Hyde	Simpson	

□ 1028

Mr. KERNs changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. COOKSEY). Will the gentlewoman from Wisconsin (Ms. BALDWIN) come forward and lead the House in the Pledge of Allegiance.

Ms. BALDWIN 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.

## MESSAGE FROM THE SENATE

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

S. Con. Res. 110. Concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

S. Con. Res. 114. Concurrent resolution expressing the sense of Congress regarding North Korean refugees in China and those who are returned to North Korea where they face torture, imprisonment, and execution.

□ 1030

## APPOINTMENT OF MEMBERS TO PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore (Mr. COOKSEY). Without objection, and pursuant to Executive Order 12131, the Chair announces the Speaker's appointment of the following Members of the House to the President's Export Council:

Mr. ENGLISH of Pennsylvania;  
Mr. PICKERING of Mississippi;  
Mr. HAYES of North Carolina;

Mr. INSLEE of Washington; and  
Mr. WU of Oregon.

There was no objection.

## RECOGNIZING EPILEPSY FOUNDATION OF SOUTH FLORIDA FOR DEDICATION TO PROMOTING COMMUNITY AWARENESS OF EPILEPSY

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the Epilepsy Foundation of South Florida for its dedication to promoting a community awareness of this disorder, and for its work to improve the lives of individuals afflicted with this terrible disease.

Epilepsy affects 2.3 million Americans, and over 180,000 individuals develop epilepsy each year. In my area alone, over 60,000 people suffer from this disease. The foundation, however, believes that epilepsy should not keep people from achieving a productive life.

With this goal in mind, the foundation has raised funds to help provide medical evaluations, treatments, and employment training tailored to meet the needs of these individuals.

Mr. Speaker, I would like to commend the Epilepsy Foundation of South Florida for its use of innovative programs and services that improve the lives of so many in our community.

## URGING STATE DEPARTMENT TO TAKE ACTION TO HELP BRING AMERICA'S ABDUCTED CHILDREN HOME

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

Mr. LAMPSON. Mr. Speaker, last week the Committee on Government Reform held a hearing on women and children who are being held in Saudi Arabia. It was an emotional hearing on a situation that unfortunately exists in countries all over the world, not just in the Middle East right now.

I have been telling the story of trying to help a father whose son is being held in Italy, one of our supposed closest friends. His son, Ludwig Koons, has been in Italy for 8 years and is being held in a pornographic compound by his abductor mother, and the Italian authorities and our State Department let it happen.

I applaud the gentleman from Indiana (Chairman BURTON) for bringing this issue to light in his strong statement to his committee. For years I have been working with left-behind parents who are trying to get their children back to where they belong. For years I have witnessed a State Department that does nothing tangible to help.

We need a State Department that fights for U.S. citizens, not an idle information agency. This issue is one

that none of us can afford to ignore. We need to be aware, and we need to put pressure on other countries that are not sending American children home.

American parents are asking for someone to take action and help them bring their children home. The State Department is not stepping up to the plate for Ludwig Koons or for anyone else. Bring our children home.

## URGING IMMEDIATE ACTION ON INS REFORM

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

Mr. FOLEY. Mr. Speaker, House rules prohibit me from urging the other body to act on pending legislation, so let me just take a moment to tell of a very important piece of legislation that left this Chamber some time ago, and that was INS reform.

Our borders are vulnerable. We have been picking up absconders who have orders against them to be deported, and yet they are not sent out of the country. We have potential terrorists living in our country, and the INS is in a shambles. We have asked, through this body, that this agency reorganize.

Somewhere between here and the other end of the building, legislation awaits action. We demand action on that bill, and we urge action on that bill for whoever is listening to this conversation. This is a critical issue. It is critical for the safety and security of this country, and I cannot fathom why we wait and delay getting that important piece of legislation to the President's desk for signature.

## CUTTING FUNDING FOR A GROWING AMTRAK IS WORST POSSIBLE RESPONSE

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

Mr. BLUMENAUER. Mr. Speaker, as we speak this morning, the administration is distributing a statement that will cut ground out from underneath the efforts of Amtrak to deal with its \$200 million shortfall. They are ignoring the wishes of over 160 Members of this House who have joined with us, and a majority of the Senate, to support the bipartisan compromise that has been worked out by the gentleman from New York (Mr. QUINN) and the gentleman from Tennessee (Mr. CLEMENT).

We can long debate the merits of their destructive proposals to gut long runs across the country, to privatize the most profitable lines, and to abandon any semblance of a rail system in this country, but every Member should push back now to protect Amtrak.

The irony of our giving \$5 billion to the airlines after we give them \$11 billion in subsidy, despite declining passengers, yet we are going to cut Amtrak off when it is growing, is the

worst possible message at the worst possible time. I hope this House will reject the proposals from the administration.

#### NATIONAL MONUMENT FAIRNESS ACT

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

Mr. GIBBONS. Mr. Speaker, today I rise to express my strong support for the passage of the National Monuments Fairness Act, which ensures the people's rights to public land are protected. For too many years the executive branch has abused the Antiquities Act by proclaiming thousands upon thousands of square miles of land as national monuments. Such actions do not reflect the original intention of the Antiquities Act, which was aimed to protect small areas of land and specific items of historical importance which were in imminent danger of destruction.

The National Monument Fairness Act will restore balance to the national monument designation process by requiring congressional approval and public input.

The people of America deserve input as to how their public lands are managed, and Nevadans can no longer afford to be left out of this process. Close to 90 percent of the State of Nevada is owned by the Federal Government. It is time to ensure the rights of the people to their land. I encourage my colleagues to support the National Monuments Fairness Act.

#### PRESCRIPTION DRUG BENEFIT

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

Ms. WATSON of California. Mr. Speaker, as of now, Medicare does not cover the cost of prescription drugs. Approximately 10 million Medicare recipients nationwide lack any prescription drug coverage. I want Members to support the Democratic plan for strengthening Medicare. The Democratic plan uses the collective bargaining power of Medicare's 40 million beneficiaries to guarantee lower drug prices. Medicare contractors will compete for enrollees by negotiating discounts. Drug prices will be reduced for everyone by stopping big drug company patent abuses.

Mr. Speaker, the plan the House adopts must lower the cost of drugs for all seniors. It must ensure senior coverage for all drugs their doctor prescribes. The plan should be an affordable and guaranteed Medicare drug benefit. It must not force seniors into HMOs or predatory private insurance. The Democratic proposal addresses each of these points.

Mr. Speaker, the Democratic plan guarantees choice on prescription

drugs. I urge my colleagues to honor our seniors.

#### THE MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT OF 2002

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

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise in support of the Medicare Modernization and Prescription Drug Act of 2002. This bill is important and overdue for our seniors.

An article in today's Minneapolis Star Tribune says that prescription drug prices in Minnesota are among the Nation's highest. For Minnesotans, and indeed for all Americans, we need to pass a prescription drug coverage bill now.

Yesterday Health and Human Services Secretary Tommy Thompson released a study showing that our plan would save seniors more money than our friends on the other side of the aisle's proposal. Our plan would give seniors immediately a 30 percent discount off the top on their overall drug costs, and, combined with traditional front-loaded insurance coverage, it would reduce the cost of prescriptions by half for the average senior.

But, in addition, we provide catastrophic coverage so that seniors do not have to deplete a lifetime of savings in order to be able to afford life-giving prescriptions, and we give 100 percent prescription drug coverage for low-income seniors, and give more Medicare and senior choices.

I urge my colleagues to support this bill.

#### MEDICARE PRESCRIPTION DRUG BILL

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

Ms. BALDWIN. Mr. Speaker, what are the priorities of this Congress? Recently, it seems that the primary concern of the majority is passing tax cuts costing trillions of dollars that benefit the very wealthy and do not even go into effect for 10 years from now.

Next week, the majority will finally bring to the floor a bill that is the ultimate concern of thousands of seniors in the United States, the Medicare prescription drug bill. Unfortunately, the Republican bill is such a sham that it will not even stand up to the scrutiny of a truth-in-advertising law.

If we put the concerns of seniors who desperately need help in paying for their prescriptions first, then we must pass a benefit that is affordable.

I recently received a letter from Donna O'Keefe, a retiree who lives in Baraboo, Wisconsin. Her drug bills total \$400 a month, and she receives only \$640 a month from Social Security. Seniors like Donna need a com-

prehensive prescription drug benefit that has no gaps and no gimmicks. They need real drug coverage under Medicare.

#### PRESCRIPTION DRUGS

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

Mrs. CAPITO. Mr. Speaker, the problem of the skyrocketing cost of prescription drugs is one that requires both a short-term and a long-term solution. It is clear that seniors need a permanent, universal, and voluntary Medicare-based prescription drug benefit that provides more savings and more choice.

My hope is that Congress will implement what I call a two-tiered approach to the problem, immediate relief through a prescription drug discount card, in addition to a long-term benefit through Medicare.

The House Committee on Ways and Means has already passed a bill that uses this approach. Through a generous Medicare benefit and the use of an interim drug discount card, Congress will be able to provide seniors the savings that they need and deserve now and in the future. With the national Medicare-endorsed prescription drug card, seniors will be able to realize a savings between 10 and 20 percent, and once the more comprehensive Medicare benefit is fully implemented, seniors will be able to save 70 percent of their out-of-pocket costs.

America's seniors deserve a long-term benefit. An interim measure would help keep the cost down.

#### MAJORITY LEADER EXCUSES CORPORATIONS WHO FLEE AMERICA TO AVOID PAYING TAXES

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

Mr. DOGGETT. Mr. Speaker, many Americans wonder why this Congress has taken no effective action to stop another Enron debacle, and no effective action to prevent one multinational corporation after another from fleeing America in order to evade its taxes.

Yesterday, we received the explanation, with all of its customary sensitivity, from the Republican majority leader, the gentleman from Texas (Mr. ARMEY), who attacked those of us who have initiatives to stop these acts of disloyalty to America by saying, "This is akin to punishing a taxpayer for choosing to itemize instead of taking the standard deduction."

Most Americans may own a few pairs of Bermuda shorts, but they cannot become "Bermudan" on April 15 and remain American the other days of the year to enjoy the benefits of our American citizenship. I believe this Congress needs to speak and act firmly to prevent those who forget the maxim of

Thomas Paine, a great American patriot, who said, "Those who expect to reap the blessings of freedom must undergo the fatigues of supporting it."

Those who flee and abandon America, denouncing their American citizenship, are rejecting all our democracy represents.

#### THE FACTS ON AMERICA'S OIL RESERVES

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

Mr. BARTLETT of Maryland. Mr. Speaker, when one is going to make a decision and embark on a course of action, it is always nice to have the facts straight. This is especially important in our debate on energy.

Let us look at some of those facts. The United States uses about one-fourth of all the world's oil use, about 20 million barrels a day. Now, we have only about 2 percent of the known reserves of oil in the world, but we are pumping that 2 percent pretty fast, because out of that, we are getting about 44 percent of all of our oil needs. That means we are importing about 56 percent of our oil, up from 34 percent at the Arab oil embargo, much of that from countries like Iraq.

Every year since 1970, with only a tiny blip from Prudhoe Bay, oil production in this country has gone down. How much oil remains in the world? About 1,000 gigabarrels remain in the world. Pretty simple arithmetic will show that at present use rates, that is about 40 years of oil in the world. We will find more, but we will also use more. What these facts mean is that those portions of our bill that deal with conservation, that deal with efficiency, that deal with alternatives and renewables are very important portions of the bill.

□ 1045

#### PRESCRIPTION DRUG COVERAGE FOR SENIORS

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

Ms. WOOLSEY. Mr. Speaker, now that Republicans are back from their party with the pharmaceutical industry, we may be able to legislate prescription drug coverage that will be good for our seniors. Unfortunately, the plan being developed by the GOP is one more payback for their buddies in the drug industry and another ploy to privatize Medicare.

The reason Medicare was created was because the free market could not take care of seniors, their health care and health care of some disabled. To think that the private sector will step up and help them now is unrealistic.

In the Republicans' sham proposal, the party will be over if anyone is

counting on Congress to pass a real prescription drug benefit, because we need a benefit that can be relied upon. We do not need a benefit that serves only the drug industry and only the free market.

#### NEED FOR A COMPREHENSIVE ENERGY POLICY

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

Mr. SHUSTER. Mr. Speaker, I rise today to speak about the need for Congress to pass a comprehensive energy plan. Last August, with the support of President Bush, this body passed a responsible and balanced energy plan, a plan that frees us from the burden of dependence on foreign oil.

It is time for this Congress to decide whether we are going to choose to be proactive or reactive. Are we going to wait until we are faced with an oil crisis similar to that of the 1970s? Should we simply sit by, or should we act on a plan put forth and passed by this House more than 9 months ago?

H.R. 4 is a commonsense approach to our Nation's energy crisis. It is a plan that balances the need for production with conservation, as well as measures to protect the environment. H.R. 4 strengthens our Nation's energy infrastructure to ensure that energy gets to the consumers who need it. Further, H.R. 4 also will use tax incentives to encourage energy production, research efficiency, and conservation.

All in all, H.R. 4 provides the energy for those who need it while at the same time making sure that it is cleaner, cheaper, and more dependable.

Mr. Speaker, August will be the 1-year anniversary of H.R. 4 by this body. It is time for us to stop sitting idly by and enact the President's energy plan.

#### MEDICARE PRESCRIPTION DRUG BENEFIT

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

Ms. BERKLEY. Mr. Speaker, I rise today in support of a prescription drug benefit under Medicare. I represent the fastest-growing community in the United States, the fastest-growing senior population. Every weekend I go home, and every weekend I hear story after story from my seniors who simply cannot afford the prescription medication that their doctors have prescribed.

For so many of these older Americans, Medicare is the only health insurance that they have. It does not make sense to deny them a benefit for prescription drugs. Prescription medication is the least expensive, most cost-effective way of dealing with illness. Seniors are demanding relief now, and we ought to give it to them.

Older Americans need a Medicare prescription drug benefit that is comprehensive, guaranteed, and affordable.

Every senior should have access, no matter where they live or what their income.

Let us pass a prescription drug benefit that will work for all the American people and ensure that our Nation's seniors will have the medications they need to keep them healthy, active, and vital. In the long run, a prescription medication benefit will not only save the lives of millions of older Americans, it will save billions of taxpayers' dollars.

#### TRIBUTE TO EVELENA THOMPSON

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

Mrs. MYRICK. Mr. Speaker, Ms. Evelena Thompson retires from the United States court system, probation office, in Charlotte, on June 30 of this year after 27 years of service.

She was born in Bennettsville, South Carolina; grew up in Scotland County, North Carolina; graduated salutatorian of her class in 1964; and graduated from Barber Scotia College in 1968.

She started with the U.S. probation office, again in Charlotte, in 1975 as a clerk, and she rose to the position of supervising U.S. probation officer in 1991, a true success story.

After the tragic death of her son in 1992 by a drunk driver, she became very active in the organization of Mothers Against Drunk Driving, and she received the 1994 Citizens Activist Award presented by the National Commission Against Drunk Driving.

A devout Christian, Ms. Thompson served with her late husband, himself a pastor, in the West Central Conference of the AME's Zion Church.

Whether through her work as a U.S. probation officer or the many civic duties that she performed, Evelena has always exhibited those very treasured American characteristics of integrity, dedication, devotion, and perseverance.

#### AMERICAN CORPORATIONS MOVING HEADQUARTERS OVERSEAS TO AVOID PAYING TAXES

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

Mr. DEFAZIO. Mr. Speaker, yesterday, the Republican majority leader, the gentleman from Texas (Mr. ARMEY), defended the actions of corporations that moved their headquarters overseas to avoid taxes. He said it is just like families taking an itemized deduction. Well, I have got to say it is not exactly like that because Americans who take itemized deductions are paying taxes at a much higher rate than these corporations.

Citizenship has its privileges. It also has some obligations. In a time of crisis, for some of the largest and most profitable corporations in this country to be engaging in a tax dodge to avoid their obligations to our Nation, at the

same time shovelling more burden on to working Americans, and then for the majority leader of the Republican Party to say, hey, this is fine, that is a new low for the United States House of Representatives.

More than 90 million tax paying American families every April 15 are obligated to pay, but the CEOs and some of the largest corporations in this country, they do not pay anymore. Tyco International is one of the ones who has moved down there. Enron, another corporate citizen. He said it is about competitiveness. It is not about competitiveness. It is about corruption and theft.

#### DEMOCRATS MISLEADING AMERICANS ON DEBATE ON PRESCRIPTION DRUG COVERAGE

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

Mr. FLETCHER. Mr. Speaker, the Democrats are misleading the American public over the debate on prescription drug coverage for our seniors, and I am very disappointed to see our friends on the other side of the aisle once again employing the politics of demagoguery and fear.

To illustrate to my Democratic friends how our plan will help States, in Kentucky, which has 615,000 Medicare beneficiaries, a half of those seniors live at 175 percent below the poverty level. In Kentucky, HHS estimates that the State savings under our plan would be \$549 million in the fiscal years 2005 through 2012.

In a time when seniors and State governments are experiencing financial difficulties, our plan provides seniors with an affordable benefit to Medicare and immediate savings. States also benefit by saving about \$40 billion estimated over the next several years.

Our plan is the only fiscally responsible choice for both seniors and government and should be supported next week as we bring it to the House floor. The Democrat plan, it remains an \$800 billion pie-in-the-sky boondoggle which misleads seniors and would require higher and higher taxes.

So in a time when seniors deserve honesty and transparency, I encourage them to join our efforts to provide a responsible, reasonable, and double relief for our seniors' prescription drug needs now.

#### AMERICAN PEOPLE WILL NOT BENEFIT FROM REPUBLICAN PRESCRIPTION DRUG PLAN

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

Mr. McDERMOTT. Mr. Speaker, I am going to make a prophecy. Next week we will pass a bill that will not give senior citizens economic security in the area of prescription drugs. Why?

Very simply, because it is based on the theory that we will throw the old folks into the arms of the insurance companies who will then arm wrestle the drug companies down in their prices.

If my colleagues believe that, they must have been unaware of what went on last night. The reason this bill is going to pass is last night the bill was paid; \$30 million came in from the insurance companies and the drug companies through the Republican Party fundraiser.

I am sure they must have sung at least one chorus of an old song we used to sing in the camp meetings in Illinois when I was a young kid called, "Bringing in the sheaves, bringing in the sheaves, we shall come rejoicing bringing in the sheaves." But the people will not benefit from this bill.

It is a bill that is designed to privatize Medicare with a little sweetening wrapped around it called a drug benefit. The old folks will be watching and they are going to want us to vote "no" on that bill.

#### ASSISTANCE NEEDED IN ANTHRAX INVESTIGATION FROM COALITION PARTNERS

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

Mr. PENCE. Mr. Speaker, as much of America continues to focus sadly on 9-11, I rise to urge my colleagues and the administration to focus on "five eleven," five dead Americans, eleven infected with the anthrax virus, dozens of offices affected here in Capitol Hill, including mine, that was closed for 4 months during decontamination.

As I learned earlier this week, despite media accounts, Mr. Speaker, the FBI investigation is ongoing and employing hundreds of investigators and dozens of laboratories. Our domestic investigation is moving forward; but it seems, Mr. Speaker, that our investigation of an international connection is being hampered by a lack of cooperation by the supposed partners in our coalition.

There are some nations who profess to stand with us who are not, Mr. Speaker, cooperating with this anthrax investigation. I call on the administration to bring all diplomatic pressure available to bear to insist on the assistance of all of our coalition partners to fully cooperate in the anthrax investigation. It is totally unacceptable to profess a partnership in the war on terrorism and not provide the information necessary to investigate and protect our citizenry.

#### EXPANSION OF NATIONAL SERVICE OPPORTUNITIES ON NATIONAL SERVICE DAY

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

Ms. HOOLEY of Oregon. Mr. Speaker, today I join my colleagues in calling for the expansion of national service opportunities on National Service Day. Creating a strong system of voluntary national service has been a signature New Democrat idea since the founding of the Democratic Leadership Council.

National service promotes the New Democrat tradition of opportunity, responsibility and community. In Oregon, more than 37,000 people of all ages, all backgrounds are helping to solve problems and strengthen communities through 95 national service projects across the State.

President Clinton's AmeriCorps program, the domestic Peace Corps, will provide over 700 Oregonians with the opportunity to spend a year serving in their local communities. In return, AmeriCorps participants will receive up to \$4,725 to help pay for college.

Seniors can also contribute their time and talents to one of three programs that make up the Senior Corps.

National service volunteers have served their communities by providing tutoring, mentoring to students, giving support and information to new parents, repairing the homes of elderly and disabled residents, and establishing additional volunteer programs in the community. This should not be a special chance for a few but a way of life. We should all volunteer.

#### AMERICANS CAN COUNT ON THE REPUBLICANS' PRESCRIPTION DRUG PLAN

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

Mr. KIRK. Mr. Speaker, when Medicare was founded in 1965, Republicans and Democrats left drugs out of the program; but today, Republicans and Democrats agree we should update Medicare by covering prescription drugs. The difference is cost.

An extravagant \$1 trillion promise by the minority party is a promise they cannot afford to keep. They will break their promise to America's seniors because it is too expensive to maintain.

Seniors know there is a war on. Seniors know Social Security is under financial pressure. They want a plan to cover drug costs for needy seniors, one we can afford.

Our majority affordable program promised is one that people can count on. They cannot depend on a \$1 trillion program that will collapse from its own costs. Count on the program we can afford to keep. Count on the Speaker's prescription drug plan.

□ 1100

#### PRESCRIPTION DRUGS

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

Mrs. NAPOLITANO. Mr. Speaker, we have long talked, over the years that I have been serving in Congress, about prescription drug plans and how we can effectively deal with the countless seniors who have not been covered over the years and who continue to call our offices and come to us for assistance.

Many of our seniors have been forced to choose between buying essential medications, paying for food, and I know some of them who have subsisted, when their money does not stretch far enough, by buying canned pet food for their meals. They also have to figure out how to buy their essentials: pay their rent and pay for the heat during the winter, or cool off during the hot summer weather months that we have. Women seniors, in particular, need prescription drug coverage. Over a quarter of them have no prescription drug coverage.

Our Democratic plan is voluntary. Seniors who would choose to participate would pay a \$25 monthly premium, \$100 annual deductible, and 20 percent of their prescription drugs, up to \$25,000 a year.

We have talked about prescription drug benefits long enough. It is time to give seniors what they deserve, a comprehensive, reliable, affordable plan.

#### MEANINGFUL SAVINGS FOR SENIORS UNDER HOUSE PRESCRIPTION DRUG PLAN

(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 in support of a Medicare prescription drug benefit that provides immediate, meaningful savings for American seniors.

The Department of Health and Human Services released a study yesterday that stated the House Republican plan will give seniors a 60 percent to 85 percent savings per prescription and cut their out-of-pocket costs by as much as 70 percent.

This same HHS study confirmed that our plan creates a fiscally responsible benefit that results in immediate savings for American seniors. The study backs us up by pointing out that the Democrats plan does not help seniors until 2005. That is too long to wait, as this relief cannot come soon enough. Twelve million do not have prescription drug coverage at all.

Quality health care for seniors should not end when they turn 65. Our proposal would deliver 21st century prescription drug coverage by providing a voluntary, affordable prescription drug benefit as a permanent entitlement to Medicare beneficiaries.

I encourage my colleagues to support this proposal that will save seniors across the country money on their prescription drug bills.

#### MAJORITY LEADER SPEAKS FROM THE HEART

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

Ms. KAPTUR. Mr. Speaker, the best you can say about the comments made yesterday by the gentleman from Texas (Mr. ARMEY), the House Republican leader, of U.S. companies fleeing to offshore locations in order to reap additional tax benefits, is that he spoke from his heart, and the heart of the Republican Party.

At the same time as his party was raising over \$30 million up the street at the Washington Convention Center from groups like the pharmaceutical industry, Congressional Quarterly reported that he defended the actions of corporations to move their headquarters abroad to reduce their tax burdens. With all his party is taking from the Social Security and Medicare Trust Funds, his remarks reveal the true heart of the Republican Party: Take our people's money before everything, before Social Security and Medicare, before prescription drugs, before jobs in America.

So the best I can do is to thank the Republican leader for revealing the true heart of the Republican Party. It is the reason this Member is a Democrat.

#### PRESCRIPTION DRUGS

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

Ms. BROWN of Florida. Mr. Speaker, tomorrow, in my district in Orlando, President Bush will be visiting the Marks Community Center on Physical Fitness, and we thank him. I have a lot of seniors in my district, but besides physical fitness, they need the prescription drug benefit that was promised to them in the last election.

When I was home recently in Jacksonville, I had to go to the drugstore to pick up a prescription for my grandmother. I thought the copayment would be \$15. It was \$91. Our grandmothers deserve better than that.

If the Republican leadership and Mr. Bush could take a break from their \$30 million drug company fund-raisers and their tax cuts to the rich, maybe they could work on a compromise that will provide our seniors with the relief they need and that was promised to them in the last election. They need to get their priorities straight.

#### SMALL AIRPORT SAFETY, SECURITY, AND AIR SERVICE IMPROVEMENT ACT OF 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COOKSEY). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and friend, the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 447 is an open rule, which provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Transportation and Infrastructure on H.R. 1979, the Small Airport Safety, Security, and Air Service Improvement Act of 2002.

The rule provides that it shall be in order to consider for the purpose of amendment the amendment in the nature of a substitute now printed in the bill. The rule waives all points of order against consideration of the committee amendment in the nature of a substitute and provides that it shall be open for amendment by section.

Any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House. However, the rule allows the Chairman of the Committee of the

Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, I would like to commend the chairman, the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the author of this bill, the gentleman from Mississippi (Mr. WICKER), as well as all the members of the committee for their hard work and steadfast efforts on behalf of our Nation's transportation infrastructure needs.

Mr. Speaker, it is a well-known fact that safety is enhanced when air traffic controllers guide a plane through the skies and onto a runway. Yet many of our Nation's smaller airports do not have air traffic control towers, leaving pilots on their own to seek out and avoid air traffic and land on the ground safely.

The FAA has been tasked with the role of building air traffic control towers in our Nation's larger airports, but their construction budgets are not large enough to pay for the needed towers at the smaller airports, even though many of these airports have commercial passenger service or very active general aviation business.

This legislation seeks to address this problem by changing existing law to allow small airports to use their Airports Improvement Program, or AIP, grant money to build traffic control towers and to equip these towers. It is important to note that this added safety step is purely voluntary, and the legislation provides each small airport with the flexibility to meet their most pressing individual safety needs.

As a matter of fairness, this legislation allows for limited reimbursement of costs incurred after October 1, 1996, for tower construction costs and equipment purchases. This recognizes that some airports chose to improve their safety by building their own towers at their own cost, and they should not be penalized for their initiative.

Mr. Speaker, H.R. 1979 takes yet another step forward to increase air safety, efficiency, and security at our Nation's smaller airports. In addition, regional service in our rural areas will be enhanced, providing significant savings to the FAA in air traffic costs and increasing economic productivity in smaller communities nationwide.

Mr. Speaker, this is a good bill, and it deserves our support. There is no additional cost to the government, since it simply gives our airports and the FAA another authorized use for AIP grant money. I urge all my colleagues to support this straightforward, non-controversial rule as well as the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is a fair rule, providing for an hour of debate on H.R. 1979, the Small Airport Safety, Security, and Air Service Improvement Act. This is an open rule, allowing for any germane amendment to be offered, and I support this rule and commend the majority for reporting this fair rule.

Prior to being selected on the Committee on Rules, I had the honor of serving as a member of the Committee on Transportation and Infrastructure. My experiences, first with Mr. SHUSTER and then with the gentleman from Alaska (Mr. YOUNG), were positive and almost always bipartisan. I have the utmost respect for both the former and current chairmen, and I cannot recall a time when the committee did not work together to resolve partisan differences.

Mr. Speaker, this should be a very good bill. As the distinguished ranking member of the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), said to the Committee on Rules the other day, this bill could have been considered under suspension, except for one provision. That provision is nothing less than an unfair handout to a handful of airports scattered across this country.

The bill would allow small airports to use up to \$1.1 million of Airport Improvement Program funds to build or equip an air traffic control tower to be operated under the FAA's Contact Tower Program. This is not controversial. In fact, if this were the sole scope of the bill, it would have unanimously passed the Committee on Transportation and Infrastructure, and it probably would unanimously pass the House today.

Unfortunately, the bill also contains a provision that takes approximately \$30 million of AIP funds to enhance airport security and, instead, uses these funds to reimburse airports for air traffic control towers previously built.

□ 1115

These towers were constructed under an expressed agreement that the Federal Government would pay the cost of staffing the tower but not the construction costs. Mr. Speaker, this provision is bad policy, plain and simple. When I was a member of the Committee on Transportation and Infrastructure, I voted against the inclusion of this provision of the bill. In fact, I so strongly disagreed with this provision that I signed the dissenting views.

Mr. Speaker, the inclusion of this provision is unfortunate, and it should be stricken from the bill. The rule allows the gentleman from Minnesota (Mr. OBERSTAR) to offer an amendment to do just that. The gentleman from Minnesota's amendment does the right thing by leveling the playing field for

all airports. His amendment strikes the controversial provision from the bill. Small airports across the country can still use airport improvement funds to build control towers in the future. Under the Oberstar amendment, the 26 airports covered by the provision would not receive retroactive funding for the construction of their towers which were built without any expectation of Federal funding.

Mr. Speaker, I support this open rule, and I support the gentleman from Minnesota's amendment; and I strongly urge my colleagues to do the same.

Mr. Speaker, I reserve balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to my distinguished colleague, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I appreciate her management of this rule. I also want to compliment my friend, the gentleman from Massachusetts (Mr. MCGOVERN), for pointing to the fact that we have proceeded with an open-amendment process here. Obviously, if we look back at September 11, and a great deal of time has been focused understandably talking about the tragic circumstances that surrounded that day and all of the action that we in this Congress and that President Bush have taken to respond to it, dealing with airport safety is a very high priority.

And as we have looked at some of the proposed regulations that have come forward as it deals with small aircraft, it seems to me that this legislation which will deal with the challenge of ensuring that we have the safety precautions taken and a degree of flexibility for small airports is the right thing to do. I think that we have been able to move ahead with again, as I said, an open-amendment process which is right on target; and while I oppose the Oberstar amendment and I urge my colleagues to defeat it, I do support the gentleman from Minnesota's (Mr. OBERSTAR) right to offer that amendment.

As we look at this extremely challenging time, there are a lot of small airports that have been unable to take advantage of the AIP funding, and this legislation will provide that opportunity for utilization of those very important funds.

So I urge my colleagues to support this rule, oppose the Oberstar amendment which will be considered under the open-amendment process; and after we defeat that amendment, support this very important legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

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



Mr. Speaker, I would like to first off rise in support of the Oberstar amendment, which I think is a very wise legislative proposal to protect these dollars against being used retroactively; and after an agreement has been reached and a deal struck, a deal should be a deal. I also, though, want to express my concerns about the airport improvement program, the way it is run by the FAA and how it impacts on local communities. There is a community airport in my district in Montgomery County, Pennsylvania, called Wings Field. It has been there for many, many years; and it is a community asset. As a county commissioner, when the private owners wanted to sell it, I cooperated with my colleagues to try to create a county authority to buy it so that we could keep it as a community asset and as a valuable transportation program, an asset in our suburban county outside of Philadelphia. The community was concerned about that, did not want it to go into public hands, and that authority was disbanded.

The pilots that were using Wings Field then bought the field themselves and have undertaken some improvement programs which I think were meritorious. Specifically, they applied for an airport improvement program grant and received it for about \$3 million to extend the runway, which I believe made the airport safer. It was controversial in the community, but I think it was the right thing to do.

The problem was that there was no public discussion, that the owners, the new pilot group owning the airport, applied to the FAA quietly without involving the local township supervisors who had been deeply involved in zoning matters and such affecting this airport.

They did not tell the county commissioners, the current board deeply involved in the affairs of this airport, and did not notify the Member of Congress, myself, from the community; and I have also been deeply involved in promoting this airport. I am a friend of Wings Field, but it has transpired that this grant was approved without notice in a way that generated great public outcry.

Pennsylvania is a block grant State when it comes to aviation dollars, and we all thought and had been told that any Federal money coming to Pennsylvania would go through this block grant program. There would be transparency, and people would understand when money was being applied for and when money was being appropriated, and there would be notice. These airport programs might still be controversial, but there should be notice and understanding. That did not happen. The ownership group applied directly to the FAA and got \$3.5 million to extend the runway. The merits of that runway are very real, but the process is terrible.

Mr. Speaker, I hope that the committee will, next year, when I understand from the ranking member of the committee, the gentleman from Min-

nesota (Mr. OBERSTAR), that his committee will be dealing with FAA renewal and reauthorization, that the committee will look at how the FAA deals with the airport improvement program.

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

Mr. HOEFFEL. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for raising this issue.

In general it is a standing principle that any AIP funds, any project that is AIP funded, must conform to the Federal rules and regulations, which include the public-hearing process.

Since this is a block grant program, I think we would have to review the conditions under which Pennsylvania manages that program and may want to amend the requirements in next year's reauthorization of FAA programs to ensure that States in their block grant program comply with the public notification issue that the gentleman has raised here. I fully sympathize with the gentleman's position.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman. There was an end-run done here, and I hope that it will not happen again.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER), the sponsor and author of H.R. 1979.

Mr. WICKER. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her fine statement on behalf of the rule and the legislation.

Mr. Speaker, I am pleased to have the opportunity to speak on behalf of this bill. I appreciate the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for moving this bill through their committee so it could be brought to the floor today, and I appreciate the hard work of the gentleman from California (Mr. DREIER) and the Committee on Rules for providing the House with a fair and open rule.

I introduced H.R. 1979 a year ago after listening to the people who run small regional airports in my home State of Mississippi. A common concern of the airport managers is that their airports lack the necessary facilities and equipment to guide commercial jets and private planes safely. But this is not just a worry in small-town Mississippi. It is commonplace throughout America. Smaller airports depend on Federal money provided through the airport improvement program, AIP, for capital improvements.

However, the program that is designed to improve the safety and efficiency of our national aviation system does not allow airports to use AIP money to construct and equip control towers, and that is what this bill is about today. The bill before us today corrects this situation by giving our airports the option to use their AIP funds to construct or equip contract

control towers. If more airports are able to use the most up-to-date safety equipment, accidents will be prevented and lives will be saved. Air traffic controllers will be able to verify the position of planes all over America, not just around the airports at larger cities.

Unfortunately, there are many examples of the type of accident we are trying to prevent today. On February 8, 2000, over Zion, Illinois, two planes collided, crashing into a residential area. All of the passengers were killed. Debris from the accident fell on residential streets and the Midwestern Regional Medical Center where the windows were blown out and two hospitals workers were burned. At the time of the accident, the controllers at the Waukegan Airport directed traffic based only on the pilots' reports of their locations. A student pilot reported on her position inaccurately, and the controllers had no way to confirm her position. After a study of this accident, the National Transportation Safety Board issued a report on April 27, 2001, stating, "Preliminary findings indicate if the Waukegan tower had been equipped with a terminal radar display at the time of the accident, the controller could have confirmed the pilots' position reports and established a more effective sequencing plan, thereby preventing the accident."

However, the equipment the National Transportation Safety Board said the airport needed is very expensive. It is just the type of safety precautionary equipment for which the AIP program should be utilized. This legislation will make that possible.

Since this and other accidents, many airports have found room in tight budgets to equip their control towers with terminal radar displays. But this is not an option for airports which do no even have a tower yet.

On June 23, 2000, 2 and a half miles from the Boca Raton, Florida, airport, a Learjet collided with a stunt plane, killing four people. Wreckage of the planes fell on a heavily populated golf course and community. At the time of the accident, neither pilot was talking to controllers to verify their respective positions because the airport did not have a tower to house an air traffic controller.

While the most important goal of this legislation is to improve safety in our skies, there are additional benefits. Building and equipping more control towers will provide relief for our congested air traffic system as more reliever airports are created, and rural communities will be more attractive for economic development prospects as air travel opportunities increase.

This commonsense legislation does not direct more money to any particular airport. All the bill does is give airports more options to use funds which they are already going to receive from the Federal Government.

I expect a good portion of the debate today will be about an amendment



which I expect the gentleman from Minnesota (Mr. OBERSTAR) to offer. It is my understanding the ranking member of the full committee plans to offer an amendment which would strike a portion of the bill concerning possible reimbursement for airports which have built and equipped their control towers since October 1996. I urge my colleagues to defeat this amendment.

The purpose of this section in the bill is to provide support to airports that depleted their reserves or increased their bonded indebtedness to provide an optimum level of safety and security at their airports. During a time when regional airports are struggling, removing debt or replenishing reserves would allow airports to complete projects that are not AIP eligible or to comply with unfunded Federal security mandates, thereby further enhancing security and safety at airports. This is a budget-neutral position which will not direct any money to any airports. All the section does is give airports the ability to reimburse a portion of their expenses with a cap of \$1.1 million. Of the only 21 airports which will be eligible for reimbursement, most will not even be able to reach the \$1.1 million cap since many of the airports utilize funding streams which are not eligible for reimbursement.

During the debate, the ranking member may argue that the reimbursement provision of this legislation will negatively affect the safety of the national airport system. I believe nothing could be further from the truth, Mr. Speaker. The 21 airports that have built towers have been proactive in providing the same level of safety at their regional airports as the large hub airports provide, and in the process have enhanced security of the national airport system.

□ 1130

I believe these airports should be rewarded for their proactive consideration. I urge my colleagues to vote against the Oberstar amendment which would strip this valuable portion of the legislation.

In closing, I look forward to the debate. Once again, I thank the Rules Committee for a fair rule. I look forward to the enactment of this legislation, which will increase safety for all Americans. I urge a vote in favor of the rule and in favor of H.R. 1979.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. I listened with great interest to the remarks of the chairman of the Committee on Rules and the remarks of the gentleman from Mississippi. Were it not for the reimbursement provision, I would say, this bill would not be on the Union Calendar. We would have disposed of it on the suspension calendar. We could have even brought

it on unanimous consent. But because of an egregious provision that the Law and Order Caucus, ordinarily on the other side of the aisle, would not support, we have to take this up in the current procedure, and, that is, the reimbursement provision. It is really akin to the painter who comes up to your front door, paints the door and says, Look what a great job I did. It was in such bad shape. It was a terrible-looking front door. Now it looks wonderful. Pay me. There was no contract. There was no agreement. Every one of the 20 or 21 airports that will be windfall beneficiaries of this provision in the bill knew what they were getting into, I say to the gentleman.

We discussed this when the gentleman first proposed this before he even introduced his bill a year ago. I am for the purposes of your legislation except for the reimbursement. They signed a contract with the FAA. They knew what they were getting into. They knew they had to build a tower in order for the FAA to operate that tower. It is not right to come back and say, Oh, gosh, why don't you reimburse us for being good guys and building this tower even though we knew it was our obligation, even though we knew we had to pay for it.

What this amendment is going to allow is these airports to reach out into the future, into the entitlement that we provided for small airports in AIR-21, and I was a proponent of it, to give small airports an entitlement. Over many years we had expanded the funding available for small airports going back to the passenger facility charge of 1990 where large airports had to yield half of their entitlement funds, 50 cents, their entitlement for every dollar of PFC that then went into a small airport development fund, to increase the amount of money going out to upgrade airports at the end of the spokes in the hub-and-spokes system of aviation. That amounted to an \$800 million set-aside for small airports every year from 1990 forward.

In addition to that, I said, Fine. We ought to have an entitlement now for small airports because some of them are not getting that money. That is \$150,000 a year. Those airports, at \$1.1 million average, will soak up 7 future years of their entitlement money. Then what is going to happen, those airports are going to come back to their Members of Congress and say, Goodness, we've run out of money. Can you help us get more funds? Are we supposed to then bail them out twice?

They agreed to this provision. The basic bill is prospective. It says, in the future we will fund these kinds of projects on a request basis. But we should not go back in time and pay for something that an airport agreed to do on their own. The airport program has limited dollars, limited funding. It is a cooperative program. The Federal Government, State and local each has to do their part. The part of the small airports and the airport authority was to

get an agreement. If they could not comply, if they could not meet the benefit-cost standard, then they had to go and build the tower themselves and the FAA comes in and operates that tower. They are not shouldering the whole responsibility themselves. The Federal Government, the FAA, is paying for the operation of that tower and the air traffic controllers.

Absent the reimbursement provision, which is simply a windfall benefit, unjustified, the rest of the bill is good, is needed, will serve security and safety enhancement and capacity needs in the future. But we ought to defeat that provision of the bill. Under any other circumstance, I cannot imagine any other Member of this body supporting something like that. We do not do it in the Corps of Engineers, we do not do it in the Federal highway program, and we ought not to be doing it in the small airport program.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. MICA), my distinguished colleague and classmate and the chairman of the Subcommittee on Aviation.

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

First of all, I want to speak on the rule. That is what this particular issue is about, the resolution before us to debate this important piece of legislation. I want to commend the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and the gentlewoman from Ohio (Ms. PRYCE), my classmate. We were elected together. We served at times under a regime when rules were not open, when you did not even get an opportunity to present in a fair manner your opposition. I commend both the gentleman from California and the gentlewoman from Ohio for their operation of a Rules Committee that gives everybody a fair opportunity to be heard.

As we have heard the ranking member of the Committee on Transportation and Infrastructure, the distinguished gentleman from Minnesota (Mr. OBERSTAR), say, this is a fairly noncontroversial measure. It is an important measure because it does address safety at our small airports. We heard the sponsor of the legislation, the gentleman from Mississippi (Mr. WICKER), cite instances where unfortunately many of our aviation accidents are at small airports that do not have one of the most important features, which is an air traffic control tower, in their facilities. It is an important issue, and it would be noncontroversial except for one or two possible amendments. The most difficult of those amendments, which has again been given an opportunity to be heard here on the floor in open fairness and debate, is the Oberstar amendment.

But let me speak just a moment about the legislation. The legislation was crafted in a very fair and reasonable fashion, I believe, and that is to

provide assistance to these small airports to put in part of their facility. Runways may be important and safety lights may be important and other infrastructure improvements at our small aviation and general aviation facilities may be important; but, Mr. Speaker, there is nothing more important than an air traffic control tower.

This particular legislation makes possible using basically entitlement money, aviation improvement fund moneys which are available, some of it is capped for smaller airports, some of it is based on passenger revenue for other commercial facilities, but that is money that really is an entitlement to these local airports to use in an optional manner. This is an option in the manner in which they think is best and best serves safety purposes. Certainly nothing can be a bigger safety measure than an air traffic control tower. That, we all agree upon.

The issue that is in debate is whether those small communities who have dipped into their own pocket and taken the initiative to make a major safety improvement and expend their own funds can make a determination as to whether they want to use their future funds which they are entitled to, anyway, for reimbursement. What could be a fairer presentation? And not to cut off these communities who have taken an initiative, who have looked out for the most important interest, and that is the safety of the pilots and the aircraft and passengers coming into these smaller airports. Nothing can be a better utilization of funds. Why should we as Congress, why should we in Washington tell these communities what they can do with their funds when they already have the option of spending them in any manner in which they make the improvement?

The Members that may be listening, Mr. Speaker, from Arizona, from California, from Colorado, from Florida, from Georgia, from Idaho, from Illinois, from Indiana, from Kansas, from Louisiana, also from Minnesota, from Mississippi, from Missouri, from New Hampshire, from Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Wisconsin and other States will be entitled to use their funds for this. Why should we penalize those from the States of Texas, Kansas, Arkansas, North Carolina, Maryland, Florida, Wyoming, Arizona, Connecticut, North Carolina, Ohio, Georgia, Oklahoma and others who have taken the initiative? This is a fairness issue. This is not an egregious misuse, as we have heard it termed, of funds. It is a fairness issue to all the Members and to all the local communities and to safety improvements in these small airports across our Nation.

The rule is fair. It could not be a fairer rule, to take time to debate this issue on which we disagree. We agree on the larger part. I have worked with the gentleman from Minnesota (Mr. OBERSTAR). He is one of the champions in the House of safety and the trans-

portation improvements, infrastructure improvements across the Nation. The gentleman from Illinois (Mr. LIPINSKI), the ranking member, he does an excellent job working together. We disagree on this one issue. I view this as a fairness issue. I view this as a Washington knows best, knows all and will-tell-you-exactly-how-to-do-it issue, and that is not fair.

Let us be fair. I think we need to oppose the Oberstar amendment. We need to first pass this rule which again allows for open, free, fair debate. Again I commend the Rules Committee on that. I ask first that we pass the rule and then that we oppose the Oberstar amendment and that we allow again local governments to do what they know is best and that is make those safety improvements and not be penalized for having made good decisions in the past.

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

I just want to respond to something that the gentleman from Florida said. He praised the Rules Committee for the new openness and condemned past rules that have been more restrictive.

I just want to say to the gentleman that wait until the next rule that is coming up on the Trade Adjustment Act. It is probably one of the most restrictive, antidemocratic rules that I think I have ever seen in my life. It is so restrictive and so strange, in fact, that the distinguished chairman of our committee, the gentleman from California, last night said that what the committee was doing was unprecedented.

I hope that given the fact that the gentleman has expressed his support for open and more democratic rules, that he will be on the floor fighting the defeat of that rule when it comes up later today.

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

Mr. MCGOVERN. I yield to the gentleman from Florida.

Mr. MICA. I appreciate what the gentleman said. Possibly he views this rule in a different light. The gentlewoman from Ohio (Ms. PRYCE) and I were here in a different era and we saw much more oppressive operations of the Rules Committee.

Mr. MCGOVERN. I reclaim my time. You ain't seen nothing yet until you have seen the rule that is going to come up this afternoon, believe me.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a member of the Committee on Transportation and Infrastructure.

□ 1145

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in favor of this rule. It is a breath of fresh air that we are getting this kind of fair and open rule from the Republican majority. But I also rise to support the amendment to be offered by the gentleman from Minnesota (Mr. OBER-

STAR), the ranking member, which seeks to prevent the diversion of funds from the Airport Improvement Program.

Like the ranking member, I am not opposed to the underlying provisions of the bill, which seek to expand the eligibility of the AIP program to include future construction of contract towers. I am, however, opposed to allowing airports to be reimbursed for work that has already been completed by airport improvement entitlements that are due for others in the future.

As a matter of equity, the 26 airports that would be eligible for reimbursement had no reasonable expectations that Federal funds would cover construction of their contract towers. If we now allow these airports to recover their costs under this AIP program, it sends the message to other airports that any contract fairly entered into with the FAA can be overturned when they get ready, if they can muster the support in Congress. So it is a matter of principle.

I also understand that the 26 airports that are eligible to be reimbursed have an estimated \$252 million in safety, security and capacity needs. If future airport improvement entitlements are diverted to work on contract towers that have already been completed, these 26 airports could face a major funding shortfall in the future.

Essentially what this amendment seeks to do is prevent these 26 airports from double-dipping from their short-sighted attempt to mortgage their future. I ask my colleagues to support the Oberstar amendment and to oppose final passage if the Oberstar amendment is not adopted.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the distinguished gentleman from Montana (Mr. REHBERG) a freshman Member of this body and a great addition, as well as a member of the Subcommittee on Aviation.

Mr. REHBERG. Mr. Speaker, I thank my colleague very much for yielding me time.

Mr. Speaker, I want to stand today in favor of the rule, I think it is a fair rule, but definitely in opposition to the Oberstar amendment.

Let me lay out a scenario for you. I do not know about the other 25 airports that are under consideration, but I can tell you about one in the State of Montana. Over the course of the years, and we can debate whether it is because of mismanagement of our forests or whatever you want, we have more forest fires than we ever had before. Starting in 1988, we have had practically a forest fire every single year, and, in fact, in the year 2000, we got up to 1 million acres of Montana burned. This last year Glacier Park was on fire.

We have an airport called the Glacier International Airport near Glacier Park, it is in Kalispell, Montana, that has 100 airplanes that fly every day. We are not talking about small planes, we

are talking about large planes, because it is a destination point.

Unfortunately, during the fire season that increases to 200 a day. And what are the other 100? They are bombers, they are tankers, they are helicopters. Now, envision for a minute, you are in the mountains, you are at 10,000 feet, you are flying around as a private pilot, and you have got helicopters and bombers going around dropping their retardant, going back to the airport, going up in the air, going back to the airport, going up in the air, and you are a traveler in the middle of all of this. And do you know what happened? They did not have a tower. The Federal Government would not help them build a tower.

So this last year, finally, after all these years of fires, this small community came to the conclusion, for the safety of the air traveler and because the Federal Government was not helping them, they would go ahead and tax themselves to build this tower.

Now, what were they using for a tower before? Every time these fires started, the Forest Service and the FAA would bring in a trailer, and the FAA would charge the Forest Service for this trailer. So this community not only made the decision to increase their own safety aspects, but they also saved the Federal Government the charges of having to bring that trailer in every year, displace workers, try and deal with the safety aspects of fighting those fires.

It is only fair that we recognize the construction costs of the safety aspect of this small community, because it is something that the Federal Government did not do and they did for themselves.

So, if nothing else, if you are looking at it from a fiscal standpoint. If you are trying to save the Federal Government some dollars, this small community, by having built this control tower, did, in fact, save the money. They should be reimbursed for it, and then they ought to be patted on the back for taking the initiative to save lives, rather than slapped in the face by the amendment that is a one-size-fits-all, and it might fit the other 25, but it certainly does not fit the case that I have laid out today.

I thank the gentlewoman for this opportunity. I hope we will pass the bill, I hope we will pass the bill offered by the gentleman from Mississippi (Mr. WICKER), and I hope we will defeat the Oberstar amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI), a member of the Committee on Transportation and Infrastructure and the ranking Democrat on the Subcommittee on Aviation.

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

First of all, I want to say I agree with about 99 percent of this bill, but there is 1 percent of the bill I do not agree with, and that, of course, is the portion of the bill that gives a reim-

bursement to these airports who built towers, knowing full well that the Federal Government was not going to pay for the construction of these towers.

In AIR-21 we passed the law saying that if a local airport, a small local airport, wanted to build a tower, the Federal Government would then pay for the contract air traffic controllers. That was the law. That is still the law today.

What we are doing here really is changing the rules of the game after the game has been played. These local small airports signed an agreement with the FAA saying that they would build the local tower with their money, knowing full well they would never get reimbursement for it, if the FAA would pay for the contract air traffic controllers. That is what has happened.

These small airports receive about \$150,000 a year from the AIP fund. If we grant them reimbursement, they will be spending their AIP money for the next 7 or 8 years on something that they constructed a number of years ago.

The worst part of this piece of the legislation is the fact that these same airports have requested \$258 million in security improvements because of 9/11. If we do not pass the Oberstar amendment, that means that these airports will not be able to make any security improvements, which they contend they need to the tune of \$258 million, until they have been fully reimbursed for their towers that they never had any expectation for being reimbursed for. So, to me, the most reasonable, practical, fair thing to do is pass the Oberstar amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Kansas (Mr. MORAN), another member of the Subcommittee on Aviation.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am happy to rise today in support of this legislation and of the rule. It is unusual for those of us who are Members of the Committee on Transportation and Infrastructure to be here today in controversy. We almost always resolve our differences before we reach the House floor, and in this case we were unable to do so.

Unlike the gentleman from Illinois, I find support for 100 percent, not just 99 percent, but 100 percent of this legislation, and in particular I would like to highlight the importance of the contract tower program to places across the country, especially places in rural America where contract tower services provide the only air traffic control that our passengers or airlines have.

An example is the community in my district, Garden City, Kansas, population approximately 30,000 people. It has commercial service eastbound to Kansas City, westbound to Denver, and a general aviation component that is significant as well. They are a contract tower city, which means that the Fed-

eral Government does not have to pay for all of its tower services, and that community made a decision, prior to passage of AIR-21, in support of a contract tower. The tower is built.

All this bill does, in addition to supporting contract towers generally, is allow places like Garden City, Kansas, to utilize money that they would receive anyway. They are an entitlement airport, will receive approximately \$1 million of AIP funding, entitlement funding, and they have the option, if they so choose, unless the gentleman's amendment passes, they have the option, the flexibility to decide our highest priority is to pay for the contract tower previously built.

It has \$1 million coming to Garden City's airport regardless, and this legislation that allows them to be reimbursed does not detract from any other airport in the country. It does not take any money from the airport in any other community. It simply allows the community of Garden City or any other community that has built a contract tower prior to the passage of AIR-21 to use money they are going to receive anyway for purposes of reimbursing the city for that contract tower construction.

It is an issue that allows local units of government, our local airports, the flexibility to decide where their priorities are, and does not take money away from any other community. I do not know whether my community would choose that or not, but I believe in that flexibility.

Support the rule, support the bill, and oppose the amendment.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, just in response to the previous speaker, we are talking about \$150,000 a year would be the allocation. The towers cost over \$1 million. So you are basically talking about 8 to 10 years of the allocation that will be diverted from safety, security and other issues for a retroactive, unanticipated reimbursement for an unqualified project.

Now, we could do this pretty broadly. There is a whole lot of things airports have done out there that were not qualified that were expensive projects. My city of Eugene is still paying for their terminal expansion. Maybe we ought to qualify those sorts of things, because they did it before we authorized PFCs. We could change the Highway Trust Fund to reimburse a whole host of State and local projects that are not currently eligible.

The point is there is a limited amount of money to do an extraordinary amount of work, and particularly in these days we are very concerned about the safety and security issues. These airports, with this retroactive, unanticipated dedication of their AIP money for 8 to 10 years, a lot of that work will not get done for 8 to 10 years. Yes, it will be a little bit of a windfall they did not anticipate, but,

unfortunately, a whole lot of other needs will go unmet, maybe critical security needs, which may lead to another disaster.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Arkansas (Mr. BOOZMAN), a member of the Subcommittee on Aviation.

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

Mr. Speaker, I would like to commend the gentleman from Mississippi (Mr. WICKER) for introducing H.R. 1979 for which I am a proud cosponsor. The Small Airport Safety, Security and Air Service Improvement Act would change the law to allow small airports to not only use their AIP money to build a new or replacement FAA contract tower, but also to use AIP funds to equip their tower facilities.

This legislation is very important to my rural Third District of Arkansas. Currently I have three contract towers in my district located at the Fayetteville, Springdale and Northwest Arkansas Regional Airports. In addition, a fourth airport in my hometown of Rogers, Arkansas, has recently begun construction on their tower. What is amazing is all of these airports are within a 30-mile radius of each other.

We have been blessed with a booming economy in this part of the State, and, therefore, we have a large volume of business travelers. Rogers Airport is the second busiest airport in the State in terms of flight Operations, and Northwest Arkansas Regional Airport is the second busiest airport in the State in terms of passengers. With four very busy airports all within a very close proximity, we have extremely crowded airspace. Most of the flights coming into my airports originate from large hubs. The planes are passed from FAA towers to airports that generally do not even have radar screens.

□ 1200

Mr. Speaker, H.R. 1979 would allow the airports of the third district of Arkansas who operate under a visual flight rule to use their AIP funds to acquire the terminal radar displays which they so desperately need to monitor the busy airspace. I fly home almost every weekend, and each time I am thankful that my airports had the visionary foresight to build contract towers. They have increased air safety exponentially with the addition of the towers.

I fully support H.R. 1979, which would give local authorities the ability to use their AIP money to fund the construction, renovation, and equipage of their contract tower.

Allowing airports to use their AIP money for contract towers promotes local control and advocates safety. Who knows the needs of our airports better than the local airport managers? I hope all rural districts can benefit from the contract towers as my district has.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

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

As we sum up the debate on the rule, again, I think this is a fair rule, as the major question under consideration, the major amendment that will be before us has been given the opportunity for full, open, fair consideration in a responsible fashion by the Committee on Rules. So I ask my colleagues to support this, again, fair rule. If anyone knows of any amendments that were not allowed to be considered, come forth now and speak, but otherwise forever hold your peace, because this was done in a fair and open manner.

The major amendment that will be considered and the major controversy on an otherwise noncontroversial bill is again the question of reimbursement. I cannot think of anything more classic than this issue. This has been the debate since the beginning of this Republic, and that is how much power should be made in Washington, if Washington knew best or local people knew best.

Did my colleagues hear the plea of the last freshman representative, the gentleman from Arkansas (Mr. BOOZMAN)? He came up and he said that the local representatives, the local people knew best what to do with their funds. That is the basic question here: Do local people know how to use their funds?

Then we heard someone from the opposing side say, "use up all of 'their' money." That is really what we are talking about. It is their money, and letting them make their decisions, and tie up their funds, again using the term used by the other side, for 8 or 10 years. Well, heaven forbid that Washington should let local representatives, local elected officials, and local communities decide on how to use their money.

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

Mr. MICA. Mr. Speaker, if I have enough time, I will respect the gentleman's request; but let me finish, because I am on a very good roll here.

Mr. OBERSTAR. Mr. Speaker, the gentleman is; I can see that. That is why I wanted to talk with the gentleman.

Mr. MICA. Mr. Speaker, we also heard from the other side "unqualified project." I wrote it down and I put quotes around this, "to fund and pay for an unqualified project."

Now, if anyone knows of any air traffic control tower that has been built, again, we heard the other side say that they are built with FAA approval, if they know an unqualified project, I want them to come forward and present it before the House at this time, because it is my understanding,

and again the other side has said that these are FAA-approved towers, and they would have to be FAA-approved towers to be built for air traffic control purposes, but they were termed as "unqualified projects." I think that is unfair, because a local community has produced a qualified project, taken a local initiative, and then they want to decide what to do with their money in the future. If it is to pay off the wise decision that they made in the past, why should we in Washington stand in their way?

Then, one other issue that was brought up here about the use of AIP funds from the distinguished ranking member on the subcommittee, and he said, this could harm the use of AIP funds for security improvements. Well, I say to my colleagues, we are in very bad shape if we use all of our AIP funds when Washington dictates for security improvements and require local governments to make those improvements in these local communities.

Mr. Speaker, may I inquire as to the amount of time remaining on this side.

The SPEAKER pro tempore (Mr. GIBBONS). The time of the gentlewoman from Ohio (Ms. PRYCE) has expired.

Mr. MICA. Mr. Speaker, I have much more, and I am sorry I did not get to yield to the gentleman.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. OBERSTAR) so that he can engage in and continue the discussion.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the distinguished chairman if he believes in the sanctity of contracts. When one signs an agreement, when one signs a contract, does one live up to it?

Mr. MICA. Yes.

Mr. OBERSTAR. Yes. And I think that happened here, as the gentleman full well knows.

Mr. MICA. Mr. Speaker, if the gentleman will yield, this is a question of paying for the contract.

Mr. OBERSTAR. Mr. Speaker, let us throw out all of the other extraneous matters. These airport authorities signed an agreement with the FAA. This is not about Federal dollars, local dollars, who is in charge or whatever. They signed an agreement that said they will build the tower; the FAA will operate that tower. They entered into it, full well knowing that they had to pay that cost.

Now, we are about to give them a windfall benefit. That is not right, and the gentleman knows that.

Mr. MICA. Mr. Speaker, if the gentleman will yield, I would agree with the gentleman, and they have signed that contract, they have made that improvement. But I think that they are also entitled to take their money for the future and pay off any obligations that they have incurred.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, that is what the underlying bill does, and for the future, but not for the past.

Mr. MICA. And we do not want to penalize them for their past positive actions.

Mr. OBERSTAR. No. We want them to live up to their contract. That is the point.

Furthermore, the reason that the tower was not approved to be built with FAA funds is that it did not meet FAA benefit cost requirements.

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

Mr. OBERSTAR. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I appreciate the gentleman yielding on this question of a contract, because I think that is going to be the subject of a lot of debate during his amendment.

There is no question that we can hold these people to this contract; but I think the question for this House is, is it fair to hold to a contract under the law as it was, an airport that did the right thing, that said, we are going to do what is necessary for public safety?

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, they entered into an agreement fully knowing what that entailed; and if the gentleman from Mississippi and I enter into an agreement for me to buy his car, and I come back and say, gee whiz, I paid too high a price for that car; can the gentleman cut it back? The gentleman would say, wait a minute, you agreed to that price. Pay me the price.

Mr. WICKER. Mr. Speaker, if the gentleman will yield further, I am not sure that analogy is exactly correct.

I would just say this. The gentleman is exactly right. We have the weight of the Federal Government, and we can hold them to that contract if we want to. I do not think it is fair, and I think that is what the majority of the committee was saying.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, it is fair because, in the first place, that tower cannot qualify for the tower program. It did not meet the benefit-cost analysis. The airport authority knew it, and said, we will build the tower, and you operate it, Federal FAA; and that is what is at issue.

For the future, going forward, I think the underlying bill is appropriate, and I told the gentleman that a year ago.

Mr. WICKER. Well, that is what we will have the debate about on the Oberstar amendment.

Mr. OBERSTAR. Mr. Speaker, it will be on a high principle that will affect all of future transportation issues within the purview of this Committee on Transportation and Infrastructure.

Mr. McGOVERN. Mr. Speaker, can I inquire of the Speaker how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. McGOVERN) has 8 minutes remaining, and the time of the gentleman from Ohio (Ms. PRYCE) has expired.

Mr. McGOVERN. Mr. Speaker, I yield myself the remaining time, and I think I am going to close then.

Mr. Speaker, the Committee on Transportation and Infrastructure has a long history of working together to

produce bipartisan legislation. The ranking member of the committee, the ranking member of the Subcommittee on Aviation, has only one problem with an otherwise good bill. This bill includes a provision that is nothing less than a government windfall for a small number of airports. These airports never expected, nor sought, Federal funding for building these towers. In fact, these airports explicitly agreed not to seek Federal funds. This should be a good bipartisan bill, and it still can be if we enact the Oberstar amendment.

So I would urge my colleagues to support the rule, which is open; to support the Oberstar amendment and, if the Oberstar amendment fails, I would urge my colleagues to vote "no" on the final passage of this bill.

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

The SPEAKER pro tempore. All time having been yielded, without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 240]

YEAS—419

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

Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)

Wolf  
Woolsey  
Wu  
Wynn

Young (AK)  
Young (FL)

## NOT VOTING—15

Bonilla  
Chambliss  
Cox  
Grucci  
Hefley

Hilliard  
Isakson  
Kingston  
Lewis (GA)  
McInnis

Peterson (PA)  
Roukema  
Tanner  
Traficant  
Weiner

□ 1233

Messrs. PAUL, BARTLETT of Maryland, and MOLLOHAN changed their vote from "nay" to "yea."

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.

Stated for:

Mr. GRUCCI. Mr. Speaker, had I been present, I would have voted in the affirmative on rollcall No. 240, on H. Res. 447, the rule providing for the consideration of H.R. 1979, Airport Safety, Security and Air Service Improvement Act.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 447 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1979.

□ 1233

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, with Mr. GIBBONS in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Illinois (Mr. LIPINSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, it is my intent to yield to the gentleman from Florida (Mr. MICA), subcommittee chairman, the balance of my time after I make my opening statement.

Mr. Chairman, we all know that safety is enhanced when air traffic controllers guide the planes through the skies and onto the runway. However, many smaller airports lack an air traffic control tower. As a result, passengers and pilots do not benefit from the safety enhancements provided by air traffic controllers. Pilots are on their own, responsible for seeing and avoiding other planes.

Currently, the FAA is responsible for building the towers that house the con-

trollers. However, FAA facilities and equipment budget is not large enough to pay for the construction of towers at many smaller airports. Yet many of these smaller airports have commercial passenger service or serve as a very active general aviation airport. These passengers and pilots are entitled to the same level of safety as those used in the larger airports.

Recognizing that FAA's construction budget is limited, many smaller airports are willing to use their Airport Improvement Program, AIP, grant money to build the tower. However, under current law, contract tower construction is not listed as eligible for funding under the AIP program.

This bill would change the law to allow AIP money to build a new or replacement tower and to equip that tower. The FAA could then contract with a private company to actually operate the tower. The FAA now contracts with private companies to staff towers at 217 airports in 46 States.

This contract tower program has benefited from consistent bipartisan backing in Congress. Its track record at small airports shows that it improves air safety, efficiency and security; enhances regional airline service in rural areas; provides significant savings to the FAA in air traffic control costs; and increases economic productivity in smaller communities nationwide.

Further, the program's track record has been validated in several comprehensive audits by DOT's Inspector General and is endorsed by participating airports and aviation system users.

Given the benefits and support for the contract tower program, additional actions to enhance it are warranted. By opening up another source of funding for tower construction, this bill will enhance the existing contract tower program and increase safety at small airports.

It does not cost the Federal Government any additional money because the AIP grant money is already provided for in AIR-21. The bill merely gives the airport and the FAA another purpose, tower construction, for which this grant money can be used.

I urge my colleagues to support it.

Mr. Chairman, I yield the remainder of my time to the gentleman from Florida (Mr. MICA), the subcommittee chairman, for the purposes of control.

The CHAIRMAN. Without objection, the gentleman from Florida (Mr. MICA) will control the remainder of the time.

There was no objection.

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

I rise today regarding H.R. 1979, the Small Airport Safety, Security and Air Service Improvement Act of 2002. As noted by the previous speaker, the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the full committee, I also would like to compliment at this time the chairman of the subcommittee, the gentleman from

Florida (Mr. MICA), for the great cooperation that I always receive and the entire Democratic side receives from him and his staff on all aviation matters.

As the gentleman from Alaska (Mr. YOUNG) said, this measure allows small airports to use Federal Airport Improvement Program funds to construct and equip privately operated contract towers. Under current law, these grants cannot be used to construct airport control towers not operated by FAA air traffic controllers.

I, along with every other Democratic member on the Committee on Transportation and Infrastructure, am supportive of the primary provisions of H.R. 1979 to simply authorize the use of Federal funds to support the building of new towers. However, this measure also includes a provision that retroactively reimburses towers that were constructed under an express agreement that the Federal Government would pay the cost of staffing the towers but not the construction costs. I want to run that by everyone once again. Under this agreement, the Federal Government would pay the cost of staffing the towers but not the construction costs.

The gentleman from Minnesota (Mr. OBERSTAR), my colleague and the ranking member of the full committee, is going to offer an amendment that would eliminate the provision for retroactive reimbursement and keep the funds available for new airport projects to enhance safety and security. These 26 towers that have been built since 1996 cost on an average about \$1.3 million. Therefore, the retroactive reimbursement provision of H.R. 1979 provides about \$30 million in funding for work that has already been completed, despite the fact that these airports have hundreds of millions of dollars of unmet safety and security needs.

By using their AIP entitlement money, which is a maximum \$150,000 a year, these airports could be drained of entitlement funds for almost a decade, funds that should be used on safety, security and capacity enhancement improvement projects.

In addition, these 26 airports have identified and requested from the Federal Aviation Administration a total of \$258 million in Federal funding for the future AIP-eligible projects, including AIP-eligible security projects needed in the wake of September 11.

If H.R. 1979 is enacted and allowed, retroactive reimbursement funds will not be available for needed safety and security projects. When we offered the amendment to strike the retroactive reimbursement provision in the committee, it was supported by all 34 Democratic members of the committee. If the provision for retroactive reimbursement is stricken by the Oberstar amendment, we will support the bill.

I urge Members on both sides of the aisle to pass a clean, fair bill, by supporting the Oberstar amendment to



strike the unfair retroactive reimbursement position.

I am also asking Members to oppose any amendment that would weaken the AIP program, which is intended to pay for infrastructure costs, not operating costs.

In closing, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and the gentleman from Alaska (Mr. YOUNG) for their work on this measure. Hopefully, we can pass a clean bill today with bipartisan support that rewards those airports that play by the rules.

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

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

Mr. Chairman, let me just comment in general on this legislation, and it is noncontroversial for the most part. It is legislation which will allow our small airports to receive Federal grants to build air traffic control towers. The construction of a control tower at these small airports provides important safety benefits, as controllers in the tower prevent planes from running into one another. So there is probably no more important use of Federal funds or funds from the AIP fund.

Many small airports have commercial air service or are active for general aviation facilities, but at some of these airports there is today no air traffic control tower. This means that there are no air traffic control controllers to guide planes safely through the sky or along the runways. Pilots are on their own, responsible for themselves and for seeing and avoiding other planes.

Unlike larger airports across the country where the FAA will build a tower, smaller airports will only get a tower if they build it themselves. Yet many lack the resources to do so, and that is why this legislation is important. We change the law, we change the rules, and we allow the Federal assistance in that effort.

The Federal assistance will come entirely from the Airport Improvement Program, and the Airport Improvement Program, AIP, is funded by taxes on airline passenger and other aviation users. No general taxpayer funds will be used to support this program.

Currently, the AIP program is used to pay for a variety of infrastructure improvements at our airports.

□ 1245

But air traffic control tower construction, unfortunately, is not one of them, despite the obvious safety benefits provided by air traffic control.

This bill will allow primary passenger airports to use their AIP entitlements to build control towers. General aviation airports could use both their AIP entitlements as well as their AIP money allocated to the States for this particular purpose. In addition, limited reimbursement would be allowed for airports that have taken the

initiative to build towers prior to the date of enactment.

We believe that is a fairness issue. The minority has an amendment that will be heard in opposition, and we will get into the details of our opposition to the amendment they are proposing to strike this particular reimbursement provision.

This is a bill that will increase safety at many of our smaller airports across the country. It is entirely voluntary. No airport is required to use their grant money to build a tower, but for those who want to use it, for those who have made the improvement on a limited basis, it will provide important safety benefits and Federal assistance in making those improvements.

The bill was developed by the Committee on Transportation and Infrastructure in a bipartisan fashion and, again, except for the reimbursement issue, has broad bipartisan support, and I want to thank the gentleman from Mississippi (Mr. WICKER) for taking the initiative in introducing this important legislation.

I would also like to express my appreciation to the chairman of the committee, the gentleman from Alaska (Mr. YOUNG), who worked closely with the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), on the issue. I would also like to thank the ranking member of my subcommittee, the gentleman from Illinois (Mr. LIPINSKI), for helping to move this legislation along.

I urge the passage of the legislation without the Oberstar amendment.

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

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to thank the gentleman from Illinois for yielding me this time, and I rise in opposition to the legislation as written, and I am in support of the Oberstar amendment.

Mr. Chairman, this is an exception to the usual bipartisanship that we usually have on the Subcommittee on Aviation. I think the history proves that. But H.R. 1979 allows small airports to use their Airport Improvement Program grant funds to build contract towers.

Airports have signed contracts since 1996. These are contracts. Now what those 27 airports want to do is have us change the rules so that they become eligible for construction funds. This is pretty simple. The game is over, and they want to change the rules.

I am a supporter of the contract towers program, as all of us are. The program provides worthy safety benefits to small communities and airports. However, the element of this bill I must rise to oppose is the use of the AIP funds to repay airports that have already built or contracted to build air traffic control towers. When an airport goes into contract with the Federal

Government and agrees to build a tower, the terms of the agreement are clearly stated. If you build a tower, we, the Federal Government, will staff and operate it. This legislation ignores the agreement and changes it retroactively.

It is a mistake to use the sparse money, the sparse resources that we do have to provide reimbursement to airports that built or equipped contract towers. These airports knew full well what was at stake when they agreed to build the tower, Mr. Chairman. We had a deal, and there is no logical reason why either party should go back on that deal right now. There should be no reasonable expectation of reimbursement.

AIP funds are short enough as it is without funding previously constructed towers. Safety, security, and capacity enhancement improvements at these airports would suffer by being unable to access the AIP funds for possibly several years.

A further problem with the reported bill is that it does not require airports seeking reimbursement to have complied with all of the statutory and regulatory requirements that apply to an AIP project. I do not think that is acceptable. If it is good for one, it is good for all. If we are to change the rules, change all the rules.

Under this flawed bill, there can be reimbursement from the AIP for construction that did not comply with six Federal statutes, including the Fair Labor Standards Act. This is not chopped liver. This is important here. The Fair Labor Standards Act was not complied with. It is not fair that many properly funded towers were built in compliance with all Federal laws, but those that were not can get a windfall nonetheless.

Finally, in preparation of FAA reauthorization next year, the House must not set a precedent for reimbursement of airport projects. Passing this legislation is a slippery slope to reimbursing projects in a host of categories. We must focus Federal assistance through the AIP on supporting future improvements, not on the past.

Mr. Chairman, I ask my colleagues to oppose this legislation and support the Oberstar amendment.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of the underlying legislation and in opposition to the amendment that will be offered by the gentleman from Minnesota (Mr. OBERSTAR) at a later time in this debate.

This bill was originally introduced by the gentleman from Mississippi (Mr. WICKER). I think it is an outstanding piece of legislation as drafted. It would allow small airports to use their Airport Improvement Program, AIP, grant money to build or equip an air traffic control tower that would be operated



under the FAA's contract tower program.

As everybody knows in America, Florida is one of the most rapidly growing States in the Nation, along with many others, including Nevada, Arizona, and Texas. In particular, in the State of Florida, central Florida is one of the more rapidly growing regions in the State. I happen to have two airports in my congressional district that are experiencing a tremendous increase in demand.

Having labored for years to try to get funding through the routine system for another air traffic control tower in another city in my district, and I can just say that one of them is the Titusville-Cocoa area airport, and the other is the airport in Kissimmee that we really have problems with.

We have problems in the State of Florida with building towers, replacing old antiquated towers with new towers, and I see this as a little bit of a light at the end of the tunnel. I think it needs to be approved out of the House. I would strongly encourage, particularly all my colleagues who are in rapidly growing areas, to oppose the Oberstar amendment.

In particular, I want to say that this really is, for me personally, about safety. We have a tremendous issue with small planes mixing in with commercial aircraft. We have had accidents in my congressional district where people have died. So I would highly encourage a "no" on the Oberstar amendment and support of the underlying legislation.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

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

The base bill, H.R. 1979, Small Airport Safety, Security and Air Service Improvement Act, is an excellent piece of legislation. It will expand AIP eligibility criteria to allow small airports to construct and equip air traffic control towers and to participate then in the contract tower program.

Now, if we stuck with current law, the FAA might or might not fund some of these projects. I have been trying to get one funded in my district where there is a strong need. It would be many years before they could meet the need because they have much more pressing requirements on their availability of funds for the largest airports. So an expansion, as envisioned in this bill, is good.

In fact, for example, we heard earlier about the issue of firefighting. I will talk about in my district the airport that now has had substantial recurring growth which merits a contract tower in Coos Bay-North Bend. Actually, a few years ago, we had a tanker go aground, and we were up to 300 operations a day between the Coast Guard and other people who were involved in that recovery operation. And so the National Guard had to bring in a temporary control tower. We could not safely operate the airport.

Since that time, traffic has grown because of construction of two fabulous new golf courses down in Bandon and general growth of the community and some improved commuter service to Coos Bay-North Bend. So they very much want to go ahead, but it is also a community that suffers high unemployment and does not have a tremendous amount of available capital. So this program will work well for them. They can go ahead with the contract tower. They can bond it by being able to demonstrate that they will have the cash flow to pay off the bonds.

The only dissident note here is the retroactive reimbursement of communities who have already paid for towers. Now, I was a little confused by the gentleman before me because he said Members in rapidly growing areas should oppose the Oberstar amendment. No, actually, the opposite is true. Members from rapidly growing areas should support the Oberstar amendment and support the overall bill, because the Oberstar amendment is about retroactively reimbursing communities that have already paid for contract towers.

And as we heard very eloquently, the gentleman before me from New Jersey explained how unfair this would be, particularly in terms of normal Federal contracting process, capability and eligibility of AIP funds, and a host of other issues. And as I spoke earlier, it is also a safety and security issue.

These airports that do not have now and need to fund the tower, they have already funded it, but do have pressing security capacity and safety needs, would be diverting those funds from the security, safety and capacity to retroactively reimburse themselves for money that they never expected and, in fact, signed a contract saying they knew they would not be reimbursed for.

We are changing the rules of the game. If we are going to start doing that with trust funds, whoa, we have a lot of bridges that could use some reimbursement and a few other things I would like to sell my colleagues here.

This is a very bad precedent. These communities did not expect and do not now need to be reimbursed. We should not jeopardize the program or the bill in that way, because I understand there is substantial Senate opposition to that provision. We should go forward with the base bill, which will help rapidly growing communities, which will help secure their air safety in the future and help them move forward with the contract tower program.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the chairman for yielding me this time.

In February 2000, our Chicago area lost one of our most beloved and charismatic personalities. For years, Bob Collins delighted listeners on the most popular Chicago radio station, WGN.

An avid pilot, an aircraft expert, a leading advocate of general aviation,

Bob was lost in a tragic midair collision near Waukegan Airport in my district. Two others lost their lives in the accident that resulted from inaccurate and insufficient information available to controllers at the airport.

Unfortunately, it took the death of a prominent and much admired figure in our community to wake up people to the woeful state of technology at the smaller general aviation airports. Waukegan quickly acted to upgrade its facility and installed the terminal radar display to dramatically reduce the risk of repeating the tragedy. We did not install a new \$2 million radar, we simply added a \$60,000 data port to bring the radar data in from O'Hare. Such an improvement is appropriate for all airports in the country, urban, suburban and rural, and we do not seek reimbursement for this improvement.

This legislation is crucial to bringing our aviation infrastructure into the 21st century. At a time when homeland security is of paramount importance, we have an opportunity to enhance our ability to monitor our air traffic situations and to do so for airports that currently do not have this capability.

□ 1300

We have to set aside parochialism, and I urge Members to adopt this legislation which will help new airports gain this capability over ones that already have it.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON).

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

Mr. Chairman, I want to raise my concerns about H.R. 1979, and signal my objections to the parts of it I believe should not be in the bill. I very much associate my remarks with what the gentleman from Oregon (Mr. DEFAZIO) and several other speakers said earlier.

As we have already heard, within the bill exists a provision which retroactively reimburses 26 small airports for building air traffic control towers. H.R. 1979, without the aforementioned provision, is a good bill. And if the provision is removed, I will be happy to lend my support to passing that legislation.

But by allowing these 26 airports to qualify for that reimbursement, the bill will significantly reduce the amount of Federal airport improvement funds that would be directed towards airport security and safety improvements. That is precisely what has happened to one of the airports within my congressional district, the Southeast Texas Regional Airport.

We tried our best to play by the rules. We took the time to go through the system, to win the support, putting off other priorities within our airport needs, to wait for our turn to build the air traffic control tower. We do indeed have a number of security issues that are facing us at that same airport.

Following through with what this bill is proposing right now would deplete the amounts available for significant security improvements which remain a priority for this Congress and this country. These 26 airports would also be reimbursed without demonstrating compliance with, as we have heard, Federal labor and environmental laws, including the Fair Labor Standards Act and the National Environmental Policy Act.

Mr. Chairman, why is it that some of us have to follow those rules and others apparently will not? That is not right.

As we have focused on providing the resources for airports to address the gaping security concerns in the aftermath of September 11, we have been bipartisan in our approach. This is an issue of security, and it does affect every citizen of this country who steps into an airport and onto an airplane. I urge Members to consider the consequences of shifting vital security funds to reimburse those 26 airports who chose to build their towers without the promise of recouping these funds.

We built ours with the assistance of this government's funding in southeast Texas, but we put off other priorities to allow it to happen. Allowing these 26 airports exemptions from current law is bad policy, and will set a precedent that will take us in the wrong direction.

I would hope that the House would find the collective wisdom to strike these provisions from the bill. I intend to support the Oberstar amendment to the bill; and if it carries, to support the legislation which has been put forth.

Mr. MICA. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BOOZMAN), a member of the subcommittee.

Mr. BOOZMAN. Mr. Chairman, I would like to commend the gentleman from Mississippi (Mr. WICKER) and the gentleman from Florida (Mr. MICA) for introducing H.R. 1979. I also would also like to state my sincere opposition to the Oberstar amendment.

One of the airports in my district, the Northwest Arkansas Regional Airport, otherwise known as XNA, would be eligible under the reimbursement provision to be reimbursed for their AIP entitlement funds for a portion of the costs they incurred when they built and equipped the tower.

AIP entitlement funds are allocated by law to these small airports. This is money that the airports have a rate to as a matter of the formula in the law to be used for any eligible purpose. Congress has wisely left the decision to local authorities as to an individual airport's use of the entitlement funds, and this provision simply gives local authorities another option as they contemplate the range of safety, security and capacity-enhancement needs at their facility.

From my calculations, XNA would be eligible to be reimbursed for roughly

\$177,000, which was the cost of equipping their tower. This may not seem to be a large amount of money, but we have experienced a 46 percent growth in passengers over the past 5 years and are the third-fastest-growing county in the Nation, so \$177,000 goes a long way towards improving and expanding the facility.

Although the tower at XNA is very small, it adds an incredible level of safety to the large volume of travelers, including myself, who utilize the airport. In northwest Arkansas, there are four airports located within a 30 mile radius of each other. As I mentioned, XNA is one of the fastest-growing airports in the country. While most airports experienced a detrimental decline in passengers after September 11, XNA continued to see a continued growth in traffic. Just a few miles away from XNA is the Rogers Airport, which is the second-busiest airport in the State in terms of flight operations. As Members can tell, the air space over northwest Arkansas is very crowded.

Mr. Chairman, the addition of contract towers has improved safety in my region exponentially because the towers allow the air traffic controllers to monitor the air space and give pilots the direction they need. If we do not allow our airports to be reimbursed from their entitlement funds, we will be penalizing them for having the foresight to invest in public safety. I urge Members to vote against this amendment.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

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

Mr. Chairman, I rise in strong opposition to H.R. 1979 in its current form unless the Oberstar amendment is adopted. H.R. 1979 would allow 26 airports to be reimbursed, about \$30 million for air traffic control towers already constructed. These projects date back to as far as 1996 and are projects that airports agreed to fund with no expectation of being reimbursed by the Federal Government. The agreement between the Federal Government and the airports was that if the airports funded the construction of the towers that the Federal Government would provide the air traffic control services.

If this legislation passes in its current form, it will remove \$30 million from the airport improvement program fund, a fund which is already strained. The AIP funds should be used to improve safety and security for our airports and not for reimbursing airports for towers which have been previously constructed.

Mr. Chairman, this legislation sets a bad precedent and will open the door for airport authorities to seek reimbursements for projects which are the responsibility of the local airports. I urge Members to support the Oberstar amendment. If the Oberstar amend-

ment passes, I will support the legislation. If it fails, I urge Members to strongly oppose and vote against H.R. 1979.

Mr. MICA. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER), who is the author of the bill before us.

Mr. WICKER. Mr. Chairman, it seems that a number of Members from the other side of the aisle have come to the floor today and said, we oppose the bill in its current form and will vote for it only if the Oberstar amendment is approved.

I hope that we do not create the impression here on the floor of the House that this is strictly a partisan issue. I certainly hope it is not, because I want to thank the 21 Members of the House who are Democrats who have cosponsored the bill in its current form without the Oberstar amendment having been adopted. I certainly hope we can resist the Oberstar amendment and pass the bill in its current committee-approved form without adoption of the Oberstar amendment.

If I might, Mr. Chairman, I would like to quote from the minority views of the committee with regard to this bill. One portion of the minority views that I would like to quote is, "We support the concept of making contract air traffic control towers eligible for Federal assistance under the Airport Improvement Program." Indeed, Mr. Chairman, this has been said by Members of the other side of the aisle earlier today. It is a good idea to change the law to allow this. As a matter of fact, it has been stated by the leadership of the committee that, but for this small item of reimbursement, this would be unanimous, it might even go under suspension or unanimous consent. We are all under agreement that this change in the law should be made.

Further quoting from the minority views, "While we applaud the airports for their foresight and proactive steps to enhance safety, Federal funding is limited," referring to those airports who have taken the initiative, built the control towers, and are now saying treat us by the same rules being created today and allow us to use our entitlement of AIP for this purpose also.

The minority Members seem to be saying you did the right thing, you enhanced safety, and you are to be commended. However, we are not going to allow airports the opportunity to use their AIP money for this purpose.

Now the minority makes the point that Federal funding is limited, but I would strongly make this point: AIP money is an entitlement. It is a set amount, and we are not increasing or decreasing that in this bill. We are simply adding an allowed type of usage of the AIP money. So what we have this year and what we are seeing today is the government, the big Federal Government, coming in in the form of an action by the House of Representatives, and we hope by the other body

later on, and saying that, yes, we all agree, it is a good idea to change the purposes of the AIP and to add this additional usage of contract control towers. We are almost unanimous in doing so.

Yet, Mr. Chairman, there are airports who just got finished building their own contract towers, and they come in and say we did the right thing, Mr. Congressman. We took the initiative. We acted in a proactive manner; and they say, in effect, we hope we will not be penalized and hope to take some of that AIP money, if we so choose, and retire our bonded indebtedness.

□ 1315

I think the majority of the subcommittee and the majority of the committee saw it that way, and I believe a majority of this House will see it that way, too. This is money that the airports are entitled to use anyway. We are simply saying, yes, thank you for being proactive and enhancing safety.

People will say, well, you've got a contract. Well, the contract was signed because that is what the law said at that point. I would almost make the point, Mr. Chairman, that that contract was signed under duress. But we are saying as a Congress today, we can change the law, and we are saying on both sides of the aisle, we ought to change the law. We should change it. It is a good idea. It simply comes down to a question of fairness. We do not have to pass this bill today, Mr. Chairman. We certainly can hold these airports to this contract they signed under the old law. We can do it. The question is, is it egregious to let them out of their contract as my friend from Minnesota has said? Or is it fair to let them out of this; having changed the rules for everyone else in the country, for this little handful of airports, is it fair to hold them to that contract made under duress? I think most of the Members of this House today will say no, it is not fair. They will say that the committee version is correct, and they will resist voting for the Oberstar amendment.

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

In regards to some of the things that the previous speaker had to say, first of all, we do change the law around here quite often, but we change the law for the future; very, very rarely, if ever, for the past to the best of my knowledge. Here, unfortunately, a portion of this bill is changing the law for the past.

The previous speaker also said that we were just being fair to these airports. What about the other airports that would have gone ahead and built these towers if they knew that 5, 6, 7 years down the line, they were going to get reimbursed for those towers? I do not believe that is very fair to them.

Getting back to the airports who are going to be reimbursed because of a portion of this bill, remember, they only receive \$150,000 a year for AIP

funds. If we pass this bill in its present form, they are going to take 7 or 8 years of AIP money paying for this tower. The same group of airports have asked for \$258 million for safety and security in the future. It is going to be almost a decade before they get around to getting any money through the AIP program, unless you are planning on increasing the budget in the near future to see to it that they also receive moneys from the AIP fund for other things they are going to do in the future.

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

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

Mr. Chairman, I listened attentively to the gentleman from Mississippi, who is a very congenial, a very thoughtful gentleman with whom I had extensive discussions a year ago about this bill prior to his introduction of the legislation. I pointed out to him my reservations then. I pointed out the concerns about reimbursement to airports for towers built under conditions where the tower did not comply with FAA cost-benefit requirements. I said, "I am fully willing to support the forward-looking part of this bill, because I think we ought to do this, but I can't have a reachback provision. It is just not good national policy."

And this is not partisan, I say to the gentleman. This is a matter of principle. Is it a penalty for an airport authority to ask that authority to live up to an agreement they signed, eyes wide open? Is it likewise fair to other airports who complied with the law, who met the benefit-cost analysis, who complied with all the provisions, some of which are excluded from these reimbursement airports under this language, complied with all the provisions of law, to come back and say to a select group of airports, no, you can be reimbursed without having to comply with the full range of Federal law and without having to meet the cost-benefit analysis? In fact, there are at least five of these airports that under no stretch of the imagination can meet the benefit-cost analysis.

Furthermore, the argument has been made time and again, these are entitlement funds for these airports. Well, they did not exist prior to AIR-21 as entitlement for each airport. When I was chair of the Subcommittee on Aviation in 1990 and we crafted the passenger facility charge, I insisted that for the major airports that would impose a PFC, half of their entitlement dollar would go into a special fund dedicated for small airports, for airports at the end of the spokes in the hub and spoke aviation system. Those dollars substantially improved the ability of small airports to build runways, taxiways, lighting, safety enhancements, security enhancements. Then we came to the AIR-21 legislation and said, "Let's take it a step further. Let's assure there is an entitlement."

That entitlement money, available to small airports, is not money the airport collected or generated in any way. These are dollars from the Airport Improvement Program derived from the Aviation Trust Fund, which is derived from the ticket tax and from a host of other taxes, on aviation fuel, et cetera, that go into the Airport Trust Fund. Well, that is a national program. Taxes are imposed on all aviation users. These are not revenues generated by that airport to which they have a claim. These are funds that are distributed under a formula the Congress has written that the FAA carries out and, therefore, projects and expenses that are approved under FAA rules, guidelines, that are derived from Federal law. If we change that, then you have two classes of small airports: One that got an entitlement and that followed by the rules, another one that gets reimbursed for not complying with the law and the rules.

The law places limits on the use of entitlement funds by each airport. Those entitlement funds can be used only for projects that are eligible under the law. This is all about playing by the rules. It does not rub my heart to pain that an airport said, goodness, with our eyes wide open we signed this agreement. We wanted this tower so badly that we were willing to build the tower, and you, FAA, will operate that tower, but now come a few years later, now reimburse us for that expenditure. That is just wrong. That is just simply wrong.

Mr. Chairman, if the gentleman from Mississippi went out in front of his home and paved a section of street and improved that street and then went to the city council in his hometown and said, "Look what an improvement I made. It is safer. No one is going to have an accident. Reimburse me for my cost," they would not give him a dime. I do not think the gentleman would do that. He would not ask them to do that. But that is the analogy to what is being proposed in this legislation.

In short, this is a national program to fund airport development in the national interest. It is not designed to provide free capital to airports to use as they see fit; rather, to comply with a body of rules under which everybody plays. In the future we have got a good program, but reaching back is a bad idea.

Mr. MICA. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I am pleased to be here again today in support of the contract tower program. It is a program created that has lots of benefits for the American traveling public, and certainly those who fly in and out of, commercially, our smallest airports across the country, as well as general aviation and their use of those airports.

I am here today in support of the bill as it was approved by our Committee on Transportation and Infrastructure

without additional amendments today. It is important to me that this legislation move forward and that we send a strong message of support for our contract tower program.

There has been a lot of debate this morning as we discussed the rule, this afternoon as we discuss the bill, and I assume yet later today as we discuss the gentleman from Minnesota's amendment about whether or not we ought to allow airports who have already built contract towers prior to the passage of AIR-21 to access the dollars that are already coming their way, to spend those dollars on a previously built contract tower. Again, I would reiterate that this is an entitlement program. Those airports are receiving a fixed number of dollars. And this legislation for those communities that previously built the contract tower are simply deciding, we would choose to use our dollars, I guess they are Federal tax dollars, not necessarily dollars raised in our own community, but the dollars for which we are entitled under this program, we are making the choice that we will use those dollars for repaying ourselves for doing something that we should have done. I do not know how many communities will use that.

The gentleman from Illinois today has indicated about the priority of security, and clearly Congress has focused on that issue. We have not addressed the issue of how we are going to pay for all the mandates we are creating on airports across the country to meet security needs, but the reality is that this is a high-priority issue, one that our folks can decide locally. If the belief is that we ought not retroactively allow airports to utilize these dollars because the highest priority is to pay for security, then that means we ought not be supportive of the bill in its entirety. We are saying that they otherwise have the choice of choosing between meeting the security needs, the mandates, and paying for them out of their entitlement dollars. That is what this legislation is all about. And we are saying that is okay. If you are going to build your contract tower today, you can make the decision that security takes second priority to the contract tower. But if you made a decision previously that the contract tower was important to you, then we suggest that you should decide that security is a higher priority.

To suggest that the mechanism in place would create a problem in paying for security, that may be true of the entire bill. The concern that is raised here on the floor is one that I think is general not just to this issue of whether or not you ought to go back. I hope we do not lose sight that, again, we are not taking dollars from anybody else's airport. We are taking dollars that that airport is entitled to, and we are allowing them to make a decision at that local level as to what their highest priority is for paying.

Mr. LIPINSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

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

Mr. Chairman, I rise today concerning H.R. 1979 and in support of the Oberstar-Lipinski amendment which will strike an improper and egregious provision in an otherwise good bill.

This amendment addresses fundamental questions of fairness in allocating scarce resources. This is an issue of national security. Do we allocate funds for national security? Or, rather, do we use these limited funds to reimburse private airports for control towers that have already been built?

In today's climate, are we not obligated to anticipate and fund present and future needs first? The Aviation Trust Fund, which collects revenues from a variety of sources, provides the dollars for airport improvement programs, the main source of Federal aid to airports. The trust fund is being quickly depleted at a time of increased demand. AIP funding is a finite resource, and the Federal Government places restrictions on its use to maximize safety and security. It is not a reimbursement fund for private airports.

Allowing private airports that have already constructed towers to be reimbursed is a poor use of limited AIP funds. Decisions to build these towers were made at a local level without the expectation of a Federal commitment to the project. In fact, it was clear that there would be no such Federal participation. And as we say in Texas, a deal is a deal.

Time and time again, our friends in the majority tell us we have to do more with less. We do not have sufficient AIP funds for all the worthy projects across the country. We should not reimburse a handful of private airports who clearly did not need Federal assistance in the first place to lay claim to a limited amount of security dollars. This provision is estimated to cost \$30 million. That is \$30 million not available to a new and unmet need.

What airport security project will go unfunded? Which Member wants to see a critical safety improvement delayed because the funds are going to reimburse a few select airports?

□ 1330

Mr. Chairman, our aviation infrastructure needs are great and will continue to grow. We cannot let any funds be spent that do not add to the future of the system, but merely pass for past improvements.

Mr. MICA. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. HAYES), also a member of the Subcommittee on Aviation and our vice chair of that subcommittee.

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

Mr. HAYES. Mr. Chairman, I rise today in opposition to the amendment

of my friend the gentleman from Minnesota (Mr. OBERSTAR), and I rise to take a counterposition from my friend the gentleman from Texas. The issue here is safety. The issue is safety as well as security.

As an example, Concord Regional Airport in my district will lose if this amendment passes, but that is not the issue. The issue is not losing potential funding alone. The real issue is they will lose their ability to address vital safety needs.

The two key components of this bill are increased safety and flexibility for local concerns. The number one concern of any aviator and the public is safety. The presence of air traffic control towers, where appropriate, staffed by competent professionals, greatly increases safety for the flying public, whether commercial or general aviation.

Concord Regional is the fourth busiest airport in North Carolina. Local leaders in Concord had the vision to address safety concerns before an accident occurred, and that is what we are talking about here. We have a clear choice: Either we can say to our local governments and leaders, we are going to reward you for thinking ahead, thinking out into the future and addressing vital safety needs of the flying public and the public who are on the ground; or we are going to punish you for doing the things that make sense, for using common sense.

I know it is contrary to Washington thinking, but common sense provides that these forward-thinking leaders, wherever they might be, have provided for vital safety concerns, and that is important to America, along with security.

Many of the airports that will be eligible under this legislation are located near metropolitan areas. Without guidance from air traffic controllers, pilots are solely responsible for locating and avoiding other aircraft. In the past, a lack of control from towers has often been a major contributing factor in air-to-air collisions, even over residential areas, with damage to ground structures and threat to human lives.

The Congress should not penalize airports for taking positive steps to increase safety. These airports built towers to make their operators more efficient and to avoid the dangers associated with congested airspace.

Contrary to what has been reported here today, reimbursement of AIP funds for contract towers will not take money away from needed security improvements at airports. In fact, this bill will allow airports to prioritize their safety and security improvements and fund the most significant needs.

Funds for reimbursement would come only from entitlement funds, not discretionary spending. Under this bill, airports may not apply for discretionary funds to build, equip or reimburse themselves for contract control towers.

In the end we must let local airports, not bureaucrats in Washington, decide

how to best utilize the limited entitlement funds from the Airport Improvement Program. I am confident the Administrator at Concord Regional Airport will fund wisely the safety and security needs and concerns of that airport and the flying public.

Mr. Chairman, I urge my colleagues to oppose the Oberstar amendment.

Mr. LIPINSKI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman is recognized for 1 minute.

Mr. LIPINSKI. Mr. Chairman, there was a speaker up here not too long ago who said something to the effect if we are not going to do this or not going to do that, if we are going to pass the Oberstar amendment, maybe we should not pass any bill at all. Well, probably the wisest thing in regard to this particular situation would have been to wait until next year when we reauthorize the Aviation Trust Fund. Then we could have dealt with many, many of the concerns that have been raised here on the floor not only by our side, but also by the other side.

But getting back to the Oberstar amendment, first of all, we have a signed contract, a legal document, saying that we are going to build a tower if you will staff it for us. No one was blindsided. These small airports agreed to that, beyond a shadow of a doubt. They had to sign a contract to that effect. They did so. They moved ahead, built a tower, and the Federal Government has been staffing it with contract controllers.

Support the Oberstar amendment.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman is recognized for 4 minutes.

Mr. MICA. Mr. Chairman, we are winding up the general debate on this bill, and it is a good bill. It is a good bill in its present form, and the present form allows for fairness.

We have heard some things said by the other side in opposition to the current form of this legislation, and most of it deals with the question of reimbursement.

First of all, one must understand that there are some people in Congress who think that Washington knows best, that Washington must dictate exactly what every local government, every local entity, should do.

Now, we are talking about funds here that these communities and airports would be entitled to, and we set certain parameters. We have set certain parameters in the past as to what projects would be eligible. Towers were not eligible.

We are today, with the passage of this legislation, changing those rules. We told them in the past, you build a tower, and we will man the tower. At that time you could not use AIP funds for construction of those towers. We are changing that rule now. No, I do not want to participate in "gotcha" legislation. This is not fair. It is just a question of fairness.

There are 22 airports that could benefit from the reimbursement provision. There are 48 airports that will benefit by us changing the rule and allowing AIP funds to be used for construction of towers. We today are changing the rule.

This question about \$30 million that is going to be somehow wasted or given away unfairly, blah, blah, blah, they are going to get that money anyway. They are entitled to that money. The question is, what can they use it on? If they have already made the safety improvement, why should we penalize them? It is not fair.

It was said by the other side that someone is going to get a windfall. No one is getting a windfall. They are going to get those funds anyway. It is an entitlement. But Washington does not always know best.

You heard them say they signed a contract with their eyes wide open. Yes, they signed the agreement, but that was the terms of how you could use the money then, and we are changing the rules now as to how you can use the money.

So is it fair to shaft 22 who have taken the initiative and acted? They can decide how they want to spend that money in the future. If they want to spend it on a safety improvement they made in the past, which we are allowing these 48 others to benefit by, why not?

Come on. As we heard the other side say, this is a matter of principle. Yes, it is a matter of principle. It is a matter of Washington knowing best, Washington dictating to these local governments. And we heard the pleas. We heard the pleas from the small communities. We heard the pleas from the gentleman from Illinois and the tragedy that occurred and the steps that were taken by his communities. We heard the pleas from the gentleman from Arkansas. We heard the pleas from the gentleman from Montana with the fire situation, the need for air traffic control.

Why should these people be penalized in a "gotcha" approach? It is not fair. This is a question of fairness. Pass the legislation as it is currently formulated, and let us vote down, when we get to it, the Oberstar amendment, which is, in fact, a matter of principle.

Mr. BARR of Georgia. Mr. Chairman, I rise today in support of H.R. 1979, the "Airport Safety, Security, and Air Service Improvement Act."

Supporting this legislation should be intuitive to anyone who cares the slightest bit about air safety. General aviation makes up an ever-growing percentage of all flight travel, and it relies heavily on small airports. It is vital these smaller airports are safe and useable, in order for them to help relieve the heavy workload of the larger airports, including Hartsfield International in Atlanta. It is imperative as much of the general aviation as possible be able to use alternate airports.

In order to ensure these smaller airports are safe and operable, they depend on Airport Improvement Program (AIP) grants. The intent of

the AIP grants is to assist small airports with safety-related projects that support aircraft operations, such as runways and taxiways. As what can only be described as an oversight, AIP funds are currently prohibited from being used to build control towers. Obviously, a control tower is equipment that is necessary to ensure safe operating conditions.

This legislation merely allows these small airports to utilize the AIP money already appropriated, to also construct control towers. It does not cost anything more to the taxpayers, and mandates nothing to the airports. It simply gives them more flexibility to use the money as they see fit. This should be anything but controversial.

However, apparently some of our friends on the other side of the aisle seem to have problems with this bill, apparently concluding that although airports should be able to use AIP funding to construct new towers, they want to prevent airports which have recently constructed or modified a control tower for safety reasons, from utilizing these funds retroactively via reimbursement.

I ask my colleagues on the other side of the aisle, if these towers are necessary safety measures now, were they not necessary a month ago? A year ago? Gwinnett County, GA, believed it necessary to update its control tower at Briscoe Field recently. Opponents of this provision today would argue Gwinnett County should not be reimbursed for its expenditure. Apparently, they feel having operational control towers was not a safety concern before today, but suddenly and magically now it is. The work was done at Briscoe Field because it was vital to the safety interests of air-traffic in North Georgia. Briscoe, and the other twenty-five airports across the country which have done likewise, should be able to use AIP money for their tower projects.

I urge you to vote "no" on any amendment eliminating the reimbursement provision of this bill and to vote "aye" on H.R. 1979.

Mrs. CUBIN. Mr. Chairman, I rise today in support of the Small Airport Safety, Security, and Air Service Improvement Act. Safety and Security, we hear these words a lot now—and we should, we are fighting a war and working to protect the home front. This is a fact that effects all legislation every day. In fact, every appropriations bill we debate this year will be focused on winning the war and providing resources to those defending America. That means some difficult decisions for us in Congress. This bill, however, is not a difficult decision, it's actually quite simple. If common sense prevails and we enact H.R. 1979, we will provide improved flexibility to those airports that receive Airport Improvement Program funds (AIP).

I'm one who believes in local control and flexibility. Every time Congress has embraced that concept we have seen a success story. In this case, H.R. 1979 says that in addition to other AIP-approved projects, AIP funds can now be used for a control tower. It seems pretty simple to me, we're giving the airports AIP money based on a formula anyway, so why not let them use the money in the manner that best serves their needs? But some have expressed concern that airports can't be trusted to spend their money properly. Some must believe that landing a plane safely isn't an important component of airport operation. However, I can assure all of those who oppose this bill that the funds will be used properly, and spent on airport safety priorities.

Actually, the real sticking point on H.R. 1979 is the retroactive provision. As drafted, this bill will allow airports that have built a tower since 1996 to be reimbursed for those funds up to about one million dollars. That seems like a lot of money to folks in Wyoming, but in the scope of the AIP budget, it's by no means out of line. In fact it recognizes that there are proactive airports that have built a tower to increase the safety of local aviation. This provision will ensure that leaders in aviation safety will not be penalized for their investment in airport infrastructure.

Now some will say we can't afford this, or that it will take away from other priorities. I can't disagree more. AIP funds are determined using a formula, and we are not debating that allocation. We are simply considering what other uses will be allowable uses of AIP funds for improving the safety of an airport.

This debate should be about local control, not Congressional control. It reminds me a little about the class size debate in the Education bill. So many people wanted to designate funds for class size reduction, but not allow any flexibility for those funds if a school already has small classes. Shouldn't those schools be allowed to build important facilities if they have met the class size standard? We have small classes in Wyoming, we also have airports that plan properly and that can be trusted to use their AIP funds appropriately. I encourage passage of the bill as drafted, and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Small Airport Safety, Security, and Air Service Improvement Act of 2002".*

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. MICA. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

#### SEC. 2. INCLUSION OF TOWERS IN AIRPORT DEVELOPMENT.

*Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:*

*"(M) constructing an air traffic control tower or acquiring and installing air traffic control,*

*communications, and related equipment at an air traffic control tower under the terms specified in section 47124(b)(4)."*

#### SEC. 3. CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.

*(a) IN GENERAL.—Section 47124(b)(4) of title 49, United States Code, is amended to read as follows:*

*"(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—*

*"(A) GRANTS.—The Secretary may provide grants to a sponsor of—*

*"(i) a primary airport—*

*"(I) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;*

*"(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and*

*"(III) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996; and*

*"(ii) a public-use airport that is not a primary airport—*

*"(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;*

*"(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and*

*"(III) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996.*

*"(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—*

*"(i) the sponsor is a participant in the Federal Aviation Administration contract tower program established under subsection (a) and continued under paragraph (I) or the pilot program established under paragraph (3); or*

*"(ii) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;*

*"(ii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;*

*"(iii) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Administration's cost of the contract to operate the tower to be constructed under this paragraph;*

*"(iv) the sponsor certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and*

*"(v) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—*

*"(I) the Federal Aviation Administration has consulted the State within the borders of which*

*the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and*

*"(II) the selection of the tower for funding is based on objective criteria, giving no weight to any congressional committee report, joint explanatory statement of a conference committee, or statutory designation.*

*"(C) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of construction of a nonapproach control tower under this paragraph may not exceed \$1,100,000."*

*(b) CONFORMING AMENDMENTS.—Section 47124(b) of such title is amended—*

*(1) in paragraph (3)(A) by striking "Level I air traffic control towers, as defined by the Secretary," and inserting "nonapproach control towers, as defined by the Secretary,"; and*

*(2) in paragraph (3)(E) by striking "Subject to paragraph (4)(D), of" and inserting "Of".*

*(c) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, the 2 towers for which assistance is being provided on the day before the date of enactment of this Act under section 47124(b)(4) of title 49, United States Code, as in effect on such day, may continue to be provided such assistance under the terms of such section.*

#### SEC. 4. NONAPPROACH CONTROL TOWERS.

*(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a lease agreement or contract agreement with a private entity to provide for construction and operation of a nonapproach control tower as defined by the Secretary of Transportation.*

*(b) TERMS AND CONDITIONS.—An agreement entered into under this section—*

*(1) shall be negotiated under such procedures as the Administrator considers necessary to ensure the integrity of the selection process, the safety of air travel, and to protect the interests of the United States;*

*(2) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general-purpose space in a facility covered by the agreement;*

*(3) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of the agreement;*

*(4) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;*

*(5) shall provide that the United States will not be liable for any action, debt, or liability of any entity created by the agreement;*

*(6) shall provide that the private entity may not execute any instrument or document creating or evidencing any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and*

*(7) shall include such other terms and conditions as the Administrator considers appropriate.*

AMENDMENT OFFERED BY MR. OBERSTAR

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

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR:

Page 3, strike line 3 and all that follows through line 13 on page 5 and insert the following:

*"(A) GRANTS.—The Secretary may provide grants to a sponsor of—*

*"(i) a primary airport from amounts made available under sections 47114(c)(1) and 47114(c)(2); and*

*"(ii) a public-use airport that is not a primary airport from amounts made available under sections 47114(c)(2) and 47114(d),*

*for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower.*



Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes on his amendment.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to be an accorded an additional 5 minutes.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I listened again with great attention to the distinguished chairman of the subcommittee, who made a very compassionate, or passionate, argument, compassionate for those 20 airports who are going to be windfall beneficiaries.

This idea that airports that built the contract towers are rewarded for thinking ahead by this amendment is just not right.

I heard another appeal to common sense, but is it common sense to vitiate common law? Common law says you made an agreement, which is a contract. Live by it. That is all we are saying.

They built the tower. They received an enormous benefit from the FAA to the tune of an average \$350,000 a year in air traffic control services provided by the FAA at that tower. Other airports did not take a flying leap and build a tower and then hope that someday in the future, some future Congress would come back and benefit them.

In addition, while these towers may have been indeed built for safety purposes, they were all built with the very clear purpose of economic benefits for the communities. They need not be double-imburged by having the ability to be compensated for something they did at a time when they knew they would not be compensated for it.

These are scarce dollars, AIP dollars, very limited amounts of money. They have to be very carefully managed. We criticize the FAA when they badly manage those dollars, and we ought not to engage in further mismanagement on this House floor by allowing the reach-back provision to cover the cost of towers previously built under terms and conditions that, in many cases, do not comply with the benefit-cost analysis required by FAA rules of contract towers.

The gentleman from Illinois (Mr. LIPINSKI) has already said the 26 airports to be covered by this provision have already requested funds totaling in excess of \$252 million in Federal funding for future AIP-eligible projects under the NIPIAS. They have requested \$6.3 million for security projects, access control, fencing, vehicles, infrared

cameras, closed circuit monitors, blast analyses, berm construction, safety enhancements for lighting, deicing, snow removal and weather reporting, and capacity projects such as runway extensions, taxiways, apron extensions, cargo and general aviation taxiways.

□ 1345

These airports get \$150,000 a year under the AIR-21 legislation we passed just 2 years ago, and I supported initiating the idea of special funding for smaller airports in our era of hub-and-spoke aviation systems. In the contract to our program, and remember, that was started in the aftermath of the air traffic controller strike in 1981 when there was a need to increase safety in the system, the contract tower program provides for air traffic control services only. Tower construction is outside the scope of the program for those who participate who did not have approval from the FAA. Once they are accepted into the contract tower program, those airports signed a contract airport traffic control tower operating agreement that says specifically, "In consideration of air traffic control service being provided to the airport sponsored by the government, the airport sponsor agrees to the following terms and conditions at no cost to the government. The airport sponsor shall provide an air traffic control tower structure meeting all applicable State and local standards."

How can it be more clear than that? They signed an agreement, eyes wide open, knowing full well that they had to meet this cost. Now they are going to come back and say, oh, we did not mean that. We throw contract law right out the window. We throw agreements right out the window.

I am offended by this idea that we ought to scatter these dollars around and just make whole those airports who signed an agreement, knew what they were getting into, who received significant benefits since they built those towers. Mr. Chairman, \$350,000 a year on average for air traffic control services, and now we want to double benefit them.

Furthermore, the bill before us does not require the airport to use the reimbursement fund to fund AIP-eligible projects; it would be somewhat tolerable if we were limited in that respect, but only requires the airport to show that it complied with Davis-Bacon, Small Business and Veterans Preference, but not the other statutory requirements, the National Environmental Policy Act, for example. Well, I just do not understand how it can be considered to be a burden and a penalty to ask an airport to live up to the terms of an agreement it entered into voluntarily, an agreement through which it got the Federal funding for the cost of operating the tower.

If this bill should pass with this provision in it, I will be watching very carefully in the future to see how many other circumstances there will be,

reach-back provisions, and let us exonerate this interest from that requirement. I will be very interested to see if the gentleman from Mississippi is going to be the first one to step up to the plate and offer additional funding in the transportation appropriations bill to cover additional costs that are going to be incurred by these small airports in the future. They are going to need additional money. They are going to soak up this \$30 million to pay for something they already built; and then they are going to come back and say, but we are out-of-pocket and we need money for security and safety and capacity enhancements.

Where is that money going to come from? Well, I hope it does not come out of the AIP program or the F&E account or the operational account or any other accounts, because they are all limited; and that is the point. We do not have infinite dollars in the aviation trust fund.

Mr. Chairman, let me repeat. These entitlement dollars come from the aviation trust fund contributed by all users. They are not coming from a passenger facility charge that the airport has imposed. If they wanted to impose a passenger facility charge, that is their dollars; they can use it as they see fit. I supported it. I initiated that legislation in 1990. This is different. These are different funds.

There are substantial economic benefits that flow to a city from an airport with a control tower. Safety is one of them, but significant economic benefits. We are just coming here and saying, although you did not qualify, although you did not meet the eligibility requirements, we are still going to reimburse you for having gone ahead and, with your eyes wide open, signed an agreement that you would build this tower at your expense for the FAA to operate that tower.

Now, there could be an argument, although I have not heard it yet from our chairman, that in the 1996 legislation we provided funding for reimbursement of non-AIP-eligible projects. However, in the 1996 bill, that was prospective, not retroactive. That is the difference, and that is the consistency with Federal law that I was expecting and arguing for in this legislation. We do not have that consistency. And the chairman is going to have a hard time, Mr. Chairman, reconciling this action with any future FAA legislation that wants to deviate from historic precedent and practice.

The basic underlying bill is prospective, and that is appropriate. What is not appropriate is to compensate airports for something that they agreed to build, for costs they agreed to incur, and in return for which they have received significant benefits.

Mr. Chairman, this amendment should be passed. We should delete this provision of the bill.

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

Mr. Chairman, again, I must speak in opposition to the amendment offered



by the distinguished gentleman from Minnesota (Mr. OBERSTAR). We have worked long and hard on the Committee on Transportation and Infrastructure and the Subcommittee on Aviation to achieve a bipartisan agreement on this legislation. I think for the most part we have succeeded. However, on this reimbursement issue, we just do not see eye to eye.

I disagree with the underlying premise of the amendment proposed here that for some reason the reimbursement for control tower construction is bad. Our current law allows reimbursement for airport terminal construction. Control towers are certainly at least as important as the terminal buildings. Control towers provide, I believe, one of the most important safety benefits. Airports that have taken the initiative to build them on their own should, in fact, be rewarded. We changed the law in 1996 to be prospective. We made some changes at that point. I am asking that we change the law now as we changed the law on the payment eligibility to be retrospective to the 1996 law.

The airports that would be adversely affected by this amendment are relatively small airports. Spending approximately \$1 million to build and equip a control tower is a significant burden on them.

Although they may not have had a legal right to reimbursement at the time they built the towers, and that was the rule at that point, and we are changing the rules and the law at this point, many were hopeful that when Congress saw fit to make tower construction eligible for these grants, and, again, they have eligibility to use this entitlement money however they wish, that in fact the Congress would help those who have taken the initiative to act.

I have letters from at least five airports that say that they were hoping for such a reimbursement at the time that they built their towers; and, in fact, we know that we do them an injustice if we pass this Oberstar amendment.

It is also important to note that the airports can only use AIP entitlements for reimbursement.

Now, it does not say that they shall be reimbursed. There is no language in here that says they shall be reimbursed or they shall take their \$30 million, which may be the amount that that group is entitled to over future years. It is "may," that they "may." It gives them the option. We have opened the option of having towers as being eligible, construction being eligible for payment. All this is saying is that they may use some of the money that they are getting anyway in a discretionary fashion. It does not say that they shall. So we have a bogus argument that \$30 million is going to somehow be sucked out of this fund.

This is money that the airport has a right to as a matter of law and entitlement. How they use that money should

be a part of local control and local decision. Again, that is a fundamental difference. This is a debate about principle. A principle that Washington knows best, one-size-fits-all, we tell you. Now, we may change the rules, but we got you, because you are not going to be eligible, and we shaft some 20 to 22 airports who have already taken the initiative to build their towers.

Since this is money that the airport would get in any event, allowing them to use it for reimbursement does not increase the Federal deficit or Federal commitment, financial commitment in any way, nor does it take away from capacity or safety-enhancing projects at any other airports, or even at that airport. They will make the decision on what improvements they want to make in what order, and we give them the ability, but they may. Again an option, we give them an option.

Security here and the misuse of these funds by local officials is used purely as a red herring in this debate. The Congress has not decided how we are going to fund transportation safety improvements. Right now there is a supplemental that has not been decided on how we are going to fund security improvements, so I do not buy that argument.

Mr. Chairman, I oppose the Oberstar amendment, and I ask for its defeat.

Mr. HOLDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to offer my support for the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Chairman, today we are considering what is essentially a good bill, with the exception of one bad provision. Tucked into this bill is a provision that takes approximately \$30 million of funding currently available to enhance airport security and uses these funds to reimburse airports for air traffic control towers previously built. These towers were constructed at some of the smallest airports in the Nation under an express agreement that the Federal Government would pay the cost of staffing the tower, but not the construction costs. The Oberstar amendment would eliminate the provision for retroactive reimbursement and keep the funds available for new airport projects to enhance safety and security.

I would like to emphasize that I am not opposed to H.R. 1979 insofar as it authorizes the use of Federal funds to support the building of new towers. I had hoped that my objections to the retroactive reimbursement provisions could have been resolved in the subcommittee or full committee markup of this legislation. Unfortunately, they were not, and we find ourselves in the rare situation of amending a bill from the Committee on Transportation and Infrastructure on the floor.

What I oppose, Mr. Chairman, is the use of airport capital funds to pay for

towers already built. Under the bill, an airport is only required to demonstrate that it has complied with Davis-Bacon, Small Business, and Veteran Preference requirements, but not the rest of the statutory and administrative requirements governing airport improvement program projects. This means that contract towers constructed prior to the enactment of this bill would be reimbursed with AIP funds, but subject to different and lower standards than all other AIP projects, including new contract towers built pursuant to the reported bill.

□ 1400

Perhaps the most important reason to oppose the retroactive reimbursement provision is that it sets a bad precedent as we head toward Federal Aviation Administration reauthorization next year.

In reauthorization, we will consider new eligibilities for the AIP program. By setting a precedent for retroactive reimbursement, we run the risk of encumbering the AIP program in future years with reimbursements for work that has already been completed.

Now more than ever we need to focus on the task in front of us: addressing the aviation safety and security needs of the post-September 11 world. So once again, Mr. Chairman, this is a good bill with one bad provision in it. The Oberstar amendment will fix that. I strongly urge its adoption.

Mr. REHBERG. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment. Mr. Chairman, when I listened to the sponsor of the amendment talk about benefits, tremendous benefits, significant benefits, benefit benefits, I did not count them all. The only real benefit here is safety.

These people in places like Kalispell, Montana, made the determination that they wanted to do something about the organized mayhem that was created by the Forest Service and their forest fire adding, doubling, the number of airplanes, tankers, helicopters, in the air per day for months on end.

I do not know how many pilots are on the floor today, but I can tell the Members that pilots sometimes need help. They certainly need help when the number of traffic count in one day doubles because of a forest fire. Now, couple that with smoke and mountains and activity, and when I talk about organized mayhem, sometimes the people in the tower are the only safety valve for those people.

So what is the benefit here? The benefit is to save lives. Is that not what this Congress is all about? Is this, the bill of the gentleman from Mississippi (Mr. WICKER) that we are talking about, creating the safety? No. The safety is created by the individuals in the communities that make a determination that they have a need.

Now, the logic is lost on me that somehow the airports that did not

build their towers did not need it or are somehow at a loss for this. No, they made the determination that for safety reasons they did not need to have a tower, but our airport did make that determination. So rather than punish our communities for doing that, we ought to reward them.

The \$30 million figure, again, I will give an example of why that is not true. I am the only Congressman in this body who has two of those airports in their district, Bozeman, Montana, and Kalispell, Montana. Kalispell, Montana, will ask for a reimbursement from their account. It is their money into the future. They have made that a top priority. Bozeman, Montana, will not. They have announced that they have made the prioritization, and they have the ability under their taxpayer funding in their local community to withstand that cost, and they will do that. They will not ask for a reimbursement. So it is not \$30 million, it must be something less, because Bozeman, Montana, is not coming in for the money.

So I thank the gentleman from Florida (Chairman MICA) for specifically pointing out the difference between "may" and "shall," because in our particular case, it is "may."

So I ask the Members, my friends in the legislative body, to please oppose this amendment. It does not make sense. It is one-size-fits-all, and that is the wrongheadedness that so often occurs in the United States Congress.

We need the flexibility. We need to understand it is not about money, it is about safety and saving lives. Let us reward the airports for having done the right thing. I hope Members will kill this amendment and support the Wick-er bill.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a Republican mentioned earlier that perhaps these issues should have been dealt with in the reauthorization of the Aviation Trust Fund next year. Those probably were some of the wisest words that we have had on the floor here today. We should not be dealing with these aviation issues in such a piecemeal fashion.

Everybody agrees that we have a solemn, sacred contract signed by the local airport authority and the FAA. Now we have the Federal Government, the big, bad Federal Government, stepping in and breaking that contract between the FAA and the local airport authority.

It has been mentioned that safety will be compromised unless the Oberstar amendment is defeated. These towers have already been built for safety purposes. This amendment has nothing to do in reality with the safety at those particular airports, because those airports have already got their towers up. They have already got their air traffic controllers in place.

I want to get back to the point, the fact that there is a \$250 million request

for future safety and security needs at these airports. I asked the question, where is that money going to come from to finance those safety and security needs when, because of the retroactivity in this bill, the vast majority, if not all, of these airports are going to be utilizing their \$150,000 a year to pay for these towers that have already been built, that they knew were not going to be reimbursed for?

It seems to me if we are going to be fair to the entire aviation system that we have in place in this Nation, and we are going to be fair to all these small airports, we have to support the Oberstar amendment.

This bill, even though it should have been put off until the Aviation Trust Fund next year, would not be a controversial bill, other than the fact that we are doing something that is almost unprecedented; that is, the retroactivity of this bill.

So I say to Members, if they want to be fair to everybody, support the Oberstar amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to encourage my fellow Members to reward and encourage airports to do the right thing for the safety of the traveling public by voting against this amendment offered by my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Chairman, much of the country is not served by mega-airports like LaGuardia or O'Hare. Most of it is served by smaller, community-based airports. Under provisions of the Small Airport Safety, Security, and Air Service Improvement Act of 2002, which was marked up and favorably reported by the Committee on Transportation and Infrastructure with my support this last April, small airports participating in the FAA's contract tower program, like the Anoka Airport in my home State of Minnesota, could seek reimbursement for the cost of contracting and constructing air traffic control towers.

Smaller airports, like the Anoka Airport, which is a critical part of the Minnesota commercial air system, often act as links for smaller communities to larger cities. Often these airports serve as a vital role for reliever airports, taking pressure off the often jam-packed big-city airports.

I rise in opposition to the amendment offered because it would penalize these airports for having the foresight to build an FAA contract tower. This could cost taxpayers in the communities like Anoka if this was passed. These airports took it upon themselves to act to safeguard the flying public by building a tower. They should be rewarded and not punished for being proactive. We should encourage and reward airports for proactively acting on safety.

Mr. Chairman, I urge all of my colleagues to do the right thing and to

support and encourage proactive actions for safer air travel, and vote against this amendment.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman's comments and his advocacy for Anoka County Airport. Anoka County used to be in the Eighth Congressional District some 20 years ago. Even after it was taken out of my district, I worked closely with the county and the airport authority to secure the funds to operate the air traffic control tower, and made it clear that at the time they did not qualify for funds.

They were willing to build a tower anyway. They knew, they knew that they wanted this tower for a variety of reasons. But it is not right to come back and say, well, now you can be reimbursed. I was deeply involved in that whole situation.

Mr. KENNEDY of Minnesota. Mr. Chairman, I appreciate the gentleman's great efforts for transportation throughout Minnesota, but if they had built that tower in the future, they would be eligible for reimbursement. I do not want to be in a position of penalizing somebody for acting in a proactive manner and moving forward, ahead without that.

I think that if we had the door artificially shut, and now we are opening it for reimbursement, it is not fair to say that because they were proactive, that they are not being reimbursed. It is on that ground that I encourage Members to not support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Oberstar amendment to HR 1979. Since the tragic event of 9/11, we have all focused on the issues of making this country a safer place—especially in regards to our airways. The Small Airport Safety, Security and Air Service Improvement Act is one of many pieces of legislation that will help to make the dream of safe-skies a reality.

However, one provision of the resolution is actually a step in the wrong direction. Although it makes good sense to allow small airports to use AIP funds to fill a funding gap and fund future construction of control towers, making such use of funds retroactive does not make sense. AIP money that has previously been allocated to small airports could be used to upgrade safety and security. This is now our number-one priority. Reimbursing airports for past construction—that they have already done, that they had already budgeted for, that they could already afford—would simply divert 30 million dollars away from new priorities.

Furthermore, all federally funded construction projects are subject to standard statutory and administrative requirements as mandated by Congress. Past projects presumably were able to bypass the Fair Labor Standards Act, the National Environmental Policy

Act, and the National Historic Preservation Act, to name just a few. Allowing reimbursement of airports for tower-construction costs would provide an inappropriate double-windfall.

Therefore, I support the Amendment from the gentleman from Minnesota—to ensure, in the interest of fairness, that all federally funded control towers are subject to the same standards and regulations. More importantly, I support the Oberstar amendment to keep funding concentrated on the efforts of making our skies safer and more secure.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) will be postponed.

#### AMENDMENT OFFERED BY MR. NETHERCUTT

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

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

At the end of the bill, add the following:

#### SEC. 5. USE OF APPORTIONMENTS TO PAY NON-FEDERAL SHARE OF OPERATION COSTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study of the feasibility, costs, and benefits of allowing the sponsor of an airport to use not to exceed 10 percent of amounts apportioned to the sponsor under section 47114 to pay the non-Federal share of the cost of operation of an air traffic control tower under section 47124(b) of title 49, United States Code.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

Mr. NETHERCUTT. Mr. Chairman, I rise in support of my amendment on this bill. I had originally planned to have an amendment introduced that would have given relief and assistance to small airports to use part of their funds, a limitation on their funds that they get under the Airport Improvement Act, for operations of their control towers. Recognizing that control towers are one of the best ways to improve safety in airports, especially in this era of heightened emergency consciousness, I want to make sure that small airports have the same ability to provide security and information and assistance and protection and also at a cost-effective number as big airports.

Every airport that provides scheduled passenger service should have the ability to operate a control tower, but in lieu of that amendment, which I understand, as some questions that have been raised by both staff and Members, and I respect that, and I respect the work that this committee has done and is doing and will be doing on this very important issue, we have proposed the

amendment before the House today which will allow the Department of Transportation an opportunity to study the issue to determine the extent and the depth and the concern that exists out in the real world of small airports having to deal with the costs of operations of towers.

We all know that it needs to be done. Each airport needs to have a tower to make sure that it is providing necessary service to the public and safety to the public. So I think it will do all of us who consider this issue, both the Department of Transportation and others as well as the committees of jurisdiction, to take a look at what the findings will be in the next year of who is affected by this kind of disparity, if you will, high costs for small airports, large airports getting cost assistance.

So what this amendment does is say let us take a look at this. If we at some point provide more assistance to small airports, it will give those airports a chance to have the flexibility to use the airport improvement funds for paying their share of operating costs. That is not what this amendment does. It is just that we are going to take a look at it and see what the extent of the problem is. Recognizing that I think we do respect the freedom of choice and individuality and needs of each airport, each airport authority, to maintain its tower operations, it is critically important that our airports be able to do this.

One airport in my district, the Walla Walla Airport, pays \$41,000, almost \$42,000, to pay for the contract to operate the tower. They get about a million dollars annually in AIP funds, but they cannot use any of that for operations of the tower. So they pay about 16 percent now. Other airports pay a little different figure.

There is a complicated formula, Mr. Chairman, that determines what the allocation is, what the obligation is for each airport, and it is complex, and it is not uniform necessarily as I understand it. So we want to be sure that in the process of providing security and assistance to our airports, that we help the small guys, the little airports like Walla Walla and other similarly situated all across this country so that we are able to provide the security and the operational ability necessary for efficiency and to make sure that the traveling public is protected.

So with that, it is my understanding that both sides have taken a look at this, that there is no objection to the language of our amendment.

□ 1415

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

I thank the gentleman for offering this amendment. It is a bit controversial in that it does establish a new precedent for use of these funds for operations. We are willing to consider the study provision and reporting back. Small airports are under the gun to raise funds to not only build towers,

and this legislation allows them to use part of their AIP money for that purpose, but also to look at the question of using some of those funds again in an unprecedented manner to support operations.

So we have no objection. I believe, however, we are asking the vote be called on this particular amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NETHERCUTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) will be postponed.

The CHAIRMAN pro tempore. Are there further amendments?

#### SEQUENTIAL VOTES IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

An amendment offered by Mr. OBERSTAR and an amendment offered by Mr. NETHERCUTT.

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

#### AMENDMENT OFFERED BY MR. OBERSTAR

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 223, not voting 9, as follows:

[Roll No. 241]

AYES—202

Ackerman	Boyd	Davis (IL)
Allen	Brady (PA)	DeFazio
Andrews	Brown (FL)	DeGette
Baca	Brown (OH)	Delahunt
Baird	Capps	DeLauro
Baldacci	Capuano	Deutsch
Baldwin	Cardin	Dicks
Barcia	Carson (IN)	Dingell
Barrett	Carson (OK)	Doggett
Becerra	Clay	Dooley
Bentsen	Clement	Doyle
Berkley	Clyburn	Edwards
Berman	Condit	Engel
Berry	Conyers	Eshoo
Bishop	Costello	Etheridge
Blagojevich	Coyne	Evans
Blumenauer	Cramer	Farr
Bonior	Crowley	Fattah
Borski	Cummings	Filner
Boswell	Davis (CA)	Ford
Boucher	Davis (FL)	Frank

Frost	Lynch	Rivers	Petri	Shadegg	Thornberry	Bereuter	Fletcher	Lee
Gephardt	Maloney (NY)	Rodriguez	Pitts	Shaw	Thune	Berkley	Foley	Levin
Gonzalez	Markey	Roemer	Platts	Shays	Tiahrt	Berman	Forbes	Lewis (KY)
Gordon	Mascara	Ross	Pombo	Sherwood	Tiberi	Berry	Fossella	Linder
Green (TX)	Matheson	Rothman	Portman	Shimkus	Toomey	Biggert	Frank	Lipinski
Gutierrez	Matsui	Roybal-Allard	Pryce (OH)	Shows	Upton	Bilirakis	Frelinghuysen	LoBiondo
Hall (OH)	McCarthy (MO)	Rush	Putnam	Shuster	Vitter	Bishop	Frost	Lowey
Harman	McCarthy (NY)	Sabo	Quinn	Simmons	Walden	Blagojevich	Gallegly	Lucas (KY)
Hefley	McCollum	Sanchez	Radanovich	Simpson	Walsh	Blumenauer	Ganske	Lucas (OK)
Hinchey	McDermott	Sanders	Regula	Skeen	Wamp	Blunt	Gekas	Luther
Hinojosa	McGovern	Sandlin	Rehberg	Smith (MI)	Watkins (OK)	Boehlert	Gephardt	Lynch
Hoeffel	McIntyre	Sawyer	Reynolds	Smith (NJ)	Watts (OK)	Boehner	Gibbons	Maloney (NY)
Holden	McKinney	Schakowsky	Riley	Smith (TX)	Weldon (FL)	Bonilla	Gilchrest	Manzullo
Holt	McNulty	Schiff	Rogers (KY)	Souder	Weldon (PA)	Bonior	Gillmor	Markey
Honda	Meehan	Scott	Rogers (MI)	Stearns	Weller	Bono	Gilman	Mascara
Hooley	Meek (FL)	Serrano	Rohrabacher	Stump	Wexler	Boozman	Goode	Matheson
Hoyer	Meeks (NY)	Sherman	Ros-Lehtinen	Sullivan	Whitfield	Borski	Goodlatte	Matsui
Insole	Menendez	Skelton	Royce	Sununu	Wicker	Boswell	Gordon	McCarthy (MO)
Israel	Millender-	Slaughter	Ryan (WI)	Sweeney	Wilson (NM)	Boucher	Goss	McCarthy (NY)
Jackson (IL)	McDonald	Smith (WA)	Ryun (KS)	Tancredo	Wilson (SC)	Boyd	Graham	McCollum
Jackson-Lee	Mink	Snyder	Saxton	Tauzin	Wolf	Brady (PA)	Granger	McCrery
(TX)	Mollohan	Solis	Schaffer	Taylor (MS)	Young (AK)	Brady (TX)	Graves	McDermott
Jefferson	Moore	Spratt	Schrock	Taylor (NC)	Young (FL)	Brown (FL)	Green (TX)	McGovern
John	Moran (VA)	Stark	Sensenbrenner	Terry		Brown (OH)	Green (WI)	McHugh
Johnson, E. B.	Murtha	Stenholm	Sessions	Thomas		Brown (SC)	Greenwood	McIntyre
Jones (OH)	Nadler	Strickland				Bryant	Grucci	McKeon
Kanjorski	Napolitano	Stupak	Collins	Lewis (GA)	Pickering	Burr	Gutierrez	McKinney
Kaptur	Neal	Tanner	Hilliard	McInnis	Roukema	Burton	Gutknecht	McNulty
Kennedy (RI)	Oberstar	Tauscher	Houghton	Miller, George	Trafficant	Buyer	Hall (OH)	Meehan
Kildee	Obey	Thompson (CA)				Callahan	Hall (TX)	Meek (FL)
Kilpatrick	Oliver	Thompson (MS)				Calvert	Hansen	Meeks (NY)
Kind (WI)	Ortiz	Thurman				Camp	Harman	Menendez
Klecza	Owens	Tierney				Cannon	Hart	Mica
Kucinich	Pallone	Towns				Cantor	Hastings (FL)	Millender-
LaFalce	Pascarell	Turner				Capito	Hastings (WA)	McDonald
Lampson	Pastor	Udall (CO)				Capps	Hayes	Miller, Dan
Langevin	Paul	Udall (NM)				Capuano	Hayworth	Miller, Gary
Lantos	Payne	Velazquez				Cardin	Hefley	Miller, Jeff
Larsen (WA)	Pelosi	Visclosky				Carson (IN)	Herger	Mink
Larson (CT)	Peterson (MN)	Waters				Castle	Hill	Mollohan
Lee	Phelps	Watson (CA)				Chabot	Hilleary	Moore
Levin	Pomeroy	Watt (NC)				Chambliss	Hinchey	Moran (KS)
Lipinski	Price (NC)	Waxman				Clay	Hinojosa	Moran (VA)
Lofgren	Rahall	Weiner				Clayton	Hobson	Morella
Lowey	Ramstad	Woolsey				Clement	Hoeffel	Murtha
Lucas (KY)	Rangel	Wu				Clyburn	Hoekstra	Myrick
Luther	Reyes	Wynn				Coble	Holden	Nadler

## NOES—223

Abercrombie	Diaz-Balart	Hyde						
Aderholt	Doolittle	Isakson						
Akin	Dreier	Issa						
Armey	Duncan	Istook						
Bachus	Dunn	Jenkins						
Baker	Ehlers	Johnson (CT)						
Ballenger	Ehrlich	Johnson (IL)						
Barr	Emerson	Johnson, Sam						
Bartlett	English	Jones (NC)						
Barton	Everett	Keller						
Bass	Ferguson	Kelly						
Bereuter	Flake	Kennedy (MN)						
Biggert	Fletcher	Kerns						
Bilirakis	Foley	King (NY)						
Blunt	Forbes	Kingston						
Boehlert	Fossella	Kirk						
Boehner	Frelinghuysen	Knollenberg						
Bonilla	Gallegly	Kolbe						
Bono	Ganske	LaHood						
Boozman	Gekas	Latham						
Brady (TX)	Gibbons	LaTourette						
Brown (SC)	Gilchrest	Leach						
Bryant	Gillmor	Lewis (CA)						
Burr	Gilman	Lewis (KY)						
Burton	Goode	Linder						
Buyer	Goodlatte	LoBiondo						
Callahan	Goss	Lucas (OK)						
Calvert	Graham	Maloney (CT)						
Camp	Granger	Manzullo						
Cannon	Graves	McCrery						
Cantor	Green (WI)	McHugh						
Capito	Greenwood	McKeon						
Castle	Grucci	Mica						
Chabot	Gutknecht	Miller, Dan						
Chambliss	Hall (TX)	Miller, Gary						
Clayton	Hansen	Miller, Jeff						
Coble	Hart	Moran (KS)						
Combust	Hastings (FL)	Morella						
Cooksey	Hastings (WA)	Myrick						
Cox	Hayes	Nethercutt						
Crane	Hayworth	Ney						
Crenshaw	Herger	Northup						
Cubin	Hill	Norwood						
Culberson	Hilleary	Nussle						
Cunningham	Hobson	Osborne						
Davis, Jo Ann	Hoekstra	Ose						
Davis, Tom	Horn	Otter						
Deal	Hostettler	Oxley						
DeLay	Hulshof	Pence						
DeMint	Hunter	Peterson (PA)						

## NOT VOTING—9

□ 1440

Mrs. CLAYTON, Mr. TAUZIN, and Mr. WELLER changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PICKERING. Mr. Chairman, on rollcall No. 241. I was unavoidably detained. Had I been present, I would have voted “no.”

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

## AMENDMENT OFFERED BY MR. NETHERCUTT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote on the Nethercutt amendment.

The vote was taken by electronic device, and there were—ayes 415, noes 12, not voting 7, as follows:

[Roll No. 242]

## AYES—415

Abercrombie	Bachus	Barr			
Ackerman	Baldr	Barrett			
Aderholt	Baker	Bartlett			
Akin	Baldacci	Barton			
Andrews	Baldwin	Bass			
Armey	Ballenger	Becerra			
Baca	Barcia	Bentsen			

Ross	Slaughter	Toomey
Rothman	Smith (MI)	Towns
Roybal-Allard	Smith (NJ)	Turner
Royce	Smith (TX)	Udall (CO)
Rush	Smith (WA)	Udall (NM)
Ryan (WI)	Snyder	Upton
Ryun (KS)	Solis	Velazquez
Sabo	Souder	Visclosky
Sanchez	Spratt	Vitter
Sanders	Stearns	Walden
Sandlin	Stenholm	Walsh
Sawyer	Strickland	Wamp
Saxton	Stump	Waters
Schaffer	Stupak	Watkins (OK)
Schakowsky	Sullivan	Watson (CA)
Schiff	Sununu	Watt (NC)
Schrock	Sweeney	Watts (OK)
Scott	Tancredo	Waxman
Sensenbrenner	Tanner	Weiner
Serrano	Tauscher	Weldon (FL)
Sessions	Tauzin	Weldon (PA)
Shadegg	Taylor (MS)	Weller
Shaw	Taylor (NC)	Wexler
Shays	Terry	Whitfield
Sherman	Thomas	Wicker
Sherwood	Thompson (CA)	Wilson (NM)
Shimkus	Thompson (MS)	Wilson (SC)
Shows	Thornberry	Wolf
Shuster	Thune	Woolsey
Simmons	Thurman	Wu
Simpson	Tiahrt	Wynn
Skeen	Tiberi	Young (AK)
Skelton	Tierney	Young (FL)

## NOES—12

Allen	Ford	Lofgren
Carson (OK)	Gonzalez	Maloney (CT)
Costello	John	Roemer
Davis (FL)	Johnson, Sam	Stark

## NOT VOTING—7

Hilliard	McInnis	Trafficant
Lewis (CA)	Miller, George	
Lewis (GA)	Roukema	

□ 1450

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAN MILLER of Florida) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1979) to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, pursuant to House Resolution 447, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 284, nays 143, not voting 7, as follows:

[Roll No. 243]

## YEAS—284

Abercrombie	Evans	Linder
Aderholt	Everett	LoBiondo
Akin	Ferguson	Lucas (KY)
Armey	Flake	Lucas (OK)
Baca	Fletcher	Luther
Bachus	Foley	Maloney (CT)
Baker	Forbes	Manzullo
Ballenger	Fossella	Mascara
Barcia	Frank	McCrery
Barr	Frelinghuysen	McDermott
Barrett	Gallegly	McHugh
Bartlett	Ganske	McIntyre
Barton	Gekas	McKeon
Bass	Gibbons	McKinney
Bereuter	Gilchrest	Mica
Berry	Gillmor	Miller, Dan
Biggert	Gilman	Miller, Gary
Bilirakis	Goode	Miller, Jeff
Bishop	Goodlatte	Mink
Blagojevich	Goss	Mollohan
Blumenauer	Graham	Moore
Blunt	Granger	Moran (KS)
Boehkert	Graves	Morella
Boehner	Green (WI)	Murtha
Bonilla	Greenwood	Myrick
Bono	Grucci	Nethercutt
Boozman	Gutknecht	Ney
Brady (TX)	Hall (OH)	Northup
Brown (SC)	Hall (TX)	Norwood
Bryant	Hansen	Nussle
Burr	Hart	Obey
Burton	Hastings (FL)	Osborne
Buyer	Hastings (WA)	Ose
Callahan	Hayes	Otter
Calvert	Hayworth	Oxley
Camp	Hefley	Pence
Cannon	Herger	Peterson (PA)
Cantor	Hill	Petri
Capito	Hilleary	Pickering
Capps	Hobson	Pitts
Cardin	Hoekstra	Platts
Castle	Holden	Pombo
Chabot	Hooley	Pomeroy
Chambliss	Horn	Portman
Clayton	Hostettler	Pryce (OH)
Coble	Houghton	Putnam
Collins	Hoyer	Quinn
Combest	Hulshof	Radanovich
Condit	Hunter	Ramstad
Cooksey	Hyde	Regula
Cox	Isakson	Rehberg
Crane	Israel	Reynolds
Crenshaw	Issa	Riley
Cubin	Istook	Roemer
Culberson	Jenkins	Rogers (KY)
Cummings	John	Rogers (MI)
Cunningham	Johnson (CT)	Rohrabacher
Davis, Jo Ann	Johnson (IL)	Ros-Lehtinen
Davis, Tom	Johnson, Sam	Ross
Deal	Jones (NC)	Royce
DeFazio	Jones (OH)	Ryan (WI)
DeLay	Kanjorski	Ryun (KS)
DeMint	Keller	Sabo
Deutsch	Kelly	Saxton
Diaz-Balart	Kennedy (MN)	Schaffer
Dicks	Kerns	Schrock
Doggett	King (NY)	Sensenbrenner
Dooley	Kingston	Sessions
Doolittle	Kirk	Shadegg
Doyle	Klecza	Shaw
Dreier	Knollenberg	Shays
Duncan	Kolbe	Sherwood
Dunn	LaHood	Shimkus
Ehlers	Latham	Shows
Ehrlich	LaTourette	Shuster
Emerson	Leach	Simmons
English	Lewis (CA)	Simpson
Etheridge	Lewis (KY)	Skeen

Skelton	Taylor (MS)	Wamp
Slaughter	Taylor (NC)	Watkins (OK)
Smith (MI)	Terry	Watts (OK)
Smith (NJ)	Thomas	Weldon (FL)
Smith (TX)	Thompson (CA)	Weldon (PA)
Smith (WA)	Thompson (MS)	Weller
Snyder	Thornberry	Wexler
Stearns	Thune	Whitfield
Stenholm	Tiahrt	Wicker
Strickland	Tiberi	Wilson (NM)
Stump	Toomey	Wilson (SC)
Stupak	Turner	Wolf
Sullivan	Udall (CO)	Wu
Sununu	Upton	Wynn
Sweeney	Vitter	Young (AK)
Tancredo	Walden	Young (FL)
Tauzin	Walsh	

## NAYS—143

Ackerman	Harman	Neal
Allen	Hinchey	Oberstar
Andrews	Hinojosa	Oliver
Baird	Hoefel	Ortiz
Baldacci	Holt	Owens
Baldwin	Honda	Pallone
Becerra	Inslee	Pascarell
Bentsen	Jackson (IL)	Pastor
Berkley	Jackson-Lee	Paul
Berman	(TX)	Payne
Bonior	Jefferson	Pelosi
Borski	Johnson, E. B.	Peterson (MN)
Boswell	Kaptur	Phelps
Boucher	Kennedy (RI)	Price (NC)
Boyd	Kildee	Rahall
Brady (PA)	Kilpatrick	Rangel
Brown (FL)	Kind (WI)	Reyes
Brown (OH)	Kucinich	Rivers
Capuano	LaFalce	Rodriguez
Carson (IN)	Lampson	Rothman
Carson (OK)	Langevin	Roybal-Allard
Clay	Lantos	Sanchez
Clement	Larsen (WA)	Sanders
Clyburn	Larson (CT)	Sandlin
Conyers	Lee	Sawyer
Costello	Levin	Schakowsky
Coyne	Lipinski	Schiff
Cramer	Lofgren	Scott
Crowley	Lowey	Serrano
Davis (CA)	Lynch	Sherman
Davis (FL)	Maloney (NY)	Solis
Davis (IL)	Markey	Spratt
DeGette	Matheson	Stark
Delahunt	Matsui	Tanner
DeLauro	McCarthy (MO)	Tauscher
Dingell	McCarthy (NY)	Thurman
Edwards	McCollum	Tierney
Engel	McGovern	Towns
Eshoo	McNulty	Udall (NM)
Farr	Meehan	Velazquez
Fattah	Meek (FL)	Visclosky
Filner	Meeks (NY)	Waters
Ford	Menendez	Watson (CA)
Frost	Millender-	Watt (NC)
Gephardt	McDonald	Waxman
Gonzalez	Miller, George	Weiner
Gordon	Moran (VA)	Woolsey
Green (TX)	Nadler	
Gutierrez	Napolitano	

## NOT VOTING—7

Hilliard	Roukema	Trafficant
Lewis (GA)	Rush	
McInnis	Souder	

□ 1515

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1979, the bill just passed.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Is there objection to the request of the gentleman from Florida?

There was no objection.

### AFFORDABLE PRESCRIPTION DRUG PLAN

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

Ms. MILLENDER-McDONALD. Mr. Speaker, with 12 million seniors without prescription drugs, it is time for this House to address the issues that are so critical to seniors.

Mr. Speaker, I want to speak out on behalf of seniors who are in need of comprehensive prescription drug coverage. Right now many seniors are forced to choose between buying food or purchasing necessary prescription drugs to sustain their health.

The Democratic proposal will help all seniors by expanding Medicare to offer a prescription drug benefit that is universal, affordable, dependable, and voluntary. We do not and we cannot do less than to offer elderly women and men access to adequate health care that they can afford and easily be accessible.

Our Republican colleagues are offering a plan that gives no real benefits or assistance to those who need quality prescription drug coverage. Their plan would cover less than one-quarter of Medicare beneficiaries and the cost over the next 10 years. Their plan would leave almost half of all of our seniors with no drug coverage. Remember what I said, 12 million without drug coverage whatsoever.

We need to now give what is needed to seniors, Mr. Speaker. We can ill afford to wait any longer. We cannot advance this position any further. We must give our seniors the necessary prescription drug coverage.

In contrast, the House Democratic plan will add a new Part D in Medicare that offers voluntary prescription drug coverage for all Medicare beneficiaries starting in 2005. The Democratic plan will help women and all seniors by offering: \$25 monthly premiums; \$100 annual deductibles; Co-insurance where beneficiaries pay 20 percent and Medicare pays 80 percent; \$2,000 out-of-pocket limit per beneficiary per year.

Low-income beneficiaries with incomes up to 150 percent of the poverty rate will pay no premiums or share costs.

Beneficiaries with income ranging from 150 to 175 percent of the poverty level will receive assistance with the Part D Medicare premium on a sliding scale.

The average senior has an income of about \$15,000 per year and so needs an affordable benefit.

Seniors need catastrophic coverage. That is where Medicare pays all prescription costs after the beneficiary has spent a specific amount of money out of their own pockets.

The House plan would pay all drug costs after the beneficiary spends \$2,000. By contrast, the Republican proposal would cost women up to \$3,800 per year.

The President's budget offers only \$190 billion over the next 10 years for Medicare reform including prescription drugs. Further, only \$77 billion of this funding is earmarked for prescription drug coverage to the States to implement a low-income state-based drug plan.

Under the Democratic plan, there would be no gaps in coverage, while the Republican plan will force beneficiaries in need of more than \$2,000 worth of drugs to pay 100 percent of their out-of-pocket costs, and make them continue paying premiums until they reach their \$3,800 cap.

Any willing pharmacy must be included in the network according to the Democratic plan, but private plans can limit which pharmacies participate in their network under the Republican plan.

Beneficiaries would have coverage for any drug their doctor prescribes as included in the Democratic plan, yet with the Republican plan, private insurers can create strict formularies and deny any coverage for drugs not listed in the formulary.

Women and seniors must have a prescription drug benefit that is guaranteed by the government as part of Medicare. Private insurance companies cannot be accountable for offering their own plans to people in need.

The Health Insurance Association of America, the private insurance industry's association, has said they will not offer drug-only insurance because they will lose money. Seniors need a defined benefit so they will know what benefits they are entitled to.

Without offering a minimum benefit, offering a choice to women and seniors won't make sense.

Too many insurance plans will only confuse those in need of coverage. Women are looking for a defined benefit like the one now offered to them by Medicare.

It's time to stop talking about providing for women seniors and actually take action to ensure the quality of their healthcare, and thus their lives overall. If we really care about all women, let's take this opportunity to show our concern by offering prescription drug coverage that will make a difference.

### SPECIAL ORDERS

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

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

(Mr. GEORGE MILLER of California 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 Indiana (Mr. SOUDER) is recognized for 5 minutes.

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

### THE COST OF PRESCRIPTION DRUGS

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

Mr. GUTKNECHT. Mr. Speaker, I rise again to talk about an issue that we

are all painfully aware of and more and more of my colleagues are concerned about, and that we are going to have to deal with here in the next several days in the Congress, and that is the high cost of prescription drugs. I brought with me again this chart, and I would like to show to my colleagues what we are really talking about in terms of the prices that Americans pay relative to people in other parts of the world. These numbers are not my numbers. They were put together by a group called the Life Extension Foundation. I want to point out a couple that I find interesting.

Glucophage, a very commonly prescribed drug for diabetes, one of the most commonly prescribed drugs in the United States. In the United States, a 30-day supply, according to Life Extension Foundation, sells for about \$124.65. That same drug made in the same FDA-approved facility in Europe sells for \$22. \$22. We are not talking about Mexico; we are talking about Europe.

The list goes on and on, and, for example, tomorrow we are going to have a vote, I think, here on the floor of the House about trade, about trade promotion authority. We are going to give our negotiators a little more latitude in negotiating with the Senate. I happen to believe in trade. I believe in free and fair trade.

But this is one area where American consumers could benefit enormously. Our estimates are if we simply opened up markets, allowed American consumers to prescription drugs at world market prices, we could save American consumers upwards of \$60 billion a year; \$60 billion a year. Even here in Washington, that is real money.

What does that mean to the average consumer? For example, my father takes a drug called Coumadin. The United States, the average price is \$64.88. That is a interesting number in itself, because 2½ years ago when we started doing these charts, that price was not \$64.88, it was \$38. In just the last 2½ years, that drug, and nothing has happened, they have had no new FDA approval they have had to go through, as far as we know there has been no litigation, but the price of the drug has gone from \$38 to \$64, and, interestingly enough, in Germany you can buy that drug, the same drug, made in the same plant, for \$15.80.

How long? How long will we hold American consumers hostage? The time has come for Congress to take action. And I am here today not to say, shame on the pharmaceutical industry. They are doing what any capitalistic organization would do, and that is they are exploiting a market opportunity. And are they exploiting it big time.

It is not shame on them, Mr. Speaker, it is shame on the FDA, and it is shame on us for allowing this to go on. And we cannot afford it. We simply cannot afford to continue to subsidize Europe and the Western nations.

I believe that Americans should pay their fair share of the cost of developing these miracle drugs. The pharmaceutical industry has done some wonderful things for us, the American people, and the people of the world, and I think we ought to pay our fair share. But we subsidize those companies in several ways. We subsidize them through the research dollars we spend here in Washington through the NIH. It will be about \$22 billion this year. We represent about 4 percent of the world's population. We represent 44 percent of the basic research dollars being spent, and that research is available to the pharmaceutical companies free of charge.

We subsidize them through the Tax Code. When they do this research, when they invest that money that they say they spend in research, they get to write it off on their tax forms, and in some cases they get a tax credit, so there is no cost to these companies.

Finally, we subsidize them in the prices we pay that are outrageously too high relative to the rest of the world.

No, Mr. Speaker, I think we as Americans ought to pay our fair share, but I am unwilling to continue to subsidize the starving Swiss.

We are going to have a big debate next week about prescription drugs and what we can do about it, and it is time we stepped to the plate and said there is one thing we can do right now with virtually no bureaucracy, with virtually no cost to the taxpayers, that will save American consumers upwards of \$60 billion a year, and that is open the markets.

If you believe in free markets, if you believe in NAFTA and GATT and TPA and all of that, if you really believe in free trade, then open up the markets, allow American consumers, working through their own pharmacists, that is my view, to go to markets, whether it be in Germany or Switzerland or Japan. For any FDA-approved drug in the United States made in an FDA-approved facility, you ought to have access to that no matter where it comes from. I will tell you what is going to happen. You are going to see the prices in the United States go down dramatically, and you will probably see prices in the other parts of the world go up a little but, but that is how markets work.

One of my favorite Presidents was President Ronald Reagan, and he said something so powerful 30 years ago: Markets are more powerful than armies. You cannot hold back markets, and you cannot have a situation where the world's best consumers pay the world's highest prices.

Not shame on the pharmaceutical industry, shame on us. We have a chance next week to do something about it. I hope Members will join me.

#### CONSTITUTIONAL DUTIES OF THE LEGISLATIVE BRANCH

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). 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, I take this opportunity to share with my colleagues concerns that I have with respect to the pursuits that we are now engaged in as relates to the issue of homeland security as well as the responsibilities of this Congress, and the issues that confront us on protecting the homeland and fighting terrorism.

Let me first begin with the understanding of the words from the Constitution of the United States of America. It is well known that the Founding Fathers, who came to this land to establish this Nation on the grounds of seeking relief from persecution, that they wanted a democracy. They wanted to have a Nation that would interact and have exchange between the people and as well the three branches of government. That is why we have the judiciary, the executive, and, of course, the Legislature, which is the Congress.

We do know that the President is perceived and noted to be the Commander-in-Chief, and we respect that. After the terrible tragedy of September 11, we recognize that we must stand united with the President against terrorism.

But let me share with Members in the Constitution the duties of the United States Congress. "The Congress shall have the power to lay and collect taxes, duties, impose excises to pay the debts and provide for the common defense and general welfare of the United States."

In additional language it says, "To establish a uniform role of naturalization and other laws."

I am concerned that this Congress abdicates its responsibilities in this enormous responsibility of dealing with peace, dealing with war and dealing with fighting terrorism.

Just a few days ago, in fact over the weekend, there was a pronouncement that the President of the United States had signed an order of covert action against Saddam Hussein in Iraq. There was no debate, no discussion in the United States Congress, no discussion in the People's House. No one asked the question whether this was the appropriate direction to take this Nation on behalf of our children and the safety of this country.

I would venture to say that we know that there has been no documentation or little evidence of Saddam Hussein's involvement in September 11, but we know that he is a despot, a dictator, that he is doing harm to his people. We also know that he is not allowing the inspections to go on pursuant to the United Nations. But we also recognize that there is no substance there, as much as it was some 10 years ago. So is this a valid use of our resources with-

out the debate of the United States Congress?

Why not prioritize the Mideast and establish peace there. Look at the tragedies that are occurring in the Mideast, the loss of life. Are we going to divert resources to Iraq when we still have a problem in the Mideast and most of the Muslim world will not support us in going to Iraq?

What about alternatives? We already know the CIA has failed in some of the efforts they have made in Iraq. What about alternatives to going in and doing what has been ordered or suggested by the President?

And who will be with us? This is an important question that I think is enormously valuable for us to ask.

As we ask these questions, we can make a considered decision about foreign policy on behalf of the people of the United States. We have just found out that we are going to move swiftly on the Homeland Security Department. I support that, but I raise the question whether we should move swiftly in the body of the House with the committees of the House that have jurisdiction, so that when we formulate the Homeland Security Department, we have the input of representatives from around the Nation.

I am disturbed that the leadership of this House would narrow the initial or the finalizing of homeland security to a nine-person committee, although I respect that committee. I believe it is important that the committees of jurisdiction have intimate responsibilities in dealing with homeland security because we speak for the people of the United States.

So do not narrow it to a committee that is so small. Envision the utilization of the committees of jurisdiction, because there are particular areas of expertise. What should we do with the Immigration and Naturalization Service? We should make sure that we still have a body that allows people to access legalization, to be legal, because this Nation is still a place where people come for refuge and come for opportunity, and we must recognize that every immigrant or immigration does not equate to terrorism.

So when we talk about this Homeland Security Department, which should be open to the expertise of this House, we should not narrow and give up the responsibilities of Congress that are given in the Constitution, and that is, again, to take care of the defense and the general welfare of the people of the United States.

I am concerned, Mr. Speaker, that this Congress is abdicating its responsibilities, and I call upon us to immediately get involved in creating a Homeland Security Department, but as well to ensure that decisions of war are made in this body and not independent of this body.



□ 1530

## WORLD REFUGEE DAY

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under a previous order of the House, the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to commemorate World Refugee Day, which is being celebrated today in the United States and in almost 90 countries around the globe. The theme for this year's World Refugee Day is "Refugee Women," which is very appropriate since almost 80 percent of the refugees worldwide are women and children.

World Refugee Day gives us a chance to reflect upon the almost 50 million uprooted people in the world and to think about what the United States is doing to help alleviate their suffering. In fiscal year 2001, the U.S. welcomed 68,426 refugees to its shores and gave those disparate people the chance to seek a new life. While there are some encouraging aspects to our Nation's refugee policy, there is much more to be concerned about.

An extreme regional inequity exists in our Nation's refugee admissions process regarding African refugees. On November 21, 2001, President Bush authorized the admission of 70,000 refugees into the United States for fiscal year 2002. Yet, as of May 31, 2002, slightly more than 13,800 refugees have been admitted. Of these admitted by the end of May 8, 933 were from the former Soviet Union and Eastern Europe, whereas only 891 refugees were from Africa.

When the Congressional Black Caucus asked the Immigration and Naturalization Service and the State Department in March why so few refugees from Africa had been admitted this fiscal year, they replied that security concerns prevented them from admitting the refugees. Yet if security is a reason for the delay, why is it that almost 1,500 refugees from the Near East and South Asia have been admitted when the region is known to have much more serious security concerns than Africa?

Mr. Speaker, I am asking for an equitable refugee admission process. Worldwide, 28 percent of the refugees are from Africa, and I believe that 28 percent of refugees resettled in the U.S. should be African in origin. But to date, less than 7 percent of the refugees admitted this fiscal year to the United States are from Africa. This imbalance really cannot continue.

What can we do to correct these regional inequities? We can roll over fiscal year 2002 admission numbers into fiscal year 2003 numbers so that a precious chance to rebuild a life does not expire. We can institute direct flights from refugee camps to a facility in the United States so that the refugees can be processed within the U.S., as was done for Kosovo Albanians during the Balkan war at Fort Dix in New Jersey.

We could give preferential treatment to African refugees into very safe settings, as was done for the Montagnards from Vietnam, and we can increase circuit rides so that refugees can be interviewed where they actually live. Mr. Speaker, where there is a will, there is a way.

The statistics that I have cited are useful in understanding the severity of the refugee admissions crisis that is taking place, but they also obscure the fact that we are talking about desperate, suffering people. Each fraction of a percentage point represents a family that has been united and given a new lease on life; each number represents someone who has escaped a hopeless refugee camp or a violent urban detention center.

Each number represents someone like Rose, a refugee from the Democratic Republic of the Congo, who has resettled in Dallas, Texas, the district that I am proud to represent here in Congress. Rose's husband, an ethnic Tutsi, fled the violence and chaos under the former Zaire to Rwanda to escape persecution. At that time, Rose was expecting her second child. As the war and violence of the Great Lakes Region raged around them, Rose and her children were forced to leave. They found temporary refuge in Benin.

In February 2000, Rose and her two children arrived in Dallas. Rose quickly found a job at a photo processing lab that enabled her to support her two children. Although she was self-sufficient, her life was incomplete without her husband. But by working with resettlement agencies, Rose was able to unite her family in March of this year.

Mr. Speaker, the story of Rose from my district has a happy ending, and it demonstrates the hope and opportunity that we can offer if we will.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN of Florida 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 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 New York (Mr. MEEKS) is recognized for 5 minutes.

(Mr. MEEKS of New York 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 Michigan (Mr. CONYERS) is recognized for 5 minutes.

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

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

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

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## CELEBRATING WORLD REFUGEE DAY

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

Mr. PAYNE. Mr. Speaker, today is World Refugee Day. For many years, numerous countries all around the world have set aside a day for remembering the plight of refugees. One of the most widespread is African Refugee Day celebrated June 20 in several African countries.

In 2000, as an expression of solidarity with Africa, a special U.N. General Assembly resolution was passed naming June 20 of every year World Refugee Day.

Some of my colleagues may be thinking, why do we need a day to celebrate refugees? Why? Because today, right now, there are over 21 million refugees worldwide, people displaced by conflict, humanitarian disasters, and crises; men, women, and children whose lives are starkly different from those we lead because they find it very difficult

to meet just basic needs such as food, shelter, and water. Many times, men, women, and children find themselves living in destitute conditions in camps that leave them vulnerable to attack and to disease. There are anywhere from 3 million to 6 million refugees and approximately 10.6 million internally displaced refugees in Africa. More than half of all African refugees have fled from four countries: Sierra Leone, Somalia, Sudan, and Angola. These four countries, along with Eritrea, Burundi and Liberia, each produce over a quarter of a million or more of refugees. The numbers are staggering, too large even to imagine, and difficult to connect to human lives.

So what do we do? What does it mean to be a refugee? Who needs to be resettled?

Let me tell my colleagues the story of one. Jean Pierre Kamwa, a student activist from Cameroon, fled to the United States in 1999 seeking asylum from imprisonment and torture, evils visited upon him because of his activism, ethnic background, and pro-democracy rhetoric. After arriving at JFK Airport from the long trip and treacherous ordeal, he was immediately taken into custody, fingerprinted, photographed, and handcuffed by an INS officer. Mr. Kamwa was told to remove his clothes and was subsequently searched. Then he was taken, still handcuffed, to the Wackenhut detention facility in Queens, New York, where he was detained for 5 months until granted asylum in April of 2000.

Mr. Kamwa now works with refugee visitation programs, such as First Friends, a community-based network that coordinates visits to the Elizabeth, New Jersey, immigration facility where 300 refugees are being held waiting for their cases to be judged and, might I add, at a facility that still does not reach the standards, in my opinion, that it should.

This one man's story shows that even refugees who find their way to our shores have a long way to go before they can lead normal lives again. Now imagine that you are a refugee, seeking asylum in the United States. Imagine how difficult life is, held in detention, while you are being processed.

Since September 11, that wait has become even longer. Understandably, the tragedy that occurred created a delay in the processing of immigration and refugee resettlement cases. On November 21, 2001, President Bush authorized the admission of 70,000 refugees into the United States for fiscal year 2002. Yet, as of May 31 of this year, slightly less than 13,800 refugees have been admitted. Given the current pace of processing, it is highly unlikely that the allocation admissions level will be reached by September 30 of 2002; and, therefore, those people will not have an opportunity to come into this country.

What is even more disturbing is that while 28 percent of the refugees worldwide are Africans in origin, less than 7

percent of the refugees admitted into this country in fiscal year 2002 are of African origin. A mere 891 African refugees have been admitted this year, while 14,089 refugees from the Near East and South Asia have been resettled in the same amount of time; and a staggering 6,470 have come from the former Soviet Union. There is clearly an imbalance here, and it has to be redressed.

Testifying at a February 12 hearing held by the Senate Immigration Subcommittee, the head of the State Department's Refugee Bureau, Assistant Secretary Dewey, and INS Commissioner James Ziglar committed their agencies to working very diligently to admit the 70,000 refugees that President Bush pledged to bring to the United States of America. In his testimony Ziglar said, "The terrorist attacks of September 11 were caused by evil, not immigration. We can and will protect ourselves against people who seek to harm the United States, but we cannot judge immigrants or refugees by the actions of terrorists. Our Nation must continue in its great tradition of offering a safe haven to the oppressed and persecuted."

Mr. Speaker, I ask all of my colleagues to join in to try to make the processing of refugees more humane.

The Refugee Resettlement program has proved to be a success for many individuals seeking asylum from terrible situations in their own countries, such as the thousands of Dinka youths that have come to be known as the "Lost Boys" of Sudan. The treacherous war in Sudan, fueled by the lust for oil, has forced thousands of Southern Sudanese to flee to neighboring countries like Kenya and Ethiopia. As the war rages on, thousands of Sudanese boys went from one country to another and 5,000 survivors of the 33,000 who originally fled Sudan ended up in a refugee camp in Northern Kenya called Kakuma. They have since become known as the "Lost Boys" of Sudan.

John Tot and 109 other Sudanese teenagers arrived in Philadelphia and other cities around the U.S. in late 2000, part of a humanitarian effort of the State Department and the UN High Commissioner on Refugees. These young boys have overcome numerous obstacles to learn English, graduate from high school, and even make their way to college.

The refugee resettlement program can work and can mean the difference between barely surviving and leading a full, productive life. We must do what we can to urge the processing of African refugees. It's a matter of life and death.

#### WARPED LEGISLATIVE PRIORITIES

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

Ms. KAPTUR. Mr. Speaker, I rise to discuss this administration's and this Republican leadership's warped and dangerous legislative priorities. Let us start with Social Security, which is dead last on their priority list. This House leadership has simply refused to

bring up Social Security. Not only are they refusing to debate. They are completely dodging the issue.

The situation is so bad that this week, Democrats were forced to launch a discharge petition wherein we have to get 218 signatures in order to try to bring a bill to the floor to provide the American public with the debate on Social Security that our people deserve. All the while, the Republicans are on a course to raid and are raiding the Social Security trust fund to the tune of \$1.8 trillion.

This debt clock tells the story of this week. Every week since they have started to do this, because we were in surplus a year and a half ago, finally, after years of budget regimen during the Clinton years and this Congress, we were able to bring revenues and expenditures into balance, even though we have an accumulated debt we are paying off. Nonetheless, they have begun to try to raid the Social Security trust fund to pay for ongoing expenses; and every week while they are doing this, I am going to come down here and let the American people know how much they borrowed this week.

So as of today, they have now taken \$218,095,890,410, which amounts to, for each citizen in our country, they dipped into your pocket \$775. You could say it is akin to a tax imposed on each senior and their family in this country.

Now, what do Republicans propose to do about it? Nothing. In fact, if they had their way, they would sneak through a debt ceiling increase and go on about the business of pushing their number one priority, one which lies at the very heart of the Republican Party, and that is cashing out the revenues of the people of the United States to the wealthiest people and corporations in this country, even those that locate their headquarters offshore, as the gentleman from Texas (Mr. ARMEY), the Republican leader, endorsed yesterday.

□ 1545

Members know the companies I am talking about, the energy giants like Enron Corporation, which is going to take 350 million more dollars of our seniors' money for tax breaks that are given to them, and the pharmaceutical companies that lined up for the big dinner that the Republicans held last night over here at the convention center, where they raised over \$30 million for this fall's election.

Let us look at veterans. That is another low priority on the Republican list. This administration has proposed a 250 percent increase on copay for pharmaceuticals that our veterans must buy when they go into the veterans' clinics or veterans' hospitals.

If one is a heart patient or somebody that needs 10 prescriptions a month, figure out, if one is charged an additional \$7 per prescription, that is over \$70 to \$100 additional per month. That is a tax on our veterans.

Republicans who profess to be the party of tax cuts would impose new

taxes on our veterans in the form of higher pharmaceutical costs, while pushing for more tax breaks for the superwealthy and our Nation's most profitable corporations.

What about a prescription drug benefit for Medicare, an issue they are finally getting around to after ramming through over \$2 trillion in tax breaks over the next 10 years for their campaign sugar daddies? Their plan would put Medicare on the road to privatization, and leaves a \$3,600 gaping hole in coverage between the initial benefit limits that people would qualify for and the kick-in of a stop-loss protection at \$4,500 in out-of-pocket spending.

Their plan is so defective it is no surprise that even some leading Republican experts are skeptical that it would work. Is it any surprise that the pharmaceutical industry, whose inflated prices are the root cause of the problem, has endorsed the bill and actually is hugging it, as I watched them walk across the streets of Washington?

Republicans are fond of the phrase "Leave no child behind," even though the education bill they sent to this floor through the budget is \$2 billion under last year's spending. Then how are we going to leave no child behind?

But what about America's seniors? How many of them are going to be left behind? Every day how many of our veterans are being left behind? That is what Republican policies do, they will leave the American people behind the eight ball for generations to come.

America needs to put Social Security first. Our mothers, fathers, grandmothers, grandfathers who built this great country and put their lives on the line for it, they should not have to worry. We ought to take care of the problem here. We owe it to them.

We need to repair the broken lock on the Social Security lockbox that was not supposed to be invaded, but it has been invaded seven times now. We need to provide prescription drug coverage for our seniors. We need to create good jobs for our people here at home, and not give tax breaks for them to invest offshore. We need to start creating wealth and good-paying jobs in this country again.

We need the Republican Party to get its priorities straight for a change.

#### PRESCRIPTION DRUG BENEFITS AND COSTS

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to address the House tonight on the question of prescription drug benefits and prescription drug costs for our seniors. I have worked very closely on this issue, and while the Committee on Ways and Means and the Committee on Energy and Commerce are busy marking up prescription drug benefits for our seniors, which incidentally would

include a no-cost benefit to people under a certain income bracket, there are other things that we should be doing to help lower the cost of prescription drugs.

So I applaud the committee for their work on it, but with the number in mind of \$1.8 trillion, which is what the Congressional Budget Office estimates seniors will be paying for prescription drugs over the next 10 years, we realize the size of the task in front of us, so we cannot just say, let us do a prescription drug benefit and be done with it. There are other things we should do.

One of the things, Mr. Speaker, we should allow is drug reimportation. Drug reimportation is very important, because while we can buy clothes, food, cars, and, in fact, we can buy practically anything from our neighbor north of the border from us in Canada, the FDA does not allow American citizens to buy their drugs over there. Even though they are FDA-approved, the same dosage, the same bottle, the same brand, the same prescription, we cannot drive from Detroit over to Windsor and buy our drugs, according to the FDA.

Now, that is too bad, because there are a lot of seniors who already are doing this and saving thousands of dollars a year, which is an important and significant savings for anybody, but particularly for people on a fixed income.

I have a constituent who actually is buying Lipitor from another country. The prescription of Lipitor in Texas is about \$90, but if she buys it over the border, it is \$29. The gentleman from Wisconsin (Mr. GUTKNECHT) has submitted for the RECORD time and time again a list of the costs of drugs for America versus Europe and America versus Canada. We need to allow seniors to buy their drugs from any country they want if they are FDA-approved drugs, and we should let their pharmacists do it locally, on a wholesale basis.

The second thing we should do, Mr. Speaker, is look at the patent issue. Drugs right now get a 17-year patent. I ask Members, is that long enough, or is that too short?

One of my concerns is we pay for a lot of the basic research as American taxpayers. We pay to the National Institutes of Health and other government research agencies, and then we allow the pharmaceutical companies to get a big research and development write-off on their taxes, so we do subsidize drug research.

That being the case, should we allow a 17-year patent on drugs? When the patent on Prozac went off last August, the price of Prozac fell 70 percent. We have to ask ourselves, this government-sanctioned monopoly, is this a good idea? I bring up the question, Mr. Speaker. I do not know the answer to it, but I think we should look at it.

Thirdly, we should look at drug approval time. The FDA right now takes 3 to 8 years to approve a new drug. We

need to narrow that window. We need to put safety first, but if we can get the drug to market faster in a safe way, we need to do it.

Finally, Mr. Speaker, there is a study from the University of Minnesota, which the gentleman may be familiar with, which actually says as much as 40 percent of the prescription drugs that are taken are either unnecessary or are taken incorrectly. We need to help people take the prescription drugs in a safe and in a correct manner, because the cost, if we can imagine 40 percent of the drugs being used incorrectly, that is a tremendous amount of savings and a huge health hazard.

So these are some of the things we should continue to do along with the prescription drug benefit, which the Republican Party is offering next week on the House floor.

I want to say these things, Mr. Speaker. I appreciate the time and the work the gentleman from Minnesota (Mr. KENNEDY) has put into this himself, and look forward to following this process down. As my mother would say to me, it is the cost, stupid. Bring down the cost of my prescription drugs. We need to do it now.

#### THE PROBLEM SENIOR CITIZENS FACE AFFORDING PRESCRIPTION MEDICINE

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

Mr. TURNER. Mr. Speaker, during this special order hour, the Members of the Democratic side of the aisle are going to talk about an issue that we feel very strongly about, and that is the problem that senior citizens are having today affording their prescription medicines.

We just heard a few remarks a moment ago from the gentleman from Georgia (Mr. KINGSTON) talking about this problem, and yet the real heart of the problem lies in the fact that this Congress, and particularly those on the Republican side of the aisle, have refused to really deal with this problem of providing adequate prescription drugs for our seniors.

In fact, next week we are going to have a Republican plan presented on the floor of this House. Now, we do not know yet, since we are the party in the minority, whether the Republican majority will allow us to present our alternative plan or not. It may be very difficult for them to allow us to do so, because our plan is so attractive to America's seniors.

But we are here this afternoon because we believe it is important for the American people and our senior citizens to understand the differences in what the two parties are proposing to do to help our seniors afford their prescription medications.

Ever since I have been in Congress, I have received hundreds of letters from

our seniors complaining about the high cost of prescription drugs. I have had numerous town meetings to talk about the subject, and it brings tears to one's eyes to listen to some of the situations that many of our seniors are finding themselves in today.

In many cases, they are going to their local pharmacies with their prescriptions that their doctors have just given them, and in many cases they are unable to purchase the medicine that the prescription prescribes because they just cannot afford the bill. Prescription drugs have gone up in this country in price faster than any other item that we commonly purchase.

Members heard a discussion just a moment ago about the importance of allowing prescription drugs to be imported from other countries so that we can get the same low prices that people do in Mexico and Canada and every other place in the world. What was missing from that discussion is an explanation as to why that problem exists.

The answer is very simple: The American people today are paying over twice the price for prescription medications as any other people in any other part of the world, including Mexico and Canada, because the drug manufacturers charge the highest prices to our local pharmacies, which we ultimately end up paying. We think that is wrong.

On the Democratic side of the aisle, we have had legislation that we have filed for many years now to try to require the drug manufacturers to fairly price their products to the American people. After all, it is our government that gives those drug manufacturers the right to exclusively market those prescription drugs because we, through our government, give those manufacturers what we call a patent, which is a guaranteed protection that says for 17 years they can market their products, their medicine, to us without competition.

As we all know, in a capitalistic society, we believe in competition. That is what holds down prices. But for prescription drugs, there is no competition. Now, in every other country in the world, the governments there have some mechanism to control costs. In the United States, we do not. That is why we find the pharmaceutical industry to be one of the largest contributors to political campaigns of any special interest in this Nation.

In fact, our Republican friends last night had a big fundraiser, and if Members read the Washington Post yesterday, they saw how many of the large pharmaceutical manufacturers contributed \$100,000 and \$250,000 apiece to go to that event. If we go to a Democratic fundraiser, we are not going to find the same thing, because long ago the Democrats in this Congress said that it is wrong for the pharmaceutical manufacturers to be able to charge people in this country over twice what they do people in other nations for the same prescription medicine in the same bottle made by the same manufacturer.

We are going to have that debate on the floor of this House next week, because our Republican friends are proposing their solution for the problem of prescription drug costs for our seniors. I must tell the Members that it is a plan that is wholeheartedly supported by the pharmaceutical industry because it fails to deal with the fundamental problem that exists not only for seniors, but for every one of us who has to buy prescription medicines; that is, the pharmaceutical manufacturers are engaged in price discrimination because they charge on average over twice for their products to the American people that they charge to people in any other country of the world.

Our plan would change that. The Democratic plan says that we will allow the buying power of the Federal Government to be exercised by the Secretary of the Department of Health and Human Services to purchase in bulk prescription drugs for our seniors so that they can get fairness in pricing.

Now, Members can imagine how upsetting that is to the pharmaceutical industry, because they know if the government gets into the business of helping our seniors get their prescription drugs and uses the bulk buying power of the government, those pharmaceutical companies are not going to be able to charge the same high prices that they are charging to us and our seniors today.

□ 1600

So the Democrats have a plan that gets pricing under control.

Our Republican friends say, oh, we do not want to meddle with the pharmaceutical industry, but we will provide a benefit to our seniors; but they do not want to do it through the Medicare program as we have known it for so many years. Medicare, in my judgment, is one of the best programs that the Congress of the United States ever enacted; and if my colleagues talk to seniors today, they are confident in the Medicare program. They know what it means, they know what their benefits are; and the beautiful thing about it, because we all pay the Medicare tax for that plan, we all get the benefit when we reach 65. No matter what our income is, we all get the benefit because we have all paid in. It is why Medicare enjoys such widespread support among the American people.

Our Republican friends say they do not want to add a prescription drug benefit to regular Medicare. What they are proposing is that we have a separate program that, in fact, would be a private insurance plan. In essence, they are going to come to the floor of this House next week and say we are going to require the private insurance industry to offer a prescription drug plan for all our seniors.

We have been down that road before over a year ago in this House, and we had hearings, and the insurance industry came in and testified under oath that they will not offer such private in-

surance plans because they know the only people that are going to buy them are the people that need prescription drugs, and it is hard to offer an affordable plan if the only people that are signing up for insurance are people that need prescription drugs. It is kind of like the people who buy fire insurance. If the only people that bought fire insurance for their homes were people whose houses were going to burn down, it would be pretty expensive insurance. So we spread the risk around.

The Democrats believe we ought to have a prescription drug benefit as a part of Medicare, not a private insurance plan, where the seniors will not know what the premiums are going to be, they will not know what the coverage is going to be. They are simply told the private insurance companies of this country have got to offer some kind of plan, and it is up to Mr. and Ms. Senior to figure out which one they can afford because we are just going to pay a \$35-a-month premium for them, and they can figure out if they can afford a more expensive plan and add some money to it to afford a real good prescription drug plan.

That is not what Medicare has meant to seniors in this country. Medicare has given them the security that they know that if they pay a small premium for their doctor care and no premium for their hospital care they are going to have a defined set of benefits under Medicare; and this Republican plan that is coming to the floor next week is not going to provide them that kind of assurance.

There is another very interesting portion to the Republican plan, and that is, it has in it what we call a donut hole. That sounds sort of unusual, but let me explain it.

What the Republican plan says is they will have these private insurance companies that these seniors will have to sign up with, they will have them pay 80 percent of the first \$1,000 of the prescription drug costs a year, and they will require these insurance companies to cover 50 percent of the second \$1,000 of the prescription drug costs a year; but when they get over \$2,000 in prescription drug costs, all the way up to about \$5,000, there is no coverage under the Republican plan.

It creates a very interesting situation because we all know that, on average, seniors in this country today are paying around \$300, little less than \$300 a month for their prescription drugs. In fact, it is not uncommon to find seniors are paying \$400 and \$500 a month for prescription drugs.

I ran into a gentleman in my district a few months back. He said between him and his wife they pay \$1,400 a month in prescription drug costs. I do not know how he did it. I do know the gentleman, and I know he is on the bank board and he may be a man of some wealth, but can my colleagues imagine, for average seniors, if they find themselves burdened with \$1,400 of prescription drug costs a month? It can

happen. It can happen to my colleagues; it could happen to me.

If we look at this chart, how much would the average senior save in prescription drug costs under the Republican plan versus the Democratic plan? Under the Republican plan, people will save 22 percent of their current prescription drug costs. Under the Democratic plan, they will save 68 percent. Obviously, a more generous benefit under the Democratic plan.

In fact, if someone has under the Republican plan \$400 a month in prescription drug costs, that is, \$4,800 a year, under their plan, they would pay \$3,920, and the plan would pay them only \$1,300. How many seniors do my colleagues think are going to sign up for a plan with a benefit that is that meager? I do not think many, and I think when our seniors find out that here we are on election eve and our Republican friends have run out on to the floor of this House and passed a sham prescription drug plan that really does not mean anything to them, I think they are going to hold them accountable when the election comes in November.

We all know that our seniors are well and past time for relief on their prescription drug cost. If medicine had been such a significant part of our health care costs when Medicare was first enacted into law in the 1960s, we would already have a prescription drug element in Medicare; but back in those days, we did not have all of these miracle drugs, and prescription drugs were a very small portion of total health care costs.

So when the Congress and President Johnson proposed Medicare for our seniors, nobody thought about putting a prescription drug coverage in it; but times have changed, and if my colleagues and I get sick, one of the biggest parts of our health care expenses will be prescription drugs, and I think we are thankful for all those prescription drugs because they are providing us cures to many very serious illnesses.

What good is the cure if we cannot afford the pill? That is the situation facing our seniors today. So we are here this afternoon, members of the Democratic Caucus in this House, to talk about the plan that we think is right for America's seniors and to point out the deficiencies in the sham plan that is coming to this floor next week and with perhaps the denial of our side to even offer what we think is a much better plan.

So we believe it is important for us to spend some time talking about it. I am joined today on the floor by several of my colleagues, Members of this Congress, who have fought hard for many years for prescription drug coverage for seniors.

The first one I want to recognize is the gentleman from Arkansas (Mr. BERRY), a pharmacist by training, a man who understands better than most of us the problem of the high cost of prescription medicine; and I am proud to yield to him and to thank the gen-

tleman from Arkansas for his steadfast leadership on this most critical issue.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas, and I thank him for his leadership and the great work that he has done on this issue throughout the years and also his friendship and willingness to cooperate not only with me but with many others in the Democratic Caucus to try to solve this problem for our senior citizens and for all Americans.

Mr. Speaker, it is a sad day when we come to this floor once again, and we have done this over and over. I came in with the gentleman from Texas in 1997. Ever since then, we have been coming to this floor, coming to the well of the House, repeatedly asking the United States Congress and the House of Representatives to pass a prescription drug plan for our seniors.

The reason I say it is a sad day, we know how to do this. We know how to pay for it. We know that we can do it. Just last weekend, I was back home in Arkansas, ran into a dear, dear friend, has breast cancer, has to take expensive medicine. Her medicine in Arkansas costs \$775 a month, just for one particular item. She can buy that medicine in Canada for \$70, same medicine, made in the same place, does the same thing for a person, made by the same company; but it costs 10 times as much. That is not right. It is not fair. It is unbelievable that the United States Congress has allowed that to go on and on and on.

We tried to do something about that. In December of 2000 as an amendment to the agricultural appropriations bill, we made it possible for the Food and Drug Administration to put a stop to that very practice, to make it so that Americans could buy their medicine at the same low price as every other country in the world. We passed it, Senate passed it, President Clinton signed it into law; but today, it has never been implemented because the instructions were given to the Food and Drug Administration, do not implement this law, do not let this happen.

The same folks that made that decision attended that multi-million dollar dinner last night at the convention center right here in Washington, D.C., that was paid for in large part by enormous, hundreds of thousands of dollars in contributions from the manufacturers of prescription medicine. I wonder why they did that? That is unbelievable. That is so inhumane that we cannot imagine that we would allow this to happen.

I never go home and spend time with my constituents that I am not reminded, prescription medicine is absolutely throwing our senior citizens community into abject poverty, over and over again; and my colleagues on both sides of the aisle have this same experience. It is not unique to the First Congressional District of Arkansas. It is not unique to east Texas. It is not unique to Connecticut. Every one of us sees this every time we go home.

Our seniors have a Social Security check that will not even pay their drug bill; but if they lived in Canada, if they lived in Mexico, if they lived in Great Britain, if they lived in Panama, if they lived in Argentina, or Russia, they would have enough money because they would not be getting robbed, and yet we allow this to go on and on.

I represent a rural district, grew up in a rural community, place that is very special to me. We did not have a lot, but we did not know it. We had a lot of very wise people in that community that I grew up around. They had a lot of sayings. Sometimes they made sense and sometimes they did not. One that I particularly remember that this particular situation brings to mind, they used to say, Don't worry about the mule going blind, just load the wagon.

I can tell my colleagues for a fact that the American people and certainly the senior citizens in this country have had their wagon loaded. They cannot pull any more. They cannot bear any more burden as far as the cost of their prescription medicine and the way the prescription manufacturers in this country continue to rob the American people. This is something we should not allow to continue.

Just yesterday I believe the Committee on Ways and Means marked up a new prescription drug bill. Talk about loading the wagon. My colleague from Texas has already described the bill. It takes Medicare funds that are collected, supposed to be used to pay for health benefits for our senior citizens, and it does not buy one single pill. It does not buy any medicine. They take that money with that bill, and they give it to the insurance companies; and they say now we want the insurance companies to provide a prescription drug benefit for our seniors.

□ 1615

We are going to give you billions of dollars, and we know, since you gave us millions of dollars in the last election, that you are going to write a good prescription drug benefit for our seniors. But we are going to let you charge whatever you want to for it. We hope you do not charge any more than \$35, but if you charge more, that is your decision.

Now, we have actually tried this in a few places. In some of the places they have tried it, what they thought was going to cost \$35 ended up costing \$85. If we add up the Republican plan that came out of Ways and Means yesterday, after a senior citizen would spend \$3,170 out of their own pocket, if they were real lucky, had a real good insurance plan, and an insurance company that really wanted to do the right thing, they would receive a benefit of \$1,100. Now, who wants a deal like that?

None of this is guaranteed in this bill. There is not a defined premium. We do not know how much it will be. In the Democratic plan it is \$25. We put it

in the bill. There is not a defined benefit. We do not know what drugs they would pay for, whether they would have to be in the formulary, not in the formulary. We do not know what it would be. If I ever saw a pig in a poke, this is it.

Mr. LARSON of Connecticut. Mr. Speaker, If the gentleman will yield on that.

Mr. BERRY. I will be glad to yield to the gentleman from Connecticut.

Mr. LARSON of Connecticut. I especially want to comment on the remarks of the gentleman from Texas earlier with respect to insuring this initiative. I hail from the great city of East Hartford, in Hartford, home of the insurance industry, and I am very proud of that. But as the gentleman from Texas indicated earlier, under oath, people in the insurance industry understand that this is a sham; that this is something which simply cannot be underwritten; that actuarially it is impossible to ensure this kind of risk. And they do so candidly.

In talking to one CEO, he said this would be like trying to underwrite getting a haircut. So to perpetrate this kind of a sham and a myth on the elderly is outrageous. And the only thing more outrageous is the high prices that they are paying. And the only thing more outrageous than that would be if we do not have an opportunity to present a Democratic alternative here on the floor.

I commend the gentleman from Arkansas and the gentleman from Texas for their long-standing work and efforts in this specific area. But even the insurance industry CEOs understand this is a sham; that it cannot work; that it cannot possibly be priced where anyone who need this benefit could afford to purchase the insurance that would cover it.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Connecticut. And, as I said when I began, it is sad that we are back on this floor once again to have to talk about this issue when we have senior citizens and other Americans all over this country today that are being put at a tremendous disadvantage just because we have continued to allow the prescription drug manufacturers in this country to rob them.

In Washington, D.C., we have a multitude of strategists, consultants, and people that read polls to figure out a strategy to win politically. What the strategists have told our colleagues across the aisle is it does not matter whether they pass anything or not, it does not matter whether they help the people that are getting robbed, it does not matter whether they provide a serious prescription drug benefit for senior citizens or not. The only thing that matters is to vote for something; make them think we are going to do something.

That is just simply not the right thing to do. There are many Members in this House on both sides of the aisle,

and we just had a couple of Republicans earlier this afternoon talk about how unfair it is that Americans pay more than anyone else for their medicine. They have the right idea about prescription medicine for America. What we would like to do is, for once, in the 107th Congress, let us all come together to solve a real problem and to do away with a serious injustice to the American people and to our senior citizens.

Like I said a while ago, we can do this. We know how to do it. This is not rocket science. The interesting thing is that there are many financial analysts that have looked at this and said if we do the right thing, make this medicine affordable, the drug companies will still make more money because they are going to sell a lot more product.

Right now, we have got senior citizens and other Americans that just simply do not take their medicine because they cannot afford it. Imagine a horror movie where there is a terrible, unscrupulous, evil person that owns and has in their possession the medicine to save someone's life, and they sit across the table from that person and hold it just out of their reach, and laugh and ridicule them and make fun of them because they cannot afford it. They would have control. That is a scene that none of us would appreciate nor would want to be a part of. But effectively that is what we do in this country when we allow the drug companies to overprice their product and overcharge the American people.

All we are asking for is a free market situation. Take away the monopoly. Let the market do its work. I am confident that if we do that, we will solve an enormous problem. We will do a lot of people a lot of good, and the drug companies will make just as much, if not more, money than they are making right now.

Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. LARSON. Mr. Speaker, I thank the gentleman from Arkansas and again applaud both he and the gentleman from Texas for their continued efforts on this floor, along with our distinguished colleague, the gentleman from Maine (Mr. ALLEN), who has also been outspoken with respect to this important issue.

The gentleman from Texas, I think, outlined very succinctly the issue we face here. So many seniors have waited in anticipation, after hearing every Presidential candidate, both throughout the primary season and then into the election of 2000, talk about how this was the most important issue facing not only seniors, but Americans in general, and to have virtually almost every Member of Congress and members of State legislative bodies as well come forward and say this is the most important issue to seniors. And so while we have universal agreement that this is the most important issue confronting our senior population, to date we have not seen anything come to the floor.

What an outrage. What a shame. A great Republican President once said, you can fool some of the people some of the time, but the American public will not be fooled by sleight of hand, will not be fooled by sham proposals. They want a straightforward, direct answer.

We should have open debate on this floor about an issue that everyone universally agrees with should be debated. It is our sincere hope that we have a bipartisan resolution. I heard the gentleman from Minnesota (Mr. GUTKNECHT) on the floor earlier pleading about the cost of price and the gentleman from Georgia talking about the cost of price and the need for us to get this under control. So, therefore, we ought to have an open debate on this issue, but the American public should be tuned in and understand and be able to see proposals side by side and make up their minds on who is putting forward a proposal that best suits their needs.

This generation that has been heralded by Tom Brokaw and others as the greatest generation ever, this generation that has been heralded in the movies, in books, on the radio, what do they say? They say the time for lip service is over, the time for platitudes is through; provide us with a prescription drug policy that works, that is universal. As the gentleman from Texas (Mr. TURNER) pointed out, that should have been included under the Medicare provision in 1965 so that seniors everywhere would have the opportunity to get prescription drugs at a price they can afford.

The gentleman from Minnesota (Mr. GUTKNECHT) articulated it very well earlier. What we have done is we have turned our senior population into refugees from their own health care system, refugees that have to leave their own country and travel to Canada to afford the prescription drugs that they need to sustain their lives.

Is that how we treat the greatest generation ever? Is that how we award our veterans for their valiant service, that when they need their Nation most in the twilight of their years, when they want to live out their final days in dignity, we are arguing over the cost of a plan? Then if there is a difference between the plans, and the difference is the cost, let the parties be known by what they stand for and whom they are willing to stand up for, and if it is a matter of cost, then the cost has already been paid, and it has been paid for dearly by the sacrifice of generation after generation of Americans, especially those who came back and rebuilt this Nation, who provided their children with the best education ever, that saw this great country rise to the preeminent military, economic, social leader in the world, and for their thanks they are deserving of living out their final days in dignity.

I commend the gentleman from Texas (Mr. TURNER), I applaud the gentleman from Arkansas (Mr. BERRY), but I recognize deeply as well that



there is an outrage that is being perpetrated. Americans everywhere should be phoning in and calling and making sure. Perhaps maybe some would agree and argue and say, you know what, we think perhaps their approach is better. Then fine. This is America. This is a democracy. Let us lay that proposal out as we are told we are going to see next week, but allow the Democratic proposal. I can't believe I am saying this in this Chamber. Allow the Democratic proposal. Of course the Democratic proposal should be presented side by side, and it should be fully debated. That is what Americans expect. That is the premise on which this Nation was founded. Let it take place. Let it unfold as it well should next week when we have an opportunity to see both plans side by side.

The only thing more outrageous than the price that everyone agrees on, whether they be from Minnesota or Georgia or Texas, Connecticut or Arkansas, is that these prices are way too high, and the people who are paying the price are our senior citizens, those all too often who least can afford to do it. So, therefore, the only thing that would be more outrageous than the prices that they are already paying would be for us in this body not to have an open and fair debate where every Member gets to come down and speak their mind under an open rule on this, what everyone agrees universally is the most important issue that faces our senior citizens, those in the twilight of their lives who deserve to live out those final days in dignity.

□ 1630

I thank the gentlemen from Texas and Arkansas for their support and continue to laud their efforts.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON), and I appreciate the passion with which he speaks on this issue, which I think is the most important issue that we face. It clearly is an issue that has defined more clearly than any other the difference in viewpoint between the Democratic Party and the Republican Party in this House of Representatives. I am amazed as I try to deal with this issue and talk to my seniors when they struggle to know why can the two parties not sit down and figure this out for seniors. They thought it was going to be done after the last Presidential election.

It breaks my heart to have to explain to them the difficulty that we are having getting this done in Washington, and the reasons that we are having trouble are totally inexcusable. It is not just a matter of the fact that our plan provides a more generous benefit for seniors. In fact, I believe that our plan is the only plan that seniors would want to sign up for because our plan and the Republican plan are both voluntary. If seniors do not want it, they do not sign up and pay the premium. I do not think that they will sign up for an insurance plan that only

offers 22 percent of the savings and the Democratic plan offers over twice as much.

Mr. LARSON of Connecticut. Mr. Speaker, they could not afford to sign up. It is impossible to underwrite that actuarially. Every insurance man and CEO will say that. They have sworn under oath that is the case. The gentleman is right about this being a defining moment, not only for the respective parties, but for America and for this Chamber. Between this body and the other body, there are 535 Members. There are over 600 pharmaceutical lobbyists currently working the Hill. It is time to decide who is going to have their say in the well of this House and on this floor, whether it is going to be the money changers or whether it is going to be the men and women of this Chamber who are going to be allowed to vote up or down, to have a say on the proposal that they are putting forth, the Democratic proposal the gentleman has espoused this evening.

Mr. TURNER. When the gentleman says that, it makes me realize how difficult it is to break through when the Republican friends are so beholden to the pharmaceutical industry for their campaign contributions. It is definitely a factor that weighs heavily in this debate because we cannot get control over prescription drug costs unless we are willing to step forward and tell the pharmaceutical manufacturers they have to offer the American people the same prices they offer people anywhere else in the world.

Mr. LARSON of Connecticut. Mr. Speaker, the gentleman is absolutely right. This is tantamount to the same vote we had on campaign finance reform. This is truly a profile-in-courage vote. And the vote here is merely just to allow two programs to appear side by side, the best effort of one party, the best effort of another party, and then to vote that issue up or down. We are told that perhaps even votes to recommit will not be allowed.

A vote to recommit in my mind is inane anywhere, and it is an abrogation of our responsibility and duty, especially since every single Member has campaigned on this issue in their district. It is a shame that Members who are not chairs of committees and who do not normally get a chance to speak unless they come after business is done will not have an opportunity to speak on this issue. Every voice in this Chamber should be heard on this specific issue.

This is the issue, after all, as the gentleman points out, that everyone campaigned on. There can be no more hiding. There can be no more putting this off. Seniors cannot wait. Each day that we delay is another evening that a couple spends, or a single person spends at night trying to decide how they can afford what they have to pay for the cost of their prescription drugs or what they have to pay to heat and/or cool their home or the very food that they need to place on their table to sustain them.

We are a better Nation than that. We are a better Chamber than that. On both sides of the aisle I believe both parties want to see a vote on this issue. Let us make sure that we get a chance in an open rule to have an opportunity to vote our conscience, our hearts, and vote with the senior citizens of this great Nation of ours.

Mr. TURNER. Mr. Speaker, the American people deserve to have the opportunity to choose between these two competing plans, and they will not have the opportunity to choose between the two plans if the Republican leadership denies the Democratic caucus an opportunity to offer our alternative plan. It is amazing as we stand here this afternoon on the floor of the House of Representatives, with thousands of seniors listening to this discussion, at this very moment the pharmaceutical industry is running television ads trying to promote this Republican plan in almost every State in this Nation.

In fact, I watched one of the ads this weekend when I was in my district. The ad said it was paid for by United Seniors Association, and has a senior citizen actor talking about the benefits of the Republican plan. Not many people know that the United Seniors Association is a front group for the pharmaceutical manufacturers, well reported, well known in the major newspapers; but many seniors will never notice, and they will think that ad is talking about something that is good for them. But the only folks that Republican plan is good for is the pharmaceutical industry which backs it 100 percent.

I think it is important for us to be honest with the American people about this debate. It is not only a debate of the power of the pharmaceutical industry versus the rest of the people in this country and our seniors, it is a battle that involves the issue of what do we really think about Medicare. The Democrats in this House believe Medicare has been a successful program for our seniors. One of the reasons, in addition to the opposition to the pharmaceutical industry, one other reason that our Republican friends will not support the plan we propose is because we add the prescription drug benefit as a part of the regular Medicare program. One of the agendas in the Republican prescription drug plan is to move this country away from regular Medicare into what we commonly call Medicare+Choice plans that are run and offered by the insurance industry.

Now, I come from a rural area, and there were a few Medicare+Choice plans offered a couple of years ago, and some of my seniors signed up for them because the health insurance companies said they would give them a little prescription drug benefit. Those private plans have sent out notice to seniors their plan is cancelled, and they are back on regular Medicare wondering how they are going to get any help with their prescription drugs.

Some people act like the private insurance industry is ready to offer



plans. The truth is we would never have had Medicare in 1965 if the private insurance industry would have been able to take care of the problem of providing health care for seniors.

But our Republican friends say we cannot put a prescription drug benefit as a part of regular Medicare because they know that if they do, everybody is not only going to be happy with regular Medicare, they are really going to be happy with Medicare if we can get the prescription drug problem solved; and they will not have the opportunity to push this country toward private health insurance for all Medicare recipients. That is the heart of the issue that we are debating here today.

I am pleased that I have got another Member of the Democratic caucus here who has worked hard trying to help us provide coverage for our senior citizens, the gentleman from Illinois (Mr. PHELPS), a tough fighter for his constituents, who believes in the Medicare problem and believes in a real prescription drug benefit, and I am proud to yield to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER), the gentleman from Arkansas (Mr. BERRY), and the gentleman from Connecticut (Mr. LARSON). The challenges are before us, and I thank the gentleman from Texas (Mr. TURNER) for bringing us here to talk about this issue, which I think could possibly be the most important domestic concern outside of homeland security and what we are trying to do against the terrorists than any other issue.

First, I will go into a more formal statement, and then I will talk in more informal terms.

Mr. Speaker, the time has come to implement a real prescription drug plan for seniors. John and Ann Craig are residents in Muddy, Illinois, a rural setting in southern Illinois not far from my hometown of Eldorado. It is a small community, coal mining, farming community. The Craigs suffer from a combination of diseases, including diabetes, heart disease and high blood pressure. His medication runs around \$450 a month while her medication runs around \$850 a month. They pay a total of \$1,300 a month for prescription drugs and receive a mere \$700 in Social Security. The Craigs own a small farm where they have worked hard most of their lives. However, their overwhelming pharmacy bills have effectively ruined any chance of worry-free retirement because their savings have been used on medications.

This is just one example of the many that we can give of the unnecessary hardships our citizens are facing due to over-priced prescription drugs. We use names and faces many times to make this debate and these issues come alive, to be real, because we deal with so many facts and figures and statistics, that it can have a tendency to be artificial, and that is why with these people's permission, their examples.

It is time to stop the delays and pass meaningful Medicare reform that will help our seniors and not confuse them. We need a prescription drug plan that will help each and every senior in need. The Republican plan, the plan of the other side of the aisle, contains a huge gap that will leave out a number of seniors. This plan will not provide any coverage for drug costs between \$2,000 and \$3,800. The inadequate average coverage is sure to leave many of our seniors out in the cold.

Their plan also contains many other provisions that need to be changed. There is no defined benefit, no guaranteed premium; and geographic inequalities exist. This issue is way too important to millions of Americans to not have a definite fair plan that will benefit each and every senior citizen who cannot afford to pay for their monthly medication.

□ 1645

The Democratic plan, our plan, gives seniors what they are looking for. There are no gaps in coverage. There is a guaranteed premium and a defined benefit. Our plan will help seniors obtain prescription drugs with ease and not confusion. That is an important item. We know with insurance plans and all these other medical dictates, there is much confusion, directions, all kinds of small print, footnotes that they overlook many times. We want something simple, to be understandable and affordable. Our citizens are depending on us to work together to come up with a simple plan that will bring them prescription drugs at a price they can afford, a price that does not take a large chunk out of their monthly budget that would normally be spent on food and other necessities. We have a moral and ethical responsibility to look out for our seniors. We must implement a plan that will benefit each and every senior that is paying ridiculous prices for their necessary medications.

I wanted to come to this sacred institution to have a fair, courteous, yet professional exchange. We call it debate. This is what we will engage in in our campaigns from now to the election in the fall. We will go back to our districts and we will try to come before our constituents, the citizens of our district and our State, and try to compare and contrast where we stand on issues as opposed to our opponents. That is the campaign. But while we are here, after we went through our campaigns and made promises, each and every one of us, that we would address this issue, not this session, but even the session before, people are wondering and are asking questions: You stood before us on camera, you stood before us in debate in person in our town hall meetings, in our assemblies and our auditoriums, and you made promises, and there was rhetoric that was going out. We wonder now why there is not action to follow.

That is why I stand here today. That is why I wanted to be elected to be the

Representative of the 19th District in Illinois, downstate in southernmost Illinois, where health care and the problems are unique, a very highly medically underserved, manpower shortage area. Where I chaired the health care committee in the Illinois House in my 14 years of service there, I chaired both the education and the health care committees, I know the uniqueness of rural health care and the challenges there. The senior citizens are great numbers in the rural areas, because they make up the generations of our small family farmers and our small businesses and our unique craft shops that now are not as numerous as they once were. But they have roots there, and they want to stay where their loyalties are and their children have been raised.

This is why this is a great challenge to us to address this now. This is the greatest deliberative body in the world, in a free society where we can come together, hopefully after being elected equally, not one higher than the other, we are here on an equal basis. We vote for our leaders to be placed in leadership to go to meetings, a strategic task force that we all cannot congregate in because time will not allow. We elevate those because the people we represent put us in place to put others in place. That is what leadership is all about. Our leadership is representing us, after we have asked them to, to make sure that this issue is way out front without further delays, affordable, clear and simple, and that it has the kind of quality that we promised them during our rhetoric during our campaigns.

Students often ask me when I visit the classroom, and as a former teacher I do that quite often. I stay in touch with the young people. If you want to know what is going on in the household, talk to the students and the children. I visit them. Their number one question is, can you tell me, even though they have studied, I am sure, history, and by training I am a history and geography, social studies teacher, they say, what are the differences between the Democrat and the Republican Parties? They hear the spin on the radio and TV shows and the propaganda that are slanted one side or the other, by both parties, by the way, that we engage in, but I try to tell them to watch this prescription drug issue come alive.

By the way, the only reason it is coming alive is that the Democrats had to force it, just as we did the patients' bill of rights debate, because there was no such debate. There was a plan not to be one, because that would expose the sleight of hand of those in the majority that cater to the big interests that dominate those issues of health care, the insurance companies and the pharmaceutical industry. That is the biggest influx of support and dollars that the Republican Party enjoys, as just even last night we saw.

This is why we are here, to clarify and to ask, come forth with your plan, make it clear to us, and we will debate it here before the American people.

The biggest difference between the plans are, first and foremost, we want to manage it through Medicare, not let the HMOs, as they have done through the other insurance plans. We do not want to put, as the HMOs have, profits ahead of people. We want to put people ahead of profits. We want to keep the costs down, contain the costs. We want to make it optional for you to participate, and affordable is the reason why you will choose through our plan to participate. And, finally, to protect the most vulnerable in our society, the most frail elderly of our society who built this country, who endured the Depression, came through the wars, the world wars, the most burdensome world wars that took its toll on their lives. Many of them are disabled, handicapped because of those wars, and the most prosperous, richest, wealthiest country on Earth cannot afford to help the most vulnerable of our society? I am here asking why not?

I thank the gentleman for the opportunity. I appreciate the leadership of the gentleman from Texas.

Mr. TURNER. I thank the gentleman for his passion on this issue and for his leadership. I know we all feel strongly about this. I cannot help but think of the constituents that you mentioned and the constituents that I visit with all the time who are struggling to pay their prescription drug costs. I just ran into one just the other day, it was at the Quik Lube in Lufkin, angry that the Congress had not acted to pass a meaningful drug plan. I have seen those seniors board those buses in Houston to travel to Mexico and come back and say they have saved \$10,000 by making the trip together.

I know the next gentleman who will speak understands that problem, the gentleman from Maine (Mr. ALLEN), a fighter for seniors on the prescription drug issue who has also seen in his State those seniors board those buses and go to Canada and save thousands of dollars.

It is a pleasure to yield to the gentleman from Maine.

Mr. ALLEN. I thank the gentleman for yielding, and I thank the gentleman from Illinois, who has been such a terrific fighter for this issue since he came to the Congress.

I will be very brief. I just wanted to say, the gentleman from Illinois (Mr. PHELPS) was saying, he was trying to explain to people back home what the difference is between the Republican Party and the Democratic Party on this issue. I would add, in addition to what he said, that we Democrats do not believe we can fool all the people all of the time. For the second election cycle in a row, the Republican Party has put up a plan which is an illusion, will not provide prescription drug coverage to seniors because the private insurance market will not provide what they say it will provide. This plan will not become law. If it becomes law, it will not provide help to seniors because it relies on the private insurance market. There

is no guaranteed benefit, no guaranteed copay. It is whatever the insurance companies want to charge.

The fundamental problem is that the people who will sign up for the plan are those who have very high prescription drug bills. The insurance industry will not be able to make money, and so they will stop providing the coverage. We have already been through this with managed care under Medicare. This kind of approach does not work.

Everyone else in this country who is employed and has prescription drug coverage gets their prescription drug coverage through their health care plan. For seniors, it is Medicare. All we are saying as Democrats is let us have a Medicare prescription drug benefit. Let us not try year after year, election after election, to cloud this issue, pretend we have a plan as the Republicans do and not do anything.

The aversion to strengthening Medicare from our friends on the other side of the aisle is so strong that they will never do it. They will never do it. Only a Medicare benefit, only strengthening Medicare, will provide the solution. That is what the Democratic plan is. That is what the Republican plan is not. That is why we need to pass the Democratic plan.

Mr. TURNER. I thank the gentleman again for his strong leadership. We both came to Congress together. We have both been fighting for this ever since we arrived here. On behalf of all of our constituents who continue to tell us they need help with the high cost of prescription drugs, they need a meaningful, a real prescription drug plan that is a part of Medicare, that they can afford, we will continue to fight.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4931, RETIREMENT SAVINGS SECURITY ACT OF 2002

Mr. DIAZ-BALART (during the Special Order of Mr. TURNER) from the Committee on Rules, submitted a privileged report (Rept. No. 107-522) on the resolution (H. Res. 451) providing for consideration of the bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, which was referred to the House Calendar and ordered to be printed.

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#### HUMAN CLONING

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

Mr. PENCE. Mr. Speaker, I and several of my colleagues, including the distinguished physician and Congressman from Florida by the name of

DAVID WELDON, wanted to rise in this Chamber to discuss an issue that, while it has fallen to some extent, to use a colloquialism, below the radar screen here in our Nation's Capital, it is without a doubt the most significant moral question that the institution of the Congress will contend with in this session of Congress and perhaps, Mr. Speaker, for many sessions of Congress to come.

As we debate the restructuring of agencies of the Federal Government, the new Department of Homeland Security, as we debate in memorable terms, as my colleagues just did, the extension of benefits under Medicare, all of these issues pale in comparison to the potential cultural impact and the impact on our system of legal ethics that the legalization of human cloning would represent to our society and even to our civilization.

Yet even though this body has acted and awaits action in the balance of the Congress, I believe it is incumbent upon the Members of this institution who cherish the dignity of human life to rise and to remind our colleagues, as I will do so in the moments ahead, and any of those that are looking in about the profound moral questions that we wrestle with when we argue in favor of a ban of human cloning.

It is my hope that as the gentleman from Florida (Mr. WELDON) joins us later, he will speak to the medical questions and myths that surround the promise of embryonic stem cell research. The gentleman from Florida will no doubt point out, as many of us did during the debates, that every single breakthrough in the area of stem cell research has taken place using adult stem cells, Mr. Speaker. Not a single breakthrough in medical science has ever occurred using embryonic stem cell research. Yet we are being sold a bill of goods by a technical medical industry that would have us move the line of thousands of years of medical ethics to permit what they, in almost Orwellian terms, refer to as therapeutic cloning, the cloning of human beings, of nascent human life, for the express purpose of testing that tissue.

I rise today, Mr. Speaker, to say we must prevent human life from becoming a wholesale commodity that is created and consumed. Let me say again, my theme today, my purpose for rising in this Chamber with the colleagues that will join me, is very simple. We must prevent in this Congress, before the close of this year, this session of Congress, we must prevent, by law, human life from becoming a commodity that is created and consumed in a marketplace of science.

I say that knowing that there will be those listening in in offices here on Capitol Hill, there will be those listening in around the United States, who think that this is something of a strange science fiction assertion. But let me suggest to you as a family man, as the father of three small children, a

husband of 17 years, let me say that it is precisely about that that I believe this debate over human cloning emanates.

□ 1700

I come to the floor this afternoon to speak about really the failure of the Congress to adopt a ban on human cloning. It is, Mr. Speaker, without a doubt, human cloning, perhaps the most anticipated and even feared development in the history of science. The promise that opening up this Pandora's box seems to hold for some pales in comparison to the backdrop of that great Biblical adage that reads in the book of Isaiah that, I am God, and there is no other. Human cloning is about the creation of human life for utilitarian ends. It is anticipated, and it is rightly feared.

For decades, truthfully, humans have been probing the darkest regions of their imagination to craft stories in science fiction where the duplication of human life is acceptable, but we always run in, it seems, to the old prophet, and he says, I am God, and there is no other.

Over the last several years, advances in the understanding of cellular biology have made it apparent that this brave new world described by science fiction writers was not actually that far off. We have since learned that cloning is, in fact, a possibility and could be, or may, Mr. Speaker, I say with hesitation, may already be, a reality.

Somewhere in the world today, somewhere in America today, while Congress fails to act on a ban of human cloning, amoral scientists may be in the process of duplicating human life and thereby, perhaps, laying the foundation for duplicating a human being, created always, up until that point, Mr. Speaker, in the image of God, the first human being in history created in the image of another human being.

Several of my colleagues tonight and I want to examine precisely these questions, these large moral and ethical questions, that seem to get left in the dust behind the promise of somatic cell nuclear transfer and embryonic stem cell research.

We hear about the promise. We see people rising out of wheelchairs, we see quadriplegics able to walk, and we want to reach for that, Mr. Speaker, but we, to do so, must reach across a line that mankind has never and should never cross.

Cloning involves the making of an exact genetic copy of a human being through a process called somatic cell nuclear transfer. In the process, the DNA is removed from the cell of a human, and it is transferred to an egg cell. The result is the formation of a human embryo, the beginning of human life. Theoretically, if this embryo were implanted in a womb, it would have the ability to follow the normal stages of development until a human being is born.

I say to you today that while most of us recognize the problems of using cloning for procreation and are prepared to outlaw the practice of it, Mr. Speaker, there are some who would have us talk about somatic cell nuclear transfer as though what was created was not human life, and there is great confusion on this point.

I say, not in an effort to crowd the upcoming remarks of the gentleman from Florida (Mr. WELDON), but I say, Mr. Speaker, with deep humility, that there are many in this debate who want to refer in cavalier ways to that embryonic tissue and say it is something other than human life. Mr. Speaker, if it is not nascent human life, what is it?

I was provoked to come to the floor of this Congress by the words of some of the advocates of so-called therapeutic cloning, who are now about the business of sharing a new slogan with America, and it is a slogan that in effect says a single cell can feel no pain. A single cell can feel no pain, as though the moral and ethical line would not be crossed in the absence of pain. It is an absurd anti-intellectual and antihistorical assertion, and I call it as such, regardless of who may use it.

Many in the scientific community, Mr. Speaker, believe that nascent embryonic life should be used for medical research through this procedure known as therapeutic cloning. They have come up with this innocuous term. It is very misleading. In this procedure the cloned embryo is created solely for the use of its parts. The human is given life, only to be destroyed a few days later for specialized stem cells.

I go back to the thesis of my remarks today. We must prevent human life from becoming a wholesale commodity that is created and consumed and destroyed, which is precisely what therapeutic cloning is, Mr. Speaker. It is the creation of embryonic human life to be destroyed for its parts.

Despite the fact that research on embryonic stem cells has yet to produce any treatment for any medical condition, as I said before, researchers are calling the cloning and harvesting of embryonic stem cells "therapeutic." Humanity is contemplating the creation of a subclass of human life that is created and killed for the benefit of other humans.

Mr. Speaker, I come from south of Highway 40 in Indiana. I am not the brightest bulb in the box. But, for crying out loud, how can we suggest that this is anything other than the creation of a form of human life that we have never recognized before, the creation of a class of human life that exists to benefit other humans who are farther along in their physiological development?

I often say to my children, it is not sufficient to think once about hard issues, you have to think twice. Mr. Speaker, this is one of those issues where you have to think twice, and the

moral and ethical issues raised even by experimental and so-called therapeutic cloning become obvious.

I fear we are turning life literally into a wholesale commodity to be created and destroyed. Make no mistake, if we proceed down this course, millions of human embryos, nascent human life, will be created and then destroyed, and even then we may not attain the scientific achievements that have been promised to us.

Now, some may be willing to say that, well, there will not be that much destruction of nascent human life, but, Mr. Speaker, less than 3 percent of cloned embryos in animal studies are successfully implanted to go to term. Birth defects occur in legion numbers. Literally, Dolly the Sheep was the product of thousands of failed aberrations in the attempt to clone a single mammal.

And to think of this kind of experimentation, as we go not just from the therapeutic cloning, the cellular level, stem cell research, but we know in our hearts there will be those media-hound scientists who will want to show up with the first cloned baby. Think of the children who will go before the first baby. Think of the birth defects. Think of the spontaneous abortions. If Dolly the Sheep is to be the instructor, if the experience of cloning experimentation on mammals teaches us anything, it teaches us that there will be a nightmare of destruction leading to that one fully cloned human being.

I do not know about the rest of my colleagues, but it is my firm conviction that scientific advancement is not worth the price of human embryo factories. It is also not worth the price of one innocent unborn human life that attempts to make it to term, but, because the scientific technology is not sufficiently advanced, it dies in utero or after delivery.

Human cloning must be stopped in every form. Unfortunately, those who support cloning are attempting, I would argue, in some cases to twist the facts to fit their agenda. Recent statements by supporters of cloning suggest that cloning actually is not cloning, that it is medical research on a cluster of cells stripped of their humanity. Mr. Speaker, I fear that this utilitarian logic has caused us to overlook deep ethical and moral implications involved in cloning.

But also I would say humbly, as I prepare to recognize my colleague and friend from Florida, that not only are they wrong on the ethics and the morality, but, Mr. Speaker, I say with real humility, they are wrong on the science. They are wrong on the medicine. They are wrong on the potential advances that this research affords.

As this Congress moves forward in this debate, it is absolutely essential that we do not let the weird science and the unsubstantiated promises dominate this debate, but that we look with the cold eye of science as we evaluate the promise here.

I would add, Mr. Speaker, it would be sufficient for this Congressman, even if the science held all the promise in the world, it would be sufficient for me to oppose human cloning, even cellular human cloning and research, on moral and ethical grounds. And yet, inasmuch as it is helpful to our argument, I have called upon my colleague and friend, the author of the House bill of banning human cloning, to join me in this Special Order today to talk about the science.

The gentleman from Florida (Mr. WELDON), before he came to this institution, was an established physician with a background in microbiology. He is a man who speaks with unique authority on these issues in this institution. It was the reason why we were able to develop legislation here and develop strong bipartisan support behind a human cloning ban. Part of the argument that the gentleman from Florida made, and I trust will make again today, is that while certainly morality and medical ethics for thousands of years are on the side of banning human cloning in all its forms, for all of its purposes, happily, the science is on our side as well.

With that, I yield to the author of the ban on human cloning in the House, the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. I want to thank him for the support and assistance provided me and all of the others involved in passing the ban on human cloning out of the House of Representatives. The gentleman's involvement was extremely helpful. I also want to thank the gentleman for making arrangements for this Special Order.

We continue to await action from the other body on this issue. As we all know, the bill to ban human cloning, which I had authored along with my colleague the gentleman from Michigan (Mr. STUPAK), a Democrat, passed the House of Representatives now almost a year ago. It was July of 2001 that it passed. I just want to point out that that bill passed the House of Representatives by a 100-vote margin, I think it was 63 Democrats voting for it, and about 20 Republicans voting against it, so this is clearly not a Republican versus Democrat issue. It passed overwhelmingly, with a very, very clear bipartisan vote.

I just want to underscore that the bill as it passed the House does not ban stem cell research. There are a lot of people that confuse these issues. I will admit they are complicated.

□ 1715

I have a background in medicine and science, and it is easy for me to follow these things; but for lay people, it is very, very hard to sort out when are we talking about stem cell research and when we are talking about human cloning.

Also, the bill does not ban cloning tissues; it does not ban animal cloning.

It specifically bans human cloning. And for the sake of discussion tonight, I do want to review exactly what that is. It is what is called asexual reproduction. I have a chart here to my left. The top row here shows the normal fertilization where the sperm unites with the egg, it forms a single cell, a fertilized egg, or single cell embryo; and this next picture here shows a 3-day-old embryo and then a 5- to 7-day-old embryo.

In human beings, humans have 46 chromosomes, 23 are resident in the sperm, 23 are resident in the nucleus of the egg. They come together, 23 plus 23 equals 46, creating a new human being. This is how we all begin our path through eternity here on Earth and beyond, as a uniting of 23 chromosomes from the sperm and the egg.

In cloning, what is done is we take the egg and we either inactivate the nucleus with 23 chromosomes in it or, as shown in this particular diagram, we have removed it, so we create an egg that has no nucleus in it, no genetic material, no chromosomes. Then we take a donor cell, and in this diagram it is depicted like the skin cell, and we take the nucleus out of it. We call these somatic cells, and that is where the term "somatic cell nuclear transfer" comes from. The cells in our body, the skin cells, the cells in our heart, in our muscles, we call them somatic cells. Somatic means body.

The process involves taking the nucleus out of that and putting the nucleus into the egg. When that is done, that is called somatic cell nuclear transfer. If the process works, 3 days later we have an embryo that is essentially indistinguishable from this embryo here, except this embryo here is a unique individual created by the combination of the chromosomes here. This embryo is actually the identical twin of the person who donated this cell. So if I were to donate my cell and somebody were to go through this procedure, this embryo developing would be my twin brother, my identical twin brother. That is why we call it cloning.

This is the exact procedure that was used to create Dolly the sheep. What they did in that particular instance is they took an egg from one sheep, they deactivated the nucleus, they took an udder cell, which is essentially a breast duct cell, and extracted the nucleus from that, and they created a new sheep which was a clone of this one. And then once it grows in culture, we have to put it inside the womb of a surrogate mother and, ultimately, Dolly the sheep was to be produced.

The reason I am going through all of this in exquisite detail is some people are trying to say this is not really cloning, that you are not really creating a human if you do this; and in humans they like to call it things like "nuclear transfer." When we start playing language games like that, we are essentially trying to tell us all that Dolly is not a sheep. I mean if we do this with a person, we will get a per-

son. It will start out like we all do as a baby and then grow up to become an adolescent.

Now, what are some of the problems with this? Well, the number of problems are huge. They are absolutely gigantic. It took 270 tries to create Dolly the sheep. Many lambs were born with very, very severe birth defects. Many of the offspring amongst the five species that have been cloned so far emerged very, very large, very large placentas and umbilical chords. A woman might look 9 months pregnant when she is only 4½ months along. Also, very defective fetuses. Indeed, there was one research study that showed that all offspring from the procedure of cloning so far have genetic abnormalities. So this is human experimentation, and it is human experimentation of the absolute worst kind.

Now, a lot of people feel that the solution to all of this is to just ban reproductive cloning, make it illegal to produce a baby, but allow researchers in the lab to produce these embryos unrestricted for research purposes. They even hold out that somehow this could be used in clinical medicine someday.

I am a physician. I take care of patients with Alzheimer's disease, diabetes. I still see patients once a month. My father had diabetes, died of complications of diabetes. This is very, very fanciful science, to make claims that we must allow this research to proceed because it is going to lead to all of these "cures." In my opinion, that is patently absurd.

Indeed, what they really are talking about is extracting some of these cells out of these so-called cloned embryos and doing what they call therapeutic cloning where they claim they can grow replacement tissues for people that have diseases.

One of the things that I have been arguing for, for well over a year now is that the arena of adult stem cells actually shows much more promise. Embryonic stem cells, there have been some problems in research studies where they tend to grow too much and actually can become tumor-like in their growth. We have been using adult stem cells in clinical research now for years, actually 20 years. There are some 50 clinical trials using adult stem cells. Indeed, just today, there was an article published in *Nature*, the most recent issue of *Nature*, and I think this came out of the University of Minnesota, that showed that they could get adult stem cells to become any tissue type, and they could get them to reproduce over and over and over again, essentially validating what people like myself have been saying for quite some time. The study is entitled "Pluripotency of Mesenchymal, Stem Cells Derived From Adult Marrow."

What they did in the study is they clearly showed that adult stem cells can reproduce and reproduce and reproduce as embryonic stem cells can, and that they can become any tissue type, essentially laying the debate to rest

that one has to have embryonic stem cells.

Mr. PENCE. Mr. Speaker, if the gentleman will yield, I wondered if it might be a good opportunity to take just 2 minutes to recognize the gentleman from Pennsylvania (Mr. PITTS), because I am very interested, Mr. Speaker, in eliciting more information about the promise of adult stem cell research from the gentleman from Florida, which seems to me is the most deafening, in addition to the moral and ethical arguments against somatic cell transfer, therapeutic cloning for research, the most deafening argument beyond the morality is the promise of adult stem cell research.

So with that, with the gentleman's permission, I will yield to the gentleman from Pennsylvania (Mr. PITTS), the leader of the Values Action Team in the United States House of Representatives for the majority. He is without a doubt the strongest pro-family voice in the United States Congress.

Mr. PITTS. Mr. Speaker, I thank the gentleman for his leadership on this issue and for setting up this Special Order on their very timely issue.

A syndicated columnist, Charles Krauthammer, says that cloning is "a nightmare and an abomination." I would concur with that. Cloning is like something from a bad science fiction movie. The only difference is that now, some scientists are actually on the verge of doing it. Now, these scientists try to deflect our criticism by claiming that they have no intention of cloning a person. They say they just want to clone human embryos so that they can take their stem cells, and they promise that they will kill the embryos before they grow to adulthood. So some have characterized them as cloning to kill.

Well, no one has said it better than The Washington Post. The Post said a few years ago: "The creation of human embryos specifically for research that will destroy them is unconscionable." There is no difference between what they want to call "research cloning" and what they want to call "reproductive cloning." The only difference is when they kill the human life that they have created.

Mr. Speaker, these unscrupulous scientists claim that the research they want to do could cure diseases one day. But the truth is, there is no evidence for that. Stem cells, as has been noted by the gentleman from Florida (Mr. WELDON), taken from adults have shown much more promise in research than stem cells taken from embryos. Besides, these same people insisted a few years ago that we had to let them do fetal tissue research, despite people's moral objections to taking tissue of aborted fetuses for research, because they said they might cure diseases.

Well, Mr. Speaker, where are those cures?

These people are like the boy who cried wolf. There is no reason we should believe them. Cloning human beings is wrong, simply wrong. Even if

they could cure diseases through cloning, it would still be wrong. The vast majority of the American people want it banned, the House of Representatives has voted to ban it, the President of the United States wants to ban it, and we are all just waiting for the other body to do the right thing. I just hope we do not have to wait too long.

Mr. Speaker, I hope all of my colleagues will remember, if we do nothing, if the other body never acts and if there is no bill to send to the President, cloning, any kind of cloning, will be completely legal, and there be nothing we can do to stop it.

Mr. PENCE. Mr. Speaker, I thank the gentleman for his profound moral clarity and for his continued leadership on issues related to the sanctity of human life.

With that I would like to yield back to the gentleman from Florida (Mr. WELDON). Specifically, if I may ask my colleague, as I said earlier in this hour that we have, it would be sufficient for me if we simply were arguing on the history and morality of Western civilization. The truth that rings out of our best traditions that he is God, and we are not, would be sufficient for me. But, Mr. Speaker, as the gentleman from Florida (Mr. WELDON) began to address, and I would ask him to elaborate on, the promise of adult stem cell research in itself argues against the expansion of or extension of science into the so-called embryonic or therapeutic cloning research. I would be grateful to have the gentleman elaborate on that.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. Adult stem cells have been used in over 45 human clinical trials to treat human beings. Embryo stem cells have never been used successfully in any human clinical trial.

□ 1730

Indeed, embryo stem cells have not really been used successfully in any animal clinical trial up until recently. There was a study recently published, and I need to give the advocates for embryo stem cell research at least an honest appraisal, there was recently a research article in an animal model of Parkinson's disease, I believe, in rats, where they showed improvement in response to embryo stem cells in that particular case.

But hold that up against the tremendous amount of research that has been done with adult stem cells, and hold that up against this recent article that was just published in Nature showing the pluripotency of mesenchymal stem cells derived from adult marrow, suggesting none of the ethical and moral issues associated with embryo stem cells. Certainly cloning needs to be brought into play.

I will just point out, the advocates for embryo stem cell research may start quoting this recent article reported in Nature, using embryo stem cells to treat a rat model of Parkin-

son's disease as a reason they need to rush ahead with all of this. As I understand it, and I do not have the citation, there has been published, in abstract form at least, a case where an adult brain stem cell was used successfully to treat Parkinson's disease in a human being.

The point I am raising here is the adult stem cell research is way ahead of the embryo stem cell research. The embryo stem cell research is quite hypothetical. It is even more hypothetical to say that we have to do cloning, that cloning is somehow necessary.

What I honestly think is going on here, if the gentleman will continue to yield, is I think the research community and a lot of people in the scientific and biotechnology community know that therapeutic cloning is never likely to happen. What they really want to do, and this is speculation on my part, is they want to create cloned models of disease; in other words, taking somebody with a disease and making a clone of them, and then allow that clone to be used and manipulated in the lab so they can do research on that clone.

Indeed, I think the reason the biotechnology industry is so interested in this is they see this as an opportunity to patent that, and, in effect, one would be patenting a human being, and then exploit that for monetary gain; basically be able to sell these clones as models of disease so people could try to do genetic manipulations on them, or pharmacologic manipulations on them in the lab.

I just want to point out that this is the slippery slope. It is a big-time slippery slope. They talk about extracting stem cells from these things here, these embryos, and then growing them into the tissues that are needed. But there is excellent research that has been done in creating artificial wombs, and they have a very, very nice artificial womb that you can grow an embryo in up to 30 days, if I am not mistaken. So why would we not just take the fertilized egg, it would be much cheaper and quicker, put it in the artificial womb, grow it into the fetal stage, and then extract the tissue that is needed?

We may say, well, they would never do that; that sounds so terrible. But a year ago when we were debating embryo stem cell research, many of the people advocating embryo stem cell research were saying they would never sanction or approve the creation of embryos for scientific exploitation and then destruction. But yet that is now the very thing they are advocating for. So I think this is a very, very serious slippery slope.

Mr. PENCE. Mr. Speaker, I do not know if the gentleman is familiar with the famous Nuremberg Code that was developed and emerged following the doctors' trial at Nuremberg in the late 1940s.

Mr. WELDON of Florida. I am.

Mr. PENCE. Most physicians are.

One of the principal tenets of the Nuremberg Code was that human subjects must consent to experiments; death or injury must not be anticipated results of the experiment; and the researcher must obtain the information they need by any other means possible before humans, including adequate animal experimentation.

There are other pieces of the Nuremberg Code that require that the researcher is admonished to test his disease first and foremost on animals, and no experiment should be undertaken after all of those have been followed and unless it can be foreseen to "yield fruitful results for the good of society unprocurable by other methods."

Now, it seems to me that the lessons of Nuremberg, and I would ask the gentleman to speak to that, the lessons of Nuremberg encapsulated in the Nuremberg Code are violated in several significant ways from the standpoint of medical ethics with regard to human experimentation, and most profoundly with regard to the fact that, as the gentleman from Florida (Mr. WELDON) has said here today, that these advances are procurable by other means than experimentation on human beings.

I wondered, I would ask the gentleman, am I right in my interpretation of the Nuremberg Code and its relevance to this?

Mr. WELDON of Florida. If the gentleman will continue to yield, yes, the gentleman brings up an extremely important point. The Nuremberg Code emerged in the aftermath of the atrocities committed by many physicians who were acting complicitly with the Nazis.

A great deal of scientific information was obtained from some of that research; for example, how long can a human survive in very, very cold water. When I was in medical school, many physicians in training, and, as well, many of our professors, felt so strongly what was done was evil that we should not even use the information; that we should just throw the information away, that it was so bad. The Code, of course, emerged.

The critical issue here is some people do not consider the embryo human because it does not have an organized central nervous system; it cannot respond to stimulation. But the critical issue here is where do we draw the line? It is human life; it is a developing human life. We all began that way.

Just as a year ago, they were saying we would never create an embryo to extract stem cells from, we only want to use the excess embryos from the fertility lab. Now they are saying, oh, we have to create these embryos to cure all these diseases. The next step will be, we have to do continued research and allow these embryos to grow in the lab to the point where they are developing a nervous system. So to me, the safest thing and the best thing to do is to make it illegal to create a clone at the very beginning.

I just want to point out, a lot of people who advocate cloning for research purposes, they all say, but I would never want to see reproductive cloning move ahead. I want to make a couple of points about that. If we have labs all over America creating cloned embryos, it will only be a matter of time before one of these embryos is implanted in a woman, because the implantation process occurs within the privacy of the doctor-patient relationship.

It would be impossible, and as a matter of fact, I have a letter from the Justice Department saying it would be impossible for them to police that. They would have to go into all these labs and keep track of all the embryos. It would be impossible for them as police agencies to know if a human embryo was replaced with an animal embryo and one was surreptitiously implanted in a woman. So the only way to effectively prevent this, in my opinion, is to ban it from the very, very beginning.

Also, we took testimony in my committee where the representative from the professional association of doctors who treat infertility kept saying in his testimony, a Dr. Cowan, how they did not support reproductive cloning at this time. He said it twice.

During the questioning period, I said to him, "Why are you saying 'at this time?'" And he made it very, very clear to me in his response to my questioning that they would like embryo cloning to proceed and research cloning to proceed so they could work through all the technical problems in cloning, such as large fetuses, threat to the health of the mother, and once all those problems were worked through, they would like to be able to offer reproductive cloning to infertile couples.

I thought that was a very, very significant statement, because it made it very, very clear to me that if we do not ban cloning at its very, very beginning, eventually we will have reproductive cloning. Either it will be done surreptitiously from embryos that have been spirited out of these labs and implanted in women, or it will be done openly by fertility experts.

So if the American people do not want cloning, the best way to prevent cloning from occurring is to ban it in its very beginning.

I want to just add one more thing, if the gentleman will continue to yield.

Mr. PENCE. Certainly.

Mr. WELDON of Florida. Mr. Speaker, many liberals voted for the cloning ban. I thought that was one of the unique features that emerged from the debate on human cloning here in the House of Representatives. We had people of very, very divergent opinion. We had some Christian people, some Jewish people, Democrats, Republicans; we had liberals and conservatives.

Why is that? Why did people unite around this ban on human cloning? They came at it from different perspectives, and for many liberals it was a woman's rights issue.

This is an incredibly important point. It is getting inadequate discus-

sion, in my opinion. If we are going to allow research cloning to proceed, these labs are going to need hundreds and possibly thousands of eggs. Where are they going to get these eggs? They are going to get them from women. How do you get eggs from a woman? You have to expose them to drugs. You have to give them drugs to cause something called superovulation. One of these drugs that they use has a 30 percent incidence of causing depression. Then you have to anesthetize the woman to extract the eggs.

Who will do that? What woman would put themselves through that, or submit themselves to exposure to a drug that has potential side effects including depression, and then submit to a general anesthetic to extract these eggs? We know who will do that: women who are desperate; poor women, women who are desperately in need of money. It will ultimately end up in exploitation of women.

I just want to read this quote from Judy Norsigian. She is the author of a book, 2 million copies have been printed and sold, *Our Bodies, Ourselves*. She is prochoice. But what does she say? "Because embryo cloning will compromise women's health, turn their eggs and wombs into commodities, compromise their reproductive autonomy, and, with virtual certainty, lead to the production of 'experimental' human beings, we are convinced that the line must be drawn here."

She was not alone. She was not the only person on the left who rose up. Stuart Newman and several others rose up and said, on this issue we agree with the conservatives, that human cloning should be banned. It is for that reason that we had such an extraordinary vote in the House of Representatives.

I feel very, very strongly that if we cannot get the other body to act on this issue, we minimally need to make it illegal to patent a human clone. I feel also very, very strongly that this is not only unethical, it is unnecessary.

The research data is showing more and more the huge, tremendous potential of adult stem cells, and that the embryo stem cells indeed may actually prove to be less advantageous to use. I honestly think as the science progresses on this that therapeutic cloning and reproductive cloning by the scientific community will ultimately be abandoned, and that the ultimate place that many of these advocates of cloning want to go to is creating cloned models of human disease that can be manipulated in the lab for the development of genetic treatments and for the development of pharmacological agents, and that they ultimately want to patent these things so they can make money off of them. I think that is what is ultimately going to end up driving this whole debate in the United States.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Florida for his extraordinary remarks about not only unnecessary, but unethical therapeutic cloning.



I am very humbled, Mr. Speaker, not only to be joined by the gentleman from Florida (Mr. WELDON), the author of what we were able to do in the House in the area of banning reproductive cloning, but also to have been joined by the gentleman from New Jersey (Mr. SMITH), one of the leading members of the Pro-Family Alliance.

But perhaps more than anyone in this institution, with the possible exception of the gentleman from Illinois (Mr. HYDE), the gentleman from New Jersey (Mr. SMITH) is and has been for many, many years the leading voice for the sanctity of human life in the United States Congress. He holds the powerful chairmanship of the Committee on Veterans' Affairs, but he speaks with enormous moral authority on issues related to life.

I yield to the gentleman from New Jersey (Mr. SMITH).

□ 1745

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from Indiana (Mr. PENCE), for yielding me this time, for taking out this time on this very important Special Order to look at the issue of cloning.

The gentleman from Florida (Mr. WELDON) certainly has been the leader of this historic legislation. He is the prime sponsor of the bill that passed in the House. It ought to be acted on in the other body as soon as possible for the sake of humanity, and for the sake of so many who would be injured irreparably by delay. Delay is denial, and I hope that Mr. DASCHLE and the leadership on the Senate side will rethink the dilatory tactics they have engaged in to preclude consideration of this important human rights legislation.

In the 21st century, bioethical issues, Mr. Speaker, really are the human rights issues, especially in Western democracies like the United States. I have spent 22 years working on human rights issues, including religious freedom and trafficking in persons. I was the prime sponsor of the antitrafficking legislation. Yesterday we had a day-long hearing on this scourge of human trafficking, which injures, hurts and ends in the rape of women; but in countries like the United States, where we have a sophisticated medical capability and a scientific capability, bioethical issues are really a human rights issue.

What we do for those prior to birth, those who are fragile, whether it be the issue of abortion or euthanasia or infanticide or, in this case cloning, we need to step up to the plate and not become enablers by inaction. We have become enablers of atrocities and human rights abuses. We cannot stand on the sidelines.

The gentleman from Florida (Mr. WELDON), our leadership especially, including Speaker HASTERT and the rest of our leadership team, and a bipartisan, real healthy majority stepped up to the plate to pass this legislation,

and the gentleman from Indiana (Mr. PENCE) has been a real leader in this Congress on these human rights issues, especially as it relates to the sanctity of human life.

Mr. Speaker, just let me say that promoting human cloning for research is indeed shockingly shortsighted, and it lacks a moral basis. I understand the drive to cure debilitating diseases and to improve health care for those who are suffering, because I have been fighting for funding for disease cures for 22 years as a Member of Congress.

I would just note parenthetically, I am the co-chairman of the Autism Caucus, I am co-chairman of the Alzheimer's Caucus. As my good friend indicated earlier, I am chairman of the full Committee on Veterans' Affairs. Half of our budget, approximately, is dedicated to health care. We have a significant research budget that we try to use as wisely as possible to help our spinal cord-injured veterans and a whole host of other problems from post-traumatic stress disorder right on through.

Let me just say, having fought like the gentleman from Florida (Mr. WELDON) and so many others trying to find cures for Alzheimer's, Parkinson's, cancer, lung disease, asthma, spina bifida, autism and a host of other debilitating diseases, it is cruel, I would respectfully submit, it is utterly cruel to tell those who suffer from these diseases that somehow they will be cured through the making of a clone of themselves to cannibalize for parts.

It is also cruel to divert limited resources from promising, ethical adult and umbilical stem cell research to unethical, impractical human cloning research. There is only so much money available; and as the gentleman from Florida (Mr. WELDON) pointed out a moment ago, in the area of regenerative medicine, adult stem cells, embryonic, cord blood, these hold enormous promise that goes underutilized when we go on this fantasy of creating clones.

Again, embryonic stem cell research derived from clones is unethical. On the other hand, we have the promise of real breakthroughs and then real application, as we are already doing with adult stem cells and umbilical cord stem cells. This research has no ethical baggage. These provide cures, they provide hope, and they provide rehabilitation and regenerative capabilities.

Mr. Speaker, human cloning is not just a slippery slope. It is indeed stepping off a moral cliff. If our government approved human cloning for research, it would be the first time we would sanction the special creation of human life for the sole purpose of destroying it. Not only would we be sanctioning human cloning, we would also have a law that would require the death of those human clones, whether it be at 5 days or 14 days or whatever new arbitrary line would be drawn.

Human cloning represents the commodification and eventual com-

mercialization of human life, and it would create a class of human beings who exist not as ends in themselves, like all of us, but as a means to achieve the ends of others. A law that promotes human cloning for research is worse, far worse than no bill at all.

Once stockpiles of cloned human embryos are created for research, how realistic will it be really to have an implementation ban? Not only is allowing research cloning immoral, it would also not work. We do not fight the war on drugs by telling the public to manufacture as much cocaine as possible, pile it up in warehouses, but make sure to destroy it before anyone can smoke it or inhale it. If anyone suggested that strategy on the floor of the House, they would be criticized from here to break-fast; but that is exactly what the proponents of human cloning for research are advocating, and with a straight face. In addition, they are not talking about how these human embryo forms would be created.

Human embryos, if my colleagues read "Brave New World" and can look at the Orwellian visions we have had in the past, they can happen and will happen if the gentleman from Florida's (Mr. WELDON) historic legislation is not enacted and enacted soon.

The clock is running out on this, and I just want to say and reiterate what the good doc said a moment ago about the negative impact that this will have on women. If, as the proponents of research cloning claim happens, they will someday be able to cure human beings, which we do not think will happen, but say it does happen, we will see more drugs being used, super-ovulating drugs, to promote this egg harvesting.

I want to reiterate what the gentleman from Florida (Mr. WELDON) has on his plaque up there which was from, "Our Bodies, Ourselves for the New Century," and it was written by a woman who does not agree with me or many of us on the pro-life issue of the right to life of the unborn, but she points out, Judy Norsigian, "Because embryo cleaning will compromise women's health, turn their eggs and wombs into commodities, compromise their reproductive autonomy and, with virtual certainty, lead to the production of 'experimental' human beings, we are convinced that the line must be drawn here."

She has joined us, as the gentleman from Florida (Mr. WELDON) pointed out, a number of other people who have never supported a pro-life piece of legislation to cross the line and say, wait a minute, time out, we are not going to go across that Orwellian line and manufacture human beings for the sole purpose of destroying them and then cannibalizing their remains.

This is important human rights legislation that the gentleman from Florida (Mr. WELDON) has introduced, has gotten passed in the House with a bipartisan majority of both sides. We have got to pass it soon; and again, I call on the Senate, do not be enablers of

human rights abuses. We have got to find a way of getting this legislation down to President Bush. He has already signaled clearly and unmistakably, most recently in a White House ceremony, that he will sign this in a heartbeat. We have got to do this for the next generation and for the generations to come.

Mr. PENCE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his passion and extraordinary complement of his participation in this and would yield for a moment before we close this Special Order to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman; and I just want to add, under President Clinton, he established the National Bioethics Advisory Commission, and they said, The commission began its discussions of cloning, fully recognizing that any efforts, any humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo with the apparent potential to be implanted in utero and developed to term, what they mean by that is a baby, and that is really what this is all about.

Is it a human life? What is going to happen to it? Are we going to create, exploit it and discard it? Are we going to allow them to be manufactured into human beings, the first man-created human in the history of the world?

I say we do not cross that Orwellian line; we draw the line here, the line of morality and ethics and say, no, we do not want to go there.

Mr. PENCE. Mr. Speaker, I thank the gentleman from Florida (Mr. WELDON) for his thoughtful comments today and the gentleman from New Jersey (Mr. SMITH), the gentleman from Pennsylvania (Mr. PITTS). Mr. Speaker, I am grateful for these men of colossal stature in this institution and in this country to join us.

It seems to me, Mr. Speaker, as I close, we must decide whether we will master science or be mastered by it. It is the fundamental moral and ethical question of our time. As the gentleman from New Jersey (Mr. SMITH) said, we must prevent human life from becoming a wholesale commodity that is created and consumed.

In closing, Mr. Speaker, we must be about the values of the American people, people like Mike and Denise Dora, farmers in Rush County, Indiana, of 15 years, our friends; but they are people who look and open up that ancient book upon which our founders placed so much trust that says, "Remember this and consider, recall it to mind, you transgressors, remember the former things of old; for I am God, and there is no other; I am God, and there is none like me."

This debate must center around that conviction, those values; and if it does, we will prevent this moral horror of human cloning at any level, for any purpose, from becoming a reality in American civilization.

#### MINORITY HOMEOWNERSHIP

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CLAYTON. Mr. Speaker, this month was declared homeownership month, and there will be several Members who probably will be joining me. I know that the gentlewoman from Florida (Mrs. MEEK) has already submitted her remarks for the RECORD.

Mr. Speaker, over the last few days, the President has been promoting an initiative to increase homeownership opportunities for minorities and reduce barriers. The President's interest and participation is welcome.

Mr. Speaker, those of us in the Congressional Black Caucus have been working hard for years to correct the inequities and eliminate the disparities of housing opportunities for people of color and are pleased that the President has recognized the need for such an effort.

All we can say is WOW. More than a year ago, the Congressional Black Caucus and the Congressional Black Caucus Foundation launched an ambitious initiative called With Ownership Wealth, or WOW for short. The President's new plan echoes and amplifies many of our initial goals but may not have realized the objectives we share in common. To the extent the President is joining the lead of the Congressional Black Caucus Foundation and comprehensive group of sponsors which include the housing financing industry, the insurance industry Realtors and nonprofit organizations, including faith-based organizations, as well as community development organizations, it is indeed a step in the right direction.

Mr. Speaker, the Congressional Black Caucus and its foundation took the initiative on housing and homeownership opportunities because for too long the dream of homeownership for minorities has been a bit of wishful thinking. We have been working towards making those wishes a reality. More detailed information about the foundation's With Ownership Wealth, or WOW, as we call it, can be found on the Internet, which is [www.wowcbcf.org](http://www.wowcbcf.org).

Mr. Speaker, representing a district in North Carolina that is not only predominantly rural but also is heavily populated by Afro-Americans and other minorities I welcome the President's stated intention to step up to help create greater wealth in communities where housing needs are so critical. At a minimum, the administration announcement should increase interest of our industry players and minority homeownership acquisition.

That said, I must point out that just as there is a great gap between majority and minority homeownership, so too there is a gap between the President's words or his promise or his in-

tention and his administrative work. The President's announcement this week does not mention that his budget has slashed rural housing programs essentially from the 2002 level, including a 12.4 percent reduction in funds for guaranteeing homes for single-family housing and 11.4 percent cut in the Department of Agriculture direct loan for single family housing and a whopping 47.4 percent for direct loan for rental housing.

□ 1800

There is a significant gap between the promise and the reality. Mr. Speaker, African Americans nationwide have a home ownership rate of 48 percent compared with the majority rate of 73 percent. Politicians of both parties, Democrat and Republican, wax rhapsodically, eloquently. They say great words, great phrases about the American dream. They talk endlessly about the American dream and the right to own a home, and they also talk about the United States being the land of opportunity. For many, yes, but not for all.

It is time that the reality mirrors the rhetoric and the deeds match the words with action. It is time now that we indeed make it a reality that the American dream to own a home is made available not only to those with a lot of money, but also those who have moderate resources should not be denied, or those of African American or other minorities. It should be the right for all Americans to have that.

So I look forward to reviewing the administration's new housing and home ownership proposal and look forward to working with the administration to pass a program to help people really realize the dream. The land of opportunity should mean something more than words, and I hope that the President's promise to reduce the barriers and to make home ownership available for minorities is indeed a reality, and that resources would indeed follow the commitment.

I am pleased to be joined in this special order, home ownership, by the gentleman from Illinois (Mr. DAVIS), and I yield to the gentleman.

Mr. DAVIS of Illinois. Mr. Speaker, I want to, first of all, thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her leadership on so many issues. I mean, she has provided outstanding leadership in the area of agriculture and in the area of making sure that there is food for people who are hungry not only here in the United States, but worldwide. And she has certainly been the Congressional Black Caucus's leader when it comes to home ownership. She has provided leadership as we have tried to get our WOW initiative under way, and as a matter of fact, it is pretty difficult to keep up with her in terms of all of the many areas in which she has worked, and it is certainly a pleasure to join with her this evening.

I rise today in recognition, first of all, of Home Ownership Month and appreciate the opportunity to talk about an issue that is important to me and all of my constituents and to all Americans, especially those who share the dream of owning their own home. I am fortunate to represent one of the most diverse districts in the country. I represent many people who are rich, many people who are near rich, some people who are economically well off, the middle class. I represent people who like both the Cubs and the Sox. But I also represent an awful lot of people who are at the bottom of the socioeconomic ladder.

I represent 60 percent of public housing in the city of Chicago. I represent people who own their own homes and a lot of people who do not. It is this segment of the American population, those people that rent their living space and want to own their own house, but either feel that they cannot afford to, or do not know how to purchase a house and then turn it into a home.

Home ownership is important for individuals, families, and communities alike. There is no denying the fact that when someone owns their own home, there is a tendency to treat it with tender loving care. They work to increase its value. They cut their lawns, fix their windows, add additions, and take pride. Home ownership is also important to the family. It is a place, it is a refuge, it is a haven.

I shall never forget growing up in this rambling house where my mother had this flower garden out front, and one could wake up early in the morning and walk out on the porch and just breathe in the aroma of all these flowers. Of course, it was also hazardous because you could not touch them, and you had better not step on one, and you certainly knew better than to break one. But it was a haven, as a matter of fact.

For most Americans, buying a home is the biggest investment of their lives and one of the most meaningful. But for a large number of Americans, especially Americans of minority descent, the American Dream of owning their own home seems like fantasy rather than reality. Minority home-ownership rates are 26 percent lower than home-ownership rates of the majority of Americans. In my own congressional district, African American home ownership is down to 28 percent. In the whole district it is actually 38 percent, and that is a far cry from the 76 percent that one might expect to experience.

But buying a home is not only the best investment for the individual buyer and the community, it is the best investment for the owner's children and the children of the owner's children. It is a way of creating inheritable wealth. And that is why the WOW program is so important, because it recognizes the concept that with home ownership comes wealth.

If you pay rent for 50 years, and you can pay \$1,000 a month for rent for 50

years, and at the end of 50 years all that you have got to show for it is a drawer full of rent receipts; nothing that you can pass on, nothing that you can transfer, nothing that you can call your own, nothing that you can give away. There are some people who like church. So if you do not want to have something that you want to leave to your children or your grandchildren, well, you might want to bequeath it to some institution, some charity that you believe in, some work that you believe in doing. So home ownership provides you with not only a stake, but something to pass on.

I am so pleased that this WOW initiative has been generated by the Caucus. In communities all over America that are represented by African American Members of Congress, this initiative is going. In my own district we have had two extremely successful housing fairs where we have had 700, 800 people come to each one. We have banks and mortgage companies, credit counselors, individuals who are willing to help you clean up your credit, help people understand that there are instances where you can get a house for no money down or little money down. The Chicago Housing Authority has even come up with a plan where people who have Section 8 can purchase homes using their Section 8 certificate. So there are lots of opportunities.

Mrs. CLAYTON. If the gentleman will yield for a moment, I want to emphasize that, because the Section 8 vouchers traditionally have been used for rentals. And more than 2 years ago, the Congressional Black Caucus, in their budget submission, included that as an option.

The House did not accept the CBC's budget, but they recognized the value of that proposal, and the housing bill that was passed on the floor included for the first time an opportunity to use the vouchers that are used by poor people to supplement their rent as a one-time supplement to go towards their down payment. That has added to the great upward mobility of people who are now renting, if they aggregate their annual rent for certain months or a year and use that as a down payment.

HUD is now allowing that to happen because this House, indeed, approved that in the last revision or reform of a housing proposal that this House passed. But it was indeed the Congressional Black Caucus that offered that as a recommendation, and I am pleased that the House accepted that. And I am pleased for the gentleman to tell us that not only is it in the law, but actually people are using it, and that the gentleman is making it known to his citizens and that they are using it.

So I thank the gentleman for reminding us and thank him for his leadership in advising his constituents of that.

Mr. DAVIS of Illinois. Well, it was actually under the gentlewoman's leadership in terms of the experiences people have which give them special insight into problems, situations, and

circumstances. Then, if they can bring those to a place like the Congress and work with other people to put them into action, then we see change.

Now, these individuals, who may have been on public assistance, who may have had to live in public housing, who maybe did not have anything to inherit when they came along, now their children or their grandchildren can have a head start, a beginning. It is a concept. It is value-generating.

My father is 90 years old, and one of the things he wanted to make sure was that he had something to leave. He has a little piece of land. I have been trying to get him to sell it, to use it. It is down in a place that I am sure nobody in my family wants to go. He refuses to do anything other than leave it, so that when he goes, he can say that he left some inheritance to his children. And, of course, I am pleased to be one of them, which means that I will get a little piece of the rock.

But I just want to commend the gentlewoman again.

Mrs. CLAYTON. Well, I thank the gentleman for his leadership, too, and I am glad to know that he has had successful housing fairs and buying fairs and have had more than one. We continue to want to keep pushing, so I know the gentleman will continue to do that, so I thank him very much.

Mr. DAVIS of Illinois. I will, indeed.

Mrs. CLAYTON. Mr. Speaker, I want to welcome another fearless leader in many areas, and who has conducted many successful housing activities, including a housing summit. She has been on this case about housing for a long time, as she was in the General Assembly of California as well. I am pleased to have her join us in this Special Order, and I will yield to her.

Ms. LEE. Let me just thank the gentlewoman from North Carolina for this Special Order tonight and also for her leadership over the years and for her mentorship since I have been in Congress with regard to the critical needs of rural housing as well as urban housing.

I want to thank her for her assistance in working with my community, which is one of the least affordable communities, least affordable regions in the country to live, to help us bring affordable housing strategies to Alameda County, Oakland, Berkeley, the East Bay. I thank her for coming to our district to look at what challenges we are faced with.

The unprecedented economic growth in the United States has done very little to relieve the problems of low-income households. While the nationwide home ownership rate is approaching 70 percent, the African American and Latino home ownership rates pale in comparison at a close to probably 46 percent.

Now, in my work as a member of the House Subcommittee on Housing and Community Opportunity of the Committee on Financial Services, I am

working with my colleagues consistently on meaningful housing legislation and on a meaningful housing agenda. Of the 3.9 million low-income households to be considered working poor, over two-thirds pay 30 percent or more of their incomes to housing costs, with one-quarter paying over half of their incomes.

In 39 States, 40 percent or more of renters cannot afford fair market rate rent for a 2-bedroom unit, and that is why creating more affordable housing and home ownership should really be our focus.

□ 1815

As we heard earlier, the Congressional Black Caucus continues to support programs that are improving access to affordable housing and homeownership because sound fiscal policy really must leave no one behind. Everyone has a right to decent, affordable housing. That should really be a basic human right.

Recently, President Bush announced a new goal to help increase the number of minority homeowners by at least 5.5 million before the end of the decade. Although this is a great idea and I applaud the President for bringing this to the forefront of our national agenda, the reality is that members of the Congressional Black Caucus have been setting goals for minority ownership for many years. As a matter of fact, our Congressional Black Caucus Foundation initiated the WOW Initiative in 2000. WOW's goal is 1 million African American and minority homeowners by the year 2005.

Many of my colleagues reiterate the importance of not recreating the wheel. I agree. That is why it is hard to understand why the President would recreate an existing program and not fund it. When I say not fund it, creating new funds that we need to establish a down payment assistance program, increasing funding for current home buyer programs, and supporting a national housing trust fund which would use surplus FHA dollars for homeownership and a housing production program in our country.

Consistently, since the Bush administration has drafted budgets, they seem to really negate the promise of homeownership and fair and quality housing. President Bush has cut the HUD budget this year and fights the creation of a national housing production program. Very recently, I believe last year, he cut the drug elimination program which our public housing authorities and tenants need so desperately to live in safe and secure homes.

Today we began the markup of a major housing bill, and the debate was very spirited and very interesting; but in some ways very appalling. Those who really do not believe that the Federal Government should ensure decent and affordable housing for everyone really spoke their minds today. It was very clear that the trillions of dollars

in tax cuts that the Republicans on our committee believe need to be the priority for our country, really do not see that basic housing, affordable housing through a production program makes sense. It makes sense in the sense that it is a job-creation effort. It creates an economic, vital country with the creation of thousands, maybe millions, of jobs in home building. It provides for additional units. Everywhere that I go and every witness who has come to our committee, which we heard about earlier, has said yes, a housing production program is badly needed. The builders, banks, Realtors, faith-based organizations, bar none, Republicans, Democrats, the business community, we all know that a housing production program is sorely needed.

We also tried today to put an amendment in, the gentleman from New York (Mr. LAFALCE) and myself, to say basically a new down payment assistance program for low-income buyers, if the localities and local governments believe this is useful, provide foreclosure assistance and counseling to ensure that those homes that first-time home buyers purchase are secure from foreclosure and basic literacy education with regard to what it means to buy a house is really needed. On a bipartisan vote, we could not get the votes to put that modest amendment into the bill.

I say this tonight because it is so important that we understand and recognize that a decent, affordable home is basic to survival and basic to a family's ability to live the American dream. For many of us, especially for minority communities, homeownership is the only way to acquire any wealth, any equity, in looking at the American dream as a way to finance our children's college education, start a small business, or whatever. It is not the stock market, it is not mutual funds, it is not the financial instruments that those who have money utilize to make money. It is homeownership that we use to really become part of this great society.

I want to thank the Congressional Black Caucus and my colleague from North Carolina for this Special Order tonight. I hope that sooner or later affordable housing becomes a national priority. Education, health care, the environment, our national priorities should be about putting people first. In putting people first, affordable housing, the right to live in dignity, should be basic to our list of priorities.

Mr. Speaker, the gentleman from Maryland who has been a leader on so many issues is going to discuss how he views housing and priorities in this Congress.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding and thank the gentlewoman for her leadership. I also thank the gentleman from North Carolina (Mrs. CLAYTON).

Every time I think about housing, coming from the inner city of Baltimore, I think about the various new

housing projects that we have been able to come up with and get built in our Seventh Congressional District with Hope VI dollars. Of course Hope VI has had its problems here.

But one of the things that we have noticed in the change, that change of environment does so much for children. So often we look at children and we say, how can we nurture their nature to make them the very best that they can be.

I believe if a child can come home and have a safe place to do their homework and safe place to sleep, a safe neighborhood, a place to play, that lends itself to productivity. It lends itself to them feeling good about themselves.

I think when we look at what is happening, the gentlewoman talked about various things that she was trying to do with various amendments. All of these things show a tremendous amount of sensitivity in an effort to help get people to where they want to go. What happens when a person buys a house, their whole attitude changes. They realize that they can do it. I am always amazed when I talk to people, when I was practicing law and would go to settlement, particularly first time home buyers, at the end of the whole process when you give them the keys, they would look at me and say, This is mine?

That sense of empowerment of what they are doing, and the mere fact that they can come home and say look, we have a house. I think we have to continue the kind of efforts that we are doing. I know so many of us have worked hard to try to lift up people with regard to housing. We are going to continue to do that. I thank the gentlewoman for her leadership. So often when people get to the point where they buy a house, as the gentlewoman said, it is like that initial step to allow them to go and do many, many other things.

Ms. LEE. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for raising this discussion to another level in terms of the importance of self-esteem and one's dignity with regard to access to decent and affordable housing.

Let me share something very personal. When I was a child, my grandfather in Texas urged us never, ever, ever to rent. If we had to, okay; but he said always try to buy a house. So I grew up in a household with a grandfather who spoke of homeownership as a vehicle to living the American dream.

When I was 19 years old, I was able to buy my first house, and that house cost me \$19,475. Because of that through many, many challenges and difficulties through life, I was able to send my two children through college and start a small business; but it was all because of that one purchase of a young woman, single, on public assistance. I was able to buy a house and move forward from there. I think so many

young people deserve that access so they can do some of the things that they may want to do in life.

Mr. CUMMINGS. Mr. Speaker, one interesting story, when I think about my mother and father, neither one of them got past elementary school. My father was a laborer and my mother was a domestic. My father had the dream of becoming a homeowner. He found a beautiful house. He is a very prayerful man, and so he took all seven of his kids up to that house with my mother, and we literally kneeled in front of the house and prayed. I kid my father sometimes, I think the police thought we were protesting or something, but he had a dream. He said we would get that house. About a year later, we got the house.

The interesting thing about it, though, is I was only about 10 years old. But to this day, some 40 years later, I still remember the name of the person who sold the house to us, and I also remember the previous owner and the broker. That says a lot. As a little kid, I remember that. And I will never forget going from a 2-bedroom house to a 4-bedroom house. And to have a bedroom where there were only two of us sleeping instead of four of us sleeping.

When we talk about children, it is not the deed, it is the memory that is empowering; and those are powerful memories, just the gentlewoman's are. It is interesting, housing lifts not only you, but generations of you yet unborn. That is very, very special.

While we do things here in the Congress and we wonder whether or not they are having a tremendous amount of impact, the fact is they do have impact and they do affect a lot of people, and they affect people that we will never even possibly see.

Ms. LEE. Mr. Speaker, I thank the gentleman for participating and also for his forward-thinking and visionary work on housing, drugs, AIDS, and criminal justice reform, and on each and every issue the gentleman tackles in this Congress.

Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for this Special Order, and to urge the American people to really wake up in terms of this housing agenda, to know that there are some in Congress who are desperately trying to ensure that we have a national housing trust fund and a national housing production effort so that those who want to purchase a home or rent a home and who need shelter will be able to afford that. Once again, that is basic to a person and a family's human dignity; and they deserve to live the American dream. And for many, it is, quite frankly, becoming a nightmare.

Mrs. MEEK of Florida. Mr. Speaker, I thank and commend the gentlelady, my good friend from North Carolina, Rep. EVA CLAYTON, for scheduling this important Special Order to highlight the issue of disparities in housing and homeownership between whites and people of color.

The Congressional Black Caucus and the Congressional Black Caucus Foundation have

championed the cause of increased opportunities for home ownership for minorities. I am pleased that President Bush is now proposing some steps that will move this cause forward. However, he needs to be doing a great deal more.

None of us can overstate the personal and social significance of private citizens owning their own homes. For generations of Americans, home ownership has been a key element of the American Dream.

Homeownership is more than just the acquisition of property. It is a source of pride and personal achievement.

Homeownership also provides a strong foundation for American families. It promotes good, stable environments where they can thrive.

A home does much more than provide shelter. It's the cornerstone of wealth creation. For most families, buying a home is the biggest investment they will ever make. Building equity in a home allows the owner to pass wealth from generation to generation or use it for other important purposes such as paying for a child's education.

Home ownership is a cornerstone of our economy. According to the Federal Reserve Board, owner-occupied property made up 21 percent of all household wealth in 2000 and more than 71 percent of all tangible wealth.

Housing generates more than 22 percent of our Nation's Gross Domestic Product.

The strength and stability created through individual homeownership radiates throughout our neighborhoods, towns and cities as well. Homeownership unites us in a shared commitment to safer streets, to improved schools, to prosperous local economies, and to community involvement.

The recent economic boom of the 1990's has had a profound effect on homeownership. Today, an estimated 72 million American families—an all-time record high—now own their own homes. These Americans have staked their claim to the American Dream.

For far too many minorities, home ownership remains an elusive dream.

While the homeownership rate for white non-Hispanics reached a record 73.8 percent in the year 2000, the rates for African Americans and Hispanics were significantly lower—47.6 percent and 46.3 percent, respectively.

Wide disparities in homeownership also exist between central city and suburban areas. For example, the rate of homeownership in central cities was about 51 percent in 2000, compared to 74 percent in the suburbs.

Metropolitan areas also have homeownership rates far below the national average. For example, the homeownership rate in New York City was only 34 percent, while it was 49 percent in Los Angeles, nearly 59 percent in Boston, and 56 percent here in Miami.

One reason why minorities and those in the central cities have lower homeownership rates is the fact that they generally have lower incomes than the rest of the population.

For most people, owning a home is a simple matter of math. Households with family income greater than or equal to the median family income had a homeownership rate of nearly 82 percent in the last quarter of 2000. In sharp contrast, the rate for households with family income less than the median family income was only 51.8 percent.

In addition to the disparities in the rates of homeownership according to race and income,

we also must address acute shortage of affordable housing.

The National Low Income Housing Coalition's analysis of the 1999 American Housing Survey data shows that there are approximately 15 million households in the United States who pay more than half of their income for their housing, live in severely substandard housing, or both. The majority of these households—11 million—have extremely low incomes, that is, incomes at or below 30% of the area median.

Because the American Housing Survey only counts people who are housed, to get a true picture of the number of extremely low income households with severe housing problems, we must add homeless families and individuals to this number, an estimated two to three million people.

There are also 14 million very poor households with serious living problems. These include both renters and homeowners, and comprise over 13 percent of all households in the country.

Especially troubling is the fact that there are now 600,000 more households with worst case housing needs than 10 years ago. [Households with worst case needs are defined as unassisted renters with incomes below 50 percent of the local median, and who pay more than half their incomes for rent or live in severely substandard housing].

It seems to me that the promise of America—that you will be able to afford housing and take care of your family if you work hard and play by the rules—is under a quiet but crippling assault today, an assault that falls disproportionately on the poor and people of color.

The current Administration has a history of paying excellent lip service to this important issue, but failing to address it in a real and effective way. While I welcome President Bush's initiative to increase opportunities for home ownership for minorities, he also needs to propose a much stronger HUD budget and increased funding for programs that would substantially increase the supply of affordable housing in this country.

For example, the President's budget calls for a significant cut in the Public Housing Capital Fund. The Public Housing Capital Fund would be cut by a \$441 million when increased set-asides are factored into the equation.

The President's budget freezes funding for HOPE VI grants to local authorities. This program is revolutionizing public housing by replacing high rises or barracks-style projects with new, mixed income, mixed-used communities.

Finally, the Public Housing Operating Fund would receive an increase of \$35 million over FY02, though still short of the combined total that operating fund and the Public Housing Drug Elimination Program received for last year. The Drug Elimination Program remains zeroed out.

Mr. Speaker, this is hardly the housing budget of an Administration that understands the housing needs and housing disparities in this country. Let's be clear, these shortsighted cuts—and others—are necessary to pay for last year's Republican tax cut, which provides most of its benefits to those who needs them least.

There is much more than the Administration can and should do to address the crisis in affordable housing.

I have introduced a bill, H.R. 4205, also known as the Affordable Housing Improvements Act, that will enable communities with serious affordable housing shortages to transfer their unused Section 8 funds to the HOME Program—a program to build new housing for rent or homeownership or to the Public Housing Capital Fund—a program to rehabilitate existing public housing, depending on local housing needs.

As many of you know, every year communities around the country lose Section 8 dollars because federally subscribed voucher payments have not kept pace with rapidly rising rents making it impossible for individuals to use these subsidies. In 2001, HUD recaptured \$1.8 billion dollars in unused Section 8 funds from Public Housing Agencies throughout the nation, including more than \$23 million from the Miami-Dade Housing Authority. This is a scandal and it must be stopped.

My bill would allow local communities to attack their affordable housing problem by allowing them to use these scarce federal resources to improve and construct new affordable housing units in an effort to dramatically improve the nation's affordable housing problems.

Congress also should pass the National Affordable Housing Trust Fund Act. This legislation would create an affordable housing trust fund from profits generated by the Federal Housing Administration. Over the next seven years, these FHA profits are expected to exceed \$25 billion.

If a portion of the FHA surplus is used to build affordable housing, experts predict that we could triple affordable housing construction next year and provide shelter for more than 200,000 families.

Mr. Speaker, finally, our housing strategy must include measures that will improve the economic well-being of low-income families. This includes raising the minimum wage, expanding the earned income tax credit, improving job opportunities through education and training, and fostering economic development that will create better paying jobs.

Ms. KILPATRICK. Mr. Speaker, I rise today to commend President Bush for finally deciding to follow the lead of the Congressional Black Caucus and the CBC Foundation in championing the cause of increased opportunities for home ownership for minorities. While I am pleased that the White House has finally recognized the importance of this issue to the economic welfare of minorities, it is important to recognize the leadership of the CBC in advancing this issue.

Owning a home is one of the very important markers of success in a person's life. From our Nation's earliest days, homeownership has been the foundation of the American dream. Yet, for too long, the American dream has been unattainable for many low-income, minority families. In many distressed neighborhoods, particularly in this country's urban communities, there is a lack of affordable housing units available to residents. And the costs involved in new construction of residential property in these areas far outweigh the revenue. Thus, homebuilders refrain from building new, affordable homes in low and moderate-income neighborhoods.

A David Broder article in the Detroit Free Press stated that "the shortage of affordable housing is close to the top of people's concerns. And it's mainly in the Federal Govern-

ment that housing is a chronically neglected subject."

Time and again CBC Members have pointed out that Congress is not addressing the affordable housing needs of America's low to moderate-income families. We are pleased that the President is heeding our collective voices. To the President, we say, "thank you" for bringing about greater public awareness to this problem. To the American people, we say, the CBC will be here, as we always have, to ensure that the initiatives the President proposed this past weekend are implemented and that homeownership opportunities increase for all Americans, especially those who so desperately need them.

Through the work of the President, this Congress, and the private sector, we look forward to lower down payments, better education on the purchasing process, and overall affordable housing for all Americans, regardless of race, creed, or socio-economic status.

□ 1830

#### GOVERNMENT UNABLE TO ACCOUNT FOR \$17.3 BILLION

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I will not take the full hour that has been allotted to me. I will only take 5 or 6 minutes. I came to the floor of the House because 2 weeks ago I had been listening to a radio talk show host in North Carolina. It was actually Jerry Agar at WPTF in Raleigh. He was talking about the fact that he just could not believe a New York Post article that said that the Federal Government had lost \$17.3 billion.

I was just really outraged at the time. I took my car phone and called my office and I said, "Please check this New York Post article. Let's verify what Mr. Agar was saying." Sure enough, what we found out, the New York Post, and not only the Post but also the London Times had both written articles to the fact that based on the Department of Treasury-released report, the 2001 financial report of the United States Government, the report, on page 110, revealed that the Federal Government has unreconciled transactions totaling \$17.3 billion for fiscal year 2001.

Mr. Speaker, I am one of many on both sides of the political aisle that just really thinks this is unacceptable and outrageous that the hard-working American people who pay their taxes and think that we are the public guardian of the American people's taxes, yet the government cannot account for \$17.3 billion.

On June 6, I wrote a letter to Secretary Paul O'Neill. The last paragraph says, "Mr. Secretary, I believe someone must answer to the American people for this loss of tax dollars, and I look forward to your answer regarding these unreconciled transactions." I, quite frankly, hope that by the time we re-

turn after the July 4 break, which will be in about 1 week, or 8 days, and we are out for about 6 days, that when we come back, that I will have an answer from Secretary O'Neill as to where the taxpayers' money totaling \$17.3 billion has gone. If not, then I intend to write the Budget chairman and also the oversight chairman on the Government Operations and ask them to please make an inquiry in behalf of the taxpayers of America.

There are a multitude of reasons why I am alarmed by the fact that this has been lost, again primarily because it is the taxpayers' money. We all know that this is a tight budget year. We have a war on terrorism that is costing about \$1.8 billion a month. We must fight that war and win that war for the American people, and certainly we must be very frugal and wise with the taxpayers' money, and certainly must account to the taxpayer every dollar and every dime that we spend. That is one reason that I am really pushing hard for the Secretary of Treasury to give me an answer to where this \$17.3 billion has gone, because, quite frankly, we have an obligation to the taxpayer, and we have an obligation as Members of the House of Representatives to make sure that we can answer the questions of our constituents about a multitude of issues, and certainly as to where \$17.3 billion has gone.

I use for an example that I have put in a bill, H.R. 3973, that many of my colleagues, both Democrat and Republican, have signed this bill that would help ensure that when a military person is killed, whether it be accidental or it should be in wartime, that the Congress years ago decided that the family should get what is called a death gratuity. Initially it started off at about \$3,000. In 1986, the Congress decided to add 3- to the 3-, which would make it 6-. But on the second \$3,000, the bill was not sent to Ways and Means, so, therefore, there is a tax on the second 3- of the \$6,000 death gratuity that is given to the family of a man or woman in the military.

I am just incensed that there would be any tax on this death gratuity, so I have put a bill in, and again I have got very strong bipartisan support, to eliminate this tax so that when the family receives the death gratuity from the United States Government, there would be no tax to the family.

I use that for an example because, Mr. Speaker, to eliminate this tax over a 10-year period would only cost \$8 million, that is over 10 years, to make sure that the family of the military person that has been killed would not pay a tax on it.

Then I come back to the fact that we have lost \$17.3 billion. My point is to say that I intend to come to this floor at least once a week, and maybe more often than that, to say to Secretary O'Neill, we need as a Congress, not just Congressman WALTER JONES, but we as a Congress, we need an answer so that we can say to our constituents who are



paying these taxes that we want to know where \$17.3 billion has gone.

I have just a couple of more points, and then I will yield back my time. I am one of many, both Republican and Democrats, who work here very hard. We heard, the hour before my time, in talking about housing. There are just a lot of responsibilities that we do have to the taxpayers of this country to make sure that the government does operate in a very efficient manner, and where we can be of assistance to the people throughout this country, we certainly need to meet that obligation. Again, the May 2002 report from the Department of Treasury, 2001 financial report of the United States Government, anybody that might be listening tonight or anybody that would like to check can go on the Internet and look up that document, 2001 financial report of the United States Government, look on page 110. And I am going to repeat it again, the Federal Government has, and I quote, unreconciled transactions totaling \$17.3 billion.

Just a quick example. According to the London Times, \$17.3 billion is enough to buy a fleet of B-2 bombers with spare change for fuel. \$17.3 billion is the equivalent of two aircraft carriers and two air wings. We all know that if this money, if it had just been \$200 that might have been lost by a company, the company president would have immediately called the CPA and said, "Come in here and check the books of this company. I don't know where we have lost this money." Then if he could not find it, he might even call the local police and ask them to come in to help investigate.

I want to say again that I am certain that Secretary O'Neill will answer my letter and give me an explanation so I can say to the taxpayers of the Third District of North Carolina as well as the taxpayers of America that we know where this \$17.3 billion has gone.

Mr. Speaker, again, I want to thank you for this time and just to say that I will promise the people of the Third District of North Carolina and the people of America that I will work with my colleagues on both sides of the political aisle and make sure that we get an explanation as to where the \$17.3 billion has gone; that we appreciate the hard-working people of America, and we want to make sure that even though we have many contentious and heated debates, and that is the way it should be, this is a Republic, it is a democratic country, and we have a right to disagree, but when it really comes down to trying to protect the taxpayers' money, we work together in a bipartisan way.

Therefore, if I have not gotten an answer when we come back after July 4, I will be asking the committees of jurisdiction to please request that Secretary O'Neill comes before the committee and explains where this \$17.3 billion has gone.

I conclude tonight, Mr. Speaker, because I have three military bases in my

district, Camp Lejeune Marine Base, Cherry Point Marine Station and Seymour Johnson Air Force Base.

I certainly want to close by asking God to please bless our men and women in uniform and their families. We are very fortunate to have the dedicated men and women in uniform as well as their families.

#### INTRODUCTION OF RESOLUTION PRAISING CUBA'S PROJECT VARELA

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

Mr. PALLONE. Mr. Speaker, I rise this evening to draw attention to a troubling development in the democratic reform effort in Cuba. Last week Fidel Castro staged mass demonstrations throughout Cuba in a sign of so-called "support" for a proposed amendment to the Cuban Constitution declaring his failed Soviet-style economic system to be "untouchable."

Mr. Speaker, there is no question as to what has left Castro feeling threatened to the point that he feels the need to reaffirm his dictatorial control of Cuba and that is Project Varela. On Friday, May 10, over 11,000 citizens of Cuba took a courageous stand and petitioned the Cuban National Assembly to hold a nationwide referendum vote on guarantees of human rights and civil liberties.

Named for the 19th century priest and Cuban independence hero, Padre Felix Varela, the Varela Project received no funding or support from foreign organizations or foreign governments. Project Varela is a grassroots effort by the Cuban people to call on their government to provide them with internationally accepted standards of human and civil rights, including freedom of speech, the right to own a business, electoral reform and amnesty for political prisoners.

Beyond the obvious threat that a grassroots political effort poses, Project Varela represents an even greater challenge to Castro's control of the island. With its 11,000 plus signatures, the project qualifies under article 88 of the Cuban Constitution, which states that if the Cuban National Assembly receives the verified signatures of 10,000 legal voters, a referendum on the issue should be scheduled. However, Mr. Speaker, instead of allowing his Parliament to consider Project Varela, today Castro introduced his own referendum that would stop future consideration of Project Varela and any other democratic reform efforts.

My question to Castro is that if he is so sure that he has the support of the Cuban people, why will he not schedule a referendum? If Castro is unfazed by the Varela Project, then why propose reforms to the Cuban Constitution 1 month to the day that the petition was delivered?

Mr. Speaker, the ultimate goal of U.S. policy towards Cuba has always

been to promote the island's peaceful transition to democracy. Many of my colleagues have varying views on the best approach to achieve a democracy. However, we can all agree on the importance of a grassroots democratic effort like Project Varela. That is why today I have introduced a resolution commending the citizens of Cuba for actively exercising their constitutional rights and taking a stand for the rights of all Cubans. The resolution praises Oswaldo Paya and the other organizers of Project Varela for their courage and bravery, for their willingness to stand up to a dictator.

Mr. Speaker, I urge my colleagues to join with me and cosponsor this important resolution. It is time Castro realized that his orchestrated demonstrations and forced petitions are fooling no one.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHAMBLISS (at the request of Mr. ARMEY) for today until 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. ISAKSON (at the request of Mr. ARMEY) for today until 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. KINGSTON (at the request of Mr. ARMEY) for today until 1:30 p.m. on account of qualifying for the Georgia congressional ballot.

Mr. LAHOOD (at the request of Mr. ARMEY) for June 21 on account of official business.

Mr. MANZULLO (at the request of Mr. ARMEY) for today after 2:00 p.m. through June 24 on account of personal business.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for June 19 and the balance of the week 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 Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Member (at the request of Mr. FOSSELLA) to revise and extend his remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

#### SENATE BILLS REFERRED

A concurrent resolution of the Senate of the following title were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 110. Concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis; to the Committee on Transportation and Infrastructure.

#### ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 327. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 18, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3275. Suppression of Terrorist Bombings.

H.R. 4560. To eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

#### ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Friday, June 21, 2002, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7495. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Post-Loan Policies and Procedures Common to Guaranteed and Insured Loans (RIN: 0572-AB48) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7496. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions [OPP-2002-0061; FRL-7176-8] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyhalofop-butyl; Time-Limited Pesticide Tolerance [OPP-2002-0087; FRL-7178-5] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7498. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methyl Parathion and Ethyl Parathion; Tolerance Revocations [OPP-2002-0067; FRL-7179-9] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7499. A letter from the Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Electronic Activities [Docket No. 02-07] (RIN: 1557-AB76) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7500. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Condensation Control for Exterior Walls of Manufactured Homes Sited in Humid and Fringe Climates; Waiver [Docket No. FR-4578-F-02] received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7501. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7428] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7502. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7503. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation Plans; Illinois [ILL189-1a; FRL-7212-9] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7504. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution from New Motor Vehicles; Amendment to the Tier 2/Gasoline Sulfur Regulations [AMS-FRL-7221-5] (RIN: 2060-AI69) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7505. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling; Nutrient Content Claims, Definition of Sodium Levels for the Term "Healthy;" Extension of Partial Stay [Docket No. 91N-384H and 96P-0500] (RIN: 0910-AA19) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7506. A letter from the Director, Regulations Policy and Management Staff, FDA,

Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Ear, Nose and Throat Devices; Reclassification of the Endolymphatic Shunt Tube with Valve [Docket No. 97P-0210] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7507. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definitions and Recordkeeping Provisions [MD 132 & 133-3087a; FRL-7210-1] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7508. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN141-1a; FRL-7213-5] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7509. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(1), Delegation of Authority to the Oregon Department of Environmental Quality and Lane Regional Air Pollution Authority [FRL-7223-3] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7510. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval of Revisions to Operating Permits Program in Oregon [FRL-7223-5] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7511. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution from New Motor Vehicles; Second Amendment to the Tier 2/Gasoline Sulfur Regulations [AMS-FRL-7221-9] (RIN: 2060-AJ71) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7512. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Clarifications to the Export Administration Regulations—Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention [Docket No. 020509118-2118-01] (RIN: 0694-AC62) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7513. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations as a Result of the September 2001 Missile Technology Control Regime (MTCR) Plenary Meeting [Docket No. 020328073-2073-01] (RIN: 0694-AC55) received May 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7514. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Armenia, Azerbaijan, Georgia, Moldova, Kazakhstan, Kyrgyzstan, Ukraine, Tajikistan, and Uzbekistan are committed to the courses of action described in Section 1203 (d) of the Cooperative Threat Reduction Act of 1993 (Title XII of Public Law 103-160); to the Committee on International Relations.

7515. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Cost-of-Living Allowances

(Nonforeign Areas); Methodology Changes (RIN: 3206-AJ40 and 3206-AJ41) received 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7516. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery [Docket No. 020409080-2100-02; I.D. 032602A] (RIN: 0648-AP78) received May 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7517. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Golden Crab Fishery off the Southern Atlantic States; Amendment 3 [Docket No. 011015252-2081-02; I.D. 053001E] (RIN: 0648-AO23) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7518. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Suspension of the 2002 Texas Closure [Docket No. 020325070-2102-02; I.D. 031202B] received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7519. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2002 Management Measures [Docket No. 020430101-2101-01; I.D. 042902A] (RIN: 0648-AP52) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7520. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and MD-88 Airplanes [Docket No. 2000-NM-164-AD; Amendment 39-12740; AD 2002-09-07] (RIN: 2120-AA64) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7521. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30305; Amdt. No. 3002] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7522. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Honolulu Class E5 Airspace Area Legal Description [Airspace Docket No. 01-AWP-29] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7523. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace at Sharon, PA [Airspace Docket No. 01-AEA-17] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7524. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule —

Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30309; Amdt. No. 3005] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7525. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30310; Amdt. No. 3006] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7526. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Liberty, NC [Airspace Docket No. 02-ASO-6] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7527. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace, Newport, OR [Airspace Docket No. 01-ANM-17] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7528. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Norton, KS [Airspace Docket No. 02-ACE-4] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7529. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000-NM-355-AD; Amendment 39-12756; AD 2002-10-10] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7530. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2000-NM-394-AD; Amendment 39-12758; AD 2002-10-12] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7531. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1 Series Turbofan Engines [Docket No. 2002-NE-04-AD; Amendment 39-12754; AD 2002-10-08] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7532. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-59A, -70A, -7Q, and -7Q3 Turbofan Engines [Docket No. 2001-NE-27-AD; Amendment 39-12753; AD 2002-10-07] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7533. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000-NM-372-AD; Amendment 39-12752; AD 2002-10-06] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7534. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 58P, 60, A60, B60 and 65-88 Airplanes [Docket No. 2001-CE-32-AD; Amendment 39-12759; AD 2002-10-13] (RIN: 2120-AA64) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7535. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1A2 Turbofan Engines [Docket No. 2002-NE-06-AD; Amendment 39-12750; AD 2002-10-04] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7536. A letter from the Senior Regulatory Analyst, Department of Transportation, transmitting the Department's final rule — Imposition and Collection of Passenger Civil Aviation Security Service Fees [Docket No. TSA-2001-11120] (RIN: 2110-AA01) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Permits for the Transportation of Municipal and Commercial Waste (RIN: 2115-AD23) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Temporary Requirements for Notification of Arrival in U.S. Ports [USCG-2001-10689] (RIN: 2115-AG24) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7539. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice-Attorney Fee Matters (RIN: 2900-A198) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7540. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Addition of New Grape Variety Names for American Wines (2000R-322P) [T.D. ATF-475; Ref. Notice No. 924] (RIN: 1512-AC29) received May 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7541. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Rockpile Viticultural Area (2000R-436P) [T.D. ATF-473; Re: Notice No. 916] (RIN: 1512-AA07) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7542. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Delegation of Authority [T.D. ATF-472] (RIN: 1512-AC59) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7543. A letter from the Chief, Regulations Division, Department of the Treasury, transmitting the Department's final rule — Delegation of Authority [T.D. ATF-480] (RIN: 1512-AC36) received June 3, 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. HANSEN: Committee on Resources. H.R. 1606. A bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for other purposes; with an amendment (Rept. 107-519). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 2733. A bill to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration; with an amendment (Rept. 107-520). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 4854. A bill to reauthorize and reform the national service laws; with an amendment (Rept. 107-521). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 451. Resolution providing for consideration of the bill (H.R. 4931) to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent (Rept. 107-522). Referred to the House Calendar.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McHUGH (for himself and Mr. BURTON of Indiana):

H.R. 4970. A bill to reform the postal laws of the United States; to the Committee on Government Reform.

By Mr. OTTER (for himself, Mr. GIBBONS, and Mr. SIMPSON):

H.R. 4971. A bill to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. BARRETT, Mr. BONIOR, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CARSON of Oklahoma, Ms. DeLAURO, Mr. DINGELL, Mr. EVANS, Mr. FILNER, Mr. FRANK, Mr. FROST, Mr. HEFLEY, Mr. KILDEE, Mr. KIND, Mr. LANGEVIN, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MCKINNEY, Mr. McNULTY, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. OWENS, Mr. PASCRELL, Mr. PAYNE, Ms. RIVERS, Mr. ROHRBACHER, Mr. SANDERS, Mr. SERRANO, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado, and Ms. WATSON):

H.R. 4972. A bill 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; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. LANTOS, Mr. GILMAN, Mr. WELDON of Pennsylvania, Mr. LEACH, Mr. FALOMAVAEGA, Mr. HOYER, Ms. KAPTUR, Mr. CLYBURN, Mr. WEINER, Ms.

WOOLSEY, Mr. HOFFEL, Ms. LEE, Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. DAVIS of Florida, Mr. LEVIN, Mr. MEEKS of New York, Mr. SCHIFF, Mrs. NAPOLITANO, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mr. WYNN, Mr. BOSWELL, Mr. JEFFERSON, and Ms. CARSON of Indiana):

H.R. 4973. A bill to strengthen democratic institutions and promote good governance overseas by contributing to the development of professional legislative staff; to the Committee on International Relations.

By Mr. CULBERSON:

H.R. 4974. A bill to amend the Internal Revenue Code of 1986 to exclude from income taxation all compensation received for active service as a member of the Armed Forces of the United States; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. FROST, Mr. STENHOLM, Mr. TURNER, Mr. HALL of Texas, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. REYES, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, and Mr. ORTIZ):

H.R. 4975. A bill to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building"; to the Committee on Government Reform.

By Mrs. LOWEY:

H.R. 4976. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mr. JEFF MILLER of Florida:

H.R. 4977. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture.

By Mr. PAUL:

H.R. 4978. A bill to amend the Internal Revenue Code of 1986 to increase the age at which distributions must commence from certain retirement plans from 70 1/2 to 80; to the Committee on Ways and Means.

By Mr. FARR of California (for himself, Mr. UDALL of Colorado, Mr. HONDA, Mr. HALL of Ohio, and Mr. PETRI):

H.R. 4979. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and non-violent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on International Relations.

By Mr. PETRI (for himself and Mr. KANJORSKI):

H.R. 4980. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. STEARNS (for himself and Mr. TOWNS):

H.R. 4981. A bill to amend the Consumer Product Safety Act to provide for fire safety standards for cigarettes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington:

H.J. Res. 100. A joint resolution authorizing special awards to World War I and World War II veterans of the United States Navy Armed Guard; to the Committee on Armed Services.

By Ms. KILPATRICK (for herself, Mr. CONYERS, Mr. BONIOR, Mr. BARCIA, Mr. CAMP, Mr. DINGELL, Mr. EHLERS, Mr. HOEKSTRA, Mr. KILDEE, Mr. KNOLLENBERG, Mr. LEVIN, Ms. RIVERS, Mr. ROGERS of Michigan, Mr. SMITH of Michigan, Mr. STUPAK, and Mr. UPTON):

H. Res. 452. A resolution congratulating the Detroit Red Wings for winning the 2002 Stanley Cup Championship; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. DAVIS of Florida, Mr. DEUTSCH, Mr. FLAKE, Mr. LYNCH, Mr. SCHIFF, and Mr. SNYDER):

H. Res. 453. A resolution expressing the sense of the House of Representatives regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly; to the Committee on International Relations.

By Mr. RADANOVICH (for himself and Mr. HINCHEY):

H. Res. 454. A resolution recognizing the 10th anniversary of the independence of the Republic of Croatia; to the Committee on International Relations.

### MEMORIALS

Under clause 3 of rule XII,

297. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 13-021 memorializing the United States Congress to support the passage of H.R. 3128, to authorize the establishment of a National Guard of the Northern Mariana Islands; to the Committee on Armed Services.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. ROUKEMA introduced a bill (H.R. 4982) to waive the time limitation specified by law for the award of certain military decorations in order to allow the award of the Congressional Medal of Honor to Steve Piniha of Sparta, New Jersey, for acts of valor while a member of the Army during World War II; which was referred to the Committee on Armed Services.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. GEKAS

H.R. 159: Mr. GEKAS.

H.R. 175: Mr. ROGERS of Michigan.

H.R. 179: Mr. GEKAS.

H.R. 303: Mr. EHLERS.

H.R. 325: Mr. GORDON.

H.R. 356: Mr. GEKAS.

H.R. 360: Mr. FROST, Mr. OWENS, and Mrs. JONES of Ohio.

H.R. 462: Mr. GEKAS.

H.R. 488: Mr. ACKERMAN, Mr. BALDACCIO, Mr. UDALL of Colorado, and Mr. COSTELLO.

H.R. 534: Mrs. BIGGERT and Mr. GRAHAM.

H.R. 633: Ms. BROWN of Florida, Mr. SERRANO, Mr. QUINN, Mr. OLIVER, Ms. MILLENDER-MCDONALD, and Mr. BERMAN.

H.R. 781: Mr. MOLLOHAN.

H.R. 822: Ms. CARSON of Indiana.

H.R. 1030: Mr. PETERSON of Pennsylvania.

H.R. 1090: Ms. MCCARTHY of Missouri, Mr. BILIRAKIS, Mr. BOYD, Mr. THOMPSON of Mississippi, Mr. LUTHER, Mr. CLAY, Mr. SIMMONS, and Mr. WHITFIELD.

H.R. 1134: Mr. KIND.

H.R. 1155: Mrs. JO ANN DAVIS of Virginia.

H.R. 1172: Mr. WELDON of Pennsylvania and Mr. BISHOP.

H.R. 1280: Mr. GEKAS.

H.R. 1305: Mr. FORBES.  
 H.R. 1331: Mr. GUTKNECHT.  
 H.R. 1452: Mr. GONZALEZ.  
 H.R. 1509: Mr. KILDEE.  
 H.R. 1515: Mr. KELLER.  
 H.R. 1541: Mr. UNDERWOOD.  
 H.R. 1581: Mr. McHUGH.  
 H.R. 1806: Mr. FATTAH.  
 H.R. 1862: Mr. BERRY, Mr. KIND, and Ms. WOOLSEY.  
 H.R. 1990: Mr. McNULTY and Mr. FARR of California.  
 H.R. 2332: Mr. GEKAS.  
 H.R. 2350: Ms. RIVERS, Mr. KILDEE, Mr. BISHOP, Mr. CARSON of Oklahoma, Mr. HOLDEN, Mr. PETERSON of Minnesota, Mr. BONIOR, Mr. ROSS, Mr. HOSTETTLER, Mr. MEEHAN, Mr. FLETCHER, Mr. ABERCROMBIE, Mr. KOLBE, Mr. SHUSTER, and Mr. COSTELLO.  
 H.R. 2373: Mr. CALVERT and Mr. HOEFFEL.  
 H.R. 2527: Mr. RUSH, Mr. GUTIERREZ, Mr. STUPAK, Mr. STRICKLAND, and Mr. JACKSON of Illinois.  
 H.R. 2605: Mr. DAVIS of Florida.  
 H.R. 2618: Mr. JEFFERSON, Mr. MATSUI, and Mr. CALVERT.  
 H.R. 2712: Mr. SAM JOHNSON of Texas.  
 H.R. 2874: Mrs. DAVIS of California, Mr. CONYERS, Mr. LEVIN, and Mr. BOUCHER.  
 H.R. 2908: Ms. VELAZQUEZ.  
 H.R. 2953: Mr. FARR of California, Mrs. BONO, Mr. COX, and Mr. CUNNINGHAM.  
 H.R. 3105: Mr. HERGER.  
 H.R. 3236: Mr. CLYBURN, Mr. JEFFERSON, and Mr. UDALL of New Mexico.  
 H.R. 3252: Mr. BOOZMAN.  
 H.R. 3320: Mr. FOLEY and Mr. CALVERT.  
 H.R. 3424: Mr. TANNER and Mr. CONYERS.  
 H.R. 3443: Mr. WELLER.  
 H.R. 3670: Mr. STUPAK.  
 H.R. 3775: Mr. STENHOLM, Mr. TURNER, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. REYES, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. DELAY, Mr. ORTIZ, and Mr. SANDLIN.  
 H.R. 3804: Mr. BLUMENAUER, Ms. MCKINNEY, and Mr. HINCHEY.  
 H.R. 3831: Mr. HASTINGS of Florida, Mr. GEKAS, and Mr. TRAFICANT.  
 H.R. 3838: Mr. KILDEE.  
 H.R. 3884: Mr. ABERCROMBIE.  
 H.R. 3897: Mr. BARTLETT of Maryland, Mr. FROST, Mr. FOLEY, Mr. STENHOLM, and Mr. RANGEL.  
 H.R. 3917: Mr. MORAN of Virginia, Mrs. MALONEY of New York, Mr. HONDA, and Mr. HASTINGS of Florida.  
 H.R. 3940: Mr. LEWIS of Kentucky.  
 H.R. 3972: Mr. BROWN of South Carolina.  
 H.R. 3973: Mr. BONIOR, Mr. OWENS, Mr. HERGER, Mr. BENTSEN, Mr. TURNER, Mr. UNDERWOOD, Mr. NEAL of Massachusetts, and Mr. MEEHAN.  
 H.R. 4027: Mr. VISCLOSKEY and Mr. KIND.  
 H.R. 4152: Ms. JACKSON-LEE of Texas, Mr. OTTER, and Ms. KAPTUR.  
 H.R. 4159: Mr. ISAKSON and Mr. KNOLLENBERG.

H.R. 4205: Mr. GEORGE MILLER of California, Ms. CARSON of Indiana, Mr. BROWN of Ohio, and Mr. EVANS.  
 H.R. 4561: Mr. CONYERS, Mr. NORWOOD, and Ms. SLAUGHTER.  
 H.R. 4635: Mr. ROSS and Mr. UPTON.  
 H.R. 4643: Ms. KILPATRICK.  
 H.R. 4644: Mr. BORSKI, Mr. RANGEL, Mr. TAYLOR of Mississippi, Mr. HINCHEY, Mr. THOMPSON of Mississippi, Ms. LOFGREN, and Mr. CONYERS.  
 H.R. 4646: Mr. BALDACCIO, Mr. CRAMER, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, and Mr. TURNER.  
 H.R. 4653: Mr. McDERMOTT, Mr. GONZALEZ, and Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 4665: Mrs. JONES of Ohio and Mr. LAMPSON.  
 H.R. 4679: Mr. DUNCAN.  
 H.R. 4728: Mr. TERRY, Ms. CARSON of Indiana, and Mr. LAMPSON.  
 H.R. 4777: Mr. RANGEL.  
 H.R. 4789: Mr. SOUDER.  
 H.R. 4790: Mr. SOUDER.  
 H.R. 4793: Mr. FOLEY, Mr. CROWLEY, and Mr. SMITH of New Jersey.  
 H.R. 4796: Mr. HOSTETTLER and Mr. FOLEY.  
 H.R. 4808: Mr. GIBBONS.  
 H.R. 4825: Ms. BALDWIN, Ms. BERKLEY, and Ms. MCCOLLUM.  
 H.R. 4832: Mr. BONIOR, Ms. NORTON, and Mrs. THURMAN.  
 H.R. 4833: Mr. BONIOR, Ms. NORTON, and Mrs. THURMAN.  
 H.R. 4839: Mr. SWEENEY, Mr. CARSON of Oklahoma, and Mr. SOUDER.  
 H.R. 4840: Mr. HERGER.  
 H.R. 4869: Mr. KERNS.  
 H.R. 4872: Mr. LAMPSON.  
 H.R. 4880: Mr. DOGETT.  
 H.R. 4884: Mr. SCHAFFER.  
 H.R. 4894: Mr. MCGOVERN, Mr. LAFALCE, Ms. CARSON of Indiana, Mr. LAMPSON, and Mr. BALDACCIO.  
 H.R. 4918: Ms. PELOSI and Ms. LOFGREN.  
 H.R. 4939: Mr. GREEN of Texas and Mrs. TAUSCHER.  
 H.R. 4964: Ms. JACKSON-LEE of Texas.  
 H.R. 4965: Mr. PENCE, Mr. KERNS, Mr. BRYANT, Mr. BACHUS, Mr. PITTS, Mr. PICKERING, Mr. TIBERI, Mr. SHOWS, Mr. WICKER, Mr. KELLER, Mr. CANTOR, Mr. CAMP, Mr. FERGUSON, Mr. HAYES, Mr. EVERETT, Mr. HALL of Ohio, Mr. MCCRERY, Mr. JEFF MILLER of Florida, Mr. KENNEDY of Minnesota, Mr. GRAVES, Mr. GRUCCI, Mr. SHIMKUS, Mr. RYUN of Kansas, Mr. NORWOOD, Mr. GRAHAM, Mr. CUNNINGHAM, Mr. SULLIVAN, Mr. BARR of Georgia, Mr. NEY, Mr. AKIN, Mr. BURTON of Indiana, Mr. GARY G. MILLER of California, Mr. LINDER, Mr. COSTELLO, Mr. ENGLISH, Mr. SHUSTER, Mr. GREEN of Wisconsin, Mr. WELDON of Pennsylvania, Mr. BARTON of Texas, Mr. WELLER, Mr. WHITFIELD, Mr. DELAY, Mr. GOODE, Mr. MANZULLO, Mr. BUYER, Mr. ADERHOLT, Mr. FLAKE, Mr. ROGERS of Michigan, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, Mr. JOHN, Mr. BLUNT, Mr. TAYLOR of Mississippi, Mr.

SOUDER, Mr. DOOLITTLE, Mr. PHELPS, Mr. ARMEY, Mr. PETRI, Mr. HANSEN, Mr. HILLEARY, Mr. SAM JOHNSON of Texas, Mr. ROEMER, Mr. LEWIS of Kentucky, Mr. STUMP, and Mr. WAMP.

H.J. Res. 12: Mr. GEKAS.  
 H. Con. Res. 164: Mr. SCHROCK.  
 H. Con. Res. 220: Mr. SULLIVAN.  
 H. Con. Res. 287: Ms. SLAUGHTER.  
 H. Con. Res. 367: Mr. HILLIARD, Mr. FILNER, Mr. FROST, Mr. LANGEVIN, and Mr. PITTS.  
 H. Con. Res. 385: Mr. FORD.  
 H. Con. Res. 404: Ms. WOOLSEY, Mr. OWENS, Mrs. MALONEY of New York, Mr. DICKS, Mrs. CAPPS, Mr. FARR of California, and Ms. CARSON of Indiana.  
 H. Con. Res. 406: Mr. GEKAS.  
 H. Con. Res. 412: Mr. HEFLEY, Mr. SCHAFER, and Mr. GILCREST.  
 H. Con. Res. 413: Ms. CARSON of Indiana and Mr. CRAMER.  
 H. Con. Res. 416: Mr. UNDERWOOD.  
 H. Con. Res. 417: Mr. DEUTSCH, Mrs. LOWEY, Mr. ENGLISH, Mr. KINGSTON, Mr. OTTER, and Mr. SHERMAN.  
 H. Res. 348: Mr. SOUDER.  
 H. Res. 410: Ms. LOFGREN and Mr. WAXMAN.  
 H. Res. 437: Mrs. THURMAN, Mr. SCHIFF, Mr. SCHIFF, Mr. HOLT, Ms. BERKLEY, Mr. VISCLOSKEY, Mr. BOUCHER, Mr. KENNEDY of Rhode Island, Mr. MARKEY, Mr. LARSON of Connecticut, and Mr. DEUTSCH.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

61. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 197 petitioning the United States Congress that the Legislature of Rockland County hereby supports the Resource Conservation and Development Council's application for the establishment of a Resource Conservation and Development area that would encompass Rockland County and several surrounding counties and the accompanying funding administered by the Natural Resource Service; to the Committee on Agriculture.

62. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 278 petitioning the United States Congress to support the Fair Pay Act of 2001 and the Paycheck Fairness Act; to the Committee on Education and the Workforce.

63. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 556 petitioning the United States Congress to permanently station military forces in and around the Indian Point Nuclear power plants in Buchanan, New York; jointly to the Committees on Armed Services and Transportation and Infrastructure.



United States  
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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, SECOND SESSION

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WASHINGTON, THURSDAY, JUNE 20, 2002

No. 83

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. The guest Chaplain, Bob Russell of Southeast Christian Church, Louisville, KY, will lead the Senate in prayer.

### PRAYER

The guest Chaplain offered the following prayer:

Father, You are the God who sees everything. You know the number of hairs on our head, our needs before we ask, and even the thoughts of our hearts. Would You meet the individual needs of the Members of this body so they can give focus and attention to the important matters of this day without distraction.

Some have physical pain. Would You ease their discomfort and bring healing. Some have tension in their homes because of wayward children or troubled mates. Would You bring peace to those homes.

Some have financial worries. Would You remind them that You care for the birds of the air and the lilies of the field and You will care for us, too. Some are under severe stress because of so much to do and so little time to do it. Ease their tension, Lord. Wipe the furrows from their brow and remind them that Your grace is sufficient for this day.

Some harbor animosity toward people who have offended them. They know that Your word says to forgive quickly. It is just so hard to do it. Help them to have the grace to release that irritation and experience the freedom of forgiveness. We all have the need for forgiveness of our own sin and hope for life beyond. So Lord, grant us the humility to trust You completely for those things that we can't control, and grant the confidence to us that we can do all things through Christ, who strengthens us. It is in His strong name that we pray. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 20, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

### WELCOMING GUEST CHAPLAIN BOB RUSSELL

Mr. MCCONNELL. Mr. President, the Senate has had an opportunity this morning to hear from one of the most distinguished spiritual leaders in America. He happens to be an individual who lives in my hometown of Louisville, KY, the senior minister at Southeast Christian Church, Bob Russell, who ministers to literally thousands of individuals in Louisville, southern Indiana, and surrounding areas. He built his church over a number of decades from a small group of individuals who gathered in a basement-like structure to a mighty building, but the program there is much more than a building. The magic of his min-

istry and those who are associated with him has attracted an enormous number of people and has changed the lives, literally, of tens of thousands of people in that area of our country.

What a privilege it has been to have him with us this morning. The Senate has had a rare opportunity to hear from really one of the great ministers of America.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

### SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until 10:30. The first half is under the control of the majority leader; the second half is under the control of the Republican leader. The Chair will announce that shortly. At 10:30 the Senate will resume consideration of the Department of Defense authorization bill. Pending is the Feingold-Conrad amendment. It is an extremely important amendment dealing with budgeting. There should be some important discussion on that that should go for a significant amount of time. It is up to the parties as to how long we will be on that, but it is an important amendment. The two managers are working their way through amendments that they believe can be accepted. We would like to make a big chunk in this bill today. There is a lot more to do. The majority leader has indicated that if we finish this bill, it will give us the opportunity to go to some of the other issues that are so pressing. The leader has indicated there will be votes tomorrow.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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## 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 for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time shall be under the control of the majority leader or his designee. Under the previous order, the time until 10:30 a.m. shall be under the control of the Republican leader or his designee, with the first 15 minutes of this time to be under the control of the Senator from Pennsylvania, Mr. SPECTER.

The Senator from Florida.

## PRESCRIPTION DRUGS

Mr. GRAHAM. Mr. President, since its creation in 1965, the Medicare Program has helped millions of the Nation's elderly and disabled when they were in desperate need, after they had become sick enough to require a physician's assistance or hospitalization. Thirty-seven years after its creation, it is time for change.

A prescription drug benefit is the most fundamental reform we can make to the Medicare Program. Why? If we want to truly reform Medicare, we must change its basic approach from one that is oriented toward intervention after sickness to one that focuses on maintaining wellness and the highest quality of life. This prevention approach will require in almost every instance a significant use of prescription drugs.

An example of how the use of prescription drugs has changed medicine was made by Dr. Howard Forman, a congressional fellow in my office, who is a doctor and professor at the Yale Medical School. Dr. Forman remarked to me that none of his students had ever seen ulcer surgery. Why? Because we now give patients prescription drugs to care for this ailment which previously was dealt with through surgery. This is just one of many examples of where modern medicine has fundamentally been altered by prescription drugs; notably, by improving the quality of people's lives, ending the need for many surgeries and long recovery periods.

A side benefit of this change would be that the cost to the Medicare Program could be lowered by utilizing these expensive but less expensive prescription procedures as opposed to traditional surgery.

The prescription drug legislation I am sponsoring, with my friends, Senator ZELL MILLER of Georgia and Senator TED KENNEDY of Massachusetts, would improve the Medicare Program

and give seniors a real, a meaningful, a sustainable drug benefit. With a \$25 monthly premium, no deductible, and a simple copayment of \$10 for generic drugs, \$40 for medically necessary, standard brand name drugs, and \$60 for other brand name drugs, and a maximum of \$4,000 in out-of-pocket expenses, our plan would give seniors the universal, affordable, accessible, and comprehensive drug coverage which they want and need.

Our plan would help 80-year-old Freda Moss of Tampa, FL. She has no prescription drug coverage. Today, she pays nearly \$8,000 a year for the drugs she needs to keep her healthy. This does not include a new prescription for Actos, an oral diabetes drug that costs \$143.68 every month. Freda has not had this prescription filled because it is so expensive.

Under the Graham-Miller-Kennedy plan, she would pay just over \$2,900—saving \$5,100 each year. Under the House Republican plan, Freda's drug costs would be at least \$4,220 a year. Why would the House plan cost Freda \$1,320 more per year?

There are many reasons, including a higher monthly premium and a \$250 deductible. But the single biggest reason is the "donut."

What is the donut, Mr. President? We are all familiar with donuts. They are round; they taste good; often, they have powdered sugar on them; they are tasty at the edges. But when you get into the middle, there is nothing there. That describes the benefit structure of the House Republican plan.

Let's look at how this plan would have affected Freda and her husband, Coleman. After having paid a \$250 annual deductible, Freda and her husband would pay 20 percent of the cost of each specific prescription up to \$1,000. From \$1,001 to \$2,000, she would pay 50 percent of each prescription. And then she hits the hole in the donut. Freda is on her own until she reaches the catastrophic limit of \$4,900 in total drug costs.

While she is struggling through this hole in the middle of the donut, she would be responsible for continuing to pay her monthly premiums of about \$34, for which she would receive nothing, no benefit.

Mr. President, there is no comparable donut in private health care plans. The kind of plan which probably covered Freda and Coleman before she came on to Medicare did not have this approach; it has, as we do, continuous protection. One of the things our older citizens want is certainty and security. Our plan gives them that.

The House Republican plan converts them into guinea pigs, experimenting with untested health care policies and a "gotcha" of an unexpected hole in the middle of their benefit—a hole which runs from \$2,001 all the way to \$4,900 of expenditures. We are not going to make 39 million senior Americans into laboratory experiments.

Under our plan, Freda would pay no deductible, receiving coverage from her

first prescription. She would pay a simple copay for each prescription. There are no donut holes. Instead of gaps, we give American seniors a plan that mirrors the copay system that they had in their working lives.

Mr. President, as my colleague, Senator MILLER, says with such conviction and passion: This is the year for action, not just talk, on prescription drugs.

I don't want to go back to Tampa, FL, and tell Freda we had a very strong debate about this issue. I want to tell Freda she can start going to the drugstore and from her first prescription begin to get real assistance. We all will come to the floor this week, and in the following weeks, to remind our colleagues about the importance of passing a prescription drug benefit before the August recess, and to have that benefit in law before the end of this session of Congress.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. MILLER. Mr. President, I, too, rise to talk about prescription drugs and the struggle our seniors face every day.

Since April, I have been coming down to this Chamber on a regular basis to speak about the urgency of passing a prescription drug benefit before the August recess. I have spoken about how we have kept our seniors waiting in line for years and how we have bumped them time and time again to debate other issues—other important issues but other issues.

Our majority leader, Senator DASCHLE, has said we will bring up prescription drugs on the Senate floor before the August recess. I and many others are very grateful.

As of today, we now have three bills in Congress to add a prescription drug benefit to Medicare—two in the House and one in the Senate—the one I am a cosponsor of, along with Senator GRAHAM of Florida, Senator KENNEDY, Senator DASCHLE, and about 28 other Senators.

This issue is now where it should be; it is front and center. It has more momentum today than it has had in all the years we have been talking about it. Our seniors have finally reached the front of the line. Now it is time to get down to business and have a real debate on the details of these proposals.

Make no mistake about it, there are real differences among them. Let's debate those differences. If we can, let's find some common ground. And then let's get something passed because if we fail to do something now, if we just criticize each other's bills for the sake of criticizing, and dig in our heels and refuse to compromise and work something out, our seniors are never going to let us forget it come November.

After years of wandering in the wilderness, our seniors are now inside of the promised land. Both political parties have brought them there and have given them a glimpse. We cannot send them away to wander in the desert for

another election cycle or who knows how many more years.

I urge my colleagues to let us have a healthy debate on these bills. Let us point out the strengths and weaknesses of each proposal, but never lose sight of the big picture, as Senator GRAHAM just said at the end of his remarks.

This should not be viewed as just an issue for the next election campaign. I urge my colleagues not to look at it in that way. Our goal should be to pass a prescription drug benefit. I will work hard to see that the bill we pass in the Senate offers real help for our seniors, especially for our neediest seniors.

As Senator KENNEDY said so eloquently last week: The state of a family's health should not be determined by the size of a family's wealth.

One way to help our seniors, including the neediest, with prescription drugs is to pass a bill that has no gap in coverage and that places a reasonable cap on out-of-pocket expenses.

The Graham-Miller-Kennedy bill offers just that. There is no gap in coverage, and the out-of-pocket maximum is set at \$4,000 a year. After \$4,000, Medicare would pick up 100 percent of the cost of prescriptions under our bill. But the House Republican bill provides no coverage from the time a senior's total drug costs reach \$2,000 to the time they reach \$4,900. That is that "hole in the donut" Senator GRAHAM was talking about that is so obvious.

Who will it hurt the most? The ones who can afford it the least—the low-income seniors. To add insult to injury, the House bill requires seniors to continue paying monthly premiums during this gap, even though they are not receiving a single penny of benefit. Even the neediest seniors would have to pay these premiums during this gap. That is not right; that is just plain unacceptable.

I look forward to debating this provision, and many others, when we take up prescription drugs in the next few weeks. I urge my colleagues in both Houses and in both parties to keep the big picture in mind. Our duty to seniors is not just to debate a bill, it is to pass a bill.

The final product won't be perfect. It won't include everything that I want, and it won't include everything that some of my colleagues may want. But it will be better than what our seniors have now. And what our seniors have now is nothing.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I want to commend our colleagues, Senator MILLER and Senator GRAHAM, for their leadership in this area, which is of such enormous importance and consequence to people in my State of Massachusetts and across the country.

I hope the American people are going to pay close attention to these presentations that are made today by both of these leaders, as well as my friend from

Michigan, DEBBIE STABENOW, as they continue to help the American people understand what is really at stake.

Medicare is a solemn promise between the government and the American people and between the generations. It says "Play by the rules, contribute to the system during your working years, and you will be guaranteed health security in your retirement years." Because of Medicare, the elderly have long had insurance for their hospital bills and doctor bills. But the promise of health security at the core of Medicare is broken every day because Medicare does not cover the soaring price of prescription drugs.

Too many elderly citizens must choose between food on the table and the medicine their doctors prescribe. Too many elderly are taking half the drugs their doctors prescribe—or none at all—because they can't afford them. The average senior citizen has an income of \$15,000 and prescription drug costs of \$2,100. Some must pay much more.

I want to pick up on the issue of comparing the different bills. Hopefully, as we come to debate these issues and questions, we will begin to understand the importance of the differences in the Democratic and Republican bills. They are enormously different.

The administration's first bill did not even pass the laugh test, and the bill that is being considered now by the Republicans in the House of Representatives does not pass the truth-in-advertising test. The administration allocated \$190 billion. Senior citizens are going to spend \$1.8 trillion for prescription drugs. So they get about 10 cents on the dollar to assist them, and there are still a lot of gimmicks they have to go through to get even that.

Listen to the Republican proposal. The House Republicans have a proposal that says: If you have an income below 150 percent of poverty, you are not going to have to worry about your premiums, copayments, or deductibles. Doesn't that sound reasonable for low-income people? Except there is an assets test which the Miller-Graham proposal does not have.

This is basically a hoax on the low-income people. To qualify for low-income subsidies under the Republican plan a senior cannot have \$2,000 in savings. They cannot have \$2,000 in furniture or property, they cannot have a car that is worth \$4,500 or a burial plot that is worth \$1,500. Any one of these assets disqualifies one from the Republican plan. Do they mention that? No. Do you read about it? No. Is it there? Yes. Effectively this writes off, writes out millions of low-income seniors.

This group of seniors is seeing a fraud perpetrated on them. The Miller-Graham bill has rejected that concept. If we in the Senate are going to be true to our word, we will reject it, too. This will be an important battle.

The second group of seniors is those with moderate incomes who are going to pay the \$420 annual premium and

the additional \$250 deductible. We know they are going to get very little in return. They will pay up to \$670 in premiums and deductibles before they are going to get any assistance at all. Those with prescription drug spending of \$250 or less will pay \$670 and receive no benefit. Seniors who have drug costs between \$250 and \$1,000 annually will spend up to \$820 in annual costs but only receive up to \$600 in benefits. Those seniors with prescription drug costs falling between \$1,000 and \$2,000 a year will pay premiums, deductibles, and copayments totaling up to \$1,320 in return for benefits of up to only \$1,100. Seniors ought to know just what help the Republicans are offering in their proposal.

Finally there is the last group, individuals who still have a very modest income, but have prescription drug costs over \$2,000. They are going to fall into the hole, as Senator GRAHAM has pointed out. They will get no assistance for their drug costs once they reach \$2,000.

It is important to understand, as we begin this debate, who is going to be helped and who is not going to be helped. The Republican program fails to explain that either to their membership or to the American public.

In each of these areas, the Miller-Graham bill rejects those artificial barriers and assists each and every citizen all the way through. That is a major difference. This is one of the important differences we ought to recognize.

Here's another important difference. Rather than the safe, dependable Medicare system that senior citizens understand, the Republican plan is run through private insurance companies—pharmaceutical HMOs. They are allowed to set premiums at whatever the traffic will bear. And there is no guarantee that benefits will actually be available if private insurance companies decide they don't want to participate. Senior citizens have seen what has happened to HMOs in the regular Medicare program—cutbacks in benefits, withdrawal of services. They don't need that for lifesaving prescription drug coverage.

And to complete this dishonor roll of the Republican plan, it does not even start until 2005. The Republican prescription for senior citizens: take two aspirin and call the pharmacy in two and a half years.

Senior citizens and their children and their grandchildren understand that affordable, comprehensive prescription drug coverage under Medicare should be a priority. Let's listen to their voices instead of those of the powerful special interests. Let's pass a Medicare prescription drug benefit worthy of the name.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to join my colleagues in supporting the Graham-Miller-Kennedy bill of which I am very pleased to be a

cosponsor, which will provide a voluntary comprehensive Medicare prescription drug benefit. This is long overdue.

I also rise today to express great concern about what is being done in the House of Representatives. We know that in the end we need to come together with a bipartisan bill. We welcome that and want to work with our colleagues, but it has to be something real, it has to be something that provides more than 20 percent of the cost of prescription drugs—only 20 percent help—leaving our seniors to pay 80 percent and, in some cases more, for their prescriptions. It is just not good enough.

I wish to share some portions of a letter I received yesterday from the Kroger Company of Michigan that was written to me concerning the legislation that is being drafted and passed by our Republican colleagues in the House. It says:

Dear Senator Stabenow: As president of the Michigan Kroger stores, I am writing to advise you that our stores oppose the Thomas-Tauzin Medicare bill.

The Republican bill in the House.

Passage of this bill will hurt Michigan senior citizens by confining their freedom in choosing generic over brand name medications and restricting their pharmacy choices. Furthermore, the viability of community pharmacies is of significant concern, especially in rural areas where inadequate reimbursement rates could force many community pharmacies out of business, further restricting seniors' choices.

There is great concern not only from the senior groups, those that represent consumers in our country. I appreciate the president of Kroger expressing great concern about this as well. We can do better. The question is, To whom are we going to listen?

I am asking, as are my colleagues, that we listen to not only seniors but businessowners and others who are experiencing an explosion in the prices of prescription drugs, and that we act and do so now. It is long overdue.

A few weeks ago, I invited people to come to my Web site. We have set up the prescription drug people's lobby in Michigan. We are tying it to a Web site that has been set up nationally, [fairdrugprices.org](http://fairdrugprices.org), and I have been asking people to share their concerns, their experiences with the high prescription drug prices we are seeing across the country.

Once again, I wish to share a story from one of those citizens in Michigan who has signed up to be a part of our prescription drug people's lobby.

This is from Molly A. Moons, who is 44 years old in Pontiac, MI. She says:

Senior citizens are not the only people suffering from the high cost of prescription drugs. I am the sole employee of a small business and not eligible for any health care plans that cover the cost of prescription drugs. I have four prescriptions that need filling each month, and the cost is in excess of \$300 a month—a real financial burden. At the invitation of some senior citizen friends, I was invited to take a "drug run" to Canada.

Mr. President, a number of us have done this to demonstrate the differences in prices.

These ladies were all widows/retirees on fixed incomes that were having trouble paying for their medications, so I joined them to buy our prescriptions in Canada.

... I am able to get a 3-month supply of medication for what it costs me for a 1-month supply in the United States.

A 3-month supply in Canada for a 1-month supply in the United States.

I find that shameful.

While I believe that everyone has a right to make a profitable living, the gouging of the pharmaceutical companies is sickening. Additionally, the loopholes that these companies use to keep drugs from generic manufacturers are also criminal. Please help make this stop.

I thank Molly Moons for sharing her story as a small businessowner and sharing her concern about the senior citizens who were on that bus going to Canada. Shame on us. She is right, "I find it shameful," and it is shameful. We are saying we can do something about it. We can do something about it by passing the Graham-Miller-Kennedy bill that will provide a comprehensive Medicare prescription drug benefit, and we can further do it by passing other legislation to lower prices through expanded use of generics, opening the border to Canada and other policies that will lower prices. We can do that, and we need to do that.

Why has this not been done? Why has this not happened? We have been talking about it. I talked about it as a Member of the House of Representatives. We tried to pass something then. Colleagues of mine have talked about it. Presidential candidates have talked about it. As the Senator from Georgia said earlier, it is time to stop talking about it and get something done.

Why has that not happened? Unfortunately, we have seen too much influence and too many voices trying to stop this, and not enough of the people's voice in this process, which is what we are trying to do right now.

We have a Web site that I have invited people to go to that is called [fairdrugprices.org](http://fairdrugprices.org). We are inviting people to sign a petition to urge Congress to act right now, to urge Congress to pass a comprehensive Medicare prescription drug benefit, and to pass other efforts to lower prices. We urge people to go to this Web site and share their story. We will share those stories on the floor of the Senate.

Why is that important? It is important because, according to our numbers, there are about six drug company lobbyists for every Member of the Senate. Their voice is being heard. This is about making the people's voice heard through their Representatives and their Senators.

Unfortunately, there are other ways in which voices are heard. I found it unfortunate that yesterday, while in the midst of debating a Medicare bill, which has been viewed by colleagues and quoted in the paper from House Republican staff as being a bill they are

very concerned about having reflect the needs of the drug companies, but at the same time we do not have the concerns of our seniors and our families being voiced as a part of that process, that last evening there was a major fundraiser. Our colleagues on the other side of the aisle and the House of Representatives had a major Republican fundraiser and we saw a number of pharmaceutical companies playing a major role.

We saw Glaxo Smith Klein, according to the newspaper, contributing about \$250,000 to that fundraising effort; PHRMA, which is the trade organization for the companies, contributing about \$250,000 to that fundraiser; Pfizer, about \$100,000, and other companies as well. So there are those that are not only here as lobbyists but contributing dollars to fundraisers, certainly wanting to make their voice heard.

The PRESIDING OFFICER (Mr. MILLER). The Senator's time has expired.

Ms. STABENOW. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. In conclusion, we know the lobbyists' voices are heard on this issue, the drug companies' voices are heard in a multitude of ways. Now is the time for the people's voice to be heard on this subject, and I urge those who are watching today to get involved through [fairdrugprices.org](http://fairdrugprices.org), by showing support for a bill that will be brought up in July and will be voted on in this Senate to provide real help for seniors and those with disabilities in our country.

We will bring forward other legislation to lower prices for everyone, for the small businessowner, the manufacturer in Michigan, the farmer, those who are paying high prices through their insurance premium or at the pharmaceutical counter. The time has come to act. We know what to do. Now it is time to do it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his point.

Mr. SPECTER. Is it correct that there is now 30 minutes for the Republicans, with an allocation of 15 minutes to my control?

The PRESIDING OFFICER. There are 27 minutes, of which the Senator has 15.

Mr. MURKOWSKI. May I rise for a question relative to the allocation?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. What is the allocation of time following the Senator from Pennsylvania? Does the Senator from Alaska have morning business reserved for 15 minutes?

The PRESIDING OFFICER. The Senator does not have time reserved but there will be 12 minutes remaining.

Mr. MURKOWSKI. I ask to be recognized after Senator SPECTER. I ask unanimous consent for the remaining time. I do not intend to take all the 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

#### THE PIECES TO THE PUZZLE

Mr. SPECTER. Mr. President, I thank the Chair for that clarification. I have sought recognition this morning to express my concern that the legislation submitted by the President for homeland security submitted two days ago to the Congress does not meet the critical need for collection and analysis of intelligence information in one place.

Each day there are new disclosures of key information, information which was known prior to September 11, 2001. If it had been activated and put together with other information, this might well have prevented the September 11 attack.

This morning's Washington Post has as its major story, in the upper right-hand corner, "NSA Intercepts On Eve of 9/11 Sent a Warning." The first sentence reads:

The National Security Agency intercepted two messages on the eve of the September 11 attacks on the World Trade Center and the Pentagon warning that something was going to happen the next day.

If that information had been put together with other information which was in the files of Federal intelligence agencies but not focused on, there would have been, I think, an emerging picture providing a warning, not just connecting dots, but a picture which was pretty obvious when all of the pieces were put together.

The FBI had the now-famous Phoenix report, which had been submitted in July 2001 by the Phoenix office, telling about aeronautical training to people with backgrounds which indicated potential terrorist leanings, aeronautical students with a large picture of Osama bin Laden in their room and a background which would have supported the inference that those students in training might well have been put up to something. If that had been put together with the confession that was obtained by a Pakistani terrorist known as Abdul Hakim Murad in 1996, who had connections with al-Qaida, when he told of plans to attack the CIA headquarters in Washington by plane and to fly into the White House, there might have been a pretty sharp focus, especially if linked to the information which had been developed by the FBI field office in Minneapolis, that there was a man named Zacarias Moussaoui, who had terrorist connections to al-Qaida, and that plans were being developed and that he was actually to be the twentieth hijacker.

That information never came to full fruition because of a failure of the Federal Bureau of Investigation to move the matter forward for a warrant under the Foreign Intelligence Surveillance Act.

The Judiciary Committee heard testimony from special agent Coleen Rowley about the difficulties of dealing with the FBI, which requires a standard not in accordance with the law, 51 percent, more probable than not where the standard of a warrant does not require that. Had Moussaoui's computer been examined, it would have provided a virtual blueprint for what was about to happen.

These are very glaring and fundamental defects in our intelligence system. They have existed for a very long time. We have had a situation where the Director of Central Intelligence, who is supposed to be in charge of all intelligence, does not have key components of the intelligence apparatus under his wing. For example, he does not have access to the National Reconnaissance Office. He does not have unfettered access to the National Security Agency, the National Imagery and Mapping Agency, and certain special Navy units. This is a deficiency which has gone on for a long time.

When I chaired the Senate Intelligence Committee during the 104th Congress, I introduced Senate bill 1718. That bill was designed to correct the deficiency that the Director of the Central Intelligence Agency, who nominally and in the public view had access to all of the intelligence information, but, in fact, did not have it. My bill, S. 1718, is only one of many efforts which are currently underway, efforts which are currently under consideration by the White House. However, there is strong opposition by the Department of Defense and opposition by others. I am not characterizing it necessarily as a turf battle. It is a battle which has its origin in the concerns of some in the Department of Defense that the Department of Defense has the responsibility to fight a war and needs access to all of these intelligence matters; that is unique control.

The reality is that a structure can be worked out so the Department of Defense is not deprived of access to any of this information in time of war or at any time. However, the Director of Central Intelligence ought to have it in one coordinated place.

Now, when you create a Department of Homeland Security, it is obviously very difficult to touch upon matters on the broader picture. That is something that must be done and which must be addressed. When this matter was considered, I raised some of these issues in a meeting which Senators had with the White House Chief of Staff Andrew Card and Homeland Security Advisor, Governor Ridge. Recently, there have been additional meetings at the staff level, working together with the White House staff extensively, one of which was last Friday afternoon. During that

meeting, my staff made a specific proposal that on the Department of Homeland Security, there should be a repository in one place to gather all of this information. The suggestion which we submitted was that there should be a national terrorism assessment center, a concept developed by someone who is very experienced in intelligence affairs, Charles Battaglia, who spent years in the CIA, as well as the Navy, and who served as majority staff director for the Intelligence Committee during my tenure as chairman during the 104th Congress.

The Battaglia proposal to establish a national terrorism assessment center, in my opinion, goes right to the mark. It would be staffed by analysts who would come from the FBI, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and a listing of other Federal agencies, including the State Department's Bureau of Intelligence and Research, which would have access to all of this information.

The bill, which was submitted by the President two days ago to establish the Department of Homeland Security, I say respectfully, does not meet this core critical ingredient. For example, referring to intelligence staff, the President's proposal provides at section 201: The Secretary may obtain such material by request.

Mr. President, that is hardly the authority that the Secretary of Homeland Defense needs to do his job. If he has to ask somebody in Washington, DC, for something, it is an enormous uncertainty as to whether he will get it. In fact, it is more probable than not that he will not get it. There is a long trail around here to get information from anyone. I have seen that in detail in my time trying to conduct oversight on the FBI or in conducting oversight when I chaired the Intelligence Committee. That information just is not forthcoming.

The President's bill further provides that the Secretary may enter into "cooperative arrangements with other executive agencies to share such material." Whether or not there will be such arrangements entered into, and whether the other executive agencies will be agreeable to that, is highly uncertain.

The time has long since passed to leave it to the discretion of a large variety of the Federal bureaucrats as to what they will do on intelligence. The time has come for the Congress of the United States in legislation signed by the President to establish central authority in one place, under one roof, to collect all the information which is available. To do any less is dereliction of our duty. That has not been done. The intelligence community has been stumbling along. America stumbled into September 11 because this Congress had not undertaken the approach with the strength to resolve all of these jurisdictional disputes and see to

it that this information was under one roof.

The Congress of the United States has a fundamental responsibility to provide for the security of the United States. When the Judiciary Committee conducts hearings and finds out that the FBI does not have the procedures in place to know what is in the Phoenix report on a potential terrorist with Osama bin Laden's picture on his wall, when the Judiciary Committee commits oversight and finds out that the FBI Minneapolis office cannot get headquarters to request a warrant under the Foreign Intelligence Surveillance Act because they are applying the wrong standard, when the Intelligence Committee conducts oversight on the Director of Central Intelligence and finds his authority lacking because he does not know what many other intelligence agencies are collecting, and when the National Security Agency has on the eve of September 11 specific warnings and these pieces are not put together, the time has come to act.

On this legislation, we ought to move ahead with a national terrorism assessment center. This information, as I noted earlier, was communicated by my staff to the White House staff. We did not have it prepared in time, but we had it this week in draft form. However, the matter is now before the Congress.

For the information of my colleagues, I ask unanimous consent that this draft proposal be printed in the CONGRESSIONAL RECORD. It is by no means a finished product, however it might be of some help as we move ahead with hearings on this very important subject in the Congress.

There being no objection, the material was ordered to be printed in the Record, as follows:

#### AMENDMENT NO.—

(Purpose: To provide the Secretary of the Department of Homeland Security with timely and objective intelligence assessments on terrorism and actionable intelligence essential to carry out the Secretary's duties as assigned, and to refocus the efforts of Federal law enforcement (including the FBI) on the collection, analysis, and dissemination of intelligence related to terrorism)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ NATIONAL TERRORISM ASSESSMENT CENTER.

(a) ESTABLISHMENT.—There is established the National Terrorism Assessment Center (in this section referred to as the "NTAC"), to provide—

(1) the Department of Homeland Security with the authority to direct the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, and other officers of Federal agencies to provide the NTAC with all intelligence and information relating to threats of terrorism; and

(2) the means for intelligence from all sources to be analyzed, synthesized, and disseminated to Federal, State, and local agencies as considered appropriate by the Secretary.

(b) DUTIES OF THE NTAC.—The NTAC shall—

(1) direct the Director of Central Intelligence, the Director of the Federal Bureau

of Investigation, and other officers of Federal agencies to provide the NTAC with all intelligence and information relating to threats of terrorism;

(2) synthesize and analyze information and intelligence from Federal, State, and local agencies and sources;

(3) disseminate intelligence to Federal, State, and local agencies to assist in the deterrence, prevention, preemption, and response to terrorism;

(4) refer, through the Secretary of Homeland Security, to the appropriate law enforcement or intelligence agency, intelligence and analysis requiring further investigation or action; and

(5) perform other related and appropriate duties, as assigned by the Secretary.

(c) MANAGEMENT OF THE NTAC.—

(1) IN GENERAL.—The NTAC shall be under the operational control of the Secretary of the Department of Homeland Security, who shall evaluate the performance of personnel assigned to the NTAC.

(2) DIRECTOR.—

(A) APPOINTMENT.—The NTAC Director shall be a senior officer of the Federal Bureau of Investigation and appointed by the Secretary of the Department of Homeland Security from candidates recommended by the Director of the Federal Bureau of Investigation.

(B) DUTIES.—The Director of the NTAC shall—

(i) ensure that the law enforcement, immigration, and intelligence databases information systems containing information relevant to homeland security are compatible; and

(ii) with respect to the functions under this subparagraph, ensure compliance with Federal laws relating to privacy and intelligence information.

(3) DEPUTY DIRECTOR.—The NTAC Deputy Director shall be a senior officer of the Central Intelligence Agency and appointed by the Secretary of the Department of Homeland Security from candidates recommended by the Director of Central Intelligence.

(d) STAFFING OF THE NTAC.—

(1) IN GENERAL.—The NTAC shall be staffed by analysts assigned by—

(A) the Federal Bureau of Investigation;  
(B) the Central Intelligence Agency;  
(C) the National Security Agency;  
(D) the Defense Intelligence Agency;  
(E) the National Imagery and Mapping Agency;

(F) the National Reconnaissance Office;  
(G) the Department of Energy;  
(H) the Department of Homeland Security;  
(I) the Department of the Treasury;  
(J) the Department of Justice;  
(K) the Department of State; and

(L) any other Federal agency, as determined by the Secretary in consultation with the President or the President's designee.

(2) ADDITIONAL STAFFING.—The Secretary may also require the Immigration and Naturalization Service, Customs Service, Coast Guard, Secret Service, Border Patrol, and other subordinate agencies to assign additional employees to the NTAC.

(3) ADMINISTRATIVE SUPPORT.—Administrative support to employees assigned to the NTAC from other agencies shall be provided by such agencies.

(e) AUTHORITY TO EMPLOY PERSONNEL AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary of Homeland Security may, without regard to the civil service laws, employ and fix the compensation of such personnel and consultants, including representatives from academia, as the Secretary considers appropriate in order to permit the Secretary to discharge the responsibilities of the Department of Homeland Security.

(2) PERSONNEL SECURITY STANDARDS.—The employment of personnel and consultants under paragraph (1) shall be in accordance with such personnel security standards for access to classified information and intelligence as the Director of Central Intelligence shall establish for purposes of this subsection.

(f) TOUR OF DUTY REQUIREMENT.—

(1) SENIOR INTELLIGENCE SERVICE.—Title III of the National Security Act of 1947 (50 U.S.C. 409a) is amended by inserting after section 303 the following:

"PROMOTION TO SENIOR INTELLIGENCE SERVICE

"SEC. 304. An employee of an element of the intelligence community may not be promoted to a position in the Senior Intelligence Service until the employee has served 1 or more tours of duty, aggregating not less than 24 months, in a nonacademic position in 1 or more other elements of the intelligence community."

(2) SENIOR EXECUTIVE SERVICE FOR EMPLOYEES OF FBI.—Chapter 33 of title 28, United States Code, is amended by inserting after section 536 the following:

"§536A. Promotion to Senior Executive Service

"(a) An employee of the Federal Bureau of Investigation may not be promoted to a position in the Senior Executive Service until the employee has served 1 or more tours of duty, aggregating not less than 24 months, in a non-academic position in 1 or more other elements of the intelligence community.

"(b) In this section, the term 'element of the intelligence community' means an element of the intelligence community specified by or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))."

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) SENIOR INTELLIGENCE SERVICE.—The table of sections for the National Security Act of 1947 is amended by inserting after the item relating to section 303 the following:

"304. Promotion to Senior Intelligence Service."

(B) SENIOR EXECUTIVE SERVICE FOR EMPLOYEES OF FBI.—The table of sections at the beginning of chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 536 the following:

"536A. Promotion to Senior Executive Service."

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act, and shall apply with respect to promotions that occur on or after that date.

(g) ACCESS OF DIRECTOR OF CENTRAL INTELLIGENCE TO INTELLIGENCE COLLECTED BY INTELLIGENCE COMMUNITY.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403-4) is amended by adding at the end the following:

"(h) ACCESS TO INTELLIGENCE.—(1) The Director shall have full and complete access to any intelligence collected by an element of the intelligence community that the Director requires in order to discharge the responsibilities of the Director under section 103.

"(2) The head of each element of the intelligence community shall take appropriate actions to ensure that such element complies fully with the requirement in paragraph (1)."

(h) ELECTRONIC NETWORKING OF INTELLIGENCE DATA.—As soon as practicable after the date of enactment of this Act, the Director of Central Intelligence shall implement a program to provide for the full interconnection by electronic means of the intelligence databases of the intelligence community in

order to ensure the ready accessibility by all elements of the intelligence community of intelligence and other information stored in such databases.

Mr. SPECTER. I yield the floor.

#### YUCCA MOUNTAIN

Mr. MURKOWSKI. Mr. President, I stand to try to enlighten Members about the Yucca Mountain resolution which is going to be before this body. Yesterday, I took to the floor to speak on the current status of the Yucca Mountain debate in the Senate. I bring it to my colleagues' attention this measure has been reported by the Energy and Natural Resources Committee and is now ready for consideration by the full Senate.

There is a process here. I think it is somewhat confusing to Members, and hopefully we will get a better understanding when I share my analysis.

I want to make sure everyone understands that I certainly support the majority leader's ability to control the floor of the Senate and hence the schedule. I hope the majority leader will bring this issue to the floor shortly. I and others are looking forward to working with him, Senator LOTT and others, to try to come to an agreement to move the Yucca Mountain issue. However, should the majority leader choose not to bring this up and asks the Republicans to do it, we are prepared to oblige.

The process laid out is unique in the Nuclear Waste Policy Act. It was intended to eliminate any opportunity to delay, impede, frustrate, or obstruct the Senate and House votes on this siting resolution. That is the reason this expedited procedure was put into the act.

As Senator CRAIG pointed out last week, this was very specific language. It provides that any Senator on either side may move to proceed to consideration of the resolution.

There is a historical association with these procedures. Back when the Nuclear Waste Policy Act was debated in 1982, a central question was how to treat an obligation by the State selected for the repository if, in fact, the State objected—hence the situation with regard to Nevada. Nevada was selected. Nevada has rejected the site.

Back then there was a Congressman by the name of Moakley, the chairman of the House Rules Committee. He was concerned over what he perceived as a constitutional issue—single House action—and sought an approach that would allow a State to raise an objection but also guarantee that a decision would be made without raising constitutional questions. The solution he proposed, and which is included in the legislation, was passage of a joint resolution coupled with expedited procedures that would eliminate any opportunity for obstruction or delay. In other words, trying to make it fair to the State that was affected.

Moakley's State veto provision was added to the House-Senate compromise

bill after Senator Proxmire threatened to filibuster the bill unless it was included. Senator Proxmire described the provisions as making it "in order for any Member of the Senate to move to proceed to consideration of the resolution" to override the State's veto.

That is where we are today on this matter.

Further, as a little history, Senator George Mitchell, who was the majority leader at that time, insisted that the language "should not burden the process with dilatory or obstructionist provisions" and was only accepted in the Senate because we were all assured that there were no procedural or other avenues that would prevent the Senate from working its will within the statutory framework.

Again, I want to quote Congressman Moakley on that provision when the House approved the final measure:

The Rules Committee compromise resolved the issue in a fair manner. We proposed a two-House veto of a State objection but required that both the House and Senate must vote within a short timeframe. So long as the vote is guaranteed, the procedures are identical as a political and parliamentary matter.

The process, which includes the right of any Senator to make the motion to proceed, is that guarantee.

All of this brings me to the point of the majority leader's ability to control the flow of legislation in this body. The majority leader has been very forthcoming in his position on the resolution, and I understand and appreciate that. While I disagree with his position, I do not question his honesty or his integrity. Nor do I wish to hinder his ability to control the floor in normal circumstances.

This situation, however, is not one in which we often find ourselves. In this rather extraordinary case, we find ourselves governed not by the usual rules and traditions of the Senate but, rather, by a very specific and limited expedited procedure—a procedure set out in law, a law that was passed by this body.

Senator DASCHLE chooses to call this fast-track procedure—he mentioned "a violation of the Senate rules." I choose to call it an "exception." But whatever it is, whatever you want to call it, it is the same thing. It is a statutory fast track to consider a type of measure that is not ordinarily before the Senate, nor ordinarily treated in this manner. Extraordinary circumstances often call for an extraordinary procedure, and I think that is what we have before us.

Despite what Senator DASCHLE has indicated in a press conference earlier this week:

This whole procedure, as you know—we locked in a procedure many, many years ago—I believe it was in 1982—

And he continued later in the statement:

But this is what we are faced with. And so given the fact that we're faced with a very un-Senate-like procedure, I have no objec-

tion to that concept. (Here he is referring to a Republican making the motion to proceed) in terms of who would raise the issue on the floor.

Certainly I appreciate the leader's recognition that this measure must come up, and should the majority leader not make the motion, obviously some other Member will. If that is what will happen, it does not in any manner undercut the authority of our majority leader. No Senator, however, has come running to interrupt the present schedule of proceedings by bringing up this resolution.

We have, in fact, had discussions between the majority and minority leaders. We would like to enter into a unanimous consent agreement to minimize any potential disruption to the Senate, but that may not be possible, given the objection of the Senators from Nevada.

I quote from an article that appeared in one of the publications that I was given, in the "Hill Briefs," a reference by Emily Pierce, Congressional Quarterly staff writer, on 6-19 of this year, third paragraph:

And Senator ENSIGN and Senator REID said they aimed to persuade enough Members of both parties to reject the procedural motion, contending it would set a bad precedent. They contend the majority leader should control the agenda rather than leave that task to another Senator.

That is really incidental, but I think it points out that we have two Senators from Nevada who rightly are going to object to moving this matter before the Senate.

Barring what would be any further delays, we can find an appropriate time that is convenient to the schedule of our two leaders to resolve this matter. As to who makes the motion to proceed, I do not know that it really matters very much.

When I was chairman of the Energy Committee, I occasionally came to the floor to move to proceed to some measure reported from the committee. I certainly think it would be equally appropriate for our present chairman to make the motion to proceed to the consideration of this resolution. However, he may not want to do so.

I commend Senator BINGAMAN for an excellent committee report and the deliberate approach that he took to the consideration of the resolution. I commend him. But the bottom line is that, if the majority leader does not want to make the motion, for substantive or whatever reason, the statute explicitly deals with the situation to ensure that the Senate can take action.

As I have said before, the State veto and the congressional joint resolution are extraordinary provisions. A vote on the resolution is essential to the compromise in the agreement of 1982 to go to a two-House resolution.

It offers no precedent for any other situation and by its terms is limited to this specific situation. There are enough substantive issues that we can discuss. We do not need to suggest that somehow an explicit provision in a



statute should be ignored and does not mean precisely what it says.

It is time we focus on substance and I sincerely hope that the two leaders can find a time before the July recess for us to take up this important Yucca Mountain resolution.

I would note that all debate is limited to 10 hours, so it would be possible to take up the resolution one afternoon or evening and have a vote the next morning. That would create very little inconvenience to the leaders' schedule, but I look forward to whatever they can work out.

It is time for either the majority leader or his designee—perhaps the chairman of the Energy Committee who introduced the resolution and so ably guided it through committee—to make the motion to proceed and establish, under the rules of the Senate and the procedures laid out in the act, a time and date certain when the Senate can debate and vote on this resolution—as the act intended.

This matter is long overdue. It is the obligation of this body. The House of Representatives has done its job, and the Senate should do its job.

I thank the Chair. I yield the floor.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to speak as if in morning business and to extend morning business time for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### YUCCA MOUNTAIN

Mr. REID. Mr. President, I have heard my friend, the distinguished junior Senator from Alaska speak, as I have heard the Senator from Idaho speak on several occasions during the last few days. I have chosen not to respond because what my friends have spoken about we have heard many times.

We have a situation on which the American people are now focusing. The focus for many years has been whether Yucca Mountain is a suitable site for a nuclear waste depository. Scientifically, that has fallen apart for many reasons. One is that under the statute, Yucca Mountain and/or any other site was supposed to be a facility that would geologically protect the American people from nuclear waste. Yucca Mountain didn't work. They have learned that geologically it can't do that because of the fault lines, because of the water tables, and because of many other facts. They decided to use Yucca Mountain anyway. But they would build an encasement and put it down in the hole. They would have the waste in containers in Yucca Mountain.

The point is that now people are no longer focusing on Yucca Mountain. They are not focusing on Yucca Mountain because they have come to the re-

alization they have to get it there some way. You are not going to wake up one morning and suddenly find thousands of tons of nuclear waste from around the country from different reactors there. No. You will have to haul it there. We have learned they are going to haul it by water, by train, and by truck. They can haul all they want. But the waste is always going to be at these reactor sites. You can't get rid of it. You are producing it all of the time.

When they take a spent fuel rod out, it has to stay onsite for 5 years before they can touch it. Then they have to determine how to move it.

We have known since September 11 that we have a lot of difficulty moving anything dangerous on the highways of this country. The most poisonous substances known to man are in these spent fuel rods.

There is a Web site—[www.mapscience.org](http://www.mapscience.org). It has been up since last Tuesday. You can punch in an address—whether it is Georgia, whether it is Nevada, Virginia, Maryland, or Rhode Island. You will find instantaneously how close nuclear waste will travel to your home address or any other address you enter.

Since Tuesday, we have had about 100,000 people who have focused on that and who have made hits on that site. People from all over this country are now realizing that nuclear waste is not a Nevada problem, it is their problem.

My friends from Alaska and Idaho can come here and talk all they want. But the people who are eminent scientists and who have enough experience dealing with transportation—for example, the former head of the National Transportation Safety Board—agree that this is a bad idea. Jim Hall, the former head of the National Transportation Safety Board has done editorial boards, and he is an expert on transportation safety. He said you shouldn't do it. You can't do it. People say: OK, big shot. What do you want to do with it? That is very easy to answer. Leave it where it is, where there are storage containers, where you can encase and cover them with cement. There are all kinds of ways to protect them onsite, but you can't do those things when you haul the waste. The casks become too heavy.

The majority leader is absolutely right. He does not like this. He thinks it is wrong headed. People have been wine and dined by the nuclear power industry for 20 years. One of the great trips they take is to Las Vegas. They say: Come on. We will show you Yucca Mountain.

They whip them out to the mountain for a few hours and put them up in fancy hotels in Las Vegas for a weekend or so. They have had hundreds of staff out there to look at this. We know how powerful staff is. They come back and say there is a great repository out there.

I acknowledge that my job is easier than my friend, the junior Senator from Nevada. My job is easier because

this battle has been going on for a while. President Clinton vetoed a proposal to change environmental standards at Yucca Mountain. That veto was upheld by a vote of the Senate—33 Democrats and 2 Republicans.

They also tried to establish Yucca Mountain as a temporary place—an interim storage site. President Clinton interceded. That was soundly defeated.

My job is easier than my friend from Nevada. I am working with people who have not voted against this in the past, and who have voted for my position in the past. We had a President who, even though he had a nuclear plant in Arkansas, understood.

But my friends on this side of the aisle must do the right thing. I don't say this negatively. I get campaign contributions also. Even though I get campaign contributions, that isn't how I have to vote. They give me that money because they think I am an honorable person trying to do the right thing.

The fact that for 20-odd years millions of dollars have been given to campaigns around this country, people have to set that aside and do the right thing. It is not easy to do. But they have to do the right thing. I am not in any way trying to demagog the issue other than to say there are occasions when people have to do the right thing.

For my friend, JOHN ENSIGN, and for the people of this country, my friends on the other side of the aisle must do what is fair and understand that the transportation of nuclear waste is not safe.

The Chairman of the Nuclear Regulatory Commission said last week if this bill does not go forward and the veto of the Governor of Nevada is upheld, that it is no big deal. We can and will leave the nuclear waste where it is. That is what the Chairman of the Nuclear Regulatory Mission said last week.

The former member of the NRC, Dr. Victor Gilinsky, said at an Energy Committee hearing: I don't understand what the rush is. They can't transport the stuff in Europe. They have tried. This week they had a big demonstration where people chained themselves to the railroad tracks. Basically, they stopped the trains from hauling it. Germany has given up on it.

The mad rush is because the nuclear power lobby is extremely powerful. But for the good of the people of this country, whether they have a nuclear reactor in their State or not, you can't haul it safely. It is better left where it is until we find the right technological solution.

I guess the reason I came down is that I have just kind of had it up to here on all of these speeches about what a righteous thing they are doing by bringing this forward. It is the wrong thing to do. It is not a Nevada issue. It is an issue that affects everybody in this country.

For anyone to even suggest or intimate that this matter should now be

reported to the Senate in a matter of a minute or two, and the Defense authorization bill should be set aside to take it up—we are talking about giving our men and women in the military additional resources to fight the war on terror and to make this country secure. To even think we would set this aside for that is, to me, distasteful.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Feingold Amendment No. 3915, to extend for 2 years procedures to maintain fiscal accountability and responsibility.

Reid (for Conrad) Amendment No. 3916 (to Amendment No. 3915), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to express my support for the fiscal year 2003 Defense authorization bill. I believe this bill provides the needed resources to compensate and to reward the men and women in uniform who are doing an extraordinary job protecting this country across the globe and here at home. I also think the bill will provide the funding and the direction to continue the transformation of our military forces so that we are able to meet the new emerging threats of this new century.

This year, I again served as chairman of the Strategic Subcommittee. This subcommittee focuses on strategic systems, space systems, missile defense, intelligence, surveillance, and reconnaissance programs, and the national security functions of the Department of Energy. The subcommittee and the full committee held seven hearings dealing with matters in the subcommittee's jurisdiction.

The issues addressed by the subcommittee cover a wide range of subjects. These issues include the Nuclear Posture Review, which the Defense Department issued in December, which covers our strategic nuclear plan; the creation of a new Missile Defense Agency, which replaced the Ballistic Missile Defense Organization; increased concerns about the security of nuclear weapons and materials; the need to substantially restructure several space programs; and proposed re-

ductions to the number of deployed nuclear weapons in the context of the new and very commendable agreement with Russia.

Let me turn, first, to the issues of strategic systems.

The strategic systems that fall within the jurisdiction of the Strategic Subcommittee include long-range bombers, the land-based and sea-based ballistic missile forces, and the broad range of matters pertaining to nuclear weapons in the Department of Defense.

In the area of strategic systems, the bill, as reported, adds \$23 million to keep the Minuteman III ICBM upgrade programs and the effort to retire the Peacekeeper on track, as has been requested by the Air Force in their list of unfunded requirements.

The Peacekeeper and the Minuteman III missiles are both land-based missile systems. When the Peacekeeper is retired, Minuteman III will be the only land-based system, so it is very important to ensure, for our nuclear deterrence, that the process of retirement of Peacekeeper and modernization of Minuteman III continues at the appropriate pace.

Under the terms of the Nuclear Posture Review, the Department of Defense plans to eliminate all 50 of the Peacekeeper missiles and download the 500 Minuteman III missiles from their current multi-warhead configuration to a single warhead. This is a significant step in reducing the threat posed by nuclear weapons and one of the major reasons that the United States and Russia were able to come to an agreement.

Reducing the number of warheads on the Minuteman III to one warhead per missile, and removing all of the warheads from retiring Peacekeeper missiles, is a key to achieving the goals of a reduced number of deployed missiles that are at the heart of the agreement with the United States and Russia.

The commitment is to reduce the number of deployed nuclear warheads to the range of 1,700 to 2,200 from the present approximately 6,000 deployed warheads.

Also, this will provide more stability, as missiles with single warheads, in the context of deterrence policy, are a more stable element than multi-warhead missiles.

These are all encouraging developments, but it is necessary to keep this process on track by the additional funds which we have added to this legislation.

The subcommittee is also concerned about ensuring that the long-range bomber fleet is modernized and maintained. These bombers, particularly the B-2 and the B-52, have repeatedly showed their usefulness in conflicts from Desert Storm to present operations. There are no plans to replace these bombers in the near future. In fact, in 2000, when the Air Force last reviewed the projected lifetime of these bombers, they determined they could rely on these bombers for an additional

30 years. The reality is, the pilots who will retire the B-52 and B-2 bombers have not yet been born.

We have to maintain these systems, upgrade their electronics and avionics, to make sure they are still a valuable and decisive part of our forces.

This bill would include an additional \$28 million to address shortfalls in the B-2 and B-52 bomber programs, and also approves the request by the Department of Defense to reduce and consolidate the B-1 fleet.

Adding these additional funds is absolutely necessary if the Air Force projections are correct, and we will have these systems—the B-2 and the B-52—in our inventory for an additional 30 years.

Turning to the area of space, another jurisdiction of the Strategic Subcommittee, we considered a variety of very important Defense Department space programs. These programs include satellite programs that provide communications, weather, global positioning systems, early warning, and other satellites for defense and national security purposes.

Space programs are critical to the effective use of our Nation's military forces, and each day they grow in importance. This is a very important aspect of our deliberations.

We also included in our consideration the ability of the United States to continue to effectively launch space vehicles by looking at the east coast ranges in Florida and the west coast ranges in California.

The bill includes funding at the requested levels for most of the Department of Defense space programs. There are some exceptions, however. The committee has added \$29 million to continue to improve the readiness and operations safety at the east coast and west coast space launch and range facilities. If we cannot launch vehicles into space, we cannot ensure that we have the appropriate constellation of satellites to communicate, to provide intelligence resources, to provide global positioning signals—all the things that are critical to the success of our military forces in the field. These ranges are important, and these additional funds will upgrade their ability to continue to play a vital role in our national security.

The bill also includes reductions in certain space programs. One of these programs is the Space-Based Infrared Radar-High or SBIRS-High satellite program. This is a satellite program which is critical to replacing an older and aging system of satellites that provides early warning of missile launches and other activities of concern to the United States.

The worldwide reach of this satellite system is key to its ability to warn of any launches and to provide other critical intelligence. But this program has been plagued with serious problems. It is overbudget and years behind schedule. It is in the process of being restructured by the Department of Defense.

Reflecting this restructuring, the bill reduces the over \$800 million budget request for SBIRS-High by \$100 million so that this restructuring can literally catch up with the funding stream. I think this is an appropriate way to continue to maintain the defense capabilities of the United States while recognizing a program that is in the midst of serious restructuring by the Department of Defense.

The bill also reduces the requested funding for another satellite that has had a troubled history; and that is the Advanced Extremely High Frequency, or Advanced EHF satellite. This satellite program is designed to ensure that the Department of Defense and the military services will retain the ability to have a reliable and survivable communication. Advanced EHF, like SBIRS-High, is a replacement for a current system. But, here again, the program is in serious trouble, over-budget and behind schedule. It, too, is being structured. This restructuring made \$95 million available that the Air Force requested be shifted to other high-priority programs. And we have followed their advice and their suggestion.

Space programs are critical to the operations of the U.S. military. As I indicated, with each day, they become more and more critical. But several of these programs, not only the SBIRS-High program and the Advanced EHF communications satellite program, are experiencing significant problems with cost growth and schedule slippage.

Some of the problems with the space programs appear to be connected with the oversight and management of the programs. To address this, the bill includes a legislative provision to ensure the adequate oversight of space programs. This provision would direct the Office of the Secretary of Defense to maintain oversight of space programs and would require the Secretary to submit to Congress a plan on how oversight by OSD and the joint staff will be accomplished. This provision is included largely as a result of testimony before the Strategic Subcommittee in March of 2002 and will ensure that OSD remains and retains an oversight role for space programs.

Under Secretary of the Air Force Peter Teets, when testifying before the subcommittee, stated that the Air Force is facing significant challenges in several of our most important space programs. This bill attempts to address these concerns by ensuring that adequate oversight by the Department of Defense is maintained.

Let me again stress the importance of these programs. We have all been amazed by the extraordinary success of our military forces in Afghanistan. If you listened to the reports of the special forces troops conducting these operations on the ground, one of the key weapons they had was not a cannon or an M-16, it was a global-positioning, range-finding, targeting device which will operate magnificently as long as

we have GPS satellites and comparable satellites in the air. So communications and satellites are critical to the special forces soldier on the ground, the aviator in the air, every member of our military forces. We are endeavoring to maintain, to enhance, and to secure the future of our space operations within this legislation.

Let me turn now to another aspect of our responsibilities. That is the intelligence, surveillance and reconnaissance functions. This area includes programs such as the Global Hawk and the Predator unmanned aerial vehicles, or UAVs. We have long supported these very innovative and sophisticated weapons. They have shown their worth, particularly Predator in Afghanistan, and therefore the committee recommends fully funding the administration's request to accelerate the development and procurement of UAVs.

Another area we have supported—and in fact we provide additional support in the legislation—is the acquisition of commercial satellite imagery by the Department of Defense. The bill includes an additional \$30 million to authorize the Department to buy commercially available imagery to supplement and complement the imagery which we collect through our own assets. This will enhance our ability to conduct operations. This is an initiative strongly supported by Senator ALLARD, ranking member of the committee. We join in his support of this very worthy enterprise and endeavor.

Let me turn to some of the aspects in the subcommittee that touch upon the responsibilities of the Department of Energy when it comes to nuclear weapons. We include several provisions addressing DOE programs. The first would ensure that Congress continues to exercise its oversight responsibility with respect to funding for future nuclear weapons activities.

This is absolutely important. In December the administration released a Nuclear Posture Review. This Nuclear Posture Review has been criticized, challenged, identified as perhaps blurring the line between nuclear and conventional responses. This is an area where there is much concern. Again, it reinforces the need for Congress to be informed and responsive to evolving policy with respect to development and deployment and use, potentially—we hope never—of nuclear weapons.

If you look at the Nuclear Posture Review, you will see throughout a new triad which includes offensive strike systems which are described as including both nuclear and nonnuclear.

You will see that in the context and literal words of the Nuclear Posture Review, they have talked about “in setting requirements for nuclear strike capabilities, distinctions can be made among the contingencies for which the United States must be prepared. Contingencies can generally be categorized as immediate, potential, or unexpected.”

In the realm of immediate, potential, or unexpected contingencies, they list

countries such as North Korea, Iraq, Iran, Syria, and Libya. These are countries which may be endeavoring to develop nuclear weapons but at this time are not declared nuclear powers, raising the issue of whether we would abandon a long-term policy that we would not use nuclear weapons as a first strike on a nonnuclear power unless they attack us in conjunction with a nuclear power. This uncertainty, ambiguity, exists. Perhaps it has always existed, but it underscores the need for Congress to be informed, to be part of this evolving discussion and debate about nuclear policy.

Therefore, we would ask that the Department of Energy specifically request funds for any new or modified nuclear weapons. There is no money in this budget for such weapons, but I think at this juncture we have to go on record to ask for that type of specific information and not rely upon finding it buried in some larger account. It is an important issue. It is a critical issue. After the tensions between Pakistan and India, that have not yet subsided totally, no one needs to be reminded about the horrendous impact of the potential use of a nuclear weapon. Therefore, it is vitally important that this Congress be informed of any potential developments of new weapons by the United States.

The budget request did include \$15.5 million for a feasibility study of a robust nuclear earth penetrator weapon. The bill denies funding for this purpose and directs the Secretaries of Energy and Defense to submit a report to Congress setting forth the military requirements, the characteristics and types of targets the nuclear earth penetrator would hold at risk, the employment policies of such a nuclear earth penetrator, and an assessment of the capabilities of conventional weapons against these potential targets.

Once again, in the context of a statement by administration officials about the, perhaps, rejection of long-term policy, the nonfirst use against nonnuclear powers, and the ambiguity that has been created, it is essential to stop and look at justification for creating this weapon system.

We already have a nuclear earth penetrator. It is the B61-11; it has been publicly reported. We have the system in place. It is incumbent upon the Departments of Energy and Defense to say why we need to modify another system to do a similar job.

I will also point out there has been some suggestion that what the Department of Energy might be working on is a small mini-nuke that would be less troublesome in terms of radiation, in terms of the impact. Quite seriously, once we cross the nuclear threshold, the size of the weapon may be less important than the fact that we have crossed the threshold.

From the candidates that might be chosen to modify for this robust nuclear earth penetrator, these are very large weapons, hundreds of kilotons, at

least six or seven times the destructive force that was used upon Hiroshima. We have to be very careful. The bill goes ahead and denies the funds and asks the Department of Energy to justify with the report several parameters which are necessary before they go forward, if they do go forward.

The last DOE provision I would like to speak about is a provision that would focus additional resources, \$100 million, in cleanup efforts to clean up DOE sites throughout the country that have been polluted by the nuclear activities going back more than 50 years. It is essential to make our commitment to communities throughout this country that have hosted DOE facilities and now see the ground around them literally contaminated, in many cases by nuclear operations. This is very important.

Let me turn to one of the most contentious and challenging issues before the subcommittee. That is the issue of ballistic missile defense. I want to take some time and go into some detail because there are misconceptions and misinformation about what the subcommittee did and what the committee finally approved.

Let me start with the very broad picture. The administration requested \$7.6 billion for missile defense. The committee recommends \$6.8 billion, a reduction of \$812 million, or 11 percent. I should point out that the budget for missile defense has grown dramatically in the last several years. We are still funding this program at a very robust \$6.8 billion. The \$812 million reduction in ballistic missile defense was transferred to more immediate and pressing needs in the view of the committee.

The most significant, in terms of dollars, was \$690 million for additional shipbuilding, which will provide advanced procurement for a new submarine, a new destroyer, and a new troop transport ship, all immediate and vital needs for our military forces.

Some of the additional money would be used to increase the security of the Department of Energy facilities. Again, after the last several weeks, where we thought an al-Qaida operative was making his way to the United States to steal radioactive material to construct a "dirty" bomb, the need for enhanced security at DOE sites, as well as many other sites that have radiological material, cannot be underestimated.

Let me talk in general terms about the ballistic missile threat and the programs that are evolving to meet that threat. First, historically and generally, we have categorized this in two ways: short-range threats and the longer range threat of the intercontinental ballistic missile. The reality is that many countries have short-range missiles, some of which are capable of mounting chemical and biological warheads. They are an immediate present threat to U.S. forces deployed throughout the world and to U.S. allies throughout the world.

Intercontinental ballistic missiles are those, obviously, that travel long

distances and are designed to strike the homeland of the United States. Those two distinctions have formed most of our programmatic response for many decades.

The administration has come in and, in some respects, blurred the lines between these two distinctions. Rather than the traditional distinction between theater missile and national missile defense, between the short- and medium-range missiles and the longer range intercontinental ballistic missiles, they have talked about creating a missile defense consisting of the boost phase defense systems—those systems designed to strike a missile when it leaves the launch pad, in the 2 or 3 minutes before it gets into the upper atmosphere; in fact, outside of the atmosphere in some cases—a midcourse phase, as the term indicates, which would destroy the missile in the middle of its flight; and the terminal phase, which is the final point where the missile is heading toward its target, coming down rapidly towards its target.

Now, there is a certain logic to this. I have to be fair about that. If one looks at defense in other contexts, such as the more terrestrial contexts of a land battle, defense in depth is a watchword—long-range fires, intermediate fires, and close fires. So there is a logic to this, and it might be unwitting, but there is a blurring and distortion that I think can be misinterpreted—and I think it has been in many cases—with respect to the actual programs we are trying to develop and the progress on those programs.

One case in point is a recent article in the Wall Street Journal, on June 18, where it talks about discussions by General Kadish, about the Navy theater-wide missile system, on which the Journal opined in this article:

The move would represent the first deployment of a defensive missile shield since a system was first proposed by President Reagan in the 1980s.

What General Kadish was talking about was a theater missile, not a national missile system. In point of fact, the PAC-3 system, a land based theater system, is being operationally tested now and likely will be deployed. Certainly it is further along in development than this proposed sea based system.

This type of blurring of the lines in recalibration and renaming of systems I think has created a lot of misunderstanding. Hopefully, we can add some clarity today.

As I mentioned before, theater ballistic missiles have long threatened forward deployed U.S. forces. For years we have confronted the potential of a real-time missile attack in North Korea and in other places. Long-range missiles were the source of our long and, fortunately, stalemated cold war with the Soviet Union. They had the capacity to fire missiles intercontinentally. We were able to wait them out or, through deterrence, through our strategic policy, we were able to bring

the cold war to a conclusion, and also to have a situation in which now we are making real progress with Russia in terms of strategic arms control. So this distinction between theater missiles and ICBMs is significant.

I think it is appropriate at this point to try to go through the list of the systems which have been developed, which we have been developing, and systems that are the underpinning of this new constellation of missile defenses the administration talks about.

I ask unanimous consent to have printed an article by Philip Coyle, former director of operational test and evaluation in the Department of Defense, in the Arms Control Today of May 2002. It summarizes in excellent detail the systems we are talking about today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Arms Control Today, May 2002]

RHETORIC OR REALITY? MISSILE DEFENSE  
UNDER BUSH

(By Philip Coyle)

Since it assumed office, the administration of President George W. Bush has made missile defense one of its top priorities, giving it prominence in policy, funding, and organization.

First, the administration outlined an ambitious set of goals that extend well beyond the Clinton administration's missile defense aims. In early January 2002, Secretary of Defense Donald Rumsfeld described the administration's top missile defense objectives his way: "First, to defend the U.S., deployed forces, allies, and friends. Second, to employ a Ballistic Missile Defense System (BMDS) that layers defenses to intercept missiles in all phases of their flight (i.e., boost, midcourse, and terminal) against all ranges of threats. Third, to enable the Services to field elements of the overall BMDS as soon as practicable."

Then, in its nuclear posture review, the administration outlined the specific elements of a national missile defense that it wants to have ready between 2003 and 2008: an air-based laser to shoot down missiles of all ranges during boost phase; a rudimentary ground-based midcourse system, a sea-based system with rudimentary midcourse capability against short- and medium-range threats; terminal defenses against long-range ICBMs capable of reaching the United States; and a system of satellites to track enemy missiles and distinguish re-entry vehicles from decoys.

Finally, to speed implementation, the administration has taken a number of tangible steps. It announced on December 13, 2001, that the United States would withdraw from the 1972 Anti-Ballistic Missile (ABM) Treaty, ostensibly because the treaty was restricting testing of mobile missile defenses against y026ICBMs. In its first defense budget, the administration requested a 57 percent increase in funding for missile defense—from \$5.3 billion to \$8.3 billion, of which it received \$7.8 billion. Then, Rumsfeld reorganized the Ballistic Missile Defense Organization into the new Missile Defense Agency, cancelled the internal Pentagon documents that had established the program's developmental goals, and changed the program's goal from being able to field a complete system against specific targets to simply being able to field various missile defense capabilities as they become available.

All in all, a lot has happened in missile defense in the first year or so of the Bush administration. But have these actions brought

the United States any closer to realizing its missile defense goals, especially deployment of a national missile defense? And what elements, if any, of a national missile defense capability might it be possible for the United States to deploy by 2008, as called for in the nuclear posture review?

Despite the Bush administration's push for missile defense, the only system likely to be ready by 2008 is a ground-based theater missile defense intended to counter short-range targets—i.e., a system to defend troops in the field. Before Bush leaves office, the only system that could conceivably be ready to defend the United States itself is the ground-based midcourse system pursued by the Clinton administration. None of the other elements mentioned in the nuclear posture review as possible defenses against strategic ballistic missiles is likely to be available by 2008.

To understand why, let us examine each of the missile defense programs—starting with the short-range, theater missile defense systems and moving to the longer-range, strategic systems—to see what has happened since the Bush administration took office 16 months ago. The results suggest that the Bush administration should not base its foreign policy on the assumption that during its tenure it will be able to deploy defenses to protect the United States from strategic missiles.

#### THEATER MISSILE DEFENSES

Each of the U.S. military services has been pursuing tactical missile defense programs designed to defend U.S. troops overseas. None of these programs was designed to defend the United States against ICBM attacks, and none has any current capability to do so. However, the administration hopes to be able to apply some of the technology from these service programs to a layered national defense capable of defending the U.S. homeland. (For an explanation of the various stages of development discussed below, see the box below.)

#### PAC-3

The Patriot Advanced Capability-3 (PAC-3) is a tactical system designed to defend overseas U.S. and allied troops in a relatively small area against short-range missile threats (such as Scuds), enemy aircraft, and cruise missiles. Developmentally, it is the most advanced U.S. missile defense system, and a small number have been made available for deployment although testing has not yet been completed.

PAC-3 flight testing began in 1997. From 1997 to 2002, 11 developmental flight tests were conducted, including four flight intercept tests with two or three targets being attempted at once. Most of these tests were successful, but in two of the tests one of the targets was not intercepted. In February, PAC-3 began initial operational testing, in which soldiers, not contractors, operate the system. Three operational tests have been conducted, all with multiple targets. In each, one of the targets has been missed or one of the interceptors has failed.

A year ago, PAC-3 was planned to begin full-rate production at the end of 2001. However, problems with system reliability and difficulties in flight intercept tests have delayed that schedule. This means that full-rate production likely will be delayed until more stressing "follow-on" operational tests can be conducted against targets flying in a wide range of altitudes and trajectories. In March, Lieutenant General Ronald Kadish, who heads U.S. missile defense programs, testified to Congress that the full-rate production decision would be made toward the end of 2002 (before operational testing has been completed), representing a delay of about a year since last year. The full system

will be deployed once all operational testing has been completed, perhaps around 2005.

A future version of PAC-3 is being considered for terminal defense of the United States. However, PAC-3 was not designed to counter long-range threats, and no flight intercept tests have been conducted to demonstrate how it might be incorporated in a terminal defense layer. Further, the ground area that can be defended by PAC-3 is so small that it would take scores of systems to defend just the major U.S. cities. A version of PAC-3 that could be effective in a national missile defense is probably a decade away.

#### THAAD

The Theater High Altitude Air Defense (THAAD) system is designed to shoot down short- and medium-range missiles in their terminal phase. THAAD would be used to protect forward-deployed troops overseas as well as nearby civilian populations and infrastructure. THAAD is to defend a larger area against longer-range threats than PAC-3, but it is not designed to protect the United States from ICBMs.

From 1995 to 1999, 11 developmental flight tests were performed, including eight in which an intercept was attempted. After the first six of those flight intercept tests failed, the program was threatened with cancellation. Finally, in 1999, THAAD had two successful flight intercept tests. The THAAD program has not attempted an intercept test since then, instead focusing on the difficult task of developing a new, more reliable, higher-performance missile than the one used in early flight tests.

A year ago, full-rate production was scheduled to begin in 2007 or 2008, but because there were no intercept tests in 2000 or 2001, that schedule has likely slipped two years or more. In fact, no flight intercept test is scheduled until 2004, and it is therefore unlikely that the first THAAD system will be deployed before 2010.

The Bush administration is considering THAAD for use in a layered national missile defense system. Conceptually, THAAD might be used in conjunction with PAC-3 as part of a terminal defense, or it could be deployed overseas to intercept enemy missiles in the boost phase. However, in its current configuration THAAD is incapable of performing these missions—even once it has met its Army requirements for theater missile defense—and therefore a role for THAAD in national missile defense is probably more than a decade away.

#### Navy Area Theater Ballistic Missile Defense

The Navy Area Theater Ballistic Missile Defense was the sea-based equivalent of PAC-3. The Navy Area system was being designed to defend forward-deployed Navy ships against relatively short-range threats. But in December 2001 the program was cancelled because its cost and schedule overruns exceeded the limits defined by law. (Ironically, the cancellation came just one day after President Bush announced that the United States would pull out of the ABM Treaty because its missile defense testing was advanced enough to be bumping up against the constraints of the treaty.)

The Navy still wants to be able to defend its ships against missile attack, and the program will most likely to be restructured and reinstated once the Navy decides on a new approach. In the meantime, the Navy Area program is slipping with each day that passes. As with PAC-3, the Bush administration has considered extending the Navy Area system to play a role in the terminal segment of a layered national missile defense. However, at this point the program is too poorly defined to allow speculation about when it could accomplish such a demanding mission.

#### Navy Theater Wide

The Navy Theater Wide program was originally intended to defend an area larger than that to be covered by the Navy Area system—that is, aircraft carrier battle groups and nearby territory and civilian populations—against medium range missiles during their midcourse phase. In this sense, Navy Theater Wide is the sea-based equivalent of THAAD.

In January, the Navy Theater Wide program conducted its first successful flight intercept test, but a dozen or more developmental flight tests will be required before it is ready for realistic operational testing. About a year ago, full-rate production was scheduled for spring 2007, meaning that the system could be deployed before the end of the decade.

But since then, the Pentagon has given new priority to a sea-based role in defending the U.S. homeland. Navy Theater Wide was not designed to shoot down ICBMs, but the Bush administration has restructured the program so that it aims to produce a sea-based midcourse segment and/or a sea-based boost-phase segment of national missile defense.

Either mission will require a new missile that is twice as fast as any existing version of the Standard Missile, which the system now uses; a new, more powerful Aegis radar system to track targets; a new launch structure to accommodate the new, larger missiles; and probably new ships. As a result, the Navy Theater Wide program requires a great deal of new development. It is unlikely that Navy Theater Wide will be ready for realistic operational testing until late in this decade, and it will not be ready for realistic operational demonstration in a layered national missile defense for several years after that.

#### Airborne Laser

The Airborne Laser (ABL) is a program to develop a high-power chemical laser that will fit inside a Boeing 747 aircraft. It is the most technically challenging of any of the theater missile defense programs, involving toxic materials, advanced optics, and the coordination of three additional lasers on-board for tracking, targeting, and beam correction. The first objective of the program is to be able to shoot down short-range enemy missiles. Later, it is hoped the ABL program will play a role in national missile defense by destroying strategic missiles in their boost phase.

The ABL has yet to be flight-tested. About a year ago, full-rate production of the ABL was scheduled for 2008. The plan was to build seven aircraft, each estimated to cost roughly \$500 million. At that time, the first shoot-down of a tactical missile was scheduled for 2003. Recently, the ABL program office announced that the first shoot-down of a tactical missile had been delayed to later 2004 because of many problems with the basic technology of high-power chemical lasers—about a one-year slip since last year and about a three-year slip since 1998. Accordingly, full-rate production probably cannot be started before 2010, and the cost will likely exceed \$1 billion per aircraft.

Assuming all this can be done, it is important to note that the ABL presents significant operational challenges. The ABL will need to fly relatively close to enemy territory in order to have enough power to shoot down enemy missiles, and during a time of crisis it will need to be near the target area continuously. A 747 loaded with high-power laser equipment will make a large and inviting target to the enemy and will require protection in the air and on the ground. Finally, relatively simple countermeasures such as reflective surfaces on enemy missiles could negate the ABL's capabilities.

Deployment of an ABL that can shoot down short- and medium-range tactical targets is not likely before the end of the decade, and the Airborne Laser will not be able to play a role in national missile defense for many years after that.

#### NATIONAL MISSILE DEFENSE

The Bush administration hopes to build a layered national missile defense that consists of a ground-based midcourse system, expanded versions of the theater systems discussed above, and, potentially, space-based systems. The Bush administration does not use the phrase "national missile defense" because it was the name of the ground-based midcourse system pursued by the Clinton administration and because the Pentagon's plans to defend the country are now more robust. But national missile defense is a useful shorthand for any system that is intended to defend the continental United States, Alaska, and Hawaii against strategic ballistic missiles, and it is in that sense that it is used here.

For all practical purposes, the only part of the Bush national missile defense that is "real" is the ground-based midcourse system. It is real in the sense that six flight intercept tests have been conducted so far, whereas versions of the THAAD or Navy Theater Wide systems that might be used to defend the United States have not been tested at all. Space-based systems are an even more distant prospect. For example, the Space-Based Laser, which would use a laser on a satellite to destroy missiles in their boost phase, was to be tested in 2012, but funding cuts have pushed the testing date back indefinitely. Deployment is so far in the future that it is beyond the horizon of the Pentagon's long-range planning document, Joint Vision 2020.

As a result, despite the Bush administration's attempts to distinguish its plans from its predecessor's, Bush's layered national missile defense is, in effect, nothing more than the Clinton system.

Since 1997, the ground-based midcourse program has conducted eight major flight tests, known as IFTs. The first two, named IFT-1A and IFT-2, were fly-by tests designed simply to collect target information. The next six tests, IFT-3 through IFT-8, were all flight intercept tests. IFT-4 and IFT-5, conducted in January 2000 and July 2000 respectively, both failed to achieve an intercept, which became a principal reason why, on September 1, 2000, President Bill Clinton decided not to begin deployment of ground-based midcourse components, such as a new X-band radar on Shemya Island in Alaska.

Another year passed before the next flight intercept test, IFT-6, was conducted. The intercept was successful except that the real-time hit assessment performed by the ground-based X-band prototype radar on the Kwajalein Atoll in the Marshall Islands incorrectly reported the hit as a miss. IFT-7, conducted in early December 2001, was also successful. Until then, all of the flight intercept tests had had essentially the same target cluster: a re-entry vehicle, a single large balloon, and debris associated with stage separation and decoy deployment. Then, in IFT-8, conducted on March 15, 2002, two small balloons were added to the target cluster. This flight intercept test also was successful and marked an important milestone for the ground-based midcourse program.

However, despite these recent successes, there have been significant delays in the testing program. Several of the flight tests were simply repeats of earlier tests, and as a result IFT-8 did not accomplish the tasks set for it in the original schedule. In short, the testing program has slipped roughly two years—i.e., what was originally scheduled to

take two years has taken four. That is not to say that the program has made no progress but rather that key program milestones have receded into the future.

The pace of successful testing will be one of the primary determinants of how quickly the United States can field a national missile defense. If the ground-based midcourse system has three or four successful flight intercept tests per year, as it has during the past year, it could be ready for operational testing in four or five years. If those operational tests also were successful, then whatever capability had been demonstrated in all those tests—which would probably not include the capability to deal with many types of decoys and countermeasures or the capability to cover much of the space through which an enemy missile could travel—could be deployed by the end of the decade or even by 2008.

However, the ground-based midcourse system has difficulties beyond the testing pace of its interceptor. The system requires a new, more powerful booster rocket than the surrogate currently being used in tests—a task that was thought to be relatively easy. That new booster was to be incorporated into the continuing series of flight intercept tests to make those tests more realistic and to be sure that the new booster's higher acceleration did not adversely affect other components or systems on board.

But development of the new booster is about two years behind schedule. Indeed, on December 13, just hours after President Bush announced U.S. plans to withdraw from the ABM Treaty, a test of the new booster had to be aborted and the missile destroyed in flight for safety reasons because it flew off course. Flight intercept tests that were to have used the new booster have come and gone without it. Indeed, development of the booster is so far behind that the Pentagon recently issued another contract for a competing design.

Equally problematic is uncertainty over how the system will track enemy missiles in flight and distinguish targets from decoys. One approach is to use high-power radars operating in the X-band (that is, at a frequency of about 10 billion cycles per second). A prototype X-band radar on the Kwajalein Atoll has been part all of the ground-based midcourse flight intercept tests so far, and technically, X-band radar progress has been one of the most successful developments in missile defense technology.

A year and a half ago, Lieutenant General Kadish testified to Congress that establishing an X-band radar in Alaska was the "long pole in the tent" for missile defense. This meant that the X-band radar was critical to a ground-based midcourse system and that if that radar was not built soon, the program would start slipping day for day. Then, as now, there were many other developments that would take as long or longer than building an X-band radar at Shemya, but the Pentagon's official position was that construction needed to start in the spring of 2001 at the latest. Nevertheless, Clinton deferred taking action on the radar.

Surprisingly, the Bush administration has not requested funding for an X-band radar at Shemya in either of its first two budgets. This may be because the administration views such an installation as inconsistent with the ABM Treaty, which the administration has said it will not violate while the treaty is still in effect. Or the administration may not have requested funding because the Missile Defense Agency has been exploring "portable" X-band radars—that is, X-band radars deployed on ships or barges.

Some defense analysts believe that the Space-Based Infrared Satellite (SBIRS) program could be used in place of the X-band

radar to assist a national missile defense. SBIRS—which would consist of two sets of orbiting sensor satellites, SBIRS-high and SBIRS-low—is designed to detect the launch of enemy ballistic missiles and could be used to track and discriminate among them in flight. However, the program has significant technical problems.

SBIRS-high, which will consist of four satellites in geosynchronous orbit and two satellites in highly elliptical orbits, is to replace the existing Defense Support Program satellites, which provide early warning of missile launches. A year ago, the SBIRS-high satellites were scheduled for launch in 2004 and 2006, but recently those dates have slipped roughly two years because of problems with software, engineering, and system integration. A year ago, realistic operational testing was scheduled for 2007; now, it may not occur this decade, which means that full deployment may not occur this decade. SBIRS-high is also well over cost and is in danger of breaching the legal restrictions covering cost growth.

SBIRS-low is to consist of approximately 30 cross-linked satellites in low-Earth orbit. A year ago, the launch of the first of these satellites was scheduled for 2006, but SBIRS-low has slipped two years because of a variety of difficult technical problems. The developmental testing program for SBIRS-low is very challenging, and realistic operational testing will probably not begin this decade. This could delay deployment of the full constellation of SBIRS-low satellites until the middle of the next decade. SBIRS-low is also dramatically over budget and was threatened with cancellation in the latest round of congressional appropriations.

For now, the administration has been saying that it will upgrade an existing radar on Shemya called Cobra Dane. Under this plan, the Cobra Dane radar would become an advanced early-warning radar with some ability to distinguish among targets. But the Cobra Dane radar operates in the L-band with about eight-times poorer resolution than a new X-band radar would have, raising questions about the effectiveness of any national missile defense using it.

In sum, the only element of a "layered" national missile defense that exists on anything but paper is the ground-based midcourse system pursued by the Clinton administration. Accordingly, it is nearly impossible to predict when, if ever, an integrated, layered national missile defense with boost, midcourse, and terminal phases might be developed. As noted above, given the most recent pace of testing, some part of the ground-based midcourse system could be deployed by the end of the decade or possibly by 2008.

However, the capability such a system would have would be marginal and probably would not be able to deal with many types of decoys and countermeasures or to cover much of the space through which an attacking ICBM might fly. The Bush administration has said it will deploy test elements as an emergency capability as early as possible, but such a deployment would be rudimentary and its capabilities would be limited to those already demonstrated in testing. It would likely not be effective against unauthorized or accidental launches from Russia or China, which might include missiles with countermeasures. It also would not be effective against launches from Iraq, Iran, or Libya since those countries are to the east, out of view of a radar on Shemya.

#### CONCLUSION

During the first year of the Bush administration, all U.S. missile defense programs—both theater and national—have slipped. In general, the shorter-range tactical missile



defense systems are further along than the medium-range systems, and those medium-range systems are further along than the longer-range systems intended to defend the United States against ICBMs.

PAC-3 is the most developmentally advanced of any U.S. missile defense system, but full deployment will not likely take place before 2005, and realistic operational testing will continue for many years after the first Army units are equipped in the field. The THAAD program has slipped two years or more and will not be deployable until 2010. The Navy Area Wide program has been cancelled, and the Navy Theater Wide program has slipped two years or more and will not be deployable in a tactical role until the end of the decade. If the Pentagon restructures the program so that its priority is boost-phase or midcourse defense against strategic missiles, it will likely take longer. The Airborne Laser has slipped one year and will probably not be deployed as a theater missile defense before the end of the decade.

SBIRS-low has slipped two years and doubled in cost and probably will not be deployed before 2008. For all practical purposes, national missile defense is technically not much closer than it was in the Clinton administration. There have been no flight intercept tests of the boost-phase or terminal-phase elements suggested by the Bush administration, and developmental testing could take a decade or more, depending on the pace of testing and the level of success in each test. The only element that can be flight-intercept tested against strategic ballistic missiles today is the ground-based midcourse system. Part of that system could be deployed by 2008, but elements fielded before then will have only a limited capability.

Thus, while making foreign policy, the Bush administration would do well to consider that probably only a limited-capability version of PAC-3 will be fielded during its tenure and that an effective, layered national missile defense will not be realized while it is in office. It would make little sense to predicate strategic decisions on a defense that does not exist.

It is important for Congress and the American public not to be frightened into believing that the United States is—as some missile defense proponents like to assert—defenseless against even a limited missile attack by a “rouge state” such as North Korea. Powerful and effective options exist, both military and diplomatic.

In Afghanistan, U.S. attack operations with precision-guided weapons have been highly effective. Those same precision weapons would be effective against an enemy ICBM installation. In fact, given current capabilities and the ever-improving technologies for precision strike, it would be fantasy to believe any national missile defense system deployed by 2003 to 2008 would work better and provide greater reliability at a lower cost than the precision-guided munitions used in Afghanistan.

On the diplomatic front, in 1999 former Secretary of Defense William Perry made a series of trips to convince North Korea to stop developing and testing long-range missiles. He was remarkably successful. Although Secretary Perry would not say that North Korea was no longer a threat, it was obvious that the North Korean threat had been moderated. Secretary of State Madeleine Albright was able to build on his trip the next year to secure a pledge from Pyongyang to half flight testing of missiles. Dollar for dollar, Secretary Perry has been the most cost-effective missile defense system the United States has yet to develop. The most straightforward route to missile defense against North Korea may be through diplomacy, not technology.

Many decision-makers in Washington—and, from what one reads, the president himself—seem to be misinformed about the prospects for near-term success with national missile defense and the budgets being requested for it. It takes 20 years to develop a modern, high performance jet fighter, and it probably will take even longer to develop an effective missile defense network. Taking into account the challenges of asymmetric warfare, the time it can take to develop modern military equipment, the reliability required in real operational situations, and the interoperability required for hundreds of systems and subsystems to work together, it would be highly unrealistic to think that the United States can deploy an effective, layered national missile defense by 2004 or even by 2008.

In the meantime, policymakers should be careful that U.S. foreign and security goals and policies are not dependent on something that cannot work now and probably will not work effectively for the foreseeable future. A case in point is President Bush's decision to abandon the ABM Treaty with Russia. That decision was certainly premature given the state of missile defense technology and likely could have been avoided or postponed for many years if not indefinitely.

This is not to say that missile defense technology ought not to be pursued—only that it should be pursued with realistic expectations. Policymakers must be able to weigh the potential merits and costs of missile defense based on a sound understanding of both the technology and the possible alternatives. No one weapon system can substitute for the sound conduct of foreign policy, and even a single diplomat can be effective on a time scale that is short when compared with the time that will be required to develop the technology for national missile defense.

#### STAGES OF DEVELOPMENT

Missile defense, especially national missile defense, is the most difficult program ever attempted by the Department of Defense—much more difficult than the development of a modern jet fighter like the F-22 Raptor, the Navy's Land Attack Destroyer (DD-21), or the Army's Abrams M1A2 tank complete with battlefield digitization, endeavors that all have taken 20 years or more. Each new major weapons system must proceed through several stages of development, which are listed below. Most U.S. missile defense systems are currently in developmental testing and are therefore not close to deployment.

Research and Development (R&D): The period during which the concepts and basic technologies behind a proposed military system are explored. Depending on the difficulty of the technology and the complexity of the proposed system, R&D can take anywhere from a year or two to more than 10 years.

Engineering and Manufacturing Development (EMD): The period during which a system design is engineered and the industrial processes to manufacture and assemble a proposed military system are developed. For a major defense acquisition such as a high-performance jet fighter, EMD can take five years or more. If substantial difficulties are encouraged, EMD can take even longer.

Developmental Testing: Testing that is performed to learn about the strengths and weaknesses of proposed military technologies and the application of those technologies to a new military system in a military environment. Generally, developmental testing is oriented toward achieving certain specifications, such as speed, maneuverability, or rate of fire. Developmental testing is conducted throughout the R&D and EMD phases of development and becomes

more stressing as prototype systems evolve and mature.

Operational Testing: Testing that aims to demonstrate effective military performance against operational requirements and mission needs established for a system. Testing is performed with production-representative equipment in realistic operational environments—at night, in bad weather, against realistic threats and countermeasures. Military service personnel, not contractors, operate the system, which is stressed as it would be in battle. Operational testing of a major defense acquisition system typically takes the better part of a year and is usually broken into several periods of a month or two to accommodate different environments or scenarios. If substantial difficulties are encountered, several years of operational testing may be required.

Production: The phase of acquisition when a military system is manufactured and produced. Early on, during “low-rate production,” the quantities produced are typically small. Later, after successfully completing operational testing, a system may go into “full-rate production,” where the rate of production is designed to complete the government's planned purchase of the system in a relatively short period of time, about five years.

Deployment: The fielding of a military system in either limited or large quantities in military units. The first military unit equipped may help develop tactics, techniques, and procedures for use of the new system if that has not already been done adequately in development.

All ballistic missiles have three stages of flight.

The boost phase begins at launch and lasts until the rocket engines stop firing and pushing the missile away from Earth. Depending on the missile, this stage lasts three to five minutes. During much of this time, the missile is traveling relatively slowly although toward the end of this stage an ICBM can reach speeds of more than 24,000 kilometers per hour. The missile stays in one piece during this stage.

The midcourse phase begins after the propulsion system finishes firing and the missile is on a ballistic course toward its target. This is the longest stage of a missile's flight, lasting up to 20 minutes for ICBMs. During the early part of the midcourse stage, the missile is still ascending toward its apogee, while during the latter part it is descending toward Earth. It is during this stage that the missile's warhead, as well as any decoys, separate from the delivery vehicle.

The terminal phase begins when the missile's warhead re-enters the Earth's atmosphere, and it continues until impact or detonation. This stage takes less than a minute for a strategic warhead, which can be traveling at speeds greater than 3,200 kilometers per hour.

Mr. REED. The system that is most developed is one I mentioned previously, the PAC-3 system. It is a theater missile system. It is not designed to counter long-range threats. It has been tested rigorously. It is in operational testing now. Phil Coyle states that the administration is considering an advanced version of PAC-3 for a national missile defense. But if you were trying to use it in a terminal phase it would take many systems to defend a rather small area of the United States. We probably would never have the number of systems needed to adequately defend the United States.

Another system we have been developing for years is the THAAD system.

Phil Coyle states that the Administration is also considering use of THAAD along with PAC-3 for national missile defense. But in its current configuration THAAD is not ready for this role. In fact, it is far away from it—perhaps a decade before it could be reasonably used in that way.

The other system being developed as we speak is a Navy theater-wide system. It is a midcourse system as it is currently designed. They are now talking about this system as a potential element of their midcourse national missile defense. Again, there are still significant issues with respect to the use of this system for national missile defense.

As Mr. Coyle points out, if the system were to be used for a midcourse mission, or a boost phase mission, for national missile defense, it would require a new missile that is twice as fast as any existing version of the standard missile which the system now uses. He writes it would require:

A new, more powerful Aegis radar system to track targets; a new launch structure to accommodate the new, larger missiles; and probably new ships. As a result, the Navy theater-wide program requires a great deal of new development. It is unlikely that Navy theater-wide will be ready for realistic operational testing until late in this decade, and it will not be ready for realistic operational demonstration in a layered national missile defense for several years after that.

It is interesting to note that this system is being considered today by the Missile Defense Agency for possible deployment in 2004. It is also interesting, and a bit surprising, because in last year's authorization bill we asked the Missile Defense Agency to tell us what they propose to do with the Navy theater-wide system. We asked for a report on April 30. The response to our request was actually a letter that came to us on May 30, and repeated the questions we asked. It responded to some of the questions in a very cursory way. It didn't give any life cycle cost for us, so it is hard for us to estimate how much this new evolving system will cost. It simply said they redefined the system. That was May 30.

Yet, about 2½ weeks later, they were telling the press that we are deploying this system in 2004. In fact, one of the points they made in the letter is:

The details of the sea-based program block 2006 and out capability are being developed through work that is scheduled to be completed by December 2003. We will be able to provide specifics on the system definition, along with a preliminary assessment of force structure and life cycle cost at that time.

So this work is going to be completed in planning by 2003. Yet this system is being talked about for deployment in 2004.

It just does not seem to make much sense, and it illustrates, I think, the problem we have had in the subcommittee, first of getting reliable information, and second of getting a sense of the direction of all these programs.

We are not trying to micromanage the Missile Defense Agency, but when

we asked a year ago in our report for information specifically about a type of missile system, when we get a cursory response saying, we have renamed it and we will not be able to tell you anything until we conclude in December of 2003 our deliberations, and then 2 weeks later they are talking about the system being deployed in a theater role in 2004, it illustrates, I think, the problems and the issues we have confronted with simply getting the information we need to do our job, to inform our colleagues, to make decisions that are not only important to our national security, but extremely expensive decisions so that we can perform our mission, our role in the Senate.

That is the Navy theater wide system. There are other systems we have developed, and I think it is appropriate to note that the next system is the airborne laser system. This is a program to develop a high-power chemical laser that will fit inside a Boeing 747 aircraft. This is a system that would be designed to shoot down short-range enemy missiles in the boost phase. It has some potential, but it is a major technological effort which is going forward, but not going forward with great speed at the moment.

The final major component is the national missile defense midcourse, or the land-based system, in Alaska, and that system we have supported. We have supported it, but having supported it, we also have serious questions with it. The system was inaugurated, if you will; at least ground was broken last week for a test bed for missiles. There are concerns that the missiles cannot be effectively used in a flight test capacity because of safety concerns and other factors with respect to the local area in Alaska. That is one issue.

The other issue, though, is for several years now in the development of this national missile defense midcourse land-based system in Alaska, the administration and the Missile Defense Agency have talked about using an x-band radar, claiming it as absolutely necessary because of its ability to discriminate the warhead. This is important because the major issue that faces the midcourse intercept is the possibility of countermeasures and decoys. So we need a very fine discriminating radar to determine what is the warhead and what are the decoys. However, That x-band radar has not been funded by the administration. They have declared instead they will use an existing radar, COBRA DANE.

One of the problems with COBRA DANE is it faces the wrong way to provide any coverage of Iran or Iraq and provides only limited coverage of North Korea, if you are concerned with the "evil empire."

Despite that, and in an effort to support sincerely and consistently the mission of developing adequate national missile defense, we have provided robust funding for the Alaska test bed, and that is included in this

bill. However, I do think it is important and appropriate to state our reservations now because they are points we should consider as we go forward.

Let me continue to discuss some of the important issues, particularly some of the actions the committee has specifically taken.

One thing we should point out is we have looked at the theater missile systems. We have particularly found that the Arrow Missile Defense Program is making great progress. We have increased funding for the Arrow missile system. That is a joint United States-Israeli effort for a theater missile system.

We have also fully funded the PAC-3 system, which is the one closest to deployment. It is one that is, again, a theater missile system.

In all of our deliberations, we have striven to ensure deployment of these systems in a timely way, but also ensure these systems are operationally tested and rigorously tested before they are put in the field. That is incumbent upon us.

We also tried to ensure the independent oversight of the Defense Department's Director of Operational Tests and Evaluation is part of the process. One of the concerns I have, frankly, is that in an attempt by the administration for secrecy and flexibility, we will find a situation in which there is no outside objective voice within the Department of Defense. One that is looking at these programs, advising these programs, and making some judgments that are not influenced by the need for a successful program at any cost, or even a program—forget successful—at any cost, but are motivated by the need to deploy effective systems that will defend this country.

The other factor we considered, and consider constantly, is the discussion of contingency deployments, contingency capabilities. One of the reasons we pause slightly is these contingency capabilities and deployments often result in a rush to failure, often result in a situation where the system is pushed beyond its absolute capabilities. A few years ago, that is exactly what happened with the THAAD Program. It failed its first six intercept tests in a rush to deploy the system before it was ready.

The THAAD Program was subsequently totally redone and revamped. It cost hundreds of millions of dollars that were unnecessary expenditures. It is on track now but, frankly, the situation is such that we do not want to repeat that experience in other missile defense programs. We do not want a situation where the pressure for contingency deployments undercuts the need for thorough, deliberate consideration of the operational characters of these systems and the ability of these systems to do the job they are designed to do.

We have looked very closely at what we think are attempts to rush the systems. In one area, we have reduced

funding of THAAD because they have requested what we consider a premature acquisition of missiles before they have actually had missile's first flight test. We have made that judgment.

Let's turn to another aspect of missile defense, and that is the ICBM threat to the United States. It is not as immediate today as the theater missile threat, but it is still a threat.

Fortunately, with our new relationship with Russia, the ICBM threat has decreased significantly. China has a small arsenal of ICBMs, but they typically do not have their missiles on ready status, fueled, and with a warhead on the missile. North Korea seems to be developing an ICBM capability of reaching the United States, although it has voluntarily suspended its long-range missile flight test program. There are other potential adversaries.

This is an issue about which we are concerned, but one of the things we have to recognize with an ICBM is that its launch leaves an indelible signal of the point of departure and our deterrence doctrine is very clear. We have the capacity to strike back, and strike back with overwhelming force. That has been the hinge, really, of our deterrence policy for 50 or more years, and it remains an important part of our policy.

As I have mentioned, the issue of intercontinental ballistic missiles has been with us for many years. We have relied upon deterrence as a mainstay of our defense posture. Today we are developing one system in Alaska that is clearly designed to be a national missile defense system, and this authorization bill supports that effort in Alaska.

As I mentioned, we have taken away resources from some programs that are unjustified or duplicative and simply not advancing what we believe is the common concern of developing adequate missile defense systems, both theater and national. We have taken away approximately \$800 million and applied \$690 million to shipbuilding. But in addition, we have applied resources for security at our nuclear facilities.

One of the things I found startling in press reports was the fact that the Department of Energy asked for considerably more money to protect nuclear facilities, and they were turned down by OMB.

This is a letter to Bruce M. Carnes, who is the Director of the Office of Management Budget and Evaluation, from the chief financial officer of the Department of Energy:

We are disconcerted that OMB refused our security supplemental request. I would have much preferred to have heard this from you personally, and been given an opportunity to discuss, not to mention, appeal your decision. We were told by Energy Branch staff that the Department's security supplemental proposals were not supported because the revised Design Basis Threat, the document that outlines the basis for physical security measures, has not been completed. This isn't a tenable position for you to take, in my

view. We are not operating, and cannot operate, under the pre-September 11 Design Basis Threat. Until that is revised, we must operate under Interim Implementing Guidance, and you have not provided resources to enable us to do so.

That is from the Department of Energy to the OMB. We would move resources into the Department of Energy to provide for security of DOE facilities.

But I think this underscores something else, too. It illustrates what I would say are the misaligned priorities between missile defense and other pressing, immediate concerns. Yes, missile defense is important. Yes, we should develop it quickly, thoroughly, and deliberately, but certainly defending and protecting our facilities that have nuclear radiological material is of an immediate and significant concern.

Last week, we were not threatened by an intercontinental missile. We were threatened by a terrorist, an American who became infatuated with the al-Qaida and their rhetoric and came here, if you believe the press reports, to obtain nuclear materials to construct a "dirty" bomb. That is the immediate real threat today.

Yet when the question before the administration was, do we fund security at DOE facilities or do we continue to put resources into missile defense, they made their choice to put resources in missile defense, way above, I believe, the appropriate amount. As a result, we have made adjustments, and I think those adjustments are entirely appropriate.

The other aspect of this, too, when it comes to the issue of resources, is, first, a point that all of these deliberations on the missile defense budget seems to be outside the purview of the Joint Chiefs of Staff. I thought it was shocking when the Chiefs came up and testified that they were not consulted during the preparation of the ballistic missile defense budget. These are the uniformed leaders of our military forces. These individuals are charged with and have taken an oath to the Constitution to protect the country, and yet they were not consulted at all about this budget.

Another point that is critical, and let me quote from Secretary Rumsfeld's testimony before the Appropriations Committee on May 21. He said:

In February of this year, we began developing the Defense Planning Guidance for fiscal year 2004. In the fiscal years 2004 to 2009 program, the senior civilian and military leadership had to focus on the looming problem of a sizeable procurement bow wave beyond fiscal year 2007.

This is shorthand for describing the course of procurement of systems that will be ready for fielding later in this decade.

If all were funded, they would crowd out all other areas of investment and thereby cause a repetition of the same heartaches and headaches that we still suffer from today as a result of the procurement holiday of the 1990s.

This in the context of his plea to cut the Crusader system.

But what is most alarming about this quote is that this bow wave does not include any deployment costs of missile defense at a time when the administration is developing multiple systems which they proposed to deploy at the end of this decade, costing hundreds of billions of dollars perhaps.

As a result, we cannot simply ignore the cost implications of these systems. As I mentioned before, simply to obtain life cycle cost information on any of these systems has proven to be virtually impossible. We asked for that with respect to Navy theater wide and we got a letter back saying, we will not know until December of 2003 and then we will tell you.

We cannot operate without an idea, understanding that it will be amended many times before the end of this decade, but an idea about the cost of all of these systems over several years, procurement and operational deployment. If this bow wave is a crisis today, it becomes a tidal wave when you include missile defense costs. As a result, we have asked again for more specific information about the projected costs associated with the missile defense program.

One of the areas, and an area on which we have focused our reductions, has been systems engineering funding. The Department of Defense Missile Defense Agency has asked for significant amounts of money for systems engineering, BMD systems engineering, in addition to specific moneys they are asking in every one of these component parts, boost phase, midcourse, and terminal, where there is sufficient systems engineering money. So we have directed reductions in this BMD systems engineering.

It seems to us, again, to be an ill-defined area. We have asked for what products they are buying. Mostly, I suspect it is engineering services, or consulting services. It is not hardware. We have asked for this and we have gotten very little in terms of a response. As a result, we have shifted these funds significantly into the aforementioned shipbuilding programs and further security for our Department of Energy laboratories.

These efforts represent an attempt to provide good government, good management to a program. We hope it will accelerate the deployment of an effective missile system that has been operationally tested.

I hasten to add that this does not represent a revisitation of the ABM Treaty debate. The President used his prerogative as President to withdraw. This is not about arms control as much as it is about maintaining good management, informing the Congress, so we can make difficult decisions, so that 5 years from now we are not surprised when that bow wave hits us and suddenly the bow wave becomes a tidal wave because of the inclusion of significant costs of missile defense and for theater missile defense.

There is a consensus to support missile defense, clearly theater and, in

fact, I think also at this juncture clearly national missile defense. I do not think we support that without asking tough questions and making tough choices about how we spend our money, particularly when it comes to the other uses that are so necessary today, the immediate protection of our homeland, the immediate protection of forces around the globe that are confronting our enemies today. So we have to make these judgments and we made these judgments.

In addition to that, we have asked that a whole system of, we think, very sensible reports and information be given to us. I have a disconcerting feeling that there is a deliberate attempt to limit information that we get and it is justified under the guise that we need flexibility, that we have not thought through the problem yet. There may be something to that, but it is particularly distressing when the Director of Test and Evaluation does not have unfettered access to the program. It is particularly distressing when the Joint Requirements Oversight Council, the JROC, chaired by the Vice Chairman of the Joint Chiefs of Staff, does not have a role in these deliberations. It is particularly distressing when the Joint Chiefs of Staff are not consulted in the preparation of this significant budget. The American people, I think, assume that these officials of the Department of Defense are intimately involved in all of these details and have a seat at the table to make judgments and to give advice. Our legislation would do that.

As we go forward, we will continue to ask the tough questions. The specifics of our requests with respect to these issues of oversight include a reiteration of some of the things that we incorporated in last year's request.

Last year, the National Defense Authorization Act required the Agency to submit lifecycle cost estimates for all missile defense programs that it entered into the engineering and manufacturing and development, or EMD, phase. These are the same types of reports that every major weapons system provides to the Congress.

The THAAD missile defense program, I have mentioned before, entered EMD phase 2 years ago. We fully expected those lifecycle costs would be reported to us in a routine way. However, instead of providing the required information for THAAD, the Department chose to reclassify THAAD as no longer being in EMD thereby avoiding, in their view, the congressional requirement to submit the cost estimate.

It seems to be gamesmanship, to avoid responding to an obvious question, an obvious concern: Tell us how much this system will cost over its lifetime. That, again, is the type of nonresponsiveness, either inadvertent or deliberate, that we have encountered. Therefore, it reinforces the need for additional language in this legislation to require appropriate reports, the same types of reports that you get

from mature systems in other areas of defense procurement.

We are not asking for the speculative. We are looking at systems that have had many years of development, which are entering the phases of engineering work. So the issue is defined. We can't do that because it is not defined—sometimes we hear that—that is not at the heart of our request. We have applied the request to major missile defense systems such as the ground and sea-based midcourse program, Airborne laser, and the THAAD program.

It is particularly important to get information because, on the one hand, the administration says these are all speculative, ill-defined, and they are thinking about it. And then they say: We will deploy the system in a very short time, in 2004, for example.

You cannot have it both ways. If we are ready for contingency deployment, certainly the information should be available to the Congress. And this legislation would ask for that information.

We also recommend a provision that requires the Pentagon's director of testing and evaluation to assess the potential operational effectiveness of the major missile defense systems on an annual basis. This would help the administration and Congress determine whether a contingency deployment of a missile defense system is appropriate. There has to be a certain operational threshold before deploying the system. Who better than the director of testing and evaluation to make that assessment.

It also requires the Joint Requirement Oversight Council to annually assess the costs and performance in relation to military requirements. This is the statutory role of the JROC for all military programs. Missile defense is too important to bypass such a review.

As I mentioned earlier, the Chiefs were not even asked to provide their views with respect to these missile defense priorities. That should be corrected also. That should be something the Secretary of Defense would want to have and would insist be included.

Now, we are endeavoring to bring this legislation to the floor representing a commitment to missile defense but also a commitment to the overall defense and security of the United States, to be able to assure our constituents that we have looked carefully and deliberately at all these programs and are aware of these programs, that we support these programs, but we don't do it blindly. We do it on an informed basis and are able to tell them: We are doing what we can, indeed, all we can, in a thoughtful, deliberate, careful, professional way, to enhance the security of the United States in terms of missile defense and in terms of overall defense. We are, in fact, doing our job.

I believe the legislation we have brought from the subcommittee to the committee and to the floor does this. It is a product of careful deliberation. It

is a product of many hours of work by staff and Members. It is a product that is designed to enhance the security of the United States. I believe it does. I hope my colleagues agree and concur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope all Members listened closely to the Senator from Rhode Island. He certainly is qualified by virtue of his service in the Congress, but mostly by virtue of his service in the U.S. Army. The Senator from Rhode Island is the only Senator to graduate from the U.S. Military Academy at West Point, to my knowledge. I always listen closely to what he says. The country is very fortunate to have his expertise.

Mr. WARNER. Would the Senator allow me to associate myself as an extension about observations regarding my colleague. We have some philosophical differences, but he does bring to our committee the wealth of experience he gained in the U.S. military. That is so important.

I also want to discuss scheduling on the floor.

Mr. REID. I am happy to yield without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I say to our leader, subject to the pending amendment, we are hopeful to move on to other amendments in due course.

Mr. REID. I respond to my friend from Virginia, the comanager of this bill, Majority Leader DASCHLE announced in his dugout this morning that he wanted Members to offer amendments and that he was going to look very closely early next week, if things are not moving well, at filing cloture on this bill.

We cannot have this bill not completed by the time we leave for the July recess. The committee has worked too hard. The President needs this legislation. The United States military needs it. We have to complete this bill.

I agree with the Senator from Virginia. We have a very important amendment now pending, and we have to figure out some way to get this off the floor. There are many people working on that as we speak.

The Senator from Virginia is absolutely right. Members need to offer amendments. The majority leader spoke earlier today; he very much desires to move this legislation along quickly. If it does not move quickly after a week or so of debate, he will try to invoke cloture.

Mr. WARNER. I thank our distinguished assistant majority leader.

I am assured that the Republican leader worked hand-in-glove with the majority to bring up this bill, providing our committee with this very important period of time prior to the Fourth of July, but we must finish it.

Mr. REID. 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. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with for purposes of an introductory statement of approximately 5 minutes. At the conclusion, it is my intention to place the Senate back into quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2652 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. Madam President, for the information of Members, we have had a message from the House. We are going to go back into a quorum call. We are trying to move on that as quickly as possible. As I mentioned to the distinguished Senator from Texas, we are going to modify the second-degree amendment. Then Senator GRAMM has some things he wants to say and a motion he wants to make, of which we are aware. But this should not take long. In a few minutes we should be able to get to the legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3916, AS MODIFIED

Mr. REID. Madam President, I send a modification to the desk to the Reid-Conrad amendment. This is on behalf of Senator CONRAD.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the first word in the amendment, and insert the following:

#### BUDGET ENFORCEMENT.

(a) EXTENSION OF BUDGET ENFORCEMENT POINTS OF ORDER.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (c)(2)—

(A) by inserting "and" before "312(b)" and by striking "and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(2) in subsection (d)(3)—

(A) by inserting "and" before "312(b)" and by striking "and 312(c)"; and

(B) by striking "258C(a)(5)"; and

(3) in subsection (e), by striking "2002" and inserting "2007".

(b) EXTENSION OF BUDGET ENFORCEMENT ACT PROVISIONS.—

(1) IN GENERAL.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended to read as follows:

"(b) EXPIRATION.—Sections 251 and 258B of this Act and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 2007. The remaining sections of part C of this title shall expire on September 30, 2011."

(2) STRIKING EXPIRED PROVISIONS.—

(A) BBA.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by striking section 253.

(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—

(i) in section 312, by striking subsection (c); and

(ii) in section 314—

(I) in subsection (b), by striking paragraphs (2) through (5) and redesignating paragraph (6) as paragraph (2); and

(II) by striking subsection (e).

(c) EXTENSION OF DISCRETIONARY CAPS.—

(1) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(A) in the matter before subparagraph (A), by striking "2002" and inserting "2007";

(B) by striking subparagraphs (C), (D), (E), and (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

(2) CAPS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraph (7) and (8) and inserting the following:

"(7) with respect to fiscal year 2003—

"(A) for the discretionary category: \$766,167,000,000 in new budget authority and \$756,259,000,000 in outlays;

"(B) for the highway category: \$28,931,000,000 in outlays;

"(C) for the mass transit category: \$6,030,000,000 in outlays; and

"(D) for the conservation spending category: \$1,922,000,000 in new budget authority and \$1,872,000,000 in outlays;

"(8)(A) with respect to fiscal year 2004 for the discretionary category: \$784,425,000,000 in new budget authority and \$814,447,000,000 in outlays; and

"(B) with respect to fiscal year 2004 for the conservation spending category: \$2,080,000,000, in new budget authority and \$2,032,000,000 in outlays;"

(3) REPORTS.—Subsections (c)(2) and (f)(2) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904) are amended by striking "2002" and inserting "2007".

(d) EXTENSION OF PAY-AS-YOU-GO.—

(1) ENFORCEMENT.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(A) in subsection (a), by striking "2002" and inserting "2007"; and

(B) in subsection (b), by striking "2002" and inserting "2007".

(2) PAY-AS-YOU-GO RULE IN THE SENATE.—

(A) IN GENERAL.—Section 207 of H. Con. Res. 68 (106th Congress, 1st Session) is amended—

(i) in subsection (b)(6), by inserting after "paragraph (5)(A)" the following: "except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since

the beginning of that same calendar year shall not be available."; and

(ii) in subsection (g), by striking "2002" and inserting "2007".

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.—For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON-BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go enforcement procedures that the president believes are appropriate when there is an on-budget surplus.

(e) SENATE APPROPRIATIONS COMMITTEE ALLOCATIONS.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(f) ADVANCE APPROPRIATIONS.—

(1) IN GENERAL.—Section 204 of H. Con. Res. 290 (106th Congress) is amended by striking subsections (a) through (f), (h), and (i).

(2) LIMITATION.—Section 202 of H. Con. Res. 83 (107th Congress) is amended—

(A) in subsection (b)(1)—

(i) by striking "2003" and inserting "2004"; and

(ii) by striking "\$23,159,000,000" and inserting "\$25,403,000,000"; and

(B) in subsection (d), by striking "2002" in both places it appears and inserting "2003".

(g) SPECIAL RULE.—Section 250(c)(4)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4)(D)(i)) is amended by adding at the end the following: "Any budget authority for the mass transit category shall be considered nondefense category budget authority or discretionary category budget authority."

(h) TREATMENT OF CRIME VICTIMS' FUND.—For purposes of congressional points of order, the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985, any reduction in spending in the Crime Victims' Fund (15-5041-0-2-754) included in the President's budget or enacted in appropriations legislation for fiscal year 2004 or any subsequent fiscal year shall not be scored as discretionary savings.

(i) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of subsections (d)(2), (e), (f), (g) and (h) of this section—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each house, or of that house to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either house to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as in the case of any other rule of that house.

(j) SENATE FIREWALL FOR DEFENSE AND NONDEFENSE SPENDING.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds \$392,757,000,000 in new budget authority or \$380,228,000,000 in outlays for the defense discretionary category or \$373,410,000,000 in new budget authority or \$376,031,000,000 in outlays for the nondefense discretionary category for fiscal year 2003, as adjusted pursuant to section 314 of the Congressional Budget Act of 1974.

(2) EXCEPTIONS.—This subsection shall not apply if a declaration of war by Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(3) WAIVER AND APPEAL.—This subsection may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

Mr. REID. Madam President, Senator CONRAD, chairman of the Budget Committee, wants to speak about this modification. The chairman of the Judiciary Committee, Senator LEAHY, has been here for a while. Senator CONRAD has graciously allowed him to speak first. Senator LEAHY needs up to 15 minutes as in morning business. Following that, the Senator from North Dakota would be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

(The remarks of Mr. LEAHY are located in today's RECORD under "Morning Business.")

Mr. CONRAD. Madam President, this is perhaps one of the most challenging years we have faced dealing with the budget of the United States. That is why moments ago I sent a modified amendment to the desk. Let me just outline what is included in that amendment and why I think it is so critically important that we adopt it today.

The Conrad-Feingold amendment sets discretionary spending limits for 2003 and 2004.

It also extends the 60-vote points of order protecting Social Security, enforcing discretionary spending caps, and requiring fiscal responsibility, and it extends for 5 years the pay-go and other budget enforcement provisions that otherwise expire on September 30.

Let me discuss the level of spending that is covered by this amendment. For 2003, it would provide a discretionary spending limit of \$768.1 billion. That is precisely the same as the President's budget for 2003. The President sent us a discretionary spending level of \$768 billion.

I have talked with Mr. Daniels this morning, the head of the Office of Management and Budget. He believes this number is too high by some \$9 billion. Even though that is the President's number, even though that is the number the President sent us, we have not adopted the President's policy because the President has proposed switching certain accounts from mandatory spending to discretionary spending.

Those are the retirement requirements of people in the Federal Government. In other words, he has proposed switching the retirement accounts that come out of the budget of the various agencies from mandatory spending to discretionary spending.

Obviously, that would make discretionary spending more by \$9 billion. That is included in the President's proposal. We have not adopted that part of his proposal. Their argument is that would shift back to the mandatory side of the equation and reduce the \$768 billion by \$9 billion. That is true. They are correct about that.

It is also true that their budget needs to be adjusted in a number of ways, I believe, in order to secure passage in the Congress. The President has cut transportation funding, highway construction, and bridge construction by 27 percent, by \$9 billion. We proposed adding back about two-thirds of that, about \$6 billion. That money has to come from somewhere.

The President has proposed cutting law enforcement by over \$1 billion. I do not think that is realistic at a time when we face terrorist threats to the United States. The President has proposed a smaller amount for education that is even provided for in his own No Child Left Behind legislation. That is going to have to be acknowledged and dealt with before we finish our work. We are not going to cut that program of No Child Left Behind that the President talked about all across the country.

There are other provisions as well that are going to have to be addressed. We are going to need that \$9 billion to meet the needs of the country. Again, it still leaves us with an overall amount that is precisely what the President sent us in his own budget.

In addition to that, there is a second year of budget caps, of restrictions on what can be spent, and that amount is \$786 billion. That is about a 2-percent increase over this year. That is a very sharp restriction on spending, especially given the fact we are under attack, especially given the fact the President, no doubt, will be asking more for defense, more for homeland security. But we have agreed to a cap this year that is exactly the number the President sent us in his budget, and we have agreed on a cap for spending for next year at \$786 billion, about a 2-percent increase over where we are now.

In addition, the amendment I have sent to the desk limits advance appropriations. This was raised as an issue by Members on the other side of the aisle. They wanted a restriction on advance appropriations, so we included that in this bill. And we have included another request from the other side of the aisle to establish a 1-year defense firewall. What that means is, the money that is allocated for defense would go for defense and could not be used for other purposes.

This amendment establishes a supermajority point of order in the Senate

to enforce a defense/nondefense firewall in 2003. Again, this was in response to requests from Members on the other side of the aisle.

This is the circumstance we face that I think we need to keep in mind as we consider this amendment. Last year, the Congressional Budget Office told us we could expect some \$5.6 trillion of budget surpluses over the next decade. That is what we were told just a year ago—nearly \$6 trillion of surpluses. Some of us questioned that. Some of us said: Do not rely on a 10-year forecast. There is too much risk associated with that. But others said: No, there will even be more money. That is what we were told repeatedly.

Now we get to June of this year and look at the difference a year makes. Not only do we not see any surpluses for the next decade, we see deficits of some \$600 billion over the next 10 years.

Where did the money go? This chart shows our analysis of what happened to those surpluses, and the biggest chunk went for the tax cuts that were enacted last year and the additional tax cuts passed this year.

Forty-three percent of the disappearance of the surplus went to tax cuts; 21 percent went to increased spending as a result of the attack on this country—increased defense spending, increased homeland security spending. That is where all of the increase has gone. Twenty-one percent is from economic changes, that is, the economic slowdown that occurred. That is where 21 percent of the disappearance of the surplus occurred. And the last 14 percent is technical changes. Largely, those are underestimations of the cost of Medicare and Medicaid. That is where the money went, primarily to tax cuts; the next biggest is increased spending as a result of the attack on the country; the next biggest reason was the economic slowdown, and actually those two are equal; and the final and smallest reason is underestimations of the cost of Medicare and Medicaid.

That is where we are. What it tells us, as we look over an extended period of time, a 10-year period going back to 1992 when we were in deep deficit, and when the husband of the occupant of the chair came in as President of the United States and fashioned a 5-year plan in 1993 that was very controversial to raise revenue and cut spending, we can see that plan worked.

Each and every year, we were pulling ourselves out of deficit under that plan. In 1997, we had a bipartisan plan that finished the job. As a result, we emerged from deficit. We stopped using Social Security funds for other purposes, and we were running surpluses, non-trust-fund surpluses for 3 years.

Then last year we had the triple whammy: the tax cut that was too large, the attack on this country, and the economic slowdown. We can see now that we are headed for deficits for the entire next decade. That is Social Security money being taken to pay for



the tax cuts, being taken to pay for other items.

In fact, we now estimate some \$2 trillion will be taken from Social Security over the next decade to pay for the President's tax cuts and other spending initiatives. All of that matters, and it matters a lot because of where we are headed.

The leading edge of the baby boom generation starts to retire in 6 years. It is hard to believe, but that is the reality. What that tells us is those surpluses in the trust funds that have helped us offset these deep deficits are going to evaporate; in 2016 the Medicare trust fund is going to turn cash negative; and in 2017 the Social Security trust fund is going to turn cash negative. Then it is going to be like falling off a cliff.

This is a demographic time bomb that we are facing as a society. It is unlike anything we have ever faced before because always in our history the succeeding generation has been much larger than the generation retiring.

In very rapid fire order, the number of people who are eligible for Social Security and Medicare are going to double. We are headed for a circumstance in which there will only be two people working for every retiree. If that does not sober us, if that does not inform our actions, I do not know what it will take.

The first thing we need to do is get these budget spending caps in place for next year and the year thereafter, and couple that with the budget disciplines that give us the chance to fend off ideas for greater spending and for more tax cuts that are not paid for. Yes, we can have spending initiatives. They have to be paid for. We can have additional tax cuts, but they have to be paid for; otherwise, we are going to dig this hole deeper and deeper.

There are real consequences to digging that hole deeper. Mr. Crippen, the head of the Congressional Budget Office, told us that when he appeared before the Senate Budget Committee. He said, in response to a question from me:

Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We'll have to increase borrowing by very large, likely unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; or eliminate most of the rest of the Government as we know it. That is the dilemma that faces us in the long run, Mr. Chairman, and these next 10 years will only be the beginning.

I do not know how to say this with more force or more persuasiveness, but we are coming to another moment of truth on this journey in our economic future. Some will rise and say this spending amount is too much; that \$768 billion is \$9 billion more than the President proposed, even though the \$768 billion number is precisely the number the President sent us. Some will say we ought to wait. Some will say there is some other reason to be opposed.

Another moment of truth is coming very soon, and the question is, Are we going to have the budget disciplines that otherwise are phased out at the end of September? Are we going to have those to discipline the process as we proceed this year? Are we going to have a budget number that can inform the appropriations process as we proceed, a budget number, I again say, that is identical to the budget number the President sent us?

I am swift to acknowledge we have adopted his number but not his policy. It is absolutely correct he wanted to switch \$9 billion from mandatory spending to discretionary spending, and when we do not do that, it allows us to use that \$9 billion in a way different from the way he proposed.

I say to my colleagues, do they really want to adopt a 27-percent cut in highway and bridge construction that puts 350,000 people out of work in this country? I do not think that is the will of the Congress or the will of the American people. We have proposed a reduction from what was spent last year but not as big a reduction as the President has proposed.

Are we really going to cut the COPS Program by over a billion dollars when we have a terrorist threat to this country?

Are we really going to take police off the street? I do not think so. Are we really going to cut the President's signature education program, No Child Left Behind? I do not think so. Those are the fundamental issues that are before us now.

I emphasize to my colleagues that not only is this a spending cap for this year at the level the President proposed in his budget, but in addition to that, it is a spending cap for next year of \$786 billion. That is an increase of over 2 percent. That is very tight fiscal constraint. I am ready to take the medicine to get us back on a course to fiscal responsibility, and I believe most of my colleagues are as well.

This amendment is the product of weeks of negotiation between Republicans and Democrats and is a good-faith effort to capture in an amendment the positions of Democrats and Republicans on what should be contained in the budget for this year and next; what the limits should be on spending for this year and next; what should be the budget disciplines that are continued so we have a way of enforcing fiscal restraint, and it contains a 1-year defense firewall in the Senate, something requested by Members on the other side.

For those of us who believe it is critically important to have a budget process in the Senate, for those of us who believe it is critically important to have budget disciplines in place, this is our opportunity. This is our chance. It may not come again.

I urge my colleagues to very carefully consider their votes on this measure. This should not be a Republican vote or a Democratic vote. This should

be a vote for the country. This should be a vote for the Senate. This should be a vote that sends a signal we are serious about reestablishing fiscal discipline. This is a vote that should send a signal that fiscal discipline matters to the economy of this country. This should be a signal to the markets that this Congress is serious about fiscal responsibility, and this should be a signal that while the President has asked for the second biggest increase in our debt in our Nation's history, all of us are committed to getting back on track towards a course of reducing the debt of the United States, especially in light of the coming retirement of the baby boom generation.

I yield the floor.

Mr. FEINGOLD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, the pending amendment and the second degree to it, as modified, are an effort to control spending and protect the Social Security trust fund. That is what it is—pure and simple—to control spending and, by doing so, also protect the Social Security trust fund. That is obviously not a new idea.

What we are doing here is trying to extend a process that has worked, and worked pretty well, for most of the years since 1990. We are trying to give 2 more years of life to the process that helped us do something that a lot of people didn't think could happen—balance the budget without using Social Security in both 1999 and 2000.

What we are trying to do is make sure there is some constraint on the size of the Government.

I remind my colleagues, if we do not pass this amendment, if we do not extend the budget process, then the vast majority of budget process constraints will simply expire on September 30. Our failure to act will mean an almost complete absence of responsible budget limitations.

Again, what our amendment does is not something new. It just tries to keep in place these limitations that made the good fiscal management of this Government possible during the 1990s.

As we saw this deadline coming, this problem that will occur on September 30 with the loss of the rules and constraints, what I have tried to do, with others, is work very hard to come to where we are today. Our amendment is not my idea alone, by any means. It is the result of a collaborative effort extending over several months. Starting in March, my staff has been working with the staff of Senators from about a dozen Senate offices, half Republican and half Democratic. I followed up in a

number of meetings with Senators from other sides of the aisle, trying to build consensus. What we tried to do is get the strongest budget process we could.

My colleagues will recall that we tried to extend the caps for 5 years in an amendment to the supplemental appropriations bill that Senator GREGG and I offered on behalf of Senators CHAFEE, KERRY, VOINOVICH, MCCAIN, and CANTWELL. Half the Senate, a bipartisan group of Senators, actually voted for that amendment, but we were not able to generate the support necessary to get the 60 votes and have the amendment actually adopted.

The amendment before us today is an effort to get the most done that we can. For the first 2 years, it provides almost exactly the same cap levels that were in the amendment of myself and Senator GREGG to the supplemental appropriations bill. It is my judgment, and the judgment of the bipartisan group of Senators with whom I worked to draft this amendment, that this is as strong a budget process that the Senate will actually be able to pass this year. So that is what I am asking of my colleagues—to do at least this much. Let's at least get this done. Let's at least preserve this much constraint and this kind of responsibility, even though many of us would prefer more.

One of the reasons is because in the next decade the baby boom generation will begin to retire in large numbers. Starting in 2016, Social Security will start redeeming the bonds it holds and the non-Social Security Government will have to start paying for those bonds from non-Social Security surpluses. Starting in 2016, the Government will have to show restraint in the non-Social Security budget so we can pay the Social Security benefits that Americans have already earned or will have already earned by that time. If we keep adding to the Federal debt, we will simply add to the burden to be borne by the taxpayers of the coming decade and decades thereafter. That is all we are really doing. It has been said in many political speeches, but it is true—we are just leaving them the bill. We are not doing our job. We are not showing responsibility, if that is how we leave things.

Of course, September 11 changed our priorities in many ways, including how our Government spends money. But September 11 does not change the oncoming requirements of Social Security. As an economist has said: "Demographics is destiny." We can either prepare for that destiny or we can fail to prepare for it.

To get the Government out of the business of using Social Security surpluses to fund other Government spending, we have to strengthen our budget process. That is what this amendment does. That is why we urge our colleagues to support it.

We have sought to advance a goal that has a long and bipartisan history,

and I would like to just recite a little of that history. In his January 1998 State of the Union Address, President Clinton called on the Government to "save Social Security first." That is also what President George W. Bush said in a March 2001 radio address. In his words, we need to "keep the promise of Social Security and keep the Government from raiding the Social Security surplus." That is what President Bush said. It is what the Republican leader, Senator LOTT, said on the Senate floor in June 1999 when he said:

Social Security taxes should be used for Social Security and only for Social Security—not for any other brilliant idea we may have.

It is what Senator DOMENICI said in April of 2000 when he said:

I suggest that the most significant fiscal policy change made to this point—to the benefit of Americans of the future . . . is that all of the Social Security surplus stays in the Social Security fund. . . .

Yes, we should stop using Social Security surpluses to fund the rest of Government because it is the moral thing to do; for every dollar we add to the Federal debt is another dollar our children must pay back in higher taxes or fewer Government benefits.

I do not think our children's generation will forgive us if we fail in our fiscal responsibility today. History will not forgive us if we fail to act. We must balance the budget, we must stop accumulating debts for future generations to pay, and we have to stop robbing our children of their own choices.

We have got to make our own choices. We are doing that today. Let's not take away from these kids their right to make their own choices in their time because we have locked up all the money and we cannot pay the Social Security benefits.

The amendment before us today, I am pretty sure, is the best, last hope to do this this year. I urge my colleagues to support it.

Madam President, the Center on Budget and Policy Priorities has issued a paper that concludes as follows:

These proposals, No. 1, are likely to be workable because they extend enforcement tools that have worked in the past; No. 2, are evenhanded because they treat spending increases and tax cuts in the same fashion, without favoring one or the other; and, No. 3, set targets that appear realistic and thus are more likely not to be blown away by subsequent congressional action.

This analysis by the Center on Budget and Policy is their view of this amendment. It is a positive analysis.

I ask unanimous consent the full text of this analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center on Budget and Policy Priorities, June 20, 2002]

THE FEINGOLD AMENDMENT TO THE DEFENSE AUTHORIZATION BILL: A WORKABLE AND RESPONSIBLE STRENGTHENING OF FISCAL DISCIPLINE

Senator Feingold's amendment to the Defense authorization bill would establish tight

but realistic caps on appropriations for 2003 and 2004, extend for five years the requirement that tax and entitlement legislation be paid for, and extend supermajority enforcement of congressional budget plans for five years. These proposals: (1) are likely to be workable because they extend enforcement tools that have worked in the past; (2) are evenhanded because they treat spending increases and tax cuts in the same fashion, without favoring one or the other; and (3) set targets that appear realistic and are thus more likely not to be blown away by subsequent congressional action.

Key Budget Enforcement Tools are Due to Expire This September 30. Four key tools to enforce budget discipline are scheduled to expire September 30, 2002. If these provisions expire, Congress will find it much easier to increase appropriations and entitlements by unlimited amounts and cut taxes by unlimited amounts. The clear risk is that the large deficits we are currently experiencing would grow even larger rather than decline, leaving the budget in a weak position at just the wrong time—right before the baby boom generation retires and places still greater pressure on the budget. Allowing all these budget enforcement tools to expire could set the stage for highly undisciplined budgeting in the coming months and years.

Congressional Budget Targets. The budget targets in Congressional budget plans are currently enforced by points of order that can only be waived by 60 votes. This means that appropriations and entitlement bills cannot spend more than is provided for in the Congressional budget resolution and tax cuts cannot exceed the level of tax cuts the Congressional budget resolution allows, unless 60 Senators agree. Starting October 1, however, excessive appropriation bills, excessive entitlement increases, and excessive tax cuts can all be agreed to by simple majority vote. The Feingold Amendment keeps these vital 60-vote enforcement mechanisms in place for another five years.

Discretionary Caps. Currently, a statute requires the President to cut appropriations bills across-the-board if, at the end of a session, those bills have breached dollar "caps," or upper limits, set in statute. This law worked well for eight years—from 1991 through 1998—but then was evaded through gimmicks or set aside by statute for the last four years because the caps established in 1997 proved unrealistically tight. The entire mechanism of caps and across-the-board cuts (called "sequestration") expires on September 30 and so does not apply to FY 2003 appropriations bills. The Feingold amendment renews the mechanism for another five years and sets caps for 2003 and 2004 (no such caps currently exist). The 2003-2004 caps in this amendment are at the levels in the recent Gregg-Feingold amendment and are tight but probably realistic.

The Senate Pay-As-You-Go Rule. Currently, a point of order waivable by 60 votes lies against legislation that would increase the cost of entitlements or reduce revenues unless these costs are offset over 1, 5, and 10 years, except to the extent that a budget surplus is projected outside Social Security. This rule expires September 30; the Feingold Amendment would renew it for another five years.

The Statutory Pay-As-You-Go Rule. Under current law, a statute requires the President to cut a selected list of entitlement programs across the board if, at the end of a session, OMB determines that tax and entitlement legislation has not been fully offset for the coming fiscal year, i.e., if entitlement increases and tax cuts have not been "paid for." This mechanism worked well from 1991 through 1998 but broke down when surpluses appeared; Congress wrote ad hoc provisions

setting it aside. Starting October 1, the mechanism effectively expires even though deficits have returned—new entitlement increases and tax cuts will not have to be paid for. The Feingold Amendment renews for five years the requirement that such legislation must be paid for, while turning off this requirement if the Treasury reports that a year has been completed in which the budget outside Social Security was in surplus.

The Feingold Amendment Sets Appropriations Targets For This Year That Can Be Enforced By The Senate. In addition to the extension of the four enforcement mechanisms discussed above, the Feingold Amendment responds to the particular situation faced by the Senate this year because a new congressional budget plan has not been agreed to. While last year's congressional budget plan continues to govern entitlement and tax legislation, it does not govern appropriations. This means that, as soon as the Appropriations Committee is ready, the Senate can begin consideration of appropriations bills at any funding level and pass them by majority vote. The Feingold Amendment would address this problem by requiring 60 votes for any 2003 appropriations bill that exceeds its allocation. The allocations for all the appropriations bills combined must not exceed the statutory cap the Feingold Amendment sets.

HOW TIGHT ARE THE FEINGOLD APPROPRIATIONS CAPS?

If caps are too loose, they do not constitute fiscal discipline. Experience also demonstrates that caps fail to impose fiscal discipline if they are set unrealistically tight. In that event, the caps are inevitably breached, which can lead to a free-for-all on appropriations.

The Feingold caps are tight but realistic. They equal the levels for 2003 and 2004 in the Gregg-Feingold amendment offered three weeks ago. If Congress provides the defense and homeland security increases the President has requested, as appears very likely, these caps would require a *reduction* in FY 2003 funding for all other discretionary programs of \$5 billion below the CBO baseline level—i.e., below the FY 2002 level adjusted for inflation. (It may be said that the proposed FY 2003 cap would be \$36 billion above the 2000 level adjusted for inflation. This is true, but the President's defense and homeland security levels are \$41 billion above the 2002 levels adjusted for inflation. Assuming the defense and homeland security requests are funded, everything else would have to be cut \$5 billion below the CBO baseline.)

These figures constitute restraint. If figures much tighter are agreed to, either the President will not receive his full defense and homeland security increases, or, more likely, the caps will be maneuvered around when appropriations battles heat up because the cuts required in other programs will be too large to be politically achievable. If that occurs, the attempt at restraint will fail and, as has been the case over the last few years, no effective cap will be in operation.

Mr. FEINGOLD. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARNAHAN). The clerk will call the roll. The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the Conrad

second-degree amendment be agreed to; that the time until 3 p.m. today be for debate with respect to the Feingold amendment, as amended, with the time equally divided and controlled by the two leaders or their designees; that during this time, whenever Senator GRAMM of Texas raises a Budget Act point of order against the amendment, and a motion to waive the point of order is made, the Senate vote on the motion to waive at 3 p.m., without further intervening action or debate; provided that no other amendments or motions be in order prior to a vote on the motion to waive the point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the second-degree amendment is agreed to.

The amendment (No. 3916), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3915

Mr. GRAMM. Madam President, I wish to explain why I am opposed to this amendment, why I intend to raise a point of order against it, and why I believe that point of order should be sustained.

Let me begin by saying we have not adopted a budget this year. A budget has never been brought to the floor of the Senate during this session of Congress. We have not been in a similar position since 1974. We are now being asked on a Defense authorization bill to have the Senate commit to a budget figure outside the budget process. In fact, the point of order arises because we are basically going outside the budget process and dealing with an amendment that was not reported by the Budget Committee.

In doing so, we would be committing the Senate to a level of spending that next year is \$9 billion more than the President requested and \$52 billion more than we spent last year. We would be going on record as agreeing to setting a constraint under which we could spend \$25 billion this year that would not be counted until the following year.

In other words, we could actually spend \$25 billion more than the \$9 billion more that we are committing above the level the President requested by what is called advanced appropriations. I do not believe the Senate should lock itself into a budget that has not been approved by the Budget Committee. We had a vote on that budget that was brought up on another bill. Nobody voted for it—not one Democrat or one Republican. We are now being asked to commit to a figure of \$9 billion above the President's, \$52 billion above last year, with the ability to get around that constraint by spending \$25 billion in advanced appropriations. Last year was the largest level of advanced appropriations in American history, and that was \$23 billion. This would set a new global record. And I do not believe this represents good policy.

This is adamantly opposed by the President. OMB has notified Members

today that they are opposed to it. There is no possibility the House will agree to this. I say to any of my colleagues who are tempted by this and by the thought that any kind of budget numbering process is better than none, the bottom line is the House will never agree to this. What they would be doing in the process would be committing to a level of spending \$9 billion above the level the President requested, with a \$25 billion advanced appropriation escape hatch.

I do not believe this is a good deal. I wish we had more than an opportunity to offer an amendment, but a consensus among Members that when we didn't adopt a budget, we needed a permanent budget enforcement process. This would give us the process but at numbers that are grossly beyond the level the President requested and far beyond the numbers I could ever support.

So I hope my colleagues will sustain this budget point of order. I don't think it is good for the Senate to be trying to write a partial budget on a Defense authorization bill instead of bringing a budget up and debating it and amending it. The amendment will be subject to amendment if we do not sustain the point of order. There will be amendments offered. I will offer amendments if we do not sustain the budget point of order.

Let me reiterate briefly that this is \$9 billion more than the President requested, \$52 billion more than we spent last year. This would have advanced appropriations of \$25 billion, which would be the largest in American history, that would be sanctioned under this agreement. The White House is adamantly opposed to this amendment. The House will never accept this amendment. Therefore, it cannot and will not become binding.

I urge colleagues to sustain the budget point of order. This is a budget point of order with a purpose. Sometimes these budget points of order represent sort of a "gotcha" kind of circumstance, where they apply, but the logic of them is kind of convoluted. They are almost accidental. The budget point of order I raise is not accidental. It says that an amendment that alters the budget process has to come through the orderly process of being reported by the Budget Committee or else it is subject to a point of order.

I remind my colleagues that we are under a unanimous consent request. So by making the point of order now, I am not cutting off anybody's debate. That will continue until 3 o'clock. I say that so everybody understands exactly where we are.

The pending amendment contains matter within the jurisdiction of the Committee on the Budget, and it has been offered to a measure that was not reported from the Budget Committee. I therefore raise a point of order against amendment No. 3915 pursuant to section 306 of the Congressional Budget Act.

Let me ask the Parliamentarian a question. Is 3915 the right number, given they have merged the amendments?

The PRESIDING OFFICER. It is 3915, as amended.

Mr. GRAMM. Madam President, I make that point of order against the pending amendment under section 306.

Mr. FEINGOLD. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

The PRESIDING OFFICER. The motion is pending. Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is there a time limit on the situation with which we are confronted?

The PRESIDING OFFICER. Yes. The time is evenly divided up until 3 o'clock.

Mr. DOMENICI. Then we must proceed to a vote?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair.

Who is in charge of the time in favor of the amendment?

Mr. FEINGOLD. Madam President, how much time do we have on our side?

The PRESIDING OFFICER. Forty-one minutes remain for the sponsors.

Mr. FEINGOLD. How much time does the Senator want?

Mr. DOMENICI. May I have 20?

Mr. FEINGOLD. I yield to the Senator from New Mexico 20 minutes.

Mr. DOMENICI. Madam President, it is not often I would come to the floor on a Thursday afternoon when a Defense authorization bill is before us and join in an amendment offered by the chairman of the Budget Committee on the other side, who has failed to produce a budget resolution heretofore. I believe his side of the aisle had a responsibility to do that. They did not do it. That is not the end of the world.

We are today confronted with that situation. The truth of the matter is that there will be an awful lot of Senators pondering the appropriations process and wondering whether Senator PHIL GRAMM from Texas, who knows an awful lot about this, is right when he speaks of the dangers to America of authorizing a budget produced by the Congress, not the President, which would exceed the President's annual appropriation by \$9 billion.

My friend from Texas makes that appear to be a very big issue. Let me suggest that I would not join in producing an alternative to a congressional budget that would permit us to spend between \$9 billion and \$10 billion more than the President in appropriations if I did not see down the road something a lot more onerous than a congressional attempt not only to limit spending for each of the next 2 years, but also to insert the points of order that

are going to keep this Congress from going absolutely wild on entitlement spending during the ensuing months.

I think I could say this is going to be a year without any restraints, if it were the \$9 billion we were arguing about. But I tell you, that is not it. For all the Senators who have been praying for the day when there is no longer a Budget Act, they thought they would be confronting appropriations bills run wild. But the truth of the matter is, it is the entitlement programs that are coming to us during the next 4 months, until October 1, that will have no constraints on them and no 60-vote points of order, which have saved the American people and this Congress from hundreds and hundreds of billions of dollars of outyear, next year expenditures.

For formal purposes, the Senator ought to put my name on the amendment as a cosponsor. This amendment sets caps that is expenditure limitations—for 2003 and 2004 with a Defense firewall in the Senate but only for 2003, and that is good enough. That means in the Senate we will not spend Defense money for domestic programs, but neither will we spend the opposite. We will not spend domestic money for Defense programs. That is what a wall means.

White House, before you get on the telephone and do what Senator PHIL GRAMM said you have done, Mr. President—our President, down on Pennsylvania Avenue—before you say to all the Republicans, "Vote against this," let me make a couple points for you.

One, this is not your budget, Mr. President—I am speaking of our President down at the White House. It is not your budget. You have a budget. The law of America says you produce a budget. I do not know what would happen if you did not, Mr. President, but you did.

Then it says in another place in the law that Congress passes a budget, and that congressional budget is for the use by the Congress in their attempting to get their priorities adopted by the Congress. And, Mr. President, if I were you, I would say: Congress, pass the best one you can, but remember, that does not mean I am going to sign every bill you produce.

The President still has the veto threat on every appropriations bill, if that is what he wants.

I submit to you, Mr. President, my friend down on Pennsylvania Avenue, just because the Senator from Texas has talked about the ravages of his \$9 billion that we might spend in excess of your appropriations, just remember, you can vitiate every one of those with negotiations in the appropriations bills and a veto just like you have today. We cannot change your veto authority.

We have proceeded in a realistic manner with one of two alternatives, and listen up, there are not 20, there are 1 or 2. Do we do this, which is a half-baked budget resolution? It is half-baked because you did not do your job, half-baked because you did not do

your job because you were supposed to produce a budget resolution, and you should not make up your mind that it is too tough this year so we will not do it. I heard somebody on that side say that. That is not the law.

For 27 years, when I was either chairman or ranking member, we produced a budget every single year, no matter how tough it was, no matter who had to vote on issues on which they did not want to vote. Senator Baker sat right there on that table with the appearance of a Buddha, and every Republican who came up, the Buddha would say—and 37 times the Buddha won.

We did precisely what the Republicans wanted to do to move our country ahead. You did not have that. That is not my fault. That is your fault. But it isn't America that ought to suffer from it, nor should Congress be put in a position where they cannot do any work.

I have come to the conclusion it is a lot better to get caps, and they are at pretty meaningful levels. Next year's are pretty low. The one for the budget we are writing today is \$9 billion to \$10 billion over the President's, and I submit when all this day is gone and the rhetoric has simmered down, it is going to be very difficult, even with our President with his pen in hand waiting to veto, it is going to be very difficult to come out of this spending less than the amount that we put in these caps. I hope we can. I will be there attempting to enforce them, for what it is worth. The truth is, those caps are better than none, and the President retains his veto authority.

For the defense of America, for which you asked us for so much money, Mr. President, we put all that money in and we got a firewall, meaning you cannot spend defense money for anything else. That is a very important budget consideration.

We set limits on advance appropriations consistent with what we wanted on this side when we met.

We extend the 60-vote budget points of order, including the pay-as-you-go.

We eliminated a gimmick regarding the crime victims fund, and I think you all have seen that and concurred with it. We showed it to you 10 days ago.

I do not know if 3 o'clock is enough time, or quarter of 3, but I think it is. If somebody wants more time and we need to explain it better, or I need to explain it to my side better, just come down and ask for some time. I think we will get it.

I repeat, I want to talk to two situations for the next 2 minutes. I say to my fellow Senators, through no fault of this side of the aisle, we are in a real predicament today. If we let a whole batch of bills get through and do not put some points of order and some budget-like points of order and some caps on how much you can spend after which the expenditure bills get hit—we have to do that. We cannot sit here and watch this all go down the river, with the economy already in sputtering shape.

Second, the President of the United States does not lose anything in terms of his power, his strength. If anything, he gains a potential for orderliness in the Senate and House as we finish our business that we might not have but for the adoption of this amendment.

My last remarks: I do not know that this is the best bill on which to put this, but I do not know which bill is next. It is sort of the chicken and egg. The appropriators are waiting for the number. We are saying: You know the number. Let's bring an appropriations bill up and we will put this on it.

Others are saying that is too late if you do that. So here is a big authorizing bill. If we approve this—and I urge that we do; Senator STEVENS, if he had time, would be here concurring in this, pledging to stick to the numbers—if we approve this, we can put it on another bill later if, as a matter of fact, this defense bill does not pass or gets tied up in a conference that takes too long.

If anybody wants any further explanation, I will do it here on the floor and seek time, or I will meet them wherever they like and show them what we have done. I believe we might turn somebody. Thanks to Senator FEINGOLD for his courage, and Senator GREGG who is with the Senator on this amendment. If he is not, we must ask him to be a cosponsor because he had a lot to do with it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senator from New Mexico, Mr. DOMENICI, be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 29 and ½ minutes.

Mr. FEINGOLD. I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank my colleague. We have heard some arguments advanced by the Senator from Texas as to why Members should not vote for this amendment. The Senator has said this has not gone through the budget process. I reject that argument by the Senator from Texas. The fact is the numbers that are before us are exactly the numbers that passed the Senate Budget Committee on the budget resolution that I took through the committee. That is a fact.

The fact is, I reported out of the Budget Committee, pursuant to the budget I proposed, \$768.1 billion in discretionary spending for this year. That is precisely the same as what was in the President's budget. It is true we did not adopt his policy. We did adopt his number.

The Senator says this is outside what the Budget Committee has rec-

ommended. It is not outside what the Budget Committee has recommended. It is precisely what the Budget Committee recommended in the resolution I offered—\$768 billion this year, \$786 billion next year. Where is the money going? I say to my colleagues who think that is too much money, here is where the money is going: Last year we spent \$710 billion. The President has asked for, and we have agreed to, a \$45 billion increase for national defense, every penny of it requested by the President of the United States.

The President asked for an additional \$5.4 billion for homeland security. We have endorsed that, every penny of it requested by the President of the United States. Now there is another \$7 billion, \$7 billion on a base last year of \$710 billion. That is a 1-percent increase available for all the other functions of Government, after the increase asked for by the President for defense, after the increase asked for by the President for homeland security.

If we look at the amount of money that is in this budget for this year, the \$768 billion, we have provided for the year thereafter an increase of \$18.4 billion. That is an increase of 2 percent, and that is precisely what was in the budget resolution that passed the committee. It is true, we have not yet considered a budget resolution on the floor of the Senate. That is not unprecedented for June. There have been many times we have not concluded work on a budget. In fact, 4 years ago, we never did complete work on a budget through the whole process.

So we know the reality. We know what has occurred in the past. The fact is, we have passed a budget resolution through the committee. The budget numbers that are in that document are the numbers that are before us today. They represent serious constraint on spending for both this coming year and the year thereafter.

When the Senator from Texas says there is a \$50 billion increase over last year, it is actually a \$58 billion increase. But where is it? Again, I remind my colleagues, it is in defense; \$45 billion of the increase is in national defense, every penny of it requested by the President of the United States.

Is the Senator from Texas saying he is against that increase in defense? And \$5.4 billion is an increase in homeland security, every penny requested by the President of the United States. Is the Senator from Texas against that increase in homeland security requested by the President of the United States? The only other money is \$7 billion for everything else, a 1-percent increase.

Let's get serious about budgets and let's get serious about what is being discussed. The Senator from Texas raises advanced appropriations. Advanced appropriations have been done for many years. Why? Because the school year does not fit the fiscal year of the Federal Government. The Federal fiscal year ends at the end of September. Everybody knows the school

year does not end until May or June. So advanced appropriations were adopted to fit the reality of the school year in America. There is nothing wrong about that. There is nothing wrong with that at all.

The Senator from Texas says the House will never agree. That is not our job, to write a budget that agrees with the House. Our responsibility is to write a budget for this Chamber. We will then negotiate with the House on an overall agreement. The first thing we have to do is reach a conclusion in this Chamber.

What we are proposing, once again, for discretionary spending for fiscal year 2003, is exactly the same number the President sent up in his budget, \$768 billion. That is what was in my mark that passed through the Budget Committee and that is what we are proposing. It is true it is not the same policy as the President proposed. He proposed a different way of spending the money, but he proposed exactly that same number.

I am proud of the way the Budget Committee has performed. The Budget Committee had dozens of hearings and produced a responsible document, one that restrains spending, one that did not contain a tax increase or any delay in the scheduled tax cuts, but one that also called on the Congress to put in place a circuitbreaker mechanism so that next year it will be a responsibility of the Budget Committee to come before our colleagues with a plan to stop the raid on Social Security.

The Budget Committee had more debt reduction than the President proposed, less deficits than the President proposed and said that additional tax cuts can be had, but they ought to be paid for, and to put in place serious restraint on spending, not only for this year but in the years following.

I am proud of that budget resolution. I am proud of the parts of it that are before us now, that give our colleagues a real opportunity to choose. Are we going to have a budget for this coming year and budget caps for the next year? Are we going to have a continuation of the budget disciplines that are critically important to keep this process from spinning out of control or are we not? That is the choice that is before the body.

I want to again thank my colleague from Wisconsin who has been a valued member of the Budget Committee and who came to the floor with something he negotiated on both sides of the aisle. I then became involved with him in an effort and we have negotiated with many more Members on both sides of the aisle. I think we have a responsible package, and our colleagues are going to have a chance to vote in a few moments. I hope they will carefully consider the implications of a failure to pass this amendment.

I yield the floor, and I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, in this modern age, we are used to revisionist history, but I have to say the debate we just heard is one of the most extraordinary examples of revisionist history I have ever heard. I am tempted to get into this debate about this wonderful budget that when it was voted on not one Democrat voted for it and not one Republican voted for it. That is a vote of confidence, or lack thereof, which I have never witnessed before.

The budget that was rejected without a single vote in favor was a budget that set taxes above the level requested by the President the first year, the first 5 years, the first 10 years, and consistently spent more money. In fact, it raided Social Security in the first year more than the President's budget, even though it had taxes higher than the level requested by the President because it increased spending by over \$13 billion. But that is an old debate. Why debate a budget that was rejected unanimously?

Now we are on another debate, and it is a wonderful debate because we have our colleagues who are saying we want to control spending, and we need this budget to control spending. There is only one problem. The budget increases spending. The budget proposes spending \$9 billion above what the President requested.

This amendment before us proposes spending \$52 billion above last year, and it does not stop with spending \$9 billion more than the President wants. That kind of budget constraint we have had a lot of. It not only spends \$9 billion more than the President wants, but it allows \$25.4 billion to be appropriated this year that won't count until next year, what is called advanced appropriations. Last year, we set a record in American history with \$23 billion. This year, in this amendment, we would condone in advance \$25.4 billion, but that is not the worst of it. We have had a budget provision that banned delayed obligations.

Senator DOMENICI was a big proponent of this provision, as I remember. This was to try to deal with this phony little game we play by starting a program on the last day of the fiscal year and claiming in the budget that it costs one-three hundred and sixty-fifth as much as it really does, and then have it permanently in effect.

Interestingly enough, not only does this amendment spend \$9 billion more than the President requested, not only does it say you can spend \$25 billion more than that, it gets us back in the game of deferred obligations by striking subsections (a) through (f), (h), and (i) of House Concurrent Resolution 290. That is the section that deals with deferred obligations.

This doesn't have to be belabored. This is not about controlling spending. This is about spending. This is about force-feeding the President and making the President take \$9 billion more than he requested, setting up a procedure

where we will spend \$25 billion more than that, which will not count because it will be spent next year, and then allowing us to get into the game of spending it, but deferring the spending until a point where it doesn't count. This is an issue about spending, and this point of order is about controlling spending.

The President has not been silent on this. Last night he spoke. I will read what he said:

I know there's going to be some tough choices on these appropriations bills, but I want to make sure that everybody understands with clarity that the budget the House passed is the limit of spending for the United States Congress.

If we adopt this amendment, we will be saying the President wants \$9 billion less, but we are going to go on record saying we are going to spend \$9 billion more. I will be with the President on this issue. Other Members will have to decide where they are.

We have a letter dated today from the OMB Director, and I will read part of it:

It is my understanding that the Senate will continue consideration today of two pending amendments regarding budget enforcement—a Feingold amendment and a Reid/Conrad amendment. I ask that you strongly oppose these amendments and encourage your colleagues to oppose them as well.

Both amendments would lock in a spending cap that is much too high—over \$19 billion more than the President's budget request.

Budget enforcement in Congress is vital and necessary but enforcement at the wrong number could be even more detrimental to our budget outlook.

Now, if we had not waived the budget last week, maybe I would take this seriously. If 60 Members of this body had not last week voted to waive the Budget Act to spend more money, maybe I would take this thing seriously. But I don't take it seriously. We rejected making the death tax permanent. This amendment would spend nine times as much money next year as making the death tax penalty permanent would have cost.

Our colleagues do not have a nickel, they do not have a penny, to let working people keep more of what they earn, but they have billions to spend. They never, ever, have enough to let working people keep what they earn, but they have always got plenty to spend.

This is an effort to bust the President's budget. This is an effort to mandate that we set a budget \$9 billion above the President's level. This is a proposal that would let us back into the gimmick business on deferred obligations. This is a budget that would let us advance appropriate—which is spending money but not counting it until another year—at a level unprecedented in American history. The President does not want this. OMB has asked that we oppose it. I hope my colleagues will oppose it. But I hope they will understand, whether they oppose it or whether they support it, that this

amendment is not about budget control. This amendment is about spending, pure and simple. If you want to spend more, you want this amendment.

Now, I am not saying it is going to be easy in the budget process not having a budget. But we don't have a budget. We have not passed a budget, and I don't believe we are going to see one brought to the floor. People are proud of the budget resolution considered in the Budget Committee, but not proud enough to bring it to the floor to debate it, amend it, and vote on it.

The President has said he will veto appropriations that violate his budget and the budget adopted by the House. What this amendment would do would be to legitimize \$9 billion in additional spending. That is what it does.

Last week, we voted to waive the same points of order to spend money. We have done it over and over again. What we are doing here is legitimizing more spending. If you don't want to do it, you want to vote and sustain this point of order. Those who want to waive the point of order will have to have 60 votes. Maybe they have it. I pointed out earlier, this is not going to become law. I don't think it ought to be passed by the Senate. I don't think we ought to be slapping the President of the United States in the face today.

When the President last night said he was going to hold the line on his budget, to then turn around and do this is to say: You say you are going to hold the line, but we are not going to let you do it.

Count me with the man. Count me with the President. That is what this issue is about.

I hope when people cast this vote, they won't be confused. I hope they will understand. This is not about budget points of order that we just waived last week. This is not about process. This is about spending \$9 billion more spending next year, \$25 billion more spending above that in advanced appropriations, and an unlimited amount of spending through a gimmick. I don't understand why people who support the budget process, after all our effort to get rid of these delayed obligations, can support this amendment. I am sure our colleagues remember the games that were played where we started a program on September 30 of a year so that it becomes law but you only count 1 day of the spending. Why anybody could say this is about controlling spending and could have an amendment that strikes the point of order on deferred obligation, I don't understand. This is about spending, pure and simple.

Don't be confused. If you are for spending, if you are against the President, then vote to waive the budget point of order. But if you are with the President, if you are against all this spending, if you think it has to end somewhere, end it right here today. Let's stop this process today. Do not add \$9 billion more than the President asked today. Do not spend \$25 billion



beyond that in advanced appropriations today. And do not let Congress back in the gimmick business today. Vote to sustain the point of order.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I yield myself such time as required.

The Senator from Texas knows very well that my goal in working on this amendment has nothing to do with trying to upset the President's budget. We have talked together, worked together on the Budget Committee, and he knows exactly what I and other Members are trying to do. We think there ought to be some rules, there ought to be some caps, there ought to be some budget discipline. I don't think he could point to one shred of information or comment I have made throughout the months to suggest it has anything to do at all with trying to disrupt the President.

I remember welcoming the comments of the OMB Director when he suggested some aspects of what we were trying to do made sense. I will work with anybody on this in order to get it done, because in the 10 years I have been in the Senate, we have had rules, we have had budgets disciplines, and they have had good results. Sometimes when the Democrats were in the majority, and sometimes when the Republicans were in the majority, at least on this issue, I have seen this body function, and function well, but only because there were caps, only because there were rules and because there were enforcement mechanisms.

The Senator from Texas complains we are doing this outside of the budget process. I agree with him. This is not the ideal way to do this. But he knows why. He saw the efforts we made in the Budget Committee and the difficulties we had. We could not get it done there. It is not my idea to have to do it on the Defense bill.

The Senator says, even if the Senate were considering the budget resolution, that the resolution could not have accomplished the extension of the budget process that our amendment would do. But the Senator from Texas knows that a budget resolution, unlike this one, cannot constitutionally bind the President or his OMB. We have to pass a law, not just a resolution to extend the Budget Act.

I would say nobody in the history of the Senate knows this better than the Senator from Texas, who is very famous across this country for passing statutes to control Government spending. A statute has much more enforcement power than simply doing it on a budget resolution.

The Senator also suggests this is not going to go anywhere because the House will not accept it. I certainly agree with my chairman, Senator CONRAD. The one thing that makes sure nothing happens is if we do not do anything at all in the Senate. If we send a message to the House that we do not

need rules and disciplines, that is an invitation to them to do nothing.

On the other hand, if we do something here, and even though the Senator from Texas knows it is much less than I wanted to do at the beginning, and less than he wanted to do, maybe it will put a little pressure on the other body. Maybe they will hear from their constituents, who will say: At least in the Senate they still believe there ought to be some limits and some caps and some rules. Why don't you folks in the House do the same thing?

If we do nothing, there is no pressure on them. As the chairman indicated, if we at least put a marker down here, put something in this bill that suggests some limits and some rules, we have a chance that something will come through in a conference report that will achieve bipartisan limitation on this.

We have now heard arguments about the levels in our amendment being too high. We also heard arguments that they are too low. In this respect the debate is taking on sort of the hallmarks of any debate to set a level. There is always going to be disagreement about the amount. But let's be clear about the amount in this 2-year period. The chairman of the committee has indicated we have sought to use what I believe to be the most neutral starting point. The number for 2003 is what the Budget Committee reported. It is what we included in the Gregg-Feingold amendment, for which 49 Senators voted, including the Senator from Texas. On June 5, he voted for these exact 2-year limitations. I admit there were 3 other years there on top of it, but he did vote for these figures for those 2 years.

It is also the most neutral and most appropriate figure because it is our best estimate, as the chairman has pointed out, of what the President's budget request actually requires, what it really is when you cut away the gimmicks and see what the real number is.

I think this is a consensus number that is reasonable. As the Senator from Texas knows, he and I have worked together in various meetings to try to have an even stronger budget process. We have tried to draft amendments, and we reached agreement on a budget process amendment that, had it been enacted, would have created powerful incentives to reduce the deficit and further protect Social Security. I stood ready and I stand ready to work with him to tighten fiscal discipline. In the battle for fiscal responsibility, I want the Senator from Texas to know I am and will be his ally.

But as the Senator from Texas also knows, we did not offer the amendment we drafted. Now the question is, in the absence of that, in the absence of a more perfect solution to the budget process, what will we do?

We really only have a couple of choices. We can stand by and simply do nothing or we can at least do this. That is the choice before the Senate today.

Nobody really believes there are going to be a lot of real opportunities to do this in the future if we do not do it today.

I would prefer a stronger budget process. In fact, not only in committee but on the floor I, with Senator GREGG, fought for a stronger budget enforcement regime, and we offered our amendment to the supplemental appropriations bill.

I voted with the Senators from Arizona and Texas when they sought to limit spending on the supplemental appropriations bill. I stood ready, and I continue to stand ready, to work with the Senator from Texas to fight for the process changes that we worked on together. But the amendment that Senator GREGG and I offered received only half of the votes—it actually needed 60 to prevail.

The efforts to stop spending items on the supplemental appropriations bill fell well short of a majority, and we have not offered the amendment we worked on together.

So we face a very stark choice. We face the expiration of the budget process. We have to face the question, Is the absence of a budget process preferable to the 2-year extension of the existing process that I and Chairman CONRAD and Senator CANTWELL and now Senator DOMENICI offer today? Obviously, it most assuredly is not. Even though there are imperfections in the existing budget process, it does provide some budget discipline. It creates 60-vote hurdles for spending measures that exceed the caps. It requires 60 votes to expand entitlements or cut taxes without paying for the cuts.

These constraints have been a valuable force for consensus. They have helped ensure the work we do in the Senate can garner the support of three-fifths of the Senate, not just a bare majority. I think these are useful bulwarks in the defense of the taxpayers' dollars.

Again, there could be better budget processes. After the adoption of this amendment, if it is adopted, I will still join with others who seek to advance further budget improvements. Even if this amendment is adopted, nothing will stop the Senator from Texas from offering the budget process on which he and I were working.

But at least let's draw the line. Let's at least prevent further erosion of budget discipline. Let's seek further improvement where we can, but let's at least ensure that things do not get worse.

The Senator from Texas may consider the amendment before the Senate today to be half a loaf or maybe even less. I admit the amendment before the Senate today is not perfect, but it is a far better result than doing absolutely nothing, and that is where we are headed. Nothing is what we will get if the Senate votes down this very modest attempt at fiscal discipline.

I urge my colleagues to join at this barricade, if you will, this last stand

this year for fiscal responsibility. I urge my colleagues, more than anything else, to do this to defend the Social Security surplus. I urge them to support this amendment.

How much time do we have?

The PRESIDING OFFICER. The Senator from Wisconsin has 12 minutes; the Senator from Texas has just under 22 minutes.

Who yields time?

The Senator from Texas.

Mr. GRAMM. Mr. President, let me make clear I feel strongly about this amendment, but I have profound respect for my colleague. I am a long-time believer in the Jeffersonian thesis that good men, with the same facts, are prone to disagree.

I point out the Gregg amendment that I voted for had 5 years of budget numbers; not just the 2 years where the budget went up, but 3 years where it went down. So I thought, in terms of the whole package, it was an improvement over nothing. But I do not think it is an accident that this amendment has only the 2 years where spending goes up.

Maybe I was not tending my business, but I do not think that the Gregg amendment struck the provision on delayed obligations. If it did, I was not aware of it, and I would stand to be corrected if anybody corrected me.

I think the Gregg amendment left advanced appropriations untouched, whereas this amendment increases them by \$2.4 billion.

But ultimately, if we are talking about this being a consensus product, there is one person who is not part of this consensus and that is the President.

The President is taking a hard position, and, quite frankly, it is about time. I love our President. I have known him for a long time. I respect him. But I thought last year, in trying to work with both parties and trying to bring a new environment of bipartisanship to Washington, that he let Congress spend too much money. But it was a price he was willing to pay to try to work with everybody and try to be bipartisan. But our President is a Texan. And once you have slapped him once or twice, then he begins to think maybe you mean to fight. The bottom line is the President has said, I am going to limit spending to the budget that I proposed, and to the aggregate number adopted in the House. The amendment before us would add billions of dollars to that. It would not only condone but basically justify \$25.4 billion of spending—in addition to the \$9 billion I spoke of earlier—counted a year later through a process called advanced appropriations. This would be the highest level in American history.

Finally, to add insult to injury—and I asked somebody to explain to me why it is in here—this amendment strikes the language on delayed obligations. If people weren't meaning to cheat, why do they make it legal? If people didn't expect to be in jail, why are they pull-

ing the bars out of the windows? If people aren't expecting to take advantage of something we had stopped in the past, why are they taking the prohibition against it out?

I do not know if my colleague from Oklahoma is aware of it, but the amendment before us in part strikes our old language preventing delayed obligation.

Our colleague will remember the bad old days when you wanted to fund a great big old costly program but you didn't have the money in the budget, so you started it on September 30—the last day of the fiscal year. Then it cost only 1 day. It was just magic. You could spend 365 times as much money by just starting the program on the last day. We finally wised up to that. We stopped it.

Now we have an amendment where our colleagues say they are trying to stop spending. They are not for spending. They want to stop spending. But yet they strike the language on delayed obligations, which is a gimmick that has been used to spend billions of dollars.

I do not know how you could say they don't intend to do it when they are legalizing it.

To sum up—because I know we have others who want to speak, including my colleague from Oklahoma—this comes down to whether you are with the President or you are with the spenders.

With all good intentions—I don't doubt good intentions on the other side—the bottom line is that this amendment, if adopted, gives credence to and gives cover to people who mean to bust the President's budget in three ways: \$9 billion on its face, \$25.4 billion in advanced appropriations, and then cheating with delayed obligation.

If you are with the President, if you are for fiscal restraint, if you want to stop the spending spree in Washington, this is not the way to do it.

I don't mind people making the best arguments they can. But I don't think you can have it both ways. I don't think you can say this is about fiscal restraint, and then say: Oh, by the way, we want to bust the President's budget by adopting this.

I mean you have to be fish or fowl. You are either with the man or you are against the man. I am with the man.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Concord Coalition indicated today that our amendment “provides a strong and needed dose of fiscal discipline.” I ask unanimous consent that a copy of the complete Concord Coalition statement appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CONCORD COALITION,  
Washington, DC, June 20, 2002.

CONCORD COALITION SUPPORTS BUDGET  
ENFORCEMENT AMENDMENT

WASHINGTON.—The Concord Coalition said today that the Conrad-Feingold-Domenici bi-

partisan budget enforcement amendment provides a strong and needed dose of fiscal discipline. It sets new discretionary spending caps for two years at tough but achievable levels, extends the pay-as-you-go (paygo) requirement for entitlement expansions and tax cuts, and renews important points of order that enforce discipline.

The rapidly deteriorating budget outlook highlights the importance of this amendment. With sudden speed, budget deficits are back and the first time in several years there is no clear agreed upon fiscal goal. As a result, open-ended budgeting is back. Rather than setting priorities and making hard choices, Congress and the President are falling back on the old habit—cut taxes, increase spending, eat up the Social Security surplus, and run up the debt. It's a dangerous path to follow when looming just beyond the artificial 10-year budget window are the huge unfunded retirement and health care costs of the coming senior boom.

Restoring a sense of fiscal discipline—and eventually returning to non-Social Security surpluses—is a very difficult challenge. It is virtually impossible without the type of enforcement mechanisms established in this amendment.

With the discretionary spending gaps, paygo, and vital enforcement points of order scheduled to expire, the choice for policymakers is whether to extend the current mechanisms—and thus maintain a measure of fiscal discipline—or to simply let the entire budget enforcement framework expire and be left with renewed deficits and no mechanism for enforcing fiscal discipline.

In Concord's view the choice is clear. Allowing caps, paygo, and 60-vote points of order to expire is an open invitation to fiscal chaos. The Concord Coalition strongly commends and supports this bipartisan effort to restore fiscal discipline to the budget process.

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, first of all, my good friend, Senator GRAMM, is doing exactly what good debaters do, except that I caught him, so it won't work.

First of all, it is obvious on the point of the President's budget and this budget that this isn't the President's budget, it is Congress's budget. The President's budget is alive. The President's veto powers are alive.

What we are trying to do is pass some constraints that Congress will impose on itself in terms of entitlements, which have the opportunity of going through the roof in hundreds of billions of dollars, between now and October 1 and thereafter with no 60-vote point of order.

Down at the end of Pennsylvania Avenue, Mr. OMB Director, just get the President ready when this Congress sends entitlement programs that are going through the roof, because the 60 votes won't be available here, and they will end up on your desk.

The Senator from Texas said it 10 times, but I will only say it once.

I am with the President. He is the best President we will have in this century. When his first term is finished, that is what we will begin saying about

him. But, Mr. President, do not be fooled by people who want you to get involved in something in which you don't have to get involved. And you lose no prerogatives; you keep all of them.

The second point is, when Senator GRAMM loses his major argument, he turns to another one. So he is up here about as loud as I speak talking about this delayed obligation.

Let me tell Senator GRAMM, just take another look at the late obligations. First of all, it sunsets at the end of this year. So it isn't around. It is literally not around.

Mr. GRAMM. Why didn't you extend it?

Mr. DOMENICI. I don't speak when you are speaking, Senator. Would you mind?

Mr. GRAMM. All right.

Mr. DOMENICI. Would you mind acknowledging that you shouldn't be speaking when I am speaking? I would appreciate it very much.

Mr. GRAMM. All right.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, the second point is, for as long as we have had this provision that he is now telling the President he is going to lose, which provision I invented, we have never used it because it can't be interpreted. We have never been able to interpret what these words mean, which is now the real reason the President should come down on us because we are getting rid of it. It never was used. It will never be used. It is not interpretable. I knew that one year after it was passed, and I considered getting rid of it because it isn't necessary. It wouldn't be used.

My last point is a very simple one.

Fellow Senators, writing a budget resolution is essentially the work of the Congress. The President is not bound by it. He loses no authority. He can veto every bill that comes through here if it doesn't meet what he wants. But I will tell you, fellow Senators, if you think you can live within the President's budget with no problems, then I suggest to you that you had better look at what is eliminated from the budget: \$1.2 billion for veterans' medical care, \$1.2 billion for the violent crime trust fund, and \$1.7 billion for State and local enforcement. They are not in his budget.

We will have to decide whether we are going to put them in and cut something else. Nonetheless, this will not change the President's prerogative to veto every single bill.

But, Mr. President—I am not speaking to you, Mr. President, but I am speaking to the President down the street on Pennsylvania Avenue—if something like this is not adopted, then remember this afternoon when Senator PHIL GRAMM said there was an invitation to spend, and see what you have when entitlement programs come down to your desk because they passed up here 51 to 48, or 51 to 49 because

there was no 60-vote point of order to keep them from breaking the budget because we will not have that protection unless this amendment is adopted.

I would say for an afternoon that it is a pretty good piece of change for the American people and a pretty good way for the President to say, I will veto, but I would rather not have all the entitlements coming up here. Which entitlements? You know what they are. They have to do with the various medical programs. They have to do with everything we are going to be looking at for Medicaid reforms and Medicare reforms. Sixty votes is not going to be applicable.

It seems to this Senator, Mr. President, that you ought to stick to your work and to your veto authority, and you ought to let us do our budget because we can help you a lot when we don't send you all the entitlement bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, I am not telling the President anything. The President was telling me. I read what the President said last night. I am joining my voice with the President's, but I am not speaking for the President.

Second, our problem is that the whole budget enforcement expired—not just this one provision. We are extending the rest of it. We are not extending this provision.

The bottom line is, this is about \$9 billion. Senator DOMENICI says we can't live within the President's budget. I believe we can live within the President's budget. And the President has asked us to try.

Now, granted, the President can do whatever he wants to do. The question is, Do Republican Senators want to vote to go on record for a budget number that is \$9 billion more than the President says he is going to stand behind? I think that is why it comes down to the question of whether you are with him or whether you are against him. I am with him.

Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Texas controls 14½ minutes.

Mr. GRAMM. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague from Texas for his remarks. I will just make a comment. I see the chairman of the Budget Committee is in the Chamber. Bring the budget to the floor. I can tell you, my colleagues—who might have listened to my very good friend, Senator Domenici, who says, let's vote for this amendment—this amendment is going absolutely nowhere, even if it is adopted—and it is not going to be adopted—because it is on the Department of Defense bill, I tell my colleague.

It does not belong on the Department of Defense bill. I have urged Senator WARNER and Senator LEVIN that they should table this amendment. It does not belong on this bill. Maybe we will make a budget point of order it is a little higher—it does not belong on this bill.

I am on the Budget Committee. Let's bring the budget before the Senate. Then we can have a good debate. Are we going to change points of order? Are we going to change on whether or not you can have end-of-year spending gimmicks that we have banned in the past, which evidently this one-day budget is going to do? Are we going to reverse that? I would like to know. I am on the Budget Committee.

I tell my good friend from Nevada, I believe the Senate procedures should work. Now, for whatever reason, the majority has not decided to call up the budget. So this is the second time that various Senators have said: Well, let's do the budget on whatever authorization bill is going through the Senate. That is not the way it should work. It is not the way it has worked. I have been in the Senate for 22 years, and it has never worked this way.

We have always passed the budget, and it has not been easy. I will tell the majority, I know it is not easy. I will help them try to work it. I want to see the Senate pass a budget. I do not happen to agree with the majority's budget, but I will help to try to formulate the process to go through the budget procedure to pass a budget. I believe in it. But it does not belong on DOD authorization.

Let's just assume that it passed. I hope and I believe it will not, but let's just assume that it passes. OK. So the Senate passes the Senate budget—or part of the Senate budget, because I do not believe this is the entire Senate budget. I do not think this is what passed the Senate Budget Committee, which I serve on, and we spent a couple days in markup. But we had lots and lots of hearings. It was a lot more extensive.

I don't know the difference between this and what passed out of the Senate Budget Committee, but I did not vote for it when it came out of the Senate Budget Committee. But I know one thing: It doesn't belong on the DOD authorization bill. I know my friends and colleagues from the House, and they would say: Thank you very much. That is not going to be accepted in conference. You have wasted your time—totally, completely.

Budgets have to pass both the House and the Senate if you want to have a binding budget. It does not do any good just to pass it in the Senate by one amendment on one day. That has no impact whatsoever. So we are absolutely wasting our time.

I urge my colleagues—I urge the majority because this is not in the minority's capability. The majority should bring this budget as passed out of the Budget Committee and try to pass it

on the floor. That is what we should do. Instead, we have this game, and it just happens to be the Democrats' budget. Obviously, the President does not want it.

My Budget Committee staff tells me it is \$21 billion higher than the figure the President submitted. It is not a 1-year budget; it is a 2-year budget. Wow. OK, it is \$21 billion. We increased the amount you can have on advanced appropriations, something that probably not three people in the Senate really understand. But we are going to increase that figure from \$23 billion to \$25 billion. Oh, we are going to do that. Oh, now we are going to be changing the rules of the Senate dealing with end of the year, beginning new programs, delayed obligations. Oh, we are changing that.

Wait a minute. I say, if we are going to do all these things, let's do it on a budget. Then, when we eventually pass it—it may not have my vote—but when we eventually pass it, it goes to the conference with the House, with budget conferees, not with DOD conferees. DOD conferees in the House would laugh this off. We don't agree with that. It is dropped.

The President is against it. He would say he would veto it if it is in the DOT authorization bill. It has no business being in DOD authorization.

We have to learn in the Senate at some point to have a little discipline and say, when we are going to bring up the DOD authorization bill, we are going to stay on DOD. That means the managers of the bill have to table non-germane amendments. That means the majority has to bring up a budget in a timely manner, which the law says we are supposed to bring up and pass by April 15. And now we are past June 15, and we have not had the budget brought up on the floor.

The majority needs to bring it up. It does not belong on this bill. It is not going to be included in this bill, I hope. I believe a budget point of order will be sustained. It takes 60 votes to pass it, as it should, because the budget statute says it has to come out of the Budget Committee, not to be done on DOD authorization. Oh, we are going to have Senator WARNER and Senator LEVIN be the conferees on the budget? It is not going to happen. We are wasting our time.

I am embarrassed for the Senate and the way this Senate is being run, the fact that we did not bring up a budget. And then some people say: Well, we will take pieces of it and put it on DOD authorization. That is absurd. And it just happens to be a couple of pieces that say: Oh, we are going to spend billions of dollars more than the President anticipated.

I will be happy to consider pay-go. I will be happy to consider a lot of different things that are in the germane jurisdiction of the Budget Committee on a budget resolution. But to do it on DOD authorization, I think, is just a total, complete waste of time.

The point of order that it does not belong on this bill is exactly right. I am sure—and I hope—that our colleagues will sustain that point of order.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the Senator from Oklahoma argues that we should not have brought up this amendment on this bill.

This bill authorizes appropriations for the majority of appropriated spending. It may well be the largest spending bill we consider this year. So I think it is absolutely appropriate to consider the total amount of appropriate spending on this bill.

Mr. NICKLES. Will my colleague yield for a question?

Mr. FEINGOLD. For a question.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I respect my colleague from Wisconsin. I have agreed with him on many issues dealing with fiscal matters.

Wouldn't you agree we should have a budget resolution that passed the Senate Budget Committee for consideration by both Democrats and Republicans so we would go through the budget procedure as we have always done for the last 20-some years?

Mr. FEINGOLD. It would be great to have a budget resolution, but far more important, far more useful is a statute to guarantee that these caps and enforcement mechanisms exist to bind both Houses, a mechanism that is actually the law of the land.

So this is far more important. This is an appropriate vehicle to do it.

Mr. President, I yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes remains for the Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague, the Senator from Oklahoma, that the Senator from Oklahoma argues against himself. He gives advances as a reason to oppose putting it on this measure, that it will never pass both Houses, and that a budget has to pass both Houses.

I say to my colleague, one of the key reasons we have not brought the budget resolution to the floor is because the House passed a 5-year budget when the requirement of the law is a 10-year budget. The President submitted a 10-year budget. We passed a 10-year budget through the Senate Budget Committee. The House passed a 5-year budget, even though they cut taxes and committed to spending money outside the 5-year window.

In addition to that, they used rosy scenario forecasts.

Mr. NICKLES. Will the Senator yield?

Mr. CONRAD. I will not yield.

They used an estimate of Medicare expenses in the House that says Medi-

care is going to rise at the lowest percentage in the history of the program.

Now, how are we ever going to reconcile a 10-year budget in the Senate, which is what the law requires, with a 5-year budget in the House, when we used Congressional Budget Office estimates, which we are supposed to do, and they used Office of Management Budget estimates because it made it easier for them to cover up the raid on Social Security in which they were engaged?

That is a fundamental reason that we have passed a budget resolution through the committee and not brought it to the floor because we know we would spend a week of the Senate's time and never be able to reconcile with the House because they have adopted rosy scenario forecasts, and they have adopted a 5-year budget when a 10-year budget is required.

Mr. NICKLES. Will the Senator yield for a quick question?

Mr. CONRAD. No, I will not yield.

We hear, over and over, this is more money than the President's budget. Well, the President's budget is exactly the same amount as in this amendment. The President called for \$768 billion in discretionary spending. It is true, we did not adopt his policy. There is a \$9 billion difference because he wanted to transfer money from mandatory spending to discretionary.

Do you know what he wanted to transfer? He wanted to transfer the cost of Federal employees' retirement and claim it was discretionary rather than mandatory. I have not found anybody who thinks that is a wise policy. Clearly, it is required that we pay the retirement costs of Federal employees. That is not discretionary.

The fact is, the President's discretionary number is exactly the same as the number we have. We didn't adopt his policy, but that is his number.

Now, let's look, in comparison, to last year. Last year we spent \$710 billion in discretionary. These are the increases: \$45 billion for defense, every penny of it requested by the President; \$5.4 billion in homeland security, every penny requested by the President. The only difference is \$7 billion, the difference between last year and this year, that is going to other things. All of the rest of the increase is for defense and homeland security, every dollar requested by the President.

There is \$7 billion more, 1 percent, for all the rest of Government. That doesn't even keep pace with inflation. Between 2003 and 2004, we are capping spending at \$786 billion, an \$18 billion increase, a 2-percent increase, for total discretionary spending by the Federal Government. That does not even keep pace with inflation, either. For those who say this is spending, spending, that doesn't pass the laugh test. This is a cap on spending, a cap on spending at the same number the President proposed, a cap on spending for the second year that allows a 2-percent increase

for all of domestic spending. That is defense, parks, law enforcement—all the rest.

The fact is, without this amendment passing, there will be no budget. There will be no budget disciplines. They expire on September 30. That is the reality.

This is a choice that really matters. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 20 seconds remaining. Who yields time?

Mr. GRAMM. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 8 minutes 25 seconds.

Mr. GRAMM. Mr. President, first, I want to respond. Our dear colleague from North Dakota said that the President submitted a budget that actually cut some programs. Can you imagine it? Can you imagine it? In \$2 trillion of spending, the President was able to find some low priority items so that when a vicious set of terrorists attacked and killed thousands of our people we could redirect some of that money.

Our colleagues are shocked. In fact, our colleagues can give you 100 taxes that they are willing to raise. They can give you dozens of tax cuts they are willing to take back. But they can't give you one Government program that they are willing to cut. And they are stunned that in a \$2 trillion Government, the President was able to come up with about \$10 billion of things that we might defer or do without so we could instead grab a few terrorists by the throat and break their necks.

I am not stunned. I am proud. We are the only people in the world who never set a priority, who never had to make a hard choice. The President is willing to make choices. That is one of the reasons I am supporting the President.

It is true that this amendment before us does have some things from the budget resolution considered in committee. But basically three of the things are things that spend more money. The President said last night and the OMB Director wrote us this morning, asking us to oppose this amendment to help the President hold the line on spending. That is what this issue is about.

It is not just about \$9 billion that our colleagues want to spend and the President doesn't want to spend. It is also about \$25 billion more spending now that won't count until next year. And then there is the whole issue about this delayed obligation where you can play these games when you start a program.

It is true that the amendment before us has some support, but when I look at the President's position and when I look at the position before us, if our colleagues had offered the President's number without this delayed obligation and without the \$25 billion of spending that doesn't count until next year, I would have voted for it. I would have been a cosponsor of it. But it

spends \$9 billion more than the President wants. He is pretty adamant about it. It opens up a floodgate for advanced appropriations where we spend it now so that when next year comes we say, we can't possibly hold the line on spending because we have already committed to spend part of it. Only Government could get away with that. No person in the real world could possibly get away with that.

The issue before us is, Are you with the man, or are you against the man? The President asked us to hold the line on spending. He asked us to enforce his budget. Now are we going to go on record and say: Thank you, Mr. President, we appreciate your letting us know what you think, but we are going to raise spending \$9 billion above what you want whether you like it or not? That is not part of any budget. It is part of a 2-year deal where we increase spending, but it really boils down to that.

I raised a point of order. So the question is, Are there 60 Members of the Senate willing to say to the President: We are going to basically commit ourselves and condone \$9 billion of spending you didn't ask for? Or are we going to stand with the President.

I urge my colleagues, this is a good day to start fiscal responsibility. This is a good day to start saying no to business as usual in Washington, DC.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Republican leader.

Mr. LOTT. Parliamentary inquiry: Do we have an agreement to get the vote at 3 on this issue?

The PRESIDING OFFICER. Three is correct.

Mr. LOTT. How much time remains on each side?

The PRESIDING OFFICER. Three and a half minutes controlled by the Senator from Texas; 21 seconds controlled by the Senator from Wisconsin.

Mr. LOTT. Mr. President, I yield myself some time out of my leader time to comment on this issue.

First, this situation has been caused by the fact that we don't have a budget resolution. I think that is very unfortunate. Ordinarily, we try to get a budget resolution by April 15 or as soon thereafter as possible. Usually we get one done by May. Here we are in June. We have not heard anything about when it might come up. Apparently it never will. That presents us problems in terms of what is the aggregate cap, what are the enforcement mechanisms that we are going to use to try to control spending, keep it within some reasonable amount.

I also recognize without these caps, some orderly disposition to the subcommittees, it is going to be very difficult to hold the line when these various appropriations bills come to the floor.

I don't know when that might be. We need to get going on the appropriations bills. Usually in June we do anywhere

between two and five appropriations bills. Then in July we usually do anywhere between, I guess, five and as many as nine. Right now I see none anywhere in sight. We have done a supplemental after a very difficult time. It is not clear when we will get going on appropriations.

I believe the House is going to pass the Defense appropriations bill and then the military construction appropriations bill before the Fourth of July recess. So that will begin the process. That is good.

I think to do this number and this procedure on this bill at this time is a mistake. First, this is the Defense authorization bill. You need some vehicle on which to put this. If not here, then where, somebody might ask. But now that this door is open, we are being advised that we are going to have all kinds of nongermane amendments on the Defense authorization bill. I had been pleading with Senator DASCHLE to call this issue up. And to his credit, he did. He could have gone to other issues, but he did the right thing and moved to Defense authorization.

Now we will be off on a discussion of taxes and Mexican trucks and perhaps an abortion amendment. I am hearing all kinds of things. At some point we will have to get back to Defense authorization itself. That is point No. 1. I believe this is the wrong place to do it.

Secondly, while the mechanisms have been improved—there is a firewall in here now, and also some clarification with regard to advanced appropriations—the number, 768, is still a problem. That is about \$9 billion above the President's request. Some people maintain—and I am sure it has been maintained—we are going to have to have more than what was asked for in the original budget as we try to move to a conclusion this year. Somebody even said: "You are fighting over twosies and threesies here." It is \$2 billion here, or \$3 billion for the supplemental, and \$9 billion there. Pretty soon, all those billions add up to real money.

So while I understand what we are trying to accomplish, I am concerned about how we go forward from here. I think the number is still too high. I think this is the wrong bill on which to be putting this. It is similar to the debt ceiling. If we are going to do this, probably we need to do it clean. That won't be easy. But a lot of people were shocked that we were able to move the debt ceiling the way we did in a bipartisan vote; 15 or so Democrats voted with most of the Republicans. We didn't do a budget resolution, and I think that is a travesty, but we are going to have to come to some agreement on how we proceed and how we get to a conclusion at the end of this fiscal year.

My urgent plea is that we look for a number that is closer to what the President and his advisers have indicated they could accept.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin controls 21 seconds.

Mr. FEINGOLD. I yield that remaining time to the Senator from North Dakota.

Mr. CONRAD. Mr. President, we cannot very well have it both ways. You can't, on the one hand, decry not having budget discipline and a budget, and, on the other hand, oppose those very provisions. That is what this vote is about. It is a budget and it is budget discipline provisions. They are critically needed. I hope colleagues will support it.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I believe my colleague is right on one point. You can't have it both ways. You can't say I am for fiscal restraint and then say we are going to make the President take \$9 billion he doesn't want.

I think this boils down to a question, Are you with the President or are you against him? The President asked us to hold the line on spending. I am with the President, and therefore I am going to vote against waiving the budget point of order. I urge my colleagues to do the same.

The PRESIDING OFFICER. The question is on agreeing to the motion. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 40, as follows:

[Rollcall Vote No. 159 Leg.]

#### YEAS—59

Akaka	Domenici	Lincoln
Baucus	Dorgan	McCain
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Gregg	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Jeffords	Schumer
Cleland	Johnson	Shelby
Clinton	Kennedy	Snowe
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Corzine	Landrieu	Torricelli
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden
Dodd	Lieberman	

#### NAYS—40

Allard	Bond	Burns
Allen	Brownback	Campbell
Bennett	Bunning	Cochran

Craig	Hutchinson	Sessions
Crapo	Hutchison	Smith (NH)
DeWine	Inhofe	Smith (OR)
Ensign	Kyl	Specter
Enzi	Lott	Thomas
Fitzgerald	Lugar	Thompson
Frist	McConnell	Thurmond
Gramm	Murkowski	Voinovich
Grassley	Nickles	Warner
Hagel	Roberts	
Hatch	Santorum	

#### NOT VOTING—1

Helms

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. GRAMM. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. 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. DOMENICI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I worked very hard this afternoon and today for what I thought was the right approach. I am back on board, and I will do everything I can to see that we keep some process and there is some order for the remainder of the year in getting our work done.

I thank you very much.

Mr. REID. 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. BYRD. 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. BYRD. Mr. President, has the Pastore rule run its course?

The PRESIDING OFFICER. Yes, it has.

Mr. BYRD. Mr. President, I speak out of order.

The PRESIDING OFFICER. The Senator from West Virginia.

(The remarks of Senator BYRD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, there are a number of people who want to speak on matters not related to the Defense bill at this time. I think it would be appropriate—I have spoken to the Republicans—to go into a period of morning business. It is my understanding that the Senator from Illinois wishes to speak for 10 minutes, the Senator from North Dakota for 10 minutes, and the Senator from Maine for 10 minutes.

Why don't we go into a period of morning business for 40 minutes with 20 minutes on this side and 20 minutes on their side, with the Senator from Illinois recognized first?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent to modify my request, and that I be recognized following the 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

#### AMTRAK

Mr. DURBIN. Mr. President, I take the floor to alert my colleagues in the Senate and those who are following this debate that at a hearing this afternoon before the Transportation Subcommittee—

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I am glad my colleague, the Senator from West Virginia, is in the Chamber because he attended this hearing. He may not have been present when the questions came. We asked the administrator of Amtrak what was ahead in the days to follow. At this moment in time, Amtrak needs \$200 million interim financing to continue operations across America. Mr. Gunn, who testified before Chairman PATTY MURRAY's Transportation Subcommittee, alerted us this afternoon that unless the interim financing of \$200 million is secured by Wednesday of next week, Amtrak will cease all operations—all operations—not scaled back but cease all operations.

Mr. Gunn explained it was necessary in order for them to park the trains, take the precautions necessary to guard them, and to prepare for the ultimate shutdown, which could begin as early as the middle of next week.



We then asked Mr. Rutter, who is the head of the Federal Railroad Administration, what was the status of the Amtrak request for \$200 million. He alerted us that they were in the process of evaluating it, and he believed they would be able to get back to Amtrak with the answer early next week.

If you will do the math, you will understand we are talking about 24 to 48 hours separating the decision by the Bush administration on interim financing for Amtrak and the suspension of all Amtrak service across the United States.

I said to Mr. Gunn that I believed we had a moral obligation to notify Governors across the United States with Amtrak service of this looming transportation disaster. Let me say for many of us who believe in Amtrak and national passenger rail service that it is absolutely disgraceful that we have reached this point.

At some point, this administration should have stepped forward to work with Congress to make certain that Amtrak service was not in jeopardy. Now we face the very real possibility of a disastrous transportation situation as early as next week.

We heard this morning from Secretary of Transportation Norm Mineta, a speech he gave to the Chamber of Commerce about his vision of the future of Amtrak. It is a vision which is not new. It is the same vision that Margaret Thatcher had in England when she took a look at British rail service and decided to privatize it, to separate it, and to try to take a different route. It turned out to be a complete failure—not only a failure in the terms of the reliability of service but a failure in terms of safety.

The administration's proposal on Amtrak is a disaster waiting to happen. It is literally a train wreck when it comes to the future of national passenger rail service.

If you believe, as I do, that our Nation should seek energy security, that we should try to find modes of transportation to reduce pollution and traffic congestion, which is getting progressively worse and we can't ignore it, then we cannot and should not walk away from Amtrak.

This administration's position at this point is going to create a crisis in transportation. We need to maintain not only the very best highways and the safest airports in America, but we need national passenger rail service. We need leadership in the White House and at Amtrak with a vision of how to turn that rail service in the 21st century into something that we can point to with pride and effectiveness.

We don't have that today. Mr. Gunn has been drawn out of retirement and has been heading Amtrak for just a few weeks. This didn't occur on his watch. He is a competent administrator who wants the resources to make Amtrak work. Instead, what this administration has given him is a doomsday scenario where literally Amtrak service

could be terminated across America next week. What it means for the Northeast corridor is probably a dramatic change in terms of the way the families and businesses would have to operate. What it means in my home State of Illinois is that thousands of passengers and thousands of employees will have their future and their transportation in jeopardy. It didn't have to reach this point, but it has.

I sincerely hope my colleagues will join me in urging the Bush White House to respond tomorrow—not next week but tomorrow—favorably for financing of Amtrak so we can tell the Governors across America that this emergency is not going to happen.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2662 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I may proceed as in morning business for not to exceed 6 minutes.

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, of course, but I think there was a unanimous consent agreement previously that had me following the Senator from Maine with 10 minutes. If I might inquire about the timing here.

Is the Senator from Michigan going to speak after the Senator from Virginia?

Mr. WARNER. Mr. President, I am a cosponsor with the Senator from Maine on this legislation. I can reduce my time to 3 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Virginia be given 6 minutes, if this is all right with Senator DORGAN, and then Senator DORGAN be recognized to proceed as in morning business.

Mr. DORGAN. Yes, I think by previous unanimous consent.

Mr. LEVIN. For 10 minutes, as in morning business.

Mr. DORGAN. I certainly would not object to the Senator from Virginia being recognized if I am recognized as previously agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank my good friend for his usual and customary senatorial courtesy.

(The remarks of Mr. WARNER pertaining to the introduction of S. 2662 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the two leaders are going to confer in a few minutes. How much longer is the order in effect to have morning business?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. REID. From this point?

The PRESIDING OFFICER. Yes.

Mr. REID. That should be ample time. The two leaders should be back by then. The two managers of the bill will have an announcement at 20 till, 25 till.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I follow the Senator from North Dakota in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

#### AMTRAK

Mr. DOGRAN. Mr. President, my colleague from Illinois, Senator DURBIN, a moment ago spoke of the dilemma now faced by Amtrak, the company that provides rail passenger service.

The Secretary of Transportation earlier today provided a glimpse into his and the administration's view of what to do about Amtrak. It is clearly devastating, if you believe that we ought to have rail passenger service.

I confess, I like trains. I grew up in a small town where a train called the Galloping Goose used to come through. We gathered to watch the train come through our little town. I like trains. This isn't about being nostalgic or liking trains. It is about whether you think our country should have rail passenger service. The testimony this morning by Mr. Gunn was that by mid next week, unless the financing is made available, Amtrak will shut down. By mid next week, we will have no rail passenger service because it will shut down, unless the Department of Transportation and the other relevant agencies get together on the financing package necessary.

It is important that we have rail passenger service. Aside from the urgent circumstances that face us next week, the other question is this: What will the long-term plan be for an Amtrak rail passenger system that works?

The Secretary of Transportation said today that this is his plan: Let's take the Northeast corridor and cut it off and sort of semiprivatize it and sell it—I am not quite sure to whom—and then we will let the rest of the system work on its own. That is a quick, effective way to kill Amtrak. Yes, there will be Amtrak service from Boston to Washington; that will continue. And the rest of the Amtrak rail passenger service will die. Just as certainly as I am standing here, we will see the collapse of rail passenger service in the rest of the country.

Last year, over 80,000 people boarded Amtrak in North Dakota. Anybody who wonders is Amtrak important, ask yourself what happened on September 11 following the devastating attacks by terrorists. Every single commercial airplane, every private airplane was

forced to land. They had to find an airport and land and stop that airplane. But Amtrak kept moving across the country, hauling people back and forth across the country. Rail service is an important part of this country's transportation system. It is that simple.

To come up with a plan that says, by the way, what we will do is cut off the Northeast corridor, which is the most lucrative part of the system, and separate it from the rest of the country, is a way of saying, let's kill Amtrak in most of America.

Talk about a thoughtless public policy proposal. This is it.

This Congress has some work to do. This administration needs to address next week. Mr. Gunn says that Amtrak is going to shut down. The President of Amtrak says he is going to shut down midweek unless the Department of Transportation and others get their act together and provide the interim financing necessary. They have an application filed.

One of my colleagues asked the people when they will act on that application. Answer: Maybe next week.

It ought to be now. This is not exactly a surprise. This problem with Amtrak has been lingering for a long time, and this Congress seems incapable, unwilling, or unable to make decisions that will put this rail passenger system on a sound financial footing. Some of my colleagues believe we just should kill Amtrak; let it die. What they forget is that we subsidize every other form of transportation. You name it, we subsidize it.

They say: But we don't want to have a rail passenger service that is subsidized. Everyone has the right to their opinion. But I think this country is well served, strengthened, and we are improved by having a national system of rail passenger service. No, it does not go everywhere. It does not connect every city to every other city. But it is a national system that connects the Northeast corridor to routes throughout our country in a way that is advantageous to millions of Americans.

This Congress and this administration have to wake up, and they have to wake up now. If we don't, and if they don't, we could find mid next week a country in which all rail passenger service is gone. If we don't, and if they don't, we could find beyond that, if they find the interim financing for next week, we could find a rail passenger system in which we have this crazy scheme of cutting off the Northeast corridor, creating some sort of quasi-private or quasi-public system with that, and saying the most lucrative portion of Amtrak shall not be available to assist in offsetting other revenues from other parts of the system. And we will inevitably create an Amtrak system that dies everywhere in the country except for the Northeast corridor. That is not a vision that is good for our country.

This is not the kind of issue that ought to hang up the Congress. It is

not complicated. We deal with a lot of complicated issues. This is not one of them. It is very simply a question to this administration that has been sitting on its hands for a long time on this issue. It ought to stop. It ought to take some action. And this Congress ought to take action for the long term.

The question is this: Do you believe in rail passenger service or not? Do you believe this country is strengthened by having a national system of rail passenger service? If you believe it is not and you don't like rail passenger service and you want to kill Amtrak, just go ahead and do it, if you have the votes.

But what is happening is inaction, both by the administration and inaction by Congress, which is slowly but surely strangling the life out of this system called Amtrak.

It makes no sense to me. Let's make a decision.

I count myself on the "aye" side. I say aye when you call the roll to ask do we want to support Amtrak; do we want to have a national rail passenger system in our future. The answer is clearly yes. I hope my colleagues will agree. I hope we can all agree to stop all of the foot dragging going on on this important question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### PRESCRIPTION DRUGS

Mr. WELLSTONE. Mr. President, there was an interesting piece in the Washington Post this morning, a senior aide to Republicans on the House side saying we want to—something to the effect of—write a prescription drug plan that basically is what the pharmaceutical industry wants.

I look at the House bill, and I report to the Senate that is exactly what we have: A bill that is made for the industry. The White House has no plan. They are talking about a discount comparable to going to the movie and you get a dollar or two off the ticket, but it has nothing to do with whether or not we will have prescription drugs that will be affordable.

The House Republicans have said low-income people earning roughly under \$11,000 are not going to have to pay anything. But when you look at the fine print, that's not true. If you have burial expenses worth \$1,500 or more, if you have a car that is worth more than \$4,500, then all of a sudden you might not be eligible for the protections for the low-income. That is stingy.

Then the thing that people are worried about is the catastrophic expenses. We must have a prescription drug plan that really responds to what we are hearing from all of our constituents: "Senator you must keep the premiums low; you have to keep the deductibles and the copays affordable; and you have to cover catastrophic expenses"—that is what people are terrified of, big expenses they can't afford.

What this Republican plan says is: We will provide a little coverage, up to \$2,000. But between \$2,000 and \$3,800 we won't cover anything.

That is nonsensical. It certainly is not a step forward for Minnesotans; it is a huge leap backwards.

I also want to mention to colleagues that the Republicans basically don't want to have a plan built into Medicare.

Now, I say to the Presiding Officer, the Senator from South Dakota, you can appreciate this with a smile. The Republicans don't want to have anything built into Medicare because they are scared that it might put restrictions on drug companies' price gouging. That is what Republicans are scared of. As a result, they say: We are going to farm it out to Medicare HMOs and to private insurance plans. But the private insurance plans are saying: We are not going to do this because the only people who will buy the prescription drug only plans are the ones who need it, and we need some people in the plan who don't need it; otherwise, we cannot make any money on it; it won't work.

Then they say the monthly premiums will be \$35 and the deductibles will be \$250. It turns out that this is not the case. Those numbers are merely suggestions. It could be that the deductible in one part of my state is \$250, and \$500 in another part of Minnesota, and \$750 in some other state.

I want to say on the floor of the Senate that you have these pharmaceutical companies pouring in all this money at the \$30 million fundraising extravaganza last night—\$250,000 a crack, or whatever, that I am reading about. Then you have some of the people saying we are going to basically write something that suits their interest. This is what we are dealing with.

I will keep pushing hard. I know you have to get 60 votes, and I know some people are going to be reluctant about this because we are going to have to take on the prerogatives of drug companies. But I think we ought to do the following: First of all, for low-income people, we ought to say, you are not going to pay anything, because they cannot afford it. Then we should set a 20 percent beneficiary copay. I would rather see us do that. Then we should set a catastrophic cap at \$2,000 a year; after that, you don't have to pay anymore of the cost of your prescription drugs. That is good catastrophic coverage. That makes sense.

How is it affordable? In two ways. First: Prescription drug reimportation from Canada, with strict FDA safety guidelines. There is no reason that Minnesotans, and people all over the United States, should not be able to reimport prescription drugs that were made in the U.S. back to the U.S. Pharmacists could do it, and families could too and get a 30-, 40-, 50-percent discount. There is no reason to vote no—except the pharmaceutical companies don't want it.

Second: and the Chair is interested in this as well—there is no reason the Federal Government's Department of Health and Human Services cannot represent senior citizens to become a bargaining agent and say: We represent 40 million Americans, and we want the best buy. We want a commitment from the industry to reduce the prices. Give us the best buy. Charge us what you charge other countries, charge us what you charge veterans, charge us what you charge Medicaid. We can get huge reductions in costs and huge savings.

Mr. President, I have been talking about a book and Tom Wicker wrote it—it's fictional, but based on the life of Senator Estes Kefauver and the way the pharmaceutical industry did him in. The companies have become too greedy, arrogant, and people in this country have had it, and it is time for us to make it crystal clear that this Capitol and this political process belong to the people of South Dakota and Minnesota, not these pharmaceutical companies.

The House plan is not a great step forward. It is a great leap backward. We are going to have a big debate on the floor in July. I cannot wait for it. I think a lot of these positions we take are going to be real clear in terms of whom exactly do we represent, the pharmaceutical industry or the people in our States.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MARRIAGE TAX PENALTY

Mrs. HUTCHISON. Mr. President, I want to talk about an amendment I am intending to propose to the armed services bill, although I understand there may be an agreement that everyone will oppose amendments that are not considered germane.

I want to talk about the amendment because I think it is very important. We now have the House making permanent the marriage tax penalty relief. We passed marriage tax penalty relief last year in our Tax Relief Act, and it was signed by the President. It would begin the process of giving marriage tax penalty relief to the 40 million couples in our country who now suffer from a marriage penalty. In fact, it is 21 million couples across the country—over 40 million people—who are taxed simply because they are married.

The Treasury Department estimates that 48 percent of married couples pay this additional tax. According to a study by the Congressional Budget Office, the average penalty paid is \$1,400. Fortunately, last year we took a step in the right direction. We are in the

process of a repeal of the marriage tax penalty, with a full repeal to occur in 2009. It does this by equalizing the size of the standard deduction. So if you are single and you have the standard deduction and you get married, that will just be double rather than about two-thirds of the total, as it is today.

We also increase the width of the 15-percent bracket, so that if two people in the 15-percent bracket get married or if two people in the 28-percent bracket get married, the 15-percent tax bracket will be doubled, so that you will at least have an equalization in the first tax bracket. Unfortunately, that will sunset in 2011.

Last week, the House passed a permanent repeal of the marriage tax penalty. Now it is the Senate's turn. Senator BROWNBACK, Senator GRAMM, and I would like to make the marriage tax penalty repeal permanent, just so that married couples will know what to expect not only from now until 2009 or 2011 but beyond, to eliminate forever this kind of penalty, with the standard deduction—at least in the 15-percent bracket.

Now I want to talk about how this affects military families. There are more than 725,000 members of the military who are married. That represents more than half of the Armed Forces. Of these, 79,000 are married to another member of the military. So these 40,000 "military couples" represent almost 6 percent of the Armed Forces.

Consider the effect of the marriage tax penalty on two people who risk their lives every day to protect us. I will show this chart because I think it is very important. A lance corporal and a private first class in the Marine Corps will pay \$218 more in taxes if they marry today. An important provision of the authorization bill we are debating is military pay raises. The same lance corporal and private first class will receive a 4-percent pay raise, according to the authorization bill we are debating today. But the marriage penalty would take back 16 percent of that increase. So of the \$218, 16 percent is going to go in marriage penalty taxes.

If a technical sergeant and a master sergeant in the Air Force get married, they will pay a penalty of \$604. That eats up 17 percent of the pay raise we are debating today. Two Army warrant officers would pay \$852 more to Uncle Sam, or 25 percent of their pay raise.

Two Navy lieutenants who marry would pay more than \$1,500 in additional taxes annually, giving up 34 percent of their pay raise.

We are trying to make life better for those in our military. To give them a pay raise with this hand and on the other hand penalize 79,000 of the people who are already sacrificing to be married to someone else in the military, possibly having to be in a separate part of the world from that spouse, to ask them to endure a marriage tax penalty that would take away as much as 34 percent of the pay raise we are giving them to make their lives better be-

cause they are out there in the field protecting our freedom, which does not make sense to me.

That is why I had hoped I would be able to offer this amendment. However, it is my understanding there are now talks about taking away any non-germane amendments from this bill. I do not disagree that we want to pass the armed services bill, that we want to make sure the bill goes through. I certainly applaud that. I do, however, think that eliminating the marriage tax penalty would be a huge help for our military, particularly since we are giving them the pay raises with this bill that we hope will make life better for them.

I know there are a lot of negotiations ongoing. I hope at some point we will be able to eliminate the marriage tax penalty not only for the 40 million people who are now paying, but for our military personnel especially. We are trying to give them this better quality of life to tell them how much we respect and appreciate the job they are doing for our country.

I would like to offer this amendment. I think I am going to be kept from doing that, but I want an up-or-down vote on making the marriage tax penalty permanent so that people will not have to wonder if the year 2011 is going to give them another big marriage tax penalty.

We have spoken in Congress; the President has signed the tax relief bill. It is essential we go forward and make these tax cuts permanent so people can make plans. Whether it is the death tax, whether it is the bracket tax cuts, whether it is the adoption tax credit, whether it is marriage tax penalty relief—we had a balanced package of tax relief for all the people who pay taxes in our country.

At a time such as this, with our economy teetering—and certainly if anyone is watching the stock market and corporations and the whole skittishness of our economy, they should see that we need some stability—we need the ability to free up consumer spending by taking the money out of the Government coffers, where hard-working people are putting it, and let them keep more of the money they earn in their pocketbooks.

I hope very much I can offer this amendment—if not on this bill, certainly on a bill we will be able to pass this year. There is no reason not to make the tax cuts we have already made permanent so people know how much they are going to have to pay the Government from their hard-earned dollars. So many people are losing their jobs; so many people are having a hard time making ends meet today. I certainly want to make sure our armed services bill passes. I do not want to load it with extraneous amendments. I do not think this is extraneous. I think being able to give them pay raises they can keep is certainly something we should do for our military, but to take away 34 percent of the pay raise we are

giving them in a marriage tax penalty does not make sense to me.

I certainly hope I will be able to offer this at the appropriate time. I want to make sure we are doing everything we can for the Armed Forces of our country. I hope the distinguished majority leader will allow making permanent the marriage tax penalty bill a priority for this session of Congress.

I thank the Chair. I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

Mr. DASCHLE. Mr. President, over the course of the last hour or so, I have had a number of conversations with the distinguished Republican leader and the chairman and ranking member of the Armed Services Committee. We have been discussing how we might proceed on the Defense authorization bill.

I know there are Senators on both sides of the aisle who have amendments they would like to have considered, and they are certainly within their rights to offer these amendments.

My concern is that if we find ourselves in debates on unrelated issues for an extended period of time, there is the real danger that we will not finish our work prior to the time we leave next week. I have already indicated publicly and privately to anyone who is interested in the schedule that we must finish this bill before we leave. That is an absolute necessity. So I do not want any Senator to complain about any misunderstanding they may have. I want to be as clear and unequivocal about that as I can: We will finish this bill before we leave.

As we have discussed how we might ensure that happens, of course one option would be to file cloture. Unfortunately, there are defense-related amendments that may be relevant and may be related to the Defense bill but not technically germane.

I have consulted with the Republican leader, and we have concluded, with the support of the chairman and ranking member—and I thank both of them for their willingness to support this effort—we have concluded that we will move to table or make a point of order against any amendment which is not defense related from here on out in this debate. We do it regretfully because we oftentimes are supportive of some of these amendments on both sides.

I know an amendment was going to be offered on marriage tax penalty, and I know some of my Republican col-

leagues and perhaps Democratic colleagues would be interested in the amendment. There are amendments on this side that I will move to table that I would otherwise support.

We have come to the conclusion that the only way we can complete our work is by taking this action. So I am announcing at this point that from here on out, all amendments that are not related to the Defense bill are amendments that either Senator LOTT or I or our colleagues on the Armed Services Committee, Senators LEVIN and WARNER, will move to table or will file a point of order against.

I want to notify all of our Senators that will restrict significantly the opportunities they have to offer additional amendments, but we intend to follow through, and we hope that sends a clear message. We want to complete our work. While we respect Senators' rights to offer amendments, we need to get this legislation done.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I concur with this agreement, and I will support it. The leadership on both sides of the aisle and the managers of the legislation on both sides of the aisle will support this effort.

There is no more important issue for us to deal with right now than to pass the Defense authorization legislation that is necessary for our military men and women to do their job, including the equipment they need, the pay they need, and the quality of life they need, both here and when they are abroad. So we need this Defense authorization bill.

We have already passed the supplemental appropriations to pay for some of the costs of the war against terror, particularly with regard to our efforts in Afghanistan but other places also. Now this will do the Defense authorization for the next fiscal year.

These bills are never easy. In fact, they are always hard. Year after year, though, under the leadership of Senator WARNER and now with Senator LEVIN, we have done it. We need to do it again. It should be our highest priority.

I have urged that this legislation be moved at a time when we can get it done before the July 4 recess. Senator DASCHLE has called it up in a timely way. Now we see that without this agreement between now and when Senator DASCHLE would probably have to file cloture and then get cloture sometime next week, the amendments that would be brought up on both sides of the aisle would be, more often than not, nongermane to the Defense bill.

Senator DASCHLE is right, one of the first ones right out of the box I am for. I think we ought to make the cuts in the marriage penalty tax permanent, unequivocally. There are young men and women who are married or want to get married and want to know what they can count on. We ought to do that, and I am looking forward to find-

ing a way to vote on that again as I did last year.

Having said that, it is not germane to this bill. There will be other amendments that can be offered on both sides of the aisle that are not germane. They may be good and we need to consider them, and maybe we can find a way to consider them, but we have important work to do. It is not as if this Defense authorization bill does not have more amendments that will need to be considered. There are a couple of big ones that I know of, maybe more than a couple—I would say more like five or six. So we have our work cut out for us to finish this bill on its substance, on relevant amendments, in order to finish this work in a reasonable time on Thursday and hopefully in such a way that we could get an agreement to proceed on the Yucca Mountain issue.

I know Senator REID would just as soon I talked all day and not said that, but we have work to do and then we have work to do after that.

I support this effort. I think it is the right thing. I thank Senator WARNER for going to Senator LEVIN. They talked about this and then came to us and suggested this was the right thing to do, and I certainly concur. I commend them for being willing to take that stand.

By the way, this is good precedent. We might want to consider managers doing this on other bills when they are basically attacked by nongermane amendments to the underlying bills. If the manager will stand up on both sides of the aisle and say we are going to table this or we are going to make a point of order because it does not relate to this very important issue we are considering, we can move our legislation a lot quicker. There are culprits on both sides, and sometimes I am one of them, but in this case it is the right thing to do and maybe it will set a pattern for us for the rest of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I do not wish to precede my chairman, but I want to make sure I say this while both leaders are on the floor. The distinguished majority leader talked in terms of relevancy; the minority leader spoke in terms of germaneness. My understanding is that the standard is relevancy to be decided by the chairman and the ranking member in this case, and we will exercise that fairly but very firmly. We are committed. When I approached the chairman with this proposition, I said I will move to table on our side, he will move to table on his side or make points of order, as the case may be.

The distinguished Republican whip participated in the conversations, and I judge that what I am saying is consistent with all who are listening at this time.

Mr. NICKLES. Absolutely.

Mr. WARNER. I thank the leadership. This goes back to the days when

I was privileged to be in the Senate with Senator Stennis, who will always be the person who started me on this course of action; that is the way he worked. That is the way John Tower, Barry Goldwater, Scoop Jackson, and those who preceded us worked when it came to the issues of national defense. They managed those bills with great skill, and less dependence, of course, on cloture. I hope this will be the direction in which we will move.

Mr. LOTT. Will the Senator yield for two points?

Mr. WARNER. Yes.

Mr. LOTT. I think Senator DASCHLE was very careful to say this would not apply to the Defense authorization relevant amendments. There are some that could be offered that they might prefer they not be offered, but they would relate to military hospitals, for instance, as opposed to germane ones, which would clearly be eliminated by a cloture vote. Several of the amendments that have been pending or are being considered, or suggested would be offered, clearly were not relevant or germane.

The other thing is, I really was impressed when the Senator referred to a fellow Mississippian, John Stennis, whom I had the honor of succeeding.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank our leaders. It is a very difficult and challenging job to be leaders in this instance. They have proven so many times over the years and proven it again this afternoon the importance of taking a very difficult step, but it is a necessary step if we are going to get the bill passed.

I heard Senator WARNER with his commitment, and I join him in making that commitment that we will move to table or otherwise make a point of order against amendments which are not relevant to this Defense bill. It is a better approach than a cloture approach because at least relevant amendments which are not technically germane but are relevant to defense will be offered and will not be tabled because of any agreement between us.

I also thank our whips. Senator REID, as always, is right there helping to make the wheels move and to grease those wheels, as well as Senator NICKLES. I thank the two of them, but again thank our two leaders for taking this very difficult step and committing to either table or make a point of order against amendments which they may very strongly support. That will go for Senator WARNER and myself. I know of a bunch of them already that I very strongly support but because of the need to get this bill passed I will be constrained to move to table or make a point of order.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank my colleagues for their comments and their support for this agreement. The Senator from Virginia made

a constructive suggestion that the two of them be the determinants of relevance, and I think that is a very appropriate way to proceed. We will have our managers make that decision, and I will stand behind the decision our managers make on these amendments.

Given that understanding, let me say it is our understanding Senator MURRAY's amendment having to do with military hospitals will be offered shortly. I would not expect that the debate on the amendment would be completed tonight, but I would expect that the vote would be sometime tomorrow morning. I do not want that amendment to be all we do for the remainder of the week. So hopefully we can dispose of the amendment either tonight or tomorrow. We will consult with her on how much time may be required. We have debated this before. We have had votes on this on many occasions. So it would be my hope that we would not have to debate it at length, but we will return to the floor to make some announcement about the remainder of the evening and a vote on the Murray amendment either tonight or tomorrow morning.

Given the fact that it is late in the afternoon, I would not be surprised if we would have to wait until tomorrow morning, but there may be hope we can complete it within a couple of hours. So we will consult with colleagues on both sides of the aisle with regard to the Murray amendment.

Senators may lay their amendments down. We will see if we can get a unanimous consent agreement on the Murray amendment. If there is the possibility of reaching agreement on time on the amendment, that vote will still occur tonight.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3927

Mrs. MURRAY. Mr. President, I am hoping we will have an agreement and I will be able to offer my amendment shortly, so we can have a time agreement tonight and hopefully move to a vote on this quickly.

To save time, I will now begin a discussion of the amendment I will offer. I hope to shortly send an amendment to the desk on behalf of myself, Senator SNOWE, Senator MIKULSKI, and Senator BOXER.

Every day since the attacks of September 11, the men and women of our Armed Forces have been working overtime—often in hostile, dangerous environments—to protect our citizens and to secure the freedoms and values that we cherish.

This Department of Defense authorization bill will ensure they have the

equipment and resources they need to protect us.

Surprisingly, as the women of our military fight for our freedoms overseas, they are actually denied some of those freedoms during their service. Here at home, women have the right to choose. They have constitutionally protected access to safe and legal reproductive health services. But that is not the case for military women serving overseas.

So I will this evening offer an amendment to ensure that military personnel serving overseas have access to safe and legal abortion services. As many of you know, I have offered this amendment for the past several years, and I continue to urge my colleagues to support these efforts.

Under current restrictions, women who have volunteered to serve their country—and female military dependents—are not allowed to exercise their legally guaranteed right to choose—simply because they are serving overseas. These women are committed to protecting our rights as free citizens, yet they are denied one of the most basic rights afforded all women in this country.

This amendment does not—and let me stress does not—require any direct Federal funding of abortion related services. My amendment would require these women to pay for any costs associated with an abortion in a military facility.

In addition, this amendment does not—and again let me stress does not—compel a medical provider to perform abortions. All branches of the military allow medical personnel who have moral, religious or ethical objections to abortion not to participate. This amendment would not change or alter conscience clauses for military medical personnel.

This is an important women's health amendment.

Women should be able to depend on their base hospital and military health care providers to meet all of their health care needs. To single out abortion-related services could jeopardize a women's health.

Opponents of this amendment will argue that the military does now ensure access for women. But under current practices, a woman who requires abortion related services can seek the approval of her commanding officer for transport back to the United States. Once in the United States, she can seek these services at her own expense, but she is not afforded medical leave.

In addition to the serious risk posed by delaying an abortion, this policy compromises a woman's privacy rights by forcing her to release her medical condition and needs to her superiors. She must seek and receive the approval of her commanding officer with no guarantee that this information will be kept confidential.

This policy also forces women to seek abortions outside of the military establishment in foreign countries. Many

women have little or no understanding of the laws or restrictions in the host country and may have significant language and cultural barriers as well.

In this country, we take for granted the safety of our health care services. When we seek care in a doctor's office or clinic, we assume that all safety and health standards are adhered to. Unfortunately, this is not the case in many countries.

From 1995 until 2000, the previous administration and former Secretary of Defense Cohen supported this amendment. They argued it was an important protection for military personnel and dependents. They did not assume there would be any difficulty carrying out this requirement. They were confident that the Defense Department would be able to determine the cost of these services as well as ensure the availability of providers.

The Department of Defense has been on record in the past in support of this amendment by stating that it was unfair for female service members serving in overseas location to be denied their constitutional right to the full range of reproductive health care. Despite the support of the previous administration, opponents still argued that allowing privately funded abortions in overseas military facilities was somehow beyond the abilities of the Department.

Opponents have argued that there is no way to determine the costs of these services, despite the fact that private hospitals must determine per-unit costs of per-procedure costs, every single day. Opponents also argued that the military might have to contract for these services and assume liability for these contractors. This is no different from what the Department does for all military personnel. If a neurosurgeon or highly trained specialist is required to meet the needs of our military personnel, the Department can and does contract for these services and of course insures the quality of these services by assuming the liability.

I remind my colleagues that prior to 1988, the Department of Defense did allow privately funded abortions at overseas military facilities. Clearly, it can be done. I should also point out that it must be done today in certain circumstances.

Under current law, the Department allows for privately funded abortions in the case of rape or incest. It also may pay for abortions in case of life endangerment.

For our opponents to argue that the Department cannot handle or does not want to be responsible for providing privately funded abortions at overseas military facilities, is to argue that the Department cannot protect military personnel and dependents who have been raped, who are a victim of incest, or whose life is endangered.

Is this what we are saying to the estimated 100,000 women who live on military bases overseas?

Regardless of one's view on abortion, it is simply wrong to place women at

risk. Ensuring that women have access to safe, legal, and timely abortion related services is an important health guarantee. It is not a political statement. It is essential that women have access to a full range of reproductive health care services.

This amendment has been supported by: the American College of Obstetricians and Gynecologists, the American Medical Women's Association, Physicians for Reproductive Choice and Health, Planned Parenthood of America, National Family Planning and Reproductive Health Association, and the National Partnership for Women and Families. These organizations support this amendment because of its importance to women's health care.

I would also like to read a letter I recently received from retired General Claudia Kennedy, the Army's first woman three-star general. Before she retired in June 2000, she was the highest ranking female officer of her time. She writes:

DEAR SENATORS SNOWE AND MURRAY: I am writing to express my support of your efforts to amend the National Defense Authorization Act for Fiscal Year 2003 to ensure that servicewomen and military dependents stationed overseas have the ability to obtain abortion services in U.S. military medical facilities using their own, private funds.

The importance of access to abortions for military women has not been discussed in public media very often, since many of the issues that related to non-military women also are a part of the social and medical environment of military women. However, some distinctions do exist, making it imperative that our soldiers have access to safe, confidential abortion services at U.S. military hospitals overseas. Let me just relate an experience of one of my soldiers about 15 years ago.

I was a battalion commander of an intelligence battalion in Augsburg, Germany from 1986 until 1988. One day a non commissioned officer (NCO), who was one of the battalion's senior women, came into my office and asked for permission to take a day off later in the week and to have the same day off for a young soldier in the battalion. She said the soldier was pregnant and wanted an abortion—yet had no way to have an abortion at the U.S. Army medical facility in Augsburg. She had gotten information about a German clinic in another city, and they were going there for the procedure. The soldier did not have enough money to return to the USA for the abortion. Further, she did not want to have to tell her predicament to her chain of command in order to get the time and other assistance to go to the States. I told the NCO to go with her and to let me know when they had returned.

Later the NCO told me that the experience had been both mortifying and painful. . . . no pain killer of any sort was administered for the procedure; the modesty of this soldier and the other women at the clinic had been violated (due to different cultural expectation about nudity); and neither she nor the soldier understood German, and the instructions were given in almost unintelligible English. I believe that they were able to get some follow up care for the soldier at the U.S. Army medical facility. But it was a searing experience for all of us—that in a very vulnerable time, this American who was serving her country overseas could not count on the Army to give her the care she needed.

During that same time frame, and in the early 1990's when I was a brigade commander

of an intelligence brigade in Hawaii, I noticed that there were Army doctors who displayed posters which were extremely disapproving of abortion . . . creating a climate of intimidation for anyone who might want to discuss what is a legal option. Since the doctors are officers and far out-rank enlisted soldiers, and since the soldiers have no way to choose which doctor they see on sick call, it was only with good luck that a young soldier might be seen by someone who would treat her decision with the respect she deserved.

What makes the situation of a soldier different from that of a civilian woman? She is subject to the orders of the officers appointed over her. Every hour of her day belongs to the U.S. Army, and she must have her seniors' permission to leave her place of duty. She makes very low pay and so relies on the help of friends and family to pay for travel for medical care that is not given by the Army.

Of all the reasons we lose soldiers we lose soldiers from their place of duty (for training, injuries, temporary duty elsewhere, and other reasons), pregnancy accounts for only 6% of all reasons for soldier absence. Yet, this feature of women (that they sometimes become pregnant) is offer cited as an attribute that makes them less desirable as soldiers. While I believe that the difficult decision to end a pregnancy should be completely individual, the institution cannot have it both ways: to deny women safe and reasonable access to abortion (in a world in which there is no 100% effective birth control), and at the same time to complain that women are pregnant.

I commend your efforts to remove this irrational and harmful barrier to the health and well-being of our soldiers serving America.

Madam President, I could not have said it better myself. Our female military personnel deserve better than what they are getting. As we send out troops into the war on terrorism to protect our freedoms, we should ensure that female military personnel are not asked to sacrifice their rights and protections as well.

I recognize the urgency in passing the fiscal year 2003 Defense authorization bill. It provides important support for our military personnel and infrastructure.

I thank the chairman and ranking member of the Senate Armed Services Committee for their efforts to move this legislation.

I stand ready to support whatever measures we need to consider to ensure that our military is ready to respond to this new world threat.

I only ask that female military personnel and their dependents be given the support they deserve when serving in overseas military locations.

I yield the floor at this time.

Again, I will offer my amendment as soon as we have a time agreement. Hopefully, that can be very soon because I know we want to vote on this and move on.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, for the information of Members, what we are going to try to do tonight is make sure that everyone who has anything to say about this amendment has the opportunity to speak. Whether you are for it



or against it, come over and tell us how you feel. The majority leader has indicated we will schedule a vote in the morning. We are trying to work that out now with him, but probably around 9:45 in the morning.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that there be 60 minutes for debate tonight with respect to the Murray amendment No. 3927, with the time equally divided and controlled in the usual form; that no amendment be in order to the amendment, prior to a vote in relation to the amendment; that when the Senate resumes consideration of the bill on Friday, June 21, following the opening ceremony, the time until 9:45 be equally divided and controlled in the usual form; that at 9:45 a.m., without further intervening action or debate, the Senate vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Madam President, reserving the right to object, I just got a call in of somebody who may want to speak. If we can hold this for a minute, I think we can check it out.

Mr. REID. Why don't we just increase the time to 90 minutes?

Mr. BROWNBACK. I need to check this out, if I can. I will object at this point, but I hope we can get it done quickly.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, we require an awful lot from our service men and women. First of all, we urge them to volunteer to serve in the military. Then, we send them all over the world to serve our Nation's interests. When we ask them to serve in foreign countries, the least we can do is ensure that they receive medical care equal to what they would receive in the United States.

Service women and dependents who are fortunate enough to be stationed in the United States and who make the difficult decision to have an abortion can, at their own expense, get a legal abortion performed by an English speaking doctor in a modern, safe American medical facility.

Military women stationed overseas do not have the same opportunity. They can seek the permission of their commanders to return to the United States to obtain an abortion, or they can seek an abortion in foreign hospitals by foreign doctors, many of whom don't speak English, and who may have different medical standards. These choices are not acceptable.

I can only imagine how difficult it would be for a female officer or enlisted person to have to go to her commander and ask for time off to travel to the United States to get an abortion. This is a very personal and difficult decision even under normal circumstances.

The alternative of seeking an abortion from a host nation doctor, who may or may not be trained to U.S. standards, in a foreign facility, where the staff may not even speak English, is an equally unacceptable alternative. Our servicewomen deserve better.

Our laws recognize the right of women to choose. This amendment would restore the ability of our female service members stationed overseas to exercise their constitutional right to choose safe abortion services at no cost to DOD.

The amendment to be offered does not require the Department of Defense to pay for abortions. All expenses would be paid by those who seek the abortion. The abortions would be performed by American military doctors who volunteer to perform abortions.

Military women should be able to depend on the military for quality health care, no matter where we may ask them to serve their country. This amendment gives service women stationed overseas the same range and quality of medical care available in the United States. We owe them at least that much.

I hope soon there will be a unanimous consent agreement entered into that would allow Senator MURRAY then to offer her amendment on this subject. I hope tomorrow morning we can expect a vote on this amendment and that the Senate will adopt the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, I just received a communication from the leadership. May I have another 3 or 4 minutes?

Mr. REID. Of course. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that there now be a period of 60 minutes for debate with respect to the Murray amendment No. 3927; that the debate be completed tonight; that the time be equally divided and controlled in the usual form; that no amendment be in order to the amendment prior to a vote in relation to the amendment; that on Friday, June 21, when the Senate resumes consideration of the bill at 9:30 a.m., the Senate vote, without any intervening action or debate in relation to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, for the information of all Members, the chairman and ranking member of the committee of jurisdiction of this matter have a very important committee meeting at 9 o'clock tomorrow morning. We asked them if they would allow us to go forward with the vote at 9:45 a.m., and they said they have a very important witness, Secretary Wolfowitz. They agreed to that 15 minutes.

I indicate to the two managers of the bill, we will drag this vote out so they can stay at their meeting until 9:45 a.m. or a little longer. We are not going to stick to our usual iron-fast rule that the votes are completed quickly. This vote might take 30 or 40 minutes.

Mr. WARNER. Madam President, I thank the distinguished leader. Yes, we are having a very important hearing, but I am certain we could determine a point during the course of that hearing and the time normally allowed for the vote for us to adjourn for, say, 10 minutes, so that all of our members could vote and return to the hearing. I am sure the chairman would agree to that.

Mr. REID. We hope everyone will get here as quickly as possible. That being the case and this having been agreed to, there will be no rollcall votes tonight. The majority leader asked me to make that announcement.

Mr. WARNER. The time under our control will be controlled by the distinguished Senator from Kansas.

Mr. REID. And the time on this side will be controlled by the sponsor of the amendment, Senator MURRAY.

AMENDMENT NO. 3927

Mrs. MURRAY. Madam President, I call up amendment No. 3927 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Ms. SNOWE, proposes an amendment numbered 3927.

Mrs. MURRAY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore a previous policy regarding restrictions on use of Department of Defense facilities)

On page 154, after line 20, insert the following:

**SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.**

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “RESTRICTION ON USE OF FUNDS.—”.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Madam President, I ask the Senator from New Jersey how much time he wants.

Mr. CORZINE. Five minutes at the most.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from New Jersey, and then we will go to the other side.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I rise today in support of the Murray-Snowe amendment to the Department of Defense authorization bill.

As the Senate considers this authorization bill of great importance to our military, one that I support, and I think most Members will, it is critical to guarantee U.S. servicewomen and military dependents access to safe and comprehensive reproductive health care services.

Current law prevents women in the military from using their own money to access abortion services at overseas Department of Defense facilities, except in the cases of life endangerment, rape, or incest.

Frankly, I think it is an outrage that women in the military—who make the ultimate commitment to this country—are in turn denied a freedom protected by the Constitution and afforded all women in this country. It is hard for me to imagine.

This ban discriminates against women and their families by restricting their legally protected right to choose simply because they are stationed overseas.

Surely we do not believe that American citizens who risk their lives in service to this country deserve fewer rights than other Americans enjoy?

Because of the ban on access to abortion services at military base hospitals, women are forced to choose between often-inadequate local health care facilities or sometimes extensive and costly travel. In both cases, the current ban has the effect of severely jeopardizing women's health.

Let there be no exaggeration about the scope of the Murray-Snowe amendment. This is not about federal funding

of abortion. This amendment would simply allow women to use their own private funds to do what they would have the right to do at home, to access services at overseas U.S. military hospitals.

In addition, it will not force providers, doctors or others, to perform abortion services. All three branches of the military already have conscience clauses that will remain intact.

Finally, this amendment respects the laws of host countries.

I urge my colleagues to support our women in the military by supporting this amendment. Surely, women who serve our country have the same rights as those who are here at home in private life. I thank Senators MURRAY and SNOWE for their leadership on the issue. I think it is extremely important that we respect the right of choice.

The PRESIDING OFFICER (Mr. DAYTON). Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. Mr. President, I rise in opposition to the Murray amendment. I think it is regrettable that we would tie up the DOD authorization bill with one of the most contentious issues of our day. Yet that is what is regrettably taking place in this legislation.

On February 10, 1996, the National Defense Authorization Act for Fiscal Year 1996 was signed into law by then-President Clinton with a provision to prevent the Department of Defense medical treatment facilities from being used to perform abortions, except where the life of the mother is endangered or in cases of rape or incest. This provision refers to the Clinton administration policy instituted in January 1993 permitting abortions to be performed at military facilities. From 1988 to 1993, the performance of abortions was not permitted at military hospitals except when the life of the mother was in danger. That had been the longstanding policy.

The Murray amendment, regrettably, which would repeal this culture of life provision, attempts to turn taxpayer-funded Department of Defense medical treatment facilities into, unfortunately, abortion clinics. Fortunately, the Senate has refused to let this issue of abortion adversely affect our armed services and rejected this amendment in the year 2000 by a vote of 51 to 49. We should reject it again this year. It is I think very harmful and wrong that we would hold America's armed services hostage to abortion politics using the coercive power of government to force American taxpayers—that is who pays for these facilities, the American taxpayers—to fund health care facilities where abortions are performed. This would be a horrible precedent and would put many Americans in a very difficult position.

Americans are being asked to use their taxpayer dollars to fund some-

thing that many people find absolutely wrong and completely disagree with, and we are asking people to use taxpayer dollars to fund the Department of Defense medical facilities to do something with which they disagree.

I realize we are terribly divided as a nation on the issue of abortion. That is painfully obvious and has been so for the past 30 years, but here we step into the issue of taxpayer funding, the use of taxpayer-funded facilities for abortions, and that is generally a terrain where most of the public has been quite in agreement we should not use taxpayer dollars.

They may say privately you can go ahead with abortion, other people say no, you should not do that, but generally when you are saying use taxpayer-funded facilities, most people have said we should not go there, we should not use taxpayer-funded facilities for something that many people in the public believe is terribly wrong. That is why I oppose this amendment.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians, as well as many nurses and supporting personnel, refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do these abortions. Indeed, there is a CRS study we have on this topic which said that in the 6 years preceding the 1988 ban—I am reading directly from this CRS report dated June 5, 2000—military hospitals overseas have performed an average of 30 abortions annually. Last spring, though, when the military medical officials surveyed 44 Army, Navy, and Air Force obstetricians and gynecologists stationed in Europe, they found that all but one doctor adamantly refused to perform the procedure. That one holdout, too, quickly switched positions. No military medical personnel willing to perform abortions have stepped forward in the sprawling Pacific theater either.

We can look at that and say there is not access to the service or we can say that the military personnel are just very uncomfortable and they do not want to do this in the medical facilities that are paid for by taxpayer dollars.

Military facilities around the world operate as outposts of the U.S. Government. These are our facilities. They are seen as our facilities. They operate in many countries with differing ideas, with differing faiths, and with differing views on abortion. They do not want to be, as military personnel, having those abortions performed in these facilities operated and controlled by the U.S. Government. They do not want to perform the abortions themselves either.

This amendment would allow doctors to use U.S. Government military personnel to perform a procedure that many countries and many cultures view very negatively and as wrong. I think we should listen to what some of our doctors are saying and, in the military, what some of them are saying by

their actions. Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources would be used to search for, hire, and transport new personnel simply so abortions could be performed, and this is abortion on demand.

I want to make that clear as well because the current law provides for the use of these facilities for abortions when the life of the mother is endangered or in cases of rape or incest. So we are talking about the issue of abortion on demand.

One argument used by supporters of abortions in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still cannot perform abortions in those locations if they are in a country that has those laws.

Military treatment centers, which are dedicated to healing and nurturing life, dedicated to a culture of life, should not be forced to facilitate the taking of innocent human life, the child in a womb, abortion on demand, where the life of the mother is not at stake or it is not a case of rape or incest. We already provide for that.

I urge my colleagues to table the Murray amendment and to free America's military from abortion politics. American taxpayers should not be forced to fund the destruction of innocent life when many are deeply affected and believe this is not the sort of thing for which their taxpayer dollars should be used. Enough people are disappointed on some things we spend taxpayer dollars on without going into such a divisive area in our country, using taxpayer-funded facilities to allow abortions to take place.

If passed, this amendment will have a tremendously detrimental impact on this DOD authorization bill, probably effectively killing it if this amendment is included. I therefore urge my colleagues to reject this amendment, for the benefit of the DOD authorization bill and the benefit of the taxpayers who do not view this as the right way to use their facilities, paid for at taxpayer expense, turned over as abortion clinics.

It is a very divisive issue and an issue that is difficult for most Members to discuss. It is an issue on which we all have taken a position. All positions are clear on this topic. I hope we do not hold hostage this very important bill that is needed for this country in the time of this war on terrorism. Do not hold it hostage to such a difficult, divisive issue.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I see my colleague from Maine, Senator SNOWE, a cosponsor of this amendment, who has worked

diligently with me. I ask how much time she needs.

Ms. SNOWE. As much time as I may consume.

Mrs. MURRAY. I yield to the Senator from Maine as much time as she may consume.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I commend Senator MURRAY for her leadership, once again, on this most important amendment to the Department of Defense authorization. I commend her for her commitment and perseverance on this issue. Ultimately, we will prevail. I hope that will occur on this reauthorization. I am pleased to join my colleague in support of this amendment to repeal the ban on abortions at overseas military hospitals, an amendment whose time has long since come.

Year after year, time after time, debate after debate, we revisit the issue of women's reproductive freedoms by seeking to restrict, limit, and eliminate a woman's right to choose. Think of Yogi Berra: I have the feeling of déjà vu all over again. To that, I add: The more things change, the more they stay the same. Here we are debating the issue again.

The most recent changes ought to truly give Members pause; all the more impetus to ensure that things don't stay the same. We must remember that when we are considering this Defense authorization during a time of war, when Americans, both civilian and military are fighting terrorism all across the globe, both men and women. In fact, more than 34,000 women were serving overseas as of April this year. We have combined, between women in the service and dependents, more than 100,000 abroad. We recognize the impact that the failure to repeal this ban has on so many of these women.

Think of the changes that have occurred since 1973 when the Supreme Court affirmed for the first time a woman's right to choose. That landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive health decisions.

Importantly, while it has not always been easy, that right stands protected today; that is, unless, you happen to be a female member of the Armed Forces or a female dependent of a military member stationed overseas. How ironic it is that the very people who are fighting to preserve our freedoms, those who are on the front lines defending this war on terrorism or other parts of the globe, are supporting those who are fighting, are currently the least protected in terms of the right to make choices about their own personal health and reproductive decisions.

That is why I stand to join my colleague, Senator MURRAY, once again, in overturning this ban on privately funded abortion services in overseas military hospitals, for military women and dependents based overseas, which was

reinstated in the fiscal year 1996 authorization bill, as we all know. It is a ban without merit or reason that put the reproductive health of these women at risk.

Specifically, as we know, the ban denies the right to choose for female military personnel and dependents. It effectively denies those women who have voluntarily decided to serve our country in the armed services safe and legal medical care simply because they were assigned duty in another country. What kind of reward is that? Why is it that Congress would want to punish those women who so bravely serve our country overseas by denying them the rights that are guaranteed to all Americans under the Constitution?

Our task in this debate is to make sure that all of America's women, including those who serve in our Nation's Armed Forces and military dependents, are guaranteed the fundamental right to choose.

Let's review the history of this issue. First and foremost, I remind my colleagues since 1979 the Federal law has prohibited the use of Federal funds to perform abortions at military hospitals. However, from 1979 to 1988, women could use their own personal funds to pay for the medical care they need.

In 1988, the Reagan administration announced a new policy prohibiting the performance of any abortions at military hospitals even if it was paid for out of a woman's private funds—a policy which truly defies logic.

In January of 1993, President Clinton lifted the ban by Executive order, restoring a woman's right to pay for abortion services with private, non-Defense Department funds.

Then, in 1995, through the very bill we authorize today, the House International Security Committee reinstated this ban which was retained in the conference. That effort kicked off the debate which we are now having today.

Let me reiterate—and it is a point that needs to be made perfectly clear—President Clinton's Executive order did not change existing law prohibiting the use of Federal funds for abortion, and it did not require medical providers to perform those abortions. In fact, all three branches of the military have conscience clauses which permit medical personnel with moral, religious, or ethical objections to abortion not to participate in the procedure. I believe that is a reasonable measure.

With that chronology fresh in everyone's mind, we should state for the record to the opponents of this amendment that the argument that changing current law means that military personnel and military facilities are charged with performing abortions, and that this, in turn, means that American taxpayer funds will be used to subsidize abortions, is wholly and fundamentally incorrect. Every hospital that performs the surgery, every physician that performs any procedure on

any patient must determine the cost of that procedure. That includes the time, the supplies, the materials, the overhead, the insurance, anything that is included in the expense of performing that procedure is included in the cost that is paid by private funds. Public funds are not used for the performance of abortions in this instance. That is an important distinction to reinforce today. I know it is easy to confuse the debate, to obfuscate the issues when, in fact, what we are talking about is a woman using her own private insurance or money in support of that procedure. We are not talking about using Federal funds.

This amendment we are fighting for is to lift the ban on privately funded abortions paid for with a woman's private funds. That is what we need to understand today. That is what this issue is all about. A woman would have the ability to have access to a constitutional right when it comes to her reproductive freedom to use her own funds, her own health insurance, for access to this procedure.

I think when it comes to health care and safety of an American soldier, sailor, airman, marine, or their dependents, our armed services should have no better friend and ally than the Congress. I would argue that is the case in most situations, but obviously there is a different standard when it comes to the health of a woman and her reproductive decisions.

Timing is everything because for those women who are in the military or were military dependents overseas between 1993 and 1996, they were able to have access to abortion services using their own private funds at a military hospital.

If it is true that timing is everything, all those women who served overseas since 1996 have lost everything when it comes to making that most fundamental, personal, difficult decision. I repeat that—it is a very difficult decision. It is a very personal decision. It is a decision that should be made between a woman, her doctor, her family. It is a constitutional right. It is a constitutional right that should extend to women in the military overseas, not just within the boundaries of the United States.

I cannot understand how anyone could rationalize that we could somehow discriminate against our women who are serving in the military because they happen to be abroad. I think it is regrettable because it is shortchanging women in the military and the military depends on women serving. We could not have an all-volunteer force without women serving in the military.

I think it is regrettable that somehow we have demeaned women, in terms of this very difficult decision that they have to make. There has been example upon example given to us, to my colleague Senator MURRAY, about the trying circumstances that this prohibition has placed on women who serve in the military abroad. I do

not think for one moment anybody should minimize or underestimate the emotional, physical hardship that this ban has imposed, a ban that prohibits a woman from using her own private health insurance, her own private funds to make her own constitutional decision when she happens to be in the military serving abroad.

The ban on abortions in military hospitals coerce the women who serve our country into making decisions and choices they would not otherwise make. As one doctor, a physician from Oregon, recalls his days as a Navy doctor stationed in the Philippines, he describes the experiences and hardships that result from this policy. Women have to travel long distances in order to obtain a legal abortion. Travel arrangements were difficult and expensive. In order to take leave, they had to justify taking emergency leave to their commanding officer. Imagine that circumstance. So that everybody knows.

Some women, alternatively, have turned to local illegal abortions. In other circumstances, their dignity was offended and often their health was placed at risk, which was certainly reinforced by the letter that was sent to both Senator MURRAY and me from Lieutenant General Kennedy, who is now retired. She was the highest ranking woman in the military. She talked about the humiliation and the demeaning circumstances in which many women were placed, not to mention putting their health at risk.

I hope we can reconcile the realities of the existing ban by overturning this prohibition in law and granting to women in the military the same constitutional right that is afforded women who live within the boundaries of the United States of America.

I never thought that women should leave their constitutional rights at the proverbial door, but that is what this ban has done. These constitutional rights are not territorial. Women who serve their country should be afforded the same rights that women here in America have.

I think this ban is not consistent with the principles which our Armed Forces are fighting to protect, and which the American people so overwhelmingly support. I hope we move forward, and I hope we would understand that women in the military and their dependents overseas deserve the same rights that women have here in this country. They have and should have the protections of the Constitution, no matter where they live.

I hope the Senate will overturn that ban and will support the amendment offered by Senator MURRAY and myself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 12 minutes 30 seconds.

Mrs. MURRAY. I thank my colleague from Maine for her excellent state-

ment, and I yield to my colleague from North Carolina such time as he should consume.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I thank Senators LEVIN and WARNER for their leadership on this important bill. It is an important bill for the country and we need to move forward on it. It is important work they have done. I also thank my colleague from Washington, Senator MURRAY, for her leadership on this amendment. Women who serve our country in the military should have a right to use their own private money to pay for safe, legal medical care that they themselves choose. I wish to express my strong support for Senator MURRAY's amendment. We appreciate very much her leadership on this issue.

I also want to take a minute to talk about the issue of homeland security. In the last couple of weeks, everybody in Washington has been talking about the administration's plan to reorganize a whole range of Government bureaucracies into a new Department of Homeland Security. Now Congress is rushing to complete this massive reshuffling in just a matter of weeks.

I do not oppose this reorganization effort. In fact, I think it might do some real good in the long run. I applaud the very serious people on both sides of the aisle who are trying to make the plan the best it can possibly be. But I am troubled that Washington is becoming so caught up with reorganization that we are losing sight of our most urgent priorities. Everybody is asking who will report to whom? Who will be in what building? Who will get the corner office?

We are beginning to convince ourselves that by reshuffling the bureaucracy, we are going to solve the real problem—that Government reorganization can win the war on terrorism.

We cannot allow preoccupation with reorganization to distract us from the clear and present danger from terrorists who are in our midst as we speak. Our most urgent priority is simple: to find the terrorists, infiltrate their cells, and stop them, stop them cold. In order to do that, I think we need to address three critical questions directly related to prosecuting the war on terrorism today.

No. 1, are we doing enough, everything in our power, to track al-Qaida, Hezbollah, Hamas, and every other terrorist organization within our own borders? To be more specific, are we doing enough to develop and deploy the human intelligence needed to infiltrate these organizations?

No. 2, does the FBI know foreign intelligence information when they see it? And do they recognize all the uses of that information? For example, if the FBI acquires foreign intelligence information in the course of a criminal investigation, do they see the importance of that information, not just for their criminal prosecution but also in

the ongoing effort to disrupt terrorists in their activities?

No. 3, having recognized the importance of information, is the FBI effectively sharing that information, both within the FBI itself and with other elements of the intelligence community?

No. 1, are we getting the information we need about the terrorists in this country? No. 2, are we recognizing all the uses of that information? No. 3, are we effectively sharing that information among those who need to have it in order to react to it?

I believe the answer to all three of those questions is no. As a member of the Intelligence Committee, I believe these issues are fundamental to our ability to fight terrorism. They must be fixed now. And they do not require reorganization of existing bureaucracy.

There is no question that we should reorganize the Government to meet the challenges of the future. But there is no substitute for the urgent steps we must take now, immediately, to meet the dangers of the present.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWBACK. Mr. President, I yield 10 minutes to our colleague from Arkansas, Senator HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. HUTCHINSON. Thank you, Mr. President. I thank the distinguished Senator from Kansas for leading the opposition to this ill conceived amendment. I thank him for his courage and conviction in this area of human life. I thank him for yielding time.

I rise today in very strong opposition to the amendment that is being put forward by the Senator from Washington. This amendment would allow abortion on demand on military facilities overseas. In fact, it would force the American people—including those millions who are strongly opposed to abortion and who are pro-life—to help pay for abortions. I know the opponents of this amendment argue otherwise. But I think a little thought shows the fallacy in that proposition and that, in fact, it would force those who have very deep conscientious convictions against abortion to help pay for abortion on our military bases.

Abortion is an issue that continues to divide our Nation. The Defense authorization bill should be focused on ensuring that our military has all the resources to fight and win our Nation's wars. It is unfortunate that this bill has year after year been the vehicle to attempt to advance a pro-abortion agenda.

In 1976, Congress adopted what has come to be known as the Hyde amendment. This amendment essentially prohibits the use of Federal funds for performing abortions. It has been upheld by the U.S. Supreme Court as constitutional.

I share the view of millions of Americans that abortion is a destruction of

human life and that it represents one of the great moral outrages of our day and one of the great moral questions of our generation.

The Hyde amendment ensures that the tax dollars of these citizens who deeply believe abortion is something that is morally objectionable—it ensures that those citizens are not forced to pay for something to which they so object. It ensures that their money is not used for what they consider to be the murder of the unborn.

This is the foundation of my objection to the Murray amendment. My colleagues claim that no public funds will be used for these overseas abortions. However, military facilities overseas were built with Federal tax dollars. The medical equipment was paid for by the U.S. Government. The military personnel facilities are paid from the Federal Treasury.

Under the Murray amendment, will a portion of the cost of the construction of the military facility be charged to the woman seeking an abortion or will this funding come from the pockets of the taxpayers, millions of whom believe abortion is a reprehensible practice?

It would be impossible—technically impossible—to accurately calculate the cost of reimbursing DOD for an abortion. It is not feasible with existing information systems and support capabilities to collect billing information relevant to a specific encounter within the military health care system. Military infrastructure and overhead costs cannot be allocated on a case-by-case basis. It is clear that the Murray amendment runs counter to both the letter and the spirit of the Hyde amendment.

A military health care professional cannot be forced to perform a procedure, such as abortion, that runs against their moral beliefs. That is a good thing. But it is a recognition we have had in the U.S. military that physicians who have moral convictions against abortion can't be forced to do that to which they morally object. In these cases, the military will be forced under the Murray amendment to contract out to civilian physicians.

In 1993, President Clinton issued an Executive order allowing privately funded abortions at military facilities. That is what we are voting on tomorrow morning. Every military medical professional stationed in Europe and Asia refused to perform an abortion—every single one; all of our military. I think it speaks very highly of them. Every one of these military medical professionals in all of the continent of Europe and all of the continent of Asia, to a person, refused to perform abortions. Think about that.

Military funding will have to be used to pay a nonmilitary doctor to come into a military hospital to perform an abortion. That, I think, is objectionable to most Americans, regardless of how you feel about abortion. It is unconscionable that this body is consid-

ering pushing the military into the business of performing abortions.

We are engaged in a global war unlike any in our Nation's history. The Defense authorization bill should be a vehicle to ensure that our military has all the resources it requires to protect the American people. Unfortunately, in this case it is being used to advance a pro-abortion agenda.

This amendment addresses a problem that does not exist. Servicemembers can use military air at virtually no cost to travel back to the United States for any medical procedure—any medical procedure.

As the former chair and current ranking member of the Personnel Subcommittee, I have spoken with thousands of our military personnel all over the world. They have concerns about many things—concerns about military pay, about housing, and about vaccines against biological weapons—but not once have I heard a complaint about not being able to get an abortion on a military base overseas.

It is the policy of the Department of Defense to follow the laws of the nations in which our bases are located. Many nations ban abortion. The Murray amendment would subvert the laws of those countries that host American military personnel. South Korea bans abortions. Saudi Arabia bans abortions. Essentially, the Murray amendment would require Department of Defense personnel to perform crimes in the nations that are hosting our military.

This amendment was defeated in the House of Representatives on May 9 by a vote of 215 to 202. Should this amendment pass the Senate and be added to the Senate Defense authorization bill, it will be a heavy weight on this bill. The conference committee will be sharply divided on this issue, as are the American people. This amendment will become the bone of contention in the conference committee, as it has been in previous years and as abortion issues have been in previous years. It will complicate what many of us already believe and anticipate will be a difficult conference. It will complicate this conference on the DOD authorization bill at a critical time in our Nation's history, when we need to speak with one mind and one voice and when we need to move ahead in unity to fight this war on terrorism. To see the DOD authorization bill bogged down on an emotional and divisive issue, which should not be in this legislation, is a disservice to those men and women who are fighting this war on terrorism around the world.

The Defense authorization bill includes the funding that our military desperately needs to fight the war on terrorism. It includes the pay raise of our troops. It includes funding for important initiatives aimed at improving the quality of life for military families. This bill is not the forum for a fight on abortion.

I regret that the amendment is being offered. It will place the Senate and the

conferees in the position of having to fight this issue out in what will undoubtedly be a protracted, prolonged debate in the conference committee.

Our military medical facilities are designed to save lives, not destroy them. I ask my colleagues to not turn them into abortion clinics. Please do not place this very heavy burden on the men and women of our military, especially while they are risking their own lives in defense of the American people against international terrorism.

I remind my colleagues, it violates the spirit and the letter of the Hyde amendment. No matter how you simplistically present it, you cannot allocate all of the various costs involved in this procedure to military personnel, to a tax-funded facility with tax-funded personnel, and to equipment purchased by the taxpayers. You simply cannot determine what that individual would have to pay to privately pay for the abortion.

It is really not a problem. It is not something we hear a hue and cry about from men and women in the military. And it violates, in many cases, the host country's laws and will put our own military in a position of violating the current Department of Defense policy, and a right policy, that we should recognize and respect the laws of the countries in which we are being hosted.

Frankly, and finally, it creates a great practical problem in bringing this legislation to finality and getting it to the President's desk and moving on at a critical time, as our Nation continues to fight this war on terrorism.

I ask my colleagues on both sides of the aisle and on both sides of the abortion issue to think long and hard about the wisdom of attaching this amendment to the DOD authorization bill.

I thank the Chair. And I thank the Senator from Kansas for yielding this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes 20 seconds remaining.

Mr. BROWNBACK. Mr. President, I will be brief and allow the Senator from Washington to speak.

Some comments have been made. I certainly appreciate the excellent comments my colleague from Arkansas made. I think he very succinctly put forward that this is not a major problem. It could create problems in host countries.

We do not need to turn our military facilities into abortion clinics and use Federal funds to pay for something a lot of taxpayers believe is deeply wrong, the killing of life.

There is one argument that has been raised that I want to address directly, and that is that we are denying women their constitutional right if they can't use a military facility to have abortion on demand.

Remember, currently, women are allowed to have an abortion in cases involving the life of the mother, rape, or incest. That is allowed at military facilities today. So we are strictly talking about the category of abortion on demand at military facilities.

It has been raised that we are denying women a constitutional right. That is not the case. What we are talking about here is the use of taxpayer-funded military facilities. If that is denying women their constitutional right to an abortion, I would presume you would have to say we are denying that here because we do not provide abortions in federally funded facilities in the United States. We do not do that. That would be contrary to the Hyde amendment.

This is not denying women a constitutional right. They can have an abortion in other places. The Senator from Arkansas was commenting about how that could occur. This is strictly about the use of Government-paid facilities which we do not allow anywhere else in the world because of the Hyde amendment.

The Hyde amendment says you cannot use federally funded facilities, Federal dollars to pay for abortions. It is well-established U.S. law, a well-established U.S. position. We would now cut an exception to that if we allowed abortions in military facilities. The Clinton administration had done that for a period of time, but that has not been the law in this country for some period, since 1996.

So we are not denying women a constitutional right. This is about the use of federally funded facilities, which we do not allow anywhere, for the conducting of an abortion. I think that is a point we should make very clear in this debate.

With that, I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues who have cosponsored this amendment with me—Senator SNOWE, Senator MIKULSKI, and Senator BOXER—and remind my colleagues that what we are simply asking for is that the women who serve us in military uniforms overseas have access to safe, legal, reproductive health care systems.

This system today does not let them have that. They are serving in the Philippines or Germany or wherever we have asked them to go, and they want access to affordable health care.

I would remind my colleagues that it is not just the women who are in the services; it is the dependents of these who are in the services, as well, who are being denied. They have to go to their superior officer to ask permission—usually an older person, usually a man—for leave to come back to the United States.

They have to wait for transport on a C-17 or other military equipment, which could take time, putting their health in jeopardy. They have to be

subjected to giving up their privacy rights because, most likely, they will have to tell their officer why they want to come back to the United States. So they are putting their life and their health and their health care at risk. And these are women who are serving us overseas.

All we are asking with this amendment is that they have the ability to go to a military hospital—where we have health care equipment, where we have safe equipment, where we have good doctors—to pay for their own health care for which they are asking.

I have heard over and over again that these are taxpayer expenses. The women will pay for the services. We are not asking for them to have taxpayer support.

Mr. President, this makes complete sense. It is common sense. We should treat our military women who are serving us as equal citizens to the women who live in the United States.

I urge my colleagues to support this amendment tomorrow morning.

I am more than willing to yield back my time. I see our whip is on the floor. And I see Senator BROWNBACK is in the Chamber. I am willing to yield back our time if he is ready to end this debate as well.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to respond to the comments of the Senator from Washington when she talks about the demeaning situation that women in our military have to go through and operationally discuss what her amendment would do.

She is saying they have to go to a superior officer, frequently a male, to ask for permission. If the Murray amendment were to pass, we currently do not have any military doctors—according to the last survey we received from CRS—who are willing to conduct abortions. This was the CRS statement I cited and the Senator from Arkansas cited.

The Senator from Washington is saying, OK, we are going to use U.S. military bases as an abortion clinic. The abortion is going to be performed there. Somebody is going to have to recruit a medical doctor who is not on the military base because you cannot force the military doctors to perform the abortion. Somebody is going to have to get the approval for that to take place. Somebody is going to have to secure the medical facility there at the military base for use in performing the abortion.

The notion that women have given up all their rights to privacy or their dependents have given up all their rights to privacy without having the Murray amendment—I would say that it is exactly the opposite, that it is more likely if they do have the Murray amendment. They are going to have to get the military facility, recruit a physician in that host country for them to then conduct the abortion there on the base. Do you think there will not be



significant military personnel who will know all this is taking place, that there will not be more people who will know this is taking place rather than under the current situation?

Again, this is strictly the issue of abortion on demand. It is not about the life of the mother, rape, or incest.

So I would submit that the argument that a woman has given up her right to privacy by virtue of not having the Murray amendment and the use of a military facility—it is the exact opposite. If we go this way, there are going to be a lot more people who will be knowledgeable that a woman associated with the military is having an abortion. So this is not a legitimate argument on the use of a military facility.

Mr. President, I hope we do not tie the Department of Defense authorization bill up with abortion politics by inserting this language. I think if we do, it is going to ensure that there is going to be protracted negotiations with the House, which disagrees adamantly with this language. And it would ensure protracted discussions with the President, the administration, which adamantly disagrees with the providing of abortions on military bases. And it would really, I think, upset a number of people in the military who do not agree with abortion. They are there to protect and to honor life, not to take it.

To add this language is the wrong way for us to go, the wrong way for us to direct our military personnel to proceed. And it is going to protract the negotiations, if not even kill the overall Department of Defense authorization bill.

So I urge my colleagues, wherever they are on the issue of abortion, to simply look at the issue of providing for the common defense at a time we need to be united in that, and to not insert something like this that is so divisive in this country.

I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On behalf of Senator MURRAY, I yield back her time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DORGAN. Mr. President, yesterday, the Senate approved a Committee amendment that authorizes military retirees to concurrently receive both military retired pay and veterans disability compensation. I am glad it did so. This is a matter of fundamental fairness.

This is an important issue for veterans. About 530,000 military retirees either are or could eventually be impacted by this issue.

Current law requires that military retired pay be reduced dollar-for-dollar by the amount of any VA disability compensation received.

There is no reasonable excuse for this offset. By faithfully fulfilling their required length of service, veterans

earned their retired pay. That retired pay is for service performed in the past. It should not be reduced because a veteran is awarded disability compensation by the Department of Veterans Affairs because he or she was wounded on active duty or otherwise lost earning capacity due to service-connected disabilities.

It is absurd that today, in Afghanistan and elsewhere, military personnel risk losing their retirement pay if they are wounded or seriously injured. A military career is filled with hardships, family separations, personal sacrifices, and all too often being placed in harm's way. Denying a military retiree an earned benefit, his or her military retirement pay, is unconscionable.

Last year, the Senate approved legislation authorizing concurrent receipt. However, the final version of the Fiscal Year 2002 National Defense Authorization Act that came out of conference authorized concurrent receipt only if the President proposed legislation that would provide offsetting budgetary cuts. Unfortunately, the Administration opposes concurrent receipt, so this essentially doomed concurrent receipt in 2002.

This year, the Committee bill for fiscal year 2003 that we are considering phases in concurrent receipt over five years for retirees with disabilities rated at 60 percent or more. The Committee amendment that we passed extends that benefit to all disabled veterans.

The Administration has issued a statement threatening a presidential veto of the Defense Authorization Bill if it authorizes concurrent receipt of both retired pay and disability compensation. The Senate should not be swayed by that threat.

Taking care of our veterans should be considered a part of our national security. That is why I am concerned that, while the President has proposed increasing military spending in fiscal year 2003 by about \$48 billion, his budget increases spending on veterans health care by less than \$2 billion, which is far less than needed.

This country made a promise to the men and women who risked their lives in defense of this nation. They were promised that their needs would be met by a grateful nation. Authorizing concurrent receipt will be a big step toward fulfilling that promise.

More than 200 hundred years ago, George Washington warned that "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of earlier wars were treated and appreciated by our nation." He could not have been more right. That is why we need to make sure that the Fiscal Year 2003 Defense Authorization Act authorizes current receipt.

Mr. KYL. Mr. President, In 1959, the City of Mesa, AZ wrote the Navy asking for an aircraft to display at one of its parks. In 1965, the aircraft, a Navy

Panther, was donated for static display to Mesa Parks and Recreation from the Naval Air Station at Litchfield Park. The aircraft was used as a centerpiece for a children's playground.

In 1994, the City of Mesa auctioned off the relic as surplus equipment to Richard Oldham for \$100. The City of Mesa sold the aircraft to Mr. Oldham in an open bidding process, and he has temporarily lodged it at the USS Hornet Museum in California. He intends for it to be transferred to the Women's Airforce Service Pilots, (W.A.S.P.), Museum in Quartzite, AZ.

According to the Naval Historical Center, it is a common for the Navy to conditionally donate aircraft, in what amounts to a long-term loan, to municipalities and museums. Donation of aircraft to city parks is conditional upon Congressional termination of title. Absent evidence of the U.S. Government's intent to make the donation unconditional, (a permanent transfer), the Navy would still hold title to the aircraft. Under section 3, article 4 of the United States Constitution, only Congress can make laws pertaining to the disposal of Federal property. Since there is no evidence in the Navy's or the City of Mesa's files that the Navy intended to give away the aircraft permanently, the aircraft still legally belongs to the Navy, and it would appear that Mesa did not have the right to sell the aircraft to Mr. Oldham.

I understand the Navy is willing to enter into a long-term loan agreement with the USS Hornet Museum and with the W.A.S.P. Museum; however, it would still be in the possession of the government.

Congress has in the past approved legislation to permanently transfer ownership of Federal property. One recent example is in the FY98 National Defense Authorization Act. Section 1023 transferred two obsolete Army tugboats to the Brownsville Navigation District, Brownsville, TX. Section 1025 of the same act transferred naval vessels to the governments of Brazil, Chile, Egypt, Israel, Malaysia, Mexico, and Thailand. Congress does not transfer property to individuals, but to organizations, municipalities, and countries. The W.A.S.P. Museum is a non-profit museum and is eligible to receive such a relic aircraft. Aircraft 125316 will find an appropriate and welcome home in the W.A.S.P. museum where it may continue to serve the nation as an important piece of our nation's military history.

Ms. LANDRIEU. Mr. President, I wish to address two amendments I will soon offer to S. 2514, the Defense authorization bill. The first amendment is critical to the training and future deployments of the Interim Brigade Combat Teams, and is, therefore, vital to both Louisiana and our national security. This amendment designates Louisiana Highway 28 between Alexandria, LA, and Leesville, LA, a road providing access to the Joint Readiness Training Center at Fort Polk, as a Defense Access Road.

Fort Polk has been designated as a home for one of the new, transformational Interim Brigade Combat Teams IBCTs. Furthermore, I am proud to say that Fort Polk will serve as the training site for all IBCTs.

Louisiana Highway 28 is one of the primary access roads into and out of Fort Polk. Highway 28 is the direct route from Fort Polk to the former England Air Force Base in Alexandria, Louisiana. I mention this because any military equipment designated for Fort Polk that is transported via C-130 must be trucked to Fort Polk if it is non-wheeled or non-tracked from the former England AFB. If military vehicles are tracked or wheeled, they then trek the forty miles from England to Fort Polk along Hwy. 28. No matter how the equipment arrives at Fort Polk, the heavy trucks and military vehicles cause tremendous wear and tear to Highway 28.

With the coming of the IBCTs to Fort Polk, the stresses on Hwy. 28 will only be exacerbated. Louisiana Highway 28 is a two lane highway that currently operates over capacity, as it already has a traffic volume of 2,000 cars per day. When you add 2,000 cars a day and 10 training rotations a year to a two-lane highway, the deterioration of the road surface and the congestion of the roadway will lead to numerous accidents, and possibly fatalities.

The commanding general of Fort Polk, Brigadier General Jason Kamiya, and the people of Louisiana want to see Hwy. 28 expanded to four lanes. A four lane highway will improve the safety conditions on the roadway, and four lanes will allow for faster deployment of units stationed and training at Fort Polk. During times of war, like we find ourselves in now, it is critical that units can deploy to the battlefield as quickly as possible. But, it is also important that our military achieve quick deployments in training because our service men and women will fight only well as they train.

The designation of Highway 28 as a Defense Access Road will allow the Department of Defense to work with the State of Louisiana to pool funds to make necessary repairs to the highway and increase the road surface to four lanes to best accommodate the IBCTs. DOD will only be required to participate in funding to the degree to which usage of the highway is out of the ordinary due to the military installation or military activity. It only makes sense that the Federal Government would aid State Governments to make repairs caused by federal usage or alterations to the highway requested by the Federal government. Finally, there is no cost associated with the authorization.

The second amendment pertains to the most crucial problem facing our United States Navy, both today and in future generations, the dwindling size of the Navy fleet. The 2001 Quadrennial Review stated that the Navy must maintain a fleet size of least 310 ships to achieve its mission. This amend-

ment makes it the policy of the United States for the budget of the United States for fiscal years after FY 2003, and for the future-years defense plan, to include sufficient funding for the Navy to maintain a fleet of at least 310 ships. Additionally, the President must certify within the budget of the United States that sufficient funding has been allocated to maintain a fleet of 310 ships. If such a certification is not made, the President must explain within the budget of the United States why the certification cannot be made. Today, Navy ships sail globally to ensure a world-wide American presence and to immediately respond to threats against America's national security. This amendment will make certain that the President funds a fleet at least capable of meeting the Navy's current mission objectives or explains why the Navy will fall shy of a 310 ship fleet.

Without the Navy, the United States could not have prosecuted the war in Afghanistan as successfully as we have. On numerous occasions throughout the war, our armed forces have been denied access to land bases in foreign countries from which our forces could operate. Nevertheless, when our armed forces cannot forward deploy because there are no willing host countries, the U.S. Navy provides our military with acres of floating sovereign territory from which the U.S. military can deploy. Without the firepower, logistics, and transport capabilities of the Navy, our ability to retaliate to the terrorist actions of September 11th would have been compromised.

However, if Congress and the President do not allocate critical resources to shipbuilding, the Navy will soon fall well below the minimum level of ships required for the Navy to properly provide for America's defense, a job the Navy has performed so admirably. Today, the Navy has approximately 315 ships in its fleet, a number which cannot dwindle or the Navy's operations will be gravely challenged. This year, the President's budget funded only 5 ships. The Senate has taken needed action to provide an additional \$690 million in advance procurement funding for 2 surface ships and a submarine. If current shipbuilding rates are sustained, the Navy will only have a fleet of 238 ships within 35 years. That is simply unacceptable. 310 ships is the lowest allowable floor, but Congress and the President should strive to maintain a Navy of at least 350 ships to guaranty America's sovereign needs on the high seas.

Accordingly, this amendment makes it the national defense policy of the United States to uphold a Navy of at least 310 ships, as spelled out in the Quadrennial Defense Review of 2001. Moreover, shipbuilding must be a priority of the President, and the President must certify in future budgets and in future year defense plans, beginning with FY 2004, that sufficient funds have been made available to sustain a fleet of at least 310 ships or explain why

such funds have not been made available. I hope the Senate will support this amendment to provide for our Navy which has provided for the American people since the Revolutionary War.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### INTERNATIONAL PEACE TROOPS IN AFGHANISTAN

Mr. REID. Mr. President, I love to read. I love to especially read history. One of the fine experiences I have had was reading a book by James Michener entitled "Caravans." It was about the history of Afghanistan. I read this book many years ago. Michener had already written "Hawaii" and some other books that were very famous, but this was a bestseller, and rightfully so.

I really developed a strong, positive feeling about the people of Afghanistan after having read that book.

As a result of what has happened to our country being so heavily involved in Afghanistan in the last 15 years, 20 years, I have reflected many times, since I read that book and since we have been so heavily involved in Afghanistan, about the people of Afghanistan and what has happened to them. Of course, I have given speeches on the Senate floor about how the reign of terror of the Taliban was a reign of terror to everyone in Afghanistan, but especially women. And during that period of time, women suffered irreparably in many instances.

The reason I mention this today is that during and since the Loya Jirga that has been held in Afghanistan, delegates who have spoken out for human rights, including the Minister of Women's Affairs, have been threatened and in many instances intimidated.

These threats going on in Afghanistan today, along with continued reports of violence and intimidation in the provinces, point to the imperative need for U.S. support for the immediate expansion of peace troops in Afghanistan. We need peacekeepers. I am disappointed that the administration is saying: Fine, we will make sure we have a presence in Kabul, but the rest of Afghanistan can try to fend for itself.

As I have indicated, in the provinces outside of Kabul, there are bad things happening to a lot of Afghan people but especially the women. Despite pleas from the United Nations, the Afghan interim government, and the women's rights community and people from throughout the world, governments throughout the world, the Bush administration has refused to expand the international security assistance force

beyond Kabul. The restoration of democracy and of rights for women in Afghanistan depends on maintaining security, reestablishing democracy, and creating a functional central government that can provide services and oversee reconstruction to that country that needs reconstruction.

Without an expansion of the International Security Assistance Force and without adequate resources for reconstruction, Afghanistan will again descend into chaos—not “could” or “might,” but “will.” The United States cannot again abandon the Afghan people, especially Afghan women who have suffered so much. We cannot allow terrorism, al-Qaida, the Taliban, and human rights violators to thrive again in Afghanistan.

As I reflect back as I stated when I started my remarks today to reading this book of these people who are so strong and had such a great tradition and see what has happened to them, it is sad.

I urge President Bush, Secretary Rumsfeld, and Secretary Powell to provide full U.S. support for the expansion of an international peace force in Afghanistan. To do less is to indicate that we do not care about Afghanistan and to underscore that we do not care what is happening to the women of Afghanistan as we speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 3938

Mr. LEVIN. Mr. President, I offer an amendment on behalf of Senator WARNER and myself that would authorize the Department of Defense to cancel longstanding debit and credit transactions that cannot be cleared from the Department's books because they have been misrecorded in the wrong appropriation. I believe this amendment has been cleared.

Mr. WARNER. Mr. President, it has been cleared on our side, also.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3938.

The amendment is as follows:

(Purpose: To authorize clearance of certain transactions recorded in Treasury suspense accounts and cancellation of certain check issuance discrepancies in Treasury records, all of which relate to financial transactions of the Department of Defense)

On page 217, between lines 13 and 14, insert the following:

#### SEC. 1010. CLEARANCE OF CERTAIN TRANSACTIONS RECORDED IN TREASURY SUSPENSE ACCOUNTS AND RESOLUTION OF CERTAIN CHECK ISSUANCE DISCREPANCIES.

(a) CLEARING OF SUSPENSE ACCOUNTS.—(1) In the case of any transaction that was entered into by or on behalf of the Department of Defense before March 1, 2001, that is recorded in the Department of Treasury Budget Clearing Account (Suspense) designated as account F3875, the Unavailable Check Cancellations and Overpayments (Suspense) designated as account F3880, or an Undistributed Intergovernmental Payments account designated as account F3885, and for which no appropriation of the Department of Defense has been identified—

(A) any undistributed collection credited to such account in such case shall be deposited to the miscellaneous receipts of the Treasury; and

(B) subject to paragraph (2), any undistributed disbursement recorded in such account in such case shall be canceled.

(2) An undistributed disbursement may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(b) RESOLUTION OF CHECK ISSUANCE DISCREPANCIES.—(1) In the case of any check drawn on the Treasury that was issued by or on behalf of the Department of Defense before October 31, 1998, for which the Secretary of the Treasury has reported to the Department of Defense a discrepancy between the amount paid and the amount of the check as transmitted to the Department of Treasury, and for which no specific appropriation for the Department of Defense can be identified as being associated with the check, the discrepancy shall be canceled, subject to paragraph (2).

(2) A discrepancy may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(c) CONSULTATION.—The Secretary of Defense shall consult the Secretary of the Treasury in the exercise of the authority granted by subsections (a) and (b).

(d) DURATION OF AUTHORITY.—(1) A particular undistributed disbursement may not be canceled under subsection (a) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that undistributed disbursement.

(2) A particular discrepancy may not be canceled under subsection (b) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that discrepancy.

(3) No authority may be exercised under this section after the date that is two years after the date of the enactment of this Act.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 3938) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3939

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WARNER. It will establish a pilot program allowing the Secretary of Defense to authorize the Defense Logistics Agency to provide logistics support and services for weapons systems contractors when it is in the best interest of the Government. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3939.

The amendment is as follows:

(Purpose: To authorize the Secretary to provide logistics support and logistics services to weapon system contractors)

On page 90, between lines 19 and 20, insert the following:

#### SEC. 346. LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available, in accordance with this section and the regulations prescribed under subsection (e), logistics support and logistics services to a contractor in support of the performance by the contractor of a contract for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any logistics support and logistics services that is to be provided under this section to a contractor in support of the performance of a contract shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The logistics support and logistics services that may be provided under this section in support of the performance of a contract described in subsection (a) are the distribution, disposal, and cataloging of materiel and repair parts necessary for the performance of that contract.

(d) LIMITATIONS.—(1) The number of contracts described in subsection (a) for which the Secretary makes logistics support and logistics services available under the authority of this section may not exceed five contracts. The total amount of the estimated costs of all such contracts for which logistics support and logistics services are made available under this section may not exceed \$100,000,000.

(2) No contract entered into by the Director of the Defense Logistics Agency under subsection (b) may be for a period in excess of five years, including periods for which the contract is extended under options to extend the contract.

(e) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that logistics support and logistics services are provided under this section only

when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the authority under this section to be used only for providing logistics support and logistics services in support of the performance of a contract that is entered into using competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(2) A requirement for the solicitation of offers for a contract described in subsection (a), for which logistics support and logistics services are to be made available under this section, to include—

(A) a statement that the logistics support and logistics services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the logistics support and logistics services that are to be made available to the contractor.

(3) A requirement for the rates charged a contractor for logistics support and logistics services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(4) A requirement to credit to the General Fund of the Treasury amounts received by the Department of Defense from a contractor for the cost of logistics support and logistics services provided to the contractor by the Department of Defense under this section but not paid for out of funds available to the Department of Defense.

(5) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(6) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of logistics support and logistics services provided to the contractor under this section.

(f) **RELATIONSHIP TO TREATY OBLIGATIONS.**—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(g) **TERMINATION OF AUTHORITY.**—(1) The authority provided in this section shall expire on September 30, 2007, subject to paragraph (2).

(2) The expiration of the authority under this section does not terminate—

(A) any contract that was entered into by the Director of the Defense Logistics Agency under subsection (b) before the expiration of the authority or any obligation to provide logistics support and logistics services under that contract; or

(B) any authority—

(i) to enter into a contract described in subsection (a) for which a solicitation of offers was issued in accordance with the regulations prescribed pursuant to subsection (e)(2) before the date of the expiration of the authority; or

(ii) to provide logistics support and logistics services to the contractor with respect to that contract in accordance with this section.

Mr. WARNER. Mr. President, this is an administration proposal, and there is concurrence on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3939) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3940

Mr. LEVIN. Mr. President, on behalf of Senator WARNER and myself, I send an amendment to the desk which will transfer funding for the Compass Call aircraft between two lines within the aircraft procurement Air Force account. This is a technical correction that the Air Force has asked we make in the budget request.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3940.

The amendment is as follows:

(Purpose: To provide for the amount for the Compass Call program of the Air Force to be available within classified projects)

On page 23, between lines 12 and 13, insert the following:

#### SEC. 135. COMPASS CALL PROGRAM.

Of the amount authorized to be appropriated by section 103(1), \$12,700,000 shall be available for the Compass Call program within classified projects and not within the Defense Airborne Reconnaissance Program.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3040) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3941

(Purpose: To reallocate \$5,000,000 of the authorization of appropriations for Other Procurement, Navy, for the integrated bridge system to items less than \$5,000,000 from the Aegis support equipment)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration, and I ask the clerk to read the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 3941:

On page 17, strike line 14, and insert the following:

#### SEC. 121. INTEGRATED BRIDGE SYSTEM.

(a) **AMOUNT FOR PROGRAM.**—Of the amount authorized to be appropriated by section 102(a)(4), \$5,000,000 shall be available for the procurement of the integrated bridge system in items less than \$5,000,000.

(b) **OFFSETTING REDUCTION.**—Of the total amount authorized to be appropriated by

section 102(a)(4), the amount available for the integrated bridge system in Aegis support equipment is hereby reduced by \$5,000,000.

Mr. WARNER. Mr. President, this is a technical amendment to correct the procurement line associated with the integrated bridge system in the other procurement and Navy funding account. My understanding is it is cleared on the other side.

Mr. LEVIN. The amendment has been cleared, and we support it.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3941) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3942

Mr. LEVIN. Mr. President, I send an amendment on behalf of Senator CLELAND to the desk. This amendment would strike section 344 of our bill which added logistics support functions, acquisition logistics, supply management, system engineering, maintenance, and modification management to the core functions the Secretary of Defense must consider when making determinations about what capabilities should be retained by Government workers in Government-owned/Government-operated facilities. I understand the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3942.

The amendment is as follows:

(Purpose: To strike section 344, relating to clarification of core logistics capabilities)

Strike section 344.

Mr. WARNER. Mr. President, this amendment has been cleared on this side. I ask unanimous consent that a letter relevant to this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,

*Washington, DC, June 14, 2002.*

Hon. SAXBY CHAMBLISS,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN CHAMBLISS: I am writing regarding the "clarification of required core logistics capabilities" provisions of section 335 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as passed by the House, and section 344 of the National Defense Authorization Act for Fiscal Year 2003, as reported by the Senate Armed Services Committee on May 15, 2002. These provisions would expand the definition of core logistics functions from maintenance and repair to include acquisition, supply, systems engineering, and modification management.

The Department understands that the objective intended by these provisions is to maintain the full range of logistics capabilities necessary to support current and future essential weapon systems and equipment over their entire life cycle. Clearly, the Department has, and plans to retain, a sufficient cadre of logistics specialties to meet this objective. Specifically, we will retain sufficient supply, maintenance and repair, and logistics program management capabilities to sustain our essential equipment over its entire life cycle with the appropriate mix of government personnel, contractor personnel, and public-private partnerships. The specific identification of these skills will be documented through the ongoing Department of Defense core competency review, through implementation of the Future Logistics Enterprise (FLE) initiative, and with supporting policies. I will report to the committee once the requirement for these skills is appropriately documented.

We also understand that there is concern that the Air Force has not yet completed a long-term depot strategy. The Air Force will submit its long-term depot strategy to the Congress in September 2002.

Thank you for considering our views in this matter.

Sincerely,

E.C. ALDRIDGE, JR.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3942) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3943

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator COLLINS of Maine which is a technical amendment to correct the Navy research development funding line associated with the laser welding and cutting program. My understanding is this amendment has been cleared on the other side.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, proposes an amendment numbered 3943.

The amendment is as follows:

(Purpose: To reallocate \$6,000,000 of the authorization of appropriations for RDT&E, Navy, for laser welding and cutting demonstration to force protection applied research (PE 0602123N) from surface ship and submarine HM&E advanced research (PE 0603508N)

On page 26, after line 22, insert the following:

#### SEC. 214. LASER WELDING AND CUTTING DEMONSTRATION.

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, \$6,000,000 shall be available for the laser welding and cutting demonstration in force protection applied research (PE 0602123N).

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test,

and evaluation for the Navy, the amount available for laser welding and cutting demonstration in surface ship and submarine HM&E advanced technology (PE 0603508N) is hereby reduced by \$6,000,000.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3943) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3944

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU. This amendment would delete a requirement in the bill that any waiver or deviation from a test and evaluation master plan be approved by the director of operational test and evaluation. I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 3944.

The amendment is as follows:

(Purpose: To make various amendments to the subtitle on improved management of Department of Defense test and evaluation facilities)

On page 37, beginning on line 14, strike "Under Secretary of Defense for Acquisition, Technology, and Logistics" and insert "Director of Operational Test and Evaluation".

On page 41, line 14, strike "Chapter 643" and insert "Chapter 645".

On page 46, line 20, insert "the Under Secretary of Defense for Personnel and Readiness and" after "consult with".

Strike section 236 and insert the following:

#### SEC. 236. COMPLIANCE WITH TESTING REQUIREMENTS.

(a) ANNUAL OT&E REPORT.—Subsection (g) of section 139 of title 10, United States Code, is amended by inserting after the fourth sentence the following: "The report for a fiscal year shall also include an assessment of the waivers of and deviations from requirements in test and evaluation master plans and other testing requirements that occurred during the fiscal year, any concerns raised by the waivers or deviations, and the actions that have been taken or are planned to be taken to address the concerns."

(b) REORGANIZATION OF PROVISION.—Subsection (g) of such section, as amended by subsection (a), is further amended—

(1) by inserting "(1)" after "(g)";

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the matter consisting of the fourth and fifth sentences as paragraph (4);

(5) by designating the sixth sentence as paragraph (5); and

(6) by realigning paragraphs (2), (3), (4), and (5), as so designated, two ems from the left margin.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3944) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3945

Mr. WARNER. Mr. President, on behalf of Senators GRASSLEY, HARKIN, and others I offer an amendment which extends the authority of the Secretary of the Army to integrate commercial activity and manufacturing arsenals until the year 2004. My understanding is the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRASSLEY, for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN, proposes an amendment numbered 3945.

The amendment is as follows:

(Purpose: To extend the Arsenal support program initiative)

At the end of subtitle D of title III, add the following:

#### SEC. 346. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-65) is amended by striking "and 2002" and inserting "through 2004".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "2002" and inserting "2004"; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: "Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b)."

Mr. GRASSLEY. Mr. President, I am offering an amendment to reauthorize the Arsenal Support Program Initiative, ASPI, for 2 more years. This program has been successful but the need continues.

Both the Rock Island Arsenal and the Watervliet Arsenal are now suffering from underutilization. Both are currently at under 30 percent of their capacity. This underutilization has greatly affected overhead rates at both arsenals, making it increasingly difficult to compete with private industry. At the same time, the base of skilled arsenal workers has steadily eroded.

I strongly believe that an organic industrial base must be maintained if we are to be prepared to meet future, unanticipated national security needs. Arsenals provide a valuable rapid manufacturing capability for specialized

and unique defense manufacturing needs. The decline in skilled arsenal workers is therefore particularly troubling in light of the new threats our forces will face in the war on terrorism.

The ASPI addresses the problem of underutilization of arsenals by encouraging private industry to utilize the arsenals. This provides a way to help keep the arsenal industrial base warm, while helping to save taxpayer dollars by supplementing arsenal overhead costs. The ASPI has already helped initiate many beneficial relationships with private industry. For instance, the Rock Island Arsenal currently has a contract with the Quad City Labor Management Partnership, which provides training to Rock Island Arsenal personnel in return for the use of administrative space. Another company, TDF Corp., is currently a tenant at the Rock Island Arsenal and the Arsenal is in discussions with a cellular telephone company and others. The Watervliet Arsenal is currently in the process of executing contracts with three different private manufacturers and is exploring other possibilities. Pine Bluff Arsenal has also taken advantage of contracts with the private sector to provide additional revenue.

The Arsenal Support Program Initiative opens up new opportunities for savings at our arsenals as well as making them more self-sufficient. This program is a win-win situation for the Army, the arsenals and industry, and I urge my colleagues to allow this program to continue.

Mr. HARKIN. Mr. President, I am pleased to be offering with Senator GRASSLEY and with our colleagues from Illinois, New York, and Arkansas, a bipartisan amendment of importance to Rock Island Arsenal. This amendment is needed for the continuation of the Arsenal Support Program Initiative, or ASPI.

In 1992 we passed the ARMS initiative to help the ammunition plants, including the Iowa Army Ammunition Plant, bring in commercial tenants that would pay part of the cost of these large plants. The initiative has been very successful and has saved taxpayers money. ASPI brings a similar program to the Rock Island, Watervliet, and Pine Bluff arsenals. Rock Island and the other arsenals have extraordinary workforce, space, and equipment that are underutilized in peacetime operations but are needed for wartime surge capabilities as well as smaller critical emergencies. The costs of the underutilized space and equipment must be paid for directly by taxpayers, or charged as overhead to work at the arsenals, causing high prices to military customers and, in an unfortunate spiral, decreasing utilization of the arsenals. ASPI is intended to help bring in commercial firms to use the available workforce, buildings, and equipment and help pay for their costs.

ASPI was first passed in the fiscal year 01 Defense Authorization bill as a

two-year pilot program. It was funded for the first time last year with \$7.5 million in the fiscal year 02 Defense Appropriations bill. This has not given enough time to get the program fully underway. Thus this amendment would extend the program for two additional years, through 2004. It also would update reporting requirements to help Congress evaluate the program.

The arsenals have never been more important to our military capabilities and have never faced more difficult times. Rock Island Arsenal has a highly skilled and dedicated workforce, impressive manufacturing capabilities, and a great history of service, but is not being used enough. I am pleased that this bill has funding for the unutilized capacity, but even better, this amendment should reduce the need for such funds in the future. I have every hope that ASPI will be as successful as the ARMS initiative, and will help Rock Island Arsenal thrive in its mission to protect the national security. I am pleased that Chairman LEVIN has agreed to accept this amendment, and as it is identical to a provision in the House bill, I hope it will soon be enacted into law.

Mr. WARNER. Mr. President, I believe this has been cleared on the other side, and I urge its adoption.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3945) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3946

Mr. LEVIN. Mr. President, on behalf of Senators CLELAND and HUTCHINSON, I send an amendment to the desk which extends the term of the multiyear procurement of C-130J variants to 6 program years. I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND and Mr. HUTCHINSON, proposes an amendment numbered 3946.

The amendment is as follows:

(Purpose: To authorize a 6-year period for a multiyear contract for the procurement of C-130J aircraft and variants)

On page 17, line 23, insert before the period the following: “, and except that, notwithstanding subsection (k) of such section, such a contract may be for a period of six program years”.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3946) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3947

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, a technical amendment to clarify the rate paid to dependents using transferred benefits while the military sponsor is on active duty. I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3947.

The amendment is as follows:

(Purpose: To clarify the rate of educational assistance under the Montgomery GI Bill for dependents transferred entitlement by members of the Armed Forces with critical skills)

At the end of subtitle E of title VI, add the following:

#### SEC. 655. RATE OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL OF DEPENDENTS TRANSFERRED ENTITLEMENT BY MEMBERS OF THE ARMED FORCES WITH CRITICAL SKILLS.

(a) CLARIFICATION.—Section 3020(h) of title 38, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “paragraphs (4) and (5)” and inserting “paragraphs (5) and (6)”; and

(B) by striking “and at the same rate”;

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

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

“(3)(A) Subject to subparagraph (B), the monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 3015 and 3022 of this title to the individual making the transfer.

“(B) The monthly rate of assistance payable to a dependent under subparagraph (A) shall be subject to the provisions of section 3032 of this title, except that the provisions of subsection (a)(1) of that section shall not apply even if the individual making the transfer to the dependent under this section is on active duty during all or any part of enrollment period of the dependent in which such entitlement is used.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), to which such amendments relate.

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3947) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3948

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would repeal a 10-percent limitation on authority to grant officers in grades below brigadier general and rear admiral (lower half) a



waiver of the required sequence of joint professional military education and joint duty assignment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3948.

The amendment is as follows:

(Purpose: To repeal a limitation on authority to grant officers in grades of colonel (or captain, in the case of the Navy) and below a waiver of the required sequence of joint professional military education and joint duty assignment)

On page 100, between lines 3 and 4, insert the following:

**SEC. 503. REPEAL OF LIMITATION ON AUTHORITY TO GRANT CERTAIN OFFICERS A WAIVER OF REQUIRED SEQUENCE FOR JOINT PROFESSIONAL MILITARY EDUCATION AND JOINT DUTY ASSIGNMENT.**

Section 661(c)(3)(D) of title 10, United States Code, is amended by striking "In the case of officers in grades below brigadier general" and all that follows through "selected for the joint specialty during that fiscal year."

Mr. WARNER. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3948) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3949

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would extend for 1 year the authority of the Secretary of Defense to contract with physicians to provide new-recruit physicals at military entrance processing stations.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3949.

The amendment is as follows:

(Purpose: To extend temporary authority for entering into personal services contracts for the performance of health care responsibilities for the Armed Forces at locations other than military medical treatment facilities)

On page 154, after line 20, add the following:

**SEC. 708. EXTENSION OF TEMPORARY AUTHORITY FOR ENTERING INTO PERSONAL SERVICES CONTRACTS FOR THE PERFORMANCE OF HEALTH CARE RESPONSIBILITIES FOR THE ARMED FORCES AT LOCATIONS OTHER THAN MILITARY MEDICAL TREATMENT FACILITIES.**

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2002" and inserting "December 31, 2003".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3949) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3950

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator CLELAND, which would extend the temporary authority for recall of retired aviators to active duty to September 30, 2008.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, proposes an amendment numbered 3950.

The amendment is as follows:

(Purpose: To extend the temporary authority for recall of retired aviators)

On page 100 between lines 3 and 4, insert the following:

**SEC. 503. EXTENSION OF TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.**

Section 501(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 589) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3950) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3951

Mr. LEVIN. Mr. President, on behalf of Senator SESSIONS and myself, I send an amendment to the desk which would authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation and would require the Secretary's annual report on the Institute to include the annual report of the board of visitors. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. SESSIONS, proposes an amendment numbered 3951.

The amendment is as follows:

(Purpose: To authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation, and to require the Secretary's annual report on the Institute to include the annual report of the Board of Visitor's for the Institute)

On page 200, between lines 14 and 15, insert the following:

**SEC. 905. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.**

(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—Section 2166 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h), as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) The Secretary of Defense may, on behalf of the Institute, accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Institute.

"(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Institute. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Institute for the same purposes and same period as the appropriations with which merged.

"(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds \$1,000,000 in any fiscal year. Any such notice shall list each of the contributors of such money and the amount of each contribution in such fiscal year.

"(4) For the purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country."

(b) CONTENT OF ANNUAL REPORT TO CONGRESS.—Subsection (i) of such section, as redesignated by subsection (a)(1), is amended by inserting after the first sentence the following: "The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board's report."

Mr. LEVIN. Mr. President, the amendment that I am offering, along with Senator SESSIONS, deals with two issues relating to the Western Hemisphere Institute for Security Cooperation. Both of these issues came to light during the first ever meeting of the Board of Visitors of the Institute. Both Senator SESSIONS and I are members of the Board.

During the first Board meeting, which incidentally was an organizational meeting, the Board was informed that there was a question as to the authority of the Secretary of Defense to accept foreign gifts or donations, including lecture services and faculty services, on behalf of the Institute. The Board was further informed that the loss of the foreign faculty instructors would severely hamper the ability of the Institute to perform its mission.

Additionally, the Board of Visitors learned that its annual report to the Secretary of Defense would not necessarily be submitted to Congress. The Board considered that its annual report, which would include its views and recommendations pertaining to the Institute, including the curriculum, instruction, physical equipment, fiscal affairs, and academic matters, should be submitted to Congress by the Secretary of Defense along with the Secretary's comments.

Accordingly, the amendment we are offering would authorize the Secretary of Defense to accept foreign gifts and donations for the Institute, and would require the Secretary of Defense's annual report to Congress on the Institute to include the annual report of the Board of Visitors along with the Secretary's comments on the Board's report. I ask my colleagues for their support for this amendment.

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3951) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WEST VIRGINIA DAY, 2002

Mr. BYRD. Mr. President and fellow Senators, have you noticed how everyone seems a little happier today? Their smiles are brighter, their greetings are a little more gracious and their thank yous are more sincere. Have you noticed how the sun seems to be shining brighter today and food tastes better today? The air seems sweeter today.

The Senator from Pennsylvania does not know what a great day this is.

That is, no doubt, because today is June 20, and that means it is West Virginia Day. All over the country, it is June 20th. All over the world, it is June 20th. That means all over the country, and all over the world, it is West Virginia Day.

It was 139 years ago today that West Virginia, by an act of Congress and the signature of President Abraham Lincoln, became the thirty-fifth state of our Union.

The birth of the State of West Virginia was not an easy delivery. It involved great labor pains, and blood, sweat, and tears. West Virginia was born in the middle of our country's bitter, divisive, and bloody Civil War, and there were serious constitutional questions involved in her delivery.

But goodness and righteousness prevailed and West Virginia, predicated upon its allegiance to the Constitution and the republic, became a State, and here I am. Had that not happened, I would not have been here. This Union may not have survived.

It all began on that great and glorious day of June 20th, 1863—and what a great and glorious day it was. It was a day a local newspaper, the *Wheeling Intelligencer*, called a "great gala day." The newspaper reported that "thousands of people from abroad" joined with the new state officials and the "entire population" of Wheeling, the city where the official ceremony took place, to celebrate the occasion.

Business was suspended. Workers were given the day off.

Flags were everywhere—everywhere, on all the street corners, along all the streets. Flags of all sizes were flown from every housetop and every business in the city. It was reported that flags were as "thick as the locusts that were then occupying the suburbs and surrounding countryside."

The ceremonies included brigade bands playing patriotic songs, and units of the West Virginia militia parading through the town. There were countless toasts and even more cheers for the United States and for its new state, the State of West Virginia.

And, of course, there were political speeches.

The man considered the "father of West Virginia," Francis H. Pierpont, declared:

May we [meaning West Virginia]—may we from this small beginning today, grow to be the proudest state in all the glorious galaxy of States that form the Nation.

Waitman T. Willey, one of the State's first two U.S. Senators, proclaimed:

What we have longed for and labored for and prayed for is [now] a fixed fact. West Virginia is a fixed fact.

West Virginia is a fixed fact.

The first Governor of the State, Arthur Boreman, a 39-year-old man with a full-flowing black beard, promised to do everything in his power "to advance the agricultural, mining, and manufacturing, and commercial interests of the State."

After the speeches, 35 little girls representing the 35 states of the Union, sang more patriotic songs and the band played the "Star Spangled Banner."

The day closed with a "brilliant display of fireworks" over the Ohio River.

The next day, the *New York Post* reported:

[B]orn amid the turmoil of the Civil War and cradled by the storm . . . the 35th State is now added to the American union.

The *New York Times* echoed the words of Senator Willey with the headline that read "West Virginia is now a fixed fact."

The State of West Virginia was a "fixed fact," but its future was not. The State's childhood and adolescence were to be as difficult and tumultuous as its birth.

The State of West Virginia soon became an economic colony of northeastern, absentee landlords, the infamous Robber Barons of the late nineteenth century, who ruthlessly exploited the State for its rich natural resources.

Other problems came piling on. From the Monongah mine disaster of 1907, when I believe 361 miners lost their lives, the worst coal-mine disaster in American history, to the Marshall University plane crash of 1970, the worst sports tragedy in American history, the people of West Virginia came to know and suffer many and various forms of tragedy, including the Silver Bridge collapse at Point Pleasant, the Buffalo Creek Slag Dam collapse in Logan County, as well as a multitude of deadly mine explosions and disastrous floods.

And for too long, the State suffered from economic backwardness.

Through it all, the courageous, patriotic, and dedicated people of West Virginia have remained loyal to their country and their government.

They have continued to supply the nation with the energy it needs to heat our homes, to light these Chambers, fuel our battleships, and power our massive industries.

And the people of West Virginia have served our country in times of war as well as peace. West Virginians have fought and died in our nation's wars, including World War II, Korea and Vietnam, far beyond proportion to West Virginia's population size.

Meanwhile, the people of West Virginia have struggled to overcome exploitation and oppression by joining unions and electing political leaders who would better represent them. It took decades and it took tremendous effort, but, as I have said, the spirit of West Virginia is to "endure and to prevail." The people of West Virginia endured and they have prevailed.

One of my favorite Roman philosophers, Seneca, said, "Fire is the test of gold; adversity, of strong men."

Today, many strong men and women have brought West Virginia to the brink of vast social and economic change. The State is cultivating new economic growth and prosperity as a result of a bumper crop of better roads, new technology, and forward-looking leadership. Traditional industries are being augmented by fresh business activity, flexible manufacturing, leading-edge and information-age high technology.

People across America are discovering West Virginia. They are coming to West Virginia to camp, hike, fish, raft our white waters, and ski our slopes.

They are discovering the natural wonders of my State—that West Virginia is truly one of the most beautiful states in the union. With its rushing, trout-filled mountain streams, its majestic rolling green hills, picturesque villages and towns, magnificent forests, scenic State parks, no wonder the

State has been depicted in song and verse as being "almost heaven."

People are discovering what West Virginians already knew, that the State is a great place to just relax and enjoy life. In the early morning hours, you can sit back in your favorite chair looking east, and enjoy the most beautiful sight in the world: the sun rising over the beautiful, rolling green hills of West Virginia. A few hours later, you can turn your chair around and look to the west, and enjoy the second most beautiful sight in the world, the sun setting over those beautiful, rolling green hills of West Virginia.

Mr. President, in the inaugural ceremony on June 20, 1863, the Reverend J.T. McLure offered the inaugural prayer, in which he stated:

We pray Thee, almighty God, that this State, born amidst tears and blood and fire and desolation, may long be preserved and from its little beginning may grow to be a might and a power that shall make those who come after us look upon it with joy and gladness and pride of heart.

Mr. President, this child of "tears and blood and fire and desolation" did grow.

Today, on this anniversary of the birth of West Virginia, as the Reverend Mr. McClure predicted, one may look upon my state of West Virginia "with joy and gladness and pride of heart." I am reminded of the words of the English poet, William Blake, who wrote: "Great things are done when men and mountains meet."

Congratulations, West Virginia! Happy birthday, West Virginia! You have not merely endured, you have prevailed!

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, 139 years ago today, on June 20, 1863, West Virginia became the 35th State admitted to the Union. The only State born of Civil War, West Virginia was signed into existence by the hand of Abraham Lincoln.

I am both proud and grateful to be a West Virginian and to represent my State in the U.S. Senate. I am also glad to have this opportunity to reflect on some of the features that make my home State so very special. Aside from my State's distinct heritage of industry and agriculture, one of its most defining characteristics is its extravagant natural beauty. Blessed with icy native trout streams, majestic deep-forest hardwood stands, and lush groves of rhododendron, West Virginia is almost heaven to many people.

West Virginia is home to three of the Nation's most famous rivers: The Shenandoah and Potomac to the east, and the Ohio River along the State's entire western border. These and many other rivers, streams, and mountain lakes provide great places to fish or canoe on a relaxing weekend or sunny afternoon.

The New River, which is thought to be the world's oldest river, tumbles through ancient limestone canyons and provides some of the world's premier whitewater rafting. The more serene

waters at Harpers Ferry were praised by our Nation's third President when he wrote: "The passage of the Patowmac through the Blue Ridge is perhaps one of the most stupendous scenes in Nature. This scene is worth a voyage across the Atlantic." President Jefferson was right, and the millions of people who visit the Mountain State regularly to ski our mountains, raft our rivers, marvel at the brilliant autumn foliage, and enjoy our hospitality agree.

Thousands of miles of trails and scenic roads wind through the State's National Forest, State Parks, and countless mountain passes, luring hikers and bikers of all ages and from around the world. Seneca Rocks, the most dramatic rock formation in the east, is a visual feast and rock climbers' paradise. The State is also home to a wide variety of wild vegetation and animal life found nowhere else in America, and protests 20 threatened and endangered plant and animal species. West Virginia truly earns its label of "wild and wonderful."

The people of West Virginia remain its greatest asset. West Virginians are industrious, hard-working, unpretentious, straightforward, open and fun-loving. They value common sense and fairness, and have a deeply rooted connection to the land and attachment to home.

On this West Virginia Day, I am joining all West Virginians in celebrating the abundance of our natural beauty. We are truly blessed in West Virginia to have such a bounty of natural resources. As we strive to promote our economic growth, I hope we will also be mindful of our responsibilities to the land. West Virginia's environment is a special resource, a national treasure that must be preserved and protected for future generations.

I am proud to represent my home State of West Virginia, and deeply honored to stand here today to recognize the 139th anniversary of the Mountain State.

#### FBI REFORM ACT

Mr. LEAHY. Mr. President, yesterday's Washington Post provides yet another example of why it is so urgent that we act to pass S. 1974, the Leahy-Grassley FBI Reform Act.

This bill was unanimously reported out of the Judiciary Committee on April 25, 2 months ago. Apparently an anonymous Republican Senator has operated to block Senate passage of this bill which, as I said, passed unanimously from the Judiciary Committee.

Normally, I would be willing to wait for the time when some of these holds finally get dropped off, but I thought it was important for my colleagues on both sides of the aisle to know about this. It is troubling to me that an anonymous Republican Senator would block passage of what is a bipartisan bill, a bipartisan bill to improve the FBI, the Nation's leading

counterterrorism agency, at the same time the President has sought bipartisan efforts to pass his proposed homeland security reorganization.

I hope the White House will ask their fellow party members why they would hold up this legislation.

I urge the Republican Member or Members with the hold on this legislation to remove the hold and allow us to discuss whatever issue on the merits they may have.

The press reported yesterday that two new FBI whistleblowers have come forward and provided information which might be crucial to the FBI's antiterrorism efforts. At least one of those whistleblowers has also provided information to the staff of the Judiciary Committee that suggests that, in its rush to beef up its translation capabilities after September 11, the FBI may have relaxed both quality control and its own security standards.

The Post also reports that some of the allegations made by this whistleblower have been verified, but still, even though verified, the woman who raised these concerns, who raised these legitimate security issues post-September 11, was fired by the FBI for "disruptiveness," their words.

Because the Department of Justice inspector general is looking into this matter, Senator GRASSLEY and I sent a letter to his office based upon what we learned about the incident. This whistleblower makes allegations that amount to far more than just a "he-said, she-said" internal office dispute. Rather, her allegations raise significant security issues that should be addressed as part of the inspector general's review.

The letter Senator GRASSLEY and I sent posed specific questions we hope the inspector general will examine as part of his investigation, including whether the reaction to this woman's report is likely to chill further reporting of security breaches by FBI employees.

What we are concerned about is, if you have an FBI agent who is aware of a security breach, will they be willing to come forward and tell about that, or will they fear they may be fired? It is not a good management practice for the FBI to fire the person who reports a security breach while nothing happens to the person who allegedly committed the breach. That could mean if you commit a breach, you might get away with it, but if you report it, you are out of here. That is a concern we have. That is not the way it should be.

That is precisely the kind of culture Judge Webster found helped FBI Supervisory Agent Robert Hanssen to get away with spying for the Russians. He got away with that spying for 20 years.

Since the attacks of September 11 and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our

country. FBI reform was already important, but the terrorist attacks suffered by this country last year have imposed even greater urgency on improving the FBI. The Bureau is our front line of domestic defense against terrorists. It needs to be as great as possible.

Even before those attacks, the Judiciary Committee's oversight hearings revealed some very serious problems at the FBI that needed strong congressional action to fix. We continue this oversight of the Department of Justice and the FBI. We heard about a double standard in evaluations and discipline. We heard about record and information management problems and communications breakdowns between field offices and headquarters that led to the belated production of documents in the Oklahoma City bombing case. Despite the fact that we have poured money—billions of dollars—into the FBI over the last 5 years, we heard the FBI's computer systems were in dire need of modernization.

In fact, most children in grade school in my State have access, many times, to better computer systems.

We heard about how an FBI supervisor, Robert Hanssen, was able to sell critical secrets to the Russians, undetected for years, and he never even had a polygraph. We heard that there were no fewer than 15 different areas of security the Justice Department needed to fix at the FBI.

The FBI Reform Act tackles these problems with improved accountability, improved security both inside and outside the FBI, and required planning to ensure that the FBI is prepared to deal with a multitude of challenges we are facing.

As I said, it was unanimously reported by both Republicans and Democrats on the Judiciary Committee. It reflects our determination to make sure the FBI is as good and strong as it can be—probably more important, as good and as strong as America needs it to be. That reform bill is a long stride toward the goal.

The case reported in yesterday's Washington Post and the matters raised by Minneapolis Field Office Agent Coleen M. Rowley in her May 21, 2002 letter and subsequent testimony critiquing the handling of the Moussaoui case by FBI Headquarters personnel provide case studies for many of the precise issues that S. 1774, the FBI Reform Act, addresses and why its passage is so critical in the FBI's effort to fight terrorism. The Leahy-Grassley bill expands whistleblower protections to ensure that FBI whistleblowers get the same protections as other government employees.

The FBI is currently exempted from the Whistleblower Protection Act, and its employees are only protected by internal Department of Justice regulations. For example, while Special Agent Rowley's letter to the FBI Director and the Inspector General is protected under these regulations, three of

the five people to whom she sent her letter were Members of Congress and are not covered under the current regulations. Moreover, her testimony at the June 6 Judiciary Committee oversight hearing, and before any other committee or subcommittee of the Congress, is not protected under the current regulations. Even a report or complaint to her immediate FBI supervisors would not be protected under the current regulations. That is why the FBI Director's personal guaranty, and the Attorney General's assurances, that she would be protected against retaliations is so important. The Leahy-Grassley FBI Reform Act would extend whistleblower protection for FBI employees to all these disclosures.

The FBI Reform Act would also put an end to statutory restrictions that contribute to the "double standard," where senior management officials are not disciplined as harshly for misconduct as line agents are. Agent Rowley complained about this double standard, as have other FBI agents who have helped the Judiciary Committee craft solutions to the FBI's problems.

The bill would provide expanded statutory authority for the DOJ Inspector General to investigate internal problems at the FBI and help design comprehensive, systematic solutions. It would create the Career Security Officer Program that Judge Webster and FBI officials have endorsed to prevent security breaches.

These are not partisan provisions. The FBI Reform Act is the result of bipartisan oversight hearings which the Judiciary Committee has conducted over the last year. It was reported out of Committee unanimously. Now, when it reaches the Senate floor, it is being blocked anonymously. The future of the FBI is too important for politics. Too many Americans depend on it for their safety.

On June 7, 2002, I delivered a statement that highlighted Republican holds on four important bipartisan pieces of legislation, including important anti-terrorism legislation aimed at curbing terrorist bombings.

Less than a week later, the United States Embassy in Karachi, Pakistan was bombed. The next morning, the Senate passed my bill, S. 1770, to deal with that issue.

I now appeal to the Republican Senator or Senators blocking the FBI Reform Act to remove your hold so that we may pass this bill. The American people deserve action, not politics as usual.

Senator GRASSLEY and I would never be seen as ideological soulmates, but we are joined together in wanting to improve this aspect of the FBI, and we have had key Republicans and key Democrats join us.

Let the bill go forward. The American people deserve this action, not politics as usual.

I ask unanimous consent that yesterday's Washington Post article and the letter I sent with Senator GRASSLEY to

the Justice Department inspector general be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, June 19, 2002.

Hon. GLEN A. FINE,  
Inspector General, Department of Justice,  
Washington, DC.

DEAR MR. FINE: The Senate Judiciary Committee has received unclassified information from the FBI regarding allegations made by Ms. Sibel D. Edmonds, a former FBI contract linguist, that your office is currently investigating. We request that, as this investigation progresses, you consider the following questions on this matter:

(1) Ms. Edmonds has alleged, and the FBI has confirmed, that the FBI assigned a contract language "monitor" to Guantanamo Bay, Cuba, contrary to clear FBI policy that only more qualified "linguists" be assigned to Guantanamo Bay. What circumstances led to the contract language monitor being considered qualified for this assignment, and what were the consequences, if any, for the effectiveness of the interrogation of those being detained at Guantanamo?

(2) Ms. Edmonds has alleged, and the FBI has confirmed, that another contract linguist in the FBI unit to which Ms. Edmonds was assigned failed to translate at least two communications reflecting a foreign official's handling of intelligence matters. The FBI has confirmed that the contract linguist had "unreported contracts" with that foreign official. To what extent did that contract linguist have any additional unreported or reported contacts with that foreign official? What counterintelligence inquiries or assessments, if any, were made with respect to those contacts? Do you plan to interview field office and headquarters counterintelligence personnel regarding this matter?

(3) The FBI has said that, to review the other contract linguist's work that Ms. Edmonds questioned, it used three linguists in its language division, a supervisory special agent, and special agents who worked on the case that generated the communications under review. Was this a "blind" review by the linguists, or did they know the person whose work was under review? Were the linguists sufficiently independent to make objective judgments about the translations in question? Would it have been appropriate to use linguists from outside the FBI?

(4) The FBI has said a determination was made by the supervisory special agent that the contract linguist whose work was reviewed made a mistake and that the matter was a training issue. Did this agent's position affect his ability to render an objective judgment? What input did the other special agents provide? Did their involvement in the case that generated the communications affect their ability to make an objective judgment about a person with whom they had worked on the case? Would it have been better to ask other counterintelligence agents to assess the importance of the untranslated information and the reason it was not translated?

(5) To what extent is the credibility of witnesses regarding Ms. Edmonds' allegations affected by their continuing employment in the same translation unit and under the same supervisor where the contract linguist discussed in question (2) is employed.

(6) The FBI has said that Ms. Edmonds prepared two classified documents with respect to her allegations on her home computer without authorization and that one witness reported Ms. Edmonds discussed classified

information regarding her allegations in the presence of three uncleared members of her family without authorization. Would these actions disqualify her from a security clearance, given the circumstances of her concern about a foreign attempt to penetrate or influence FBI operations at her workplace?

(7) What guidance is provided to FBI contract linguists as to the steps they should take if they are concerned about a possible foreign attempt to penetrate or influence FBI operations? How well is this guidance understood by contract linguists in the FBI translation centers and other FBI personnel who would handle such matters?

(8) What improvements, if any, are needed to encourage FBI contract linguists and other FBI contract personnel to come forward with such counterintelligence concerns and to ensure that they are not adversely affected as a result of seeking to assist FBI counterintelligence efforts? Was Ms. Edmonds' case handled in a manner that would encourage such reporting in the future?

Please let us know the timetable for your investigation and advise us of the results.

Sincerely,

PATRICK LEAHY,  
Chairman.

CHARLES E. GRASSLEY,  
United States Senator.

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## 2 FBI WHISTLE BLOWERS ALLEGE LAX SECURITY, POSSIBLE ESPIONAGE

(By James V. Grimaldi)

In separate case, two new FBI whistle-blowers are alleging mismanagement and lax security—and in one case possible espionage—among those who translate and oversee some of the FBI's most sensitive, top-secret wiretaps in counterintelligence and counterterrorist investigations.

The allegations of one of the whistle-blowers have prompted two key senators—Judiciary Chairman Patrick J. Leahy (D-VT) and Charles E. Grassley (R-Iowa)—to pose critical questions about the FBI division working on the front line of gathering and analyzing wiretaps.

That whistle-blower, Sibel Edmonds, 32, a former wiretap translator in the Washington field office, raised suspicions about a co-worker's connections to a group under surveillance.

Under pressure, FBI officials have investigated and verified the veracity of parts of Edmonds' story, according to documents and people familiar with an FBI briefing of congressional staff. Leahy and Grassley summoned the FBI to Capitol Hill on Monday for a private explanation, people familiar with the briefing said.

The FBI confirmed that Edmonds' co-worker had been part of an organization that was a target of top-secret surveillance and that the same co-worker had "unreported contacts" with a foreign government official subject to the surveillance, according to a letter from the two senators to the Justice Department's Office of the Inspector General. In addition, the linguist failed to translate two communications from the targeted foreign government official, the letter said.

"This whistleblower raised serious questions about potential security problems and the integrity of important translations made by the FBI," Grassley said in a statement. "She made these allegations in good faith and even though the deck was stacked against her. The FBI even admits to a number of her allegations, and on other allegations, the bureau's explanation leaves me skeptical."

The allegations add a new dimension to the growing criticism of the FBI, which has cen-

tered in recent weeks on the bureau's failure to heed internal warnings about al-Qaida leading up to the Sept. 11 terrorist attacks. Last month, FBI agent Coleen Rowley also complained about systemic problems before the attacks. Rowley works in Minneapolis, where agents in August unsuccessfully tried to get a search warrant to look into the laptop computer of a man now described as the "20th hijacker."

Finding capable and trustworthy translators has been a special challenge in the terrorism war. FBI officials told government auditors in January that translator shortages have resulted in "the accumulation of thousands of hours of audio tapes and pages" of untranslated material. After the attacks, FBI Director Robert S. Mueller III issued a plea for translators, and hundreds of people applied.

Margaret Gulotta, chief of language services at the FBI, said the bureau has hired 400 translators in two years, significantly reducing the backlog on high-priority cases while upholding strict background checks. "We have not compromised our standards in terms of language proficiency and security," Gulotta said.

In the second whistle-blower case, John M. Cole, 41, program manager for FBI foreign intelligence investigations covering India, Pakistan and Afghanistan, said counterintelligence and counterterrorism training has declined drastically in recent years as part of a continuing pattern of poor management.

Cole also said he had observed what he believed was a security lapse regarding the screening and hiring of translators. "I thought we had all these new security procedures in place, in light of [FBI spy Robert P.] Hanssen," Cole said. "No one is going by the rules and regulations and whatever policy may be implemented."

Edmonds and Cole have written about their concerns to high-level FBI officials. Edmonds wrote to Dale Watson, the bureau's counterterrorism chief, and Cole wrote to Mueller. Both cases have been referred to Justice's Office of the Inspector General, which is investigating, government officials confirmed.

The FBI said it was unable to corroborate an allegation by Edmonds that she was approached to join the targeted group. Edmonds said she told Dennis Saccher, a special agent in the Washington field office who was conducting the surveillance, about the co-worker's actions and Saccher replied. It looks like espionage to me," Saccher declined to comment when contacted by a reporter.

Edmonds was fired in March after she reported her concerns. Government officials said the FBI fired her because her "disruptiveness" hurt her on-the-job "performance." Edmonds said she believes she was fired in retaliation for reporting on her co-worker.

Edmonds began working at the FBI in late September. In an interview, she said she became particularly alarmed when she discovered that a recently hired FBI translator was saying that she belonged to Middle Eastern organization whose taped conversations she had been translating for FBI counterintelligence agents. Officials asked that the name of the target group not be revealed for national security reasons.

A Washington Post reporter discovered Edmonds' name in her whistle-blowing letters to federal and congressional officials and approached her for an interview.

Edmonds said that on several occasions, the translator tried to recruit her to join the targeted foreign group. "This person told us she worked for our target organization," Edmonds said in an interview. "These are the people we are targeting, monitoring."

Edmonds would not identify the other translator, but The Post has learned from other sources that she is a 33-year-old U.S. citizen whose native country is home to the target group. Both Edmonds and the other translator are U.S. citizens who trace their ethnicity to the same Middle Eastern country. Reached by telephone last week, the woman, who works under contract for the FBI's Washington field office, declined to comment.

In December, Edmonds said the woman and her husband, a U.S. military officer, suggested during a hastily arranged visit to Edmonds' Northern Virginia home on a Sunday morning that Edmonds join the group.

"He said, 'Are you a member of the particular organization?'" Edmonds recalled the woman's husband saying. "[He said,] 'It's a very good place to be a member. There are a lot of advantages of being with this organization and doing things together'—this is our targeted organization—and one of the greatest things about it is you can have an early, an unexpected, early retirement. And you will be totally set if you go to that specific country."

Edmonds also said the woman's husband told her she would be admitted to the group, especially if she said she worked for the FBI.

Later, Edmonds said, the woman approached her with a list dividing up individuals whose phone lines were being secretly tapped. Under the plan, the woman would translate conversations of her former co-workers in the target organization, and Edmonds would handle other phone calls. Edmonds said she refused and that the woman told her that her lack of cooperation could put her family in danger.

Edmonds said she also brought her concerns to her supervisor and other FBI officials in the Washington field office. When no action was taken, she said, she reported her concerns to the FBI's Office of Professional Responsibility, then to Justice's inspector general.

"Investigations are being compromised," Edmonds wrote to the inspector general's office in March. "Incorrect or misleading translations are being sent to agents in the field. Translations are being blocked and circumvented."

Government officials familiar with the matter who asked not to be identified said that both Edmonds and the woman were given polygraph examinations by the FBI and that both passed.

Edmonds had been found to have breached security, FBI officials told Senate investigators. Edmonds said that two of those alleged breaches were related to specific instruction by a supervisor to prepare a report on the other translator on her home computer.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 29, 2000 in Mahwah, NJ. Two gay men were beaten in an apartment complex parking lot. The assailant, William Courain, 26, was at an apartment complex party when he began making obscene remarks to several of the guests about their sexual

orientation. He left the party and confronted two men in the parking lot, making derogatory comments about their sexual orientation before attacking them. Witnesses say he began punching and kicking the two victims, one of whom suffered bleeding from the mouth and eyes and was treated at a local hospital. Mr. Courain was arrested and charged with aggravated assault, bias harassment and bias assault in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### WORLD REFUGEE DAY

Mr. KENNEDY. Mr. President, I am honored to join in celebrating World Refugee Day and the many contributions of refugees around the world. The United Nations High Commission on Refugees works tirelessly to provide hope and opportunity to many of the world's most vulnerable people, and I commend High Commissioner Lubbers for his leadership in this area.

The focus of this year's celebration is on the critical situation of refugee women and children, who make up 70 percent of the refugee population. More must be done to address the special needs of these individuals, and World Refugee Day celebrations are an important step in the right direction.

To celebrate this day, United Nations Goodwill Ambassador, Angelina Jolie has commissioned a national poster competition and I am proud to say a fifth-grade student from Newton, MA, Lev Matskevich, is one of the winners. I would like to congratulate all of the winners, Lev, Sarah Rahmani from Edmonds, WA, and Roxann Acuna from San Antonio, TX for their hard work not only on the posters, but in bringing needed attention to the plight of refugees.

The theme of this year's poster contest, as it says proudly on Lev's poster, is tolerance. As a nation of immigrants we must remember that our tolerance toward immigrants has been a principal source of our progress and achievement.

With this year's celebration of World Refugee Day and these wonderful posters, we continue the important tradition of recognizing the contributions of refugees and encouraging the United States' continued commitment to providing a safe-haven to those in need around the world.

#### SUPREME COURT RULING THE EXECUTION OF THE MENTALLY RETARDED UNCONSTITUTIONAL

Mr. FEINGOLD. Mr. President, earlier today, the United States Supreme Court issued one of the most signifi-

cant decisions curtailing the death penalty since the Court first found capital punishment unconstitutional in 1972, and then reinstated it four years later. In a six to three decision in *Atkins v. Virginia*, the Court ruled that the execution of the mentally retarded is unconstitutional. The Court concluded that such executions are cruel and unusual punishment in violation of the Eighth Amendment.

This decision is a notable turning point for our Nation.

Indeed, a national consensus opposing such executions has been growing for some time. In 1989, when the Supreme Court upheld the execution of mentally retarded persons, only two of the 38 States that authorize the use of the death penalty had banned executions of the mentally retarded. Since then, 16 more States have enacted laws prohibiting the practice. Now, 18 of the 38 States that use the death penalty have banned the practice. And of the 20 States in the country that continue the practice, nearly half have pending legislation to halt executions of the mentally retarded. In addition, the Federal Government, which re-enacted the death penalty in 1988, has banned executions of the mentally retarded.

A recent poll by the National Journal found that only 13 percent of Americans favor the death penalty for the mentally retarded. As this poll indicates, Americans recognize that it is cruel and unusual to apply the death penalty to adults who have the minds of children. In many cases, mentally retarded adults accused of crimes cannot fully understand what they have been accused of, and often do not comprehend the severity of the punishment that awaits them. Accused adults with low mental capacity are often characteristically eager-to-please, and more likely to falsely confess to a crime.

Indeed, as Justice Stevens, writing for the majority, stated, concerning mentally retarded defendants, "Their deficiencies do not warrant an exemption from criminal sanctions, but they do diminish their personal culpability." He wrote: "Mentally retarded defendants may be less able to give meaningful assistance to their counsel and are typically poor witnesses, and their demeanor may create an unwarranted impression of lack of remorse for their crimes." Justice Stevens continued: "Mentally retarded defendants in the aggregate face a special risk of wrongful execution."

The Court also reasoned that the usual justifications for capital punishment, retribution and deterrence, do not apply to mentally retarded defendants. With respect to retribution, Justice Stevens wrote that "the severity of the appropriate punishment necessarily depends on the culpability of the offender." But "[i]f the culpability of the average murderer is insufficient to justify the most extreme sanction available to the State, the lesser culpability of the mentally retarded offender surely does not merit that form of retri-

bution," Justice Stevens wrote. He concluded: "Thus, pursuant to our narrowing jurisprudence, which seeks to ensure that only the most deserving of execution are put to death, an exclusion for the mentally retarded is appropriate."

With respect to the other justification for capital punishment, deterrence, Justice Stevens wrote that "executing the mentally retarded will not measurably further the goal of deterrence." The Court reasoned:

The theory of deterrence in capital sentencing is predicated upon the notion that the increased severity of the punishment will inhibit criminal actors from carrying out murderous conduct. Yet it is the same cognitive and behavioral impairments that make these defendants less morally culpable . . . that also make it less likely that they can process the information of the possibility of execution as a penalty and, as a result, control their conduct based on that information.

Today the Supreme Court reflected the sentiments of our nation on this important issue. As the majority stated: "The practice [of executing the mentally retarded] . . . has become unusual, and it is fair to say that a national consensus has developed against it." The majority concluded: "Construing and applying the Eighth Amendment in the light of our 'evolving standards of decency,' we therefore conclude that such punishment is excessive and that the Constitution 'places a substantive restriction on the State's power to take the life' of a mentally retarded offender."

The Court's decision confirms that our Nation's standards of decency concerning the ultimate punishment are indeed evolving and maturing. Even before today's decision, we have known that the current death penalty system is broken and plagued by errors, including the risk of executing the innocent and racial and geographic disparities.

As evidence mounts that the administration of capital punishment is plagued by inexcusable flaws, the American people are taking notice, and taking action. Illinois Governor George Ryan took the courageous and extraordinary step of placing a moratorium on executions two years ago. He also created an independent, blue ribbon commission to review the Illinois death penalty system. The commission released its report earlier this year and made 85 recommendations for improving the administration of the death penalty.

More and more Americans are realizing that they can no longer simply look the other way when confronted with glaring injustices. And today, a majority of the justices on our nation's highest court have joined this growing chorus of Americans.

I am proud of our Court today. I am proud of a justice system that recognizes that the execution of the mentally retarded is unconstitutional, inhumane, and simply wrong. Today we can declare an important and historic victory for justice.



But, while the Supreme Court must continue to scrutinize the capital cases before it, Congress and the American people also have a responsibility to act. Today's ruling presents us with further evidence of the urgent need for a moratorium on executions and a full and thorough nationwide review of the administration of the death penalty. It is time for Congress to support passage of my bill, the National Death Penalty Moratorium Act. We simply cannot continue to look the other way.

#### ACCESS FOR AFGHAN WOMEN ACT

Mr. DURBIN. Mr. President, I have been pleased to join with Senator OLYMPIA SNOWE in introducing the Access for Afghan Women Act, S. 2647.

After the horror that women endured under the Taliban, it is critical that U.S. assistance to that country promotes women's participation and leadership in the political and economic life of Afghanistan, while protecting women's rights.

In fact, throughout the world, it is clear that the role of women is key for successful economic development and a reliable indicator of whether development programs will succeed. I am not talking about some radical agenda, rather I refer to the basic ability of women to participate in education, society, government, and the economy.

Afghanistan under the Taliban was an extreme example of the failure to include women in the economy, in fact relegating half the population to virtual house arrest. No country will succeed if it refuses to educate half its population. No economy will grow that restricts half its population from the work force, from credit, and from private property. And the government that does such things is no government at all but a travesty.

Economic development programs benefit everyone, but certain programs have a particularly strong impact on the lives of women. Microcredit programs, for example, tend to benefit women who may need only a small loan to buy a goat to sell milk, a sewing machine to make clothes, or vegetables to sell in the village market. These tiny businesses often provide the financial independence that women need to pay school fees, take in an orphan, or simply survive.

U.S. programs are providing books to newly reopened schools in Afghanistan will have a major impact on the education of girls, who were not allowed to go to school under the Taliban.

This bill sets out broad requirements for U.S. assistance to Afghanistan for governance, economic development, and refugee assistance.

Among other provisions, bill calls for U.S. programs to include U.S. and Afghan-based women's groups in planning for development assistance, encourages U.S. groups to partner or create Afghan-based groups, and supports for the Ministry of Women's Affairs. It calls for programs that increase wom-

en's access to credit and ownership of property, as well as long-term financial assistance for education and health. It requires U.S.-sponsored police and military training to include the protection of women's rights and that steps be taken to protect against sexual exploitation of women and children in refugee camps.

I believe that these requirements will fit well with the development assistance programs that the United States plans to pursue, but I believe that it is still particularly useful to lay them out in detail, especially with regard to Afghanistan, to be certain that U.S. programs help remedy the abuses suffered by the women of Afghanistan. It is only with the concerted effort of both men and women in Afghanistan that that devastated country will recover, grow, and develop.

#### ADDITIONAL STATEMENTS

##### NATIONAL SERVICE DAY

• Mr. CARPER. Mr. President, I would like to speak for a few minutes about the Democratic Leadership Council's "National Service Day." Today I join the Democratic Leadership Council, DLC, former President Clinton, DLC Chair Senator EVAN BAYH, and New Democrats across the country in calling for the expansion of national service opportunities in a "National Service Day."

Creating a strong system of voluntary national service has been a signature New Democrat idea from the founding of the Democratic Leadership Council to President Clinton's AmeriCorps initiative. In the wake of the surge of patriotism following the events of September 11, national service is squarely at the center of national debate.

To build on this momentum, the DLC's Clinton Center is hosting "National Service Day," during which former DLC Chair President Clinton will participate in three service projects in New York City, and DLC Chair EVAN BAYH, Representatives HAROLD FORD, Jr. and Rep. TIM ROEMER will host a roundtable discussion with Members of Congress and AmeriCorps members from across the country. Other elected officials, including Virginia Governor Mark Warner, San Jose Mayor Ron Gonzalez, and Wisconsin State Representative Antonio Riley will join the DLC in promoting the New Democrat tradition of opportunity, responsibility and community through national service.

In recognition of National Service Day, I am hosting Britt Eichner from Bear, DE, today. A rising senior at Archmere Academy with a 4.0 GPA, Britt embodies a commitment to service. As Hugh O'Brian Youth Foundation Ambassador, she volunteered more than 100 hours of service to the community. Last spring, she mobilized faculty and student mentors to adopt

neighborhood families in need. As proof that living with diabetes doesn't have to slow anyone down, Britt just completed her fifth Bike-a-Thon for the American Diabetes Foundation Tour de Cure. And she recently spent a weekend in western Philadelphia revitalizing neighborhoods in a community cleanup. Students like Britt represent the real promise of community service.

While every American should be asked to consider setting aside time for service, be it mentoring a student or volunteering at a community center, it is also time to make sure we give those who are willing to serve, as Citizen-Soldiers in the Armed Forces or as AmeriCorps or Peace Corps volunteers, the opportunity to serve their country full-time.

I am proud to say that in Delaware, people of all ages and backgrounds are helping to solve problems and strengthen communities through 23 national service projects across the state. This year, AmeriCorps, the domestic Peace Corps, will provide more than 170 individuals the opportunity to spend a full year serving in Delaware communities. More than 230 students in Delaware colleges and universities will help pay their way through school while aiding their community through service opportunities that are part of the Federal Work Study Program. And more than 3,300 seniors in Delaware will contribute their time and talents to one of three programs that make up the Senior Corps: Foster Grandparents, who serve one-on-one with more than 1,200 young people with special needs; Senior Companions, who help more than 100 other seniors live independently in their homes; and Retired and Senior Volunteer Program, RSVP, volunteers, who work with more than 330 local groups to meet a wide range of community needs.

These numbers, though inspiring as they are, represent just a small fraction of our population and are much smaller than the number of people who want to serve. If we are to make national service a culture-changing rite of passage in America, we must do more. National service should not be a special chance for a few, but a way of life for many.

At a time when Americans from all walks of life are asking what they can do to help make our Nation safer and stronger, national service offers an answer that points us towards a higher politics of national purpose.●

#### BETHEL REGIONAL HIGH SCHOOL DRILL TEAMS

• Mr. MURKOWSKI. Mr. President, I rise today to honor a group of Alaska High School students from Bethel, Alaska who recently won the National Championship in Drill Team/Color Guard competition held in Daytona, Florida, May 3rd.

It is not unusual for a U.S. Senator to rise on the Senate floor and honor a national championship team from their

home state. What is unusual in this case is that a Drill Team, Color Guard, JROTC unit from such a remote community won the national championship.

You see, Bethel is a moderate-sized town by Alaska standards, but small by anyone else's definition. Located along the Kuskokwim River in Southwest Alaska—roughly 400 miles west of Alaska's largest town, Anchorage—the community has a current population of 5,471. The Bethel Regional High School contains 250 students, smaller than some classes in many high schools. The school draws mainly Yupik Eskimo students from dozens of smaller villages such as Akiachak, Akiak, Tuluksak, Napakiak, Kasigluk and Tantutuliak to name just a few. The majority of the team, 11 of 13 members, are Alaska Natives.

It is truly heart warming to see students from a small Alaska town do so well in the national competition. At Daytona, the Bethel team competed against more than 70 schools from across the nation, as well as against Department of Defense schools from Japan to Puerto Rico.

Practicing drill formations in Alaska's "Bush" is a bit more difficult than in Southern California or Florida. Teams need to practice indoors, a lot, since the average January temperature is 6 degrees Fahrenheit. It also is a tad dark in winter, Bethel getting only about five and one-half hours of daylight a day in winter.

But more challenging practice conditions didn't stop the students from Bethel Regional from competing and winning in the national competition. Let me mention the members of the Unarmed Regulation Inspection Drill Team that finished first in their competition: Curtis Neck, Michael Carroll, Wallen Olrun, James Miles, Christina Smith, Paul Anvil, Justin Lefner, Mark Charlie, Kimberly Cooper, Jocelyn Tikiun, Jason Noatak, Michael Glore and Lisa Typpo. The team was led by Commander Dexter Kairaiiak.

I'd like to also name the members of the Color Guard that finished in fourth place in its individual competition: Nation Colors, Commander Curtis Neck, State Colors Dexter Kairaiiak, Nation Guard Michael Carroll and State Guard Wallen Olrun.

The Unarmed Regulation Drill Team, containing the same members as the championship inspection team, also competed and took 12th place in its competition. The 10-member Unarmed Exhibition Drill Team took third place in the national competition. It included: Commander Curtis Neck, Michael Carroll, Wallen Olrun, Dexter Kairaiiak, Christina Smith, Lisa Typpo, Justin Lefner, Mark Charlies, Kimberly Cooper and Jocelyn Tikiun.

I also want to publicly thank Army Instructor MSG (Retired) Barbara W. Wright, who was the Army Instructor and Coach of the team this year. She did a wonderful job training her students and helping them to their cham-

pionship and deserves the thanks not just of the students and their parents, but of all Alaskans for her dedication and commitment. I also want to thank the chaperones who accompanied the students to the competition: Major (RET) Carl D. Bailey, assistance coach; Mr. Scott Hoffman and Mrs. Donna K. Dennis.

To be national champions at any endeavor requires long hours of practice and sacrifice. It requires dedication and true commitment. I know all members of the U.S. Senate will join me in honoring these students and their faculty advisors for a job very well done. All Alaskans—all Americans—honor you today for your hard work and your accomplishments.●

#### RETIREMENT OF DR. JAMES LARE, OCCIDENTAL COLLEGE

● Mrs. BOXER. Mr. President, On the occasion of his retirement, I would like to take a moment to reflect on the outstanding accomplishments of Dr. James Lare during his tenure as a professor at Occidental College.

Dr. Lare's commitment to Occidental College goes back more than 50 years, when he was an undergraduate student at the college. In 1962, he became a faculty member and has now served the college for 40 years. Many of Dr. Lare's colleagues can attest to his extraordinary years of service and contributions to the college and its students.

An expert in American government, European comparative politics, public administration, urban politics and public policy, Dr. Lare has served as a mentor and inspiration to his students, many of whom have flourished on Capitol Hill and in local government. His work on many different projects and on many different committees has strengthened the school and has touched the lives of his colleagues and students.

In addition to his professional career, Dr. Lare is a model community leader. He is a member of many diverse organizations, including CORO Associates, the Public Affairs Internship Support Group; the Sierra Club; the Los Angeles World Affairs Council and he serves as Treasurer of the California Center for Education in Public Affairs, Inc. Dr. Lare also served our Nation in the United States Army Reserve.

Mr. President, it is clear that Dr. Lare has been an outstanding teacher and is an exceptional citizen who has enhanced the lives of those privileged to cross his path. I extend my very best wishes to him as he begins his much deserved retirement.●

#### HONORING ANNA MICHELLE MILES

● Mr. BUNNING. Mr. President, I rise today to honor a truly exceptional member of the Kentucky nursing community. Mrs. Anna Michelle Miles (Missy) of Covington, Kentucky was recently nominated for the Florence Nightingale Award by two of her supe-

riors for her selfless devotion to her co-workers, community, and patients.

The Florence Nightingale Award, presented by the University of Cincinnati Medical Center, honors excellence in the delivery of direct patient care. During her lifetime, Florence Nightingale reformed and basically created the modern profession of nursing, establishing an educational system where women could properly learn about medicine and patient care. During the Crimean War, she bravely and selflessly volunteered her services for the front line. Her request was granted and along with 38 nurses, she was able to greatly reduce the mortality rate among the sick and wounded. Her combination of medicinal knowledge and compassion is what this award is founded upon.

Nurse Miles and the seven other nominees for this year's award represent the best of what nursing has to offer. They place patient care as their top priority and always know how to cheer a patient up by making them smile or just simply listening to them. They may not always have a physical cure for a patient's particular condition, but they will continually work to ensure that each and every patient is cared for in a loving and compassionate manner.

In terms of what Nurse Miles has done for her patients and fellow co-workers, I do not believe any award or statement could properly honor her. While a nurse at St. Elizabeth Medical North in Covington, KY, Nurse Miles has been an invaluable and irreplaceable resource. She helped start the Sunshine Fund in the ER in an effort to bring about a positive and warm atmosphere for doctors, nurses, families, and patients. She regularly volunteers to cover other floors when they are low on staffing and picks up extra shifts whenever she has the opportunity. As a social worker once wrote about Nurse Miles, "My personal feeling is that Missy treats all her patients with dignity and respect. She is a true nurse in all the roles she fulfills." She has also been very active in aiding those less fortunate individuals residing in the Covington community; collecting food for the shelters and food kitchens as well buying hats and gloves with her own money to distribute to children for those long, cold nights. Her patients adore and co-workers cannot imagine life without her.

I kindly ask that my fellow colleagues join me in thanking Anna Michelle Miles for her endless love and enduring commitment to her patients. She is a tribute to the memory of Florence Nightingale.●

#### THE DIABETES EPIDEMIC

● Mrs. CLINTON. Mr. President, I want to tell you about a remarkable young man I met two years ago. His name is Cullinan Williams, he is 10 years old and he lives in the beautiful little town of Cazenovia in upstate New York.

When Cullinan was 6, he was diagnosed with diabetes. He gives himself injections of insulin and pricks his finger to test his blood glucose level several times a day. Unless we find a cure for diabetes, he will need to do this for the rest of his life. Diabetes is a very serious disease but Cullinan is not sad or defeated. Quite the opposite: Cullinan is a strong advocate for increased diabetes research funding. I first met Cullinan when he asked my husband and me to sponsor him in America's Walk for Diabetes. This year he served as the American Diabetes Association's National Youth Advocate. He traveled all across the country talking to patients, providers and legislators. Every year he lobbies Congress and he tells other young people that they too can have a voice on Capitol Hill and in the halls of their state legislatures.

Cullinan has important things to say. There are 17 million Americans with diabetes; 6 million don't even know they have it. The prevalence of diabetes in the U.S. has grown by 50 percent since 1990; the Center for Disease Control has called it an epidemic. At the current rate, by the year 2010, 10 percent of all Americans will have diabetes.

Diabetes is a very serious disease. Life expectancy for people with diabetes is reduced by 15 years. People with diabetes have health problems. Many go on dialysis or need a transplant because their kidneys fail. Some lose their limbs and others lose their sight. Many have a heart attack or a stroke. More than 200,000 people die of diabetes every year. It is the fifth leading cause of death by disease and it is the third leading cause of death for some minority groups.

Diabetes costs a lot. In addition to human pain and early death, the financial cost exceeds \$100 billion every year. Fourteen percent of all of our health care dollars goes to caring for people with diabetes; 25 percent of medicare expenditures goes to diabetes care. If the epidemic of diabetes continues, the expenditures for diabetes care will become astronomical and bankrupt our healthcare system.

Diabetes can be stopped but we need research to do it. While deaths attributed to diabetes have increased by 40 percent since 1987, the proportion of the NIH budget that goes to diabetes research has decreased by 20 percent.

We also have to promote a healthy lifestyle across all ages. Obesity is reaching epidemic proportions in our country and is one of the reasons why Type 2 diabetes, the most common form of diabetes, is increasing. Type 2 diabetes used to be diagnosed in older adults. Now we see it in overweight children. This form of diabetes can be prevented by eating a healthy diet, getting regular exercise, and maintaining a normal weight. As a society, we must face the fact that our sedentary lifestyle, fast food, and "super size" portions are killing us. Stopping Type 2 diabetes means we must make a com-

mitment as a nation to encouraging and supporting a healthy lifestyle in our families, our communities and our work environment.

Cullinan does not have Type 2 diabetes. He has Type 1 diabetes. However, both Cullinan and I know that Type 1 diabetes can be prevented or cured through research. Science has produced many recent breakthroughs in our understanding of this disease. We know how to identify the genes that put children like Cullinan at-risk for diabetes. Scientists are now searching for the environmental triggers that cause diabetes in genetically at-risk children. Once they identify those triggers, prevention of Type 1 diabetes will be possible. Scientists also understand that Type 1 diabetes is an autoimmune disease; the body destroys its own insulin producing islet cells. Scientists are now studying ways to transplant islet cells or to regenerate islet cells. This will cure diabetes in people with the disease. We need to provide these scientists with the research funding they need to make a difference in Cullinan's life and to stop Type 1 diabetes in future generations.●

#### 50TH ANNIVERSARY OF THE CITY OF FONTANA

● Mrs. BOXER. Mr. President, I take this opportunity to reflect on the 50-year history of the City of Fontana, which is celebrating its official 50th anniversary on Tuesday, June 25.

Incorporated in 1952, the City of Fontana has every reason to be proud of its rich history. One can just look at its intricately detailed city seal for a glimpse of Fontana's heritage. On the right side of the seal appears a vineyard, representing the time when Fontana had one of the largest vineyards in the world. Also illustrated are chicken ranches and citrus groves, reminding us of the agricultural community Fontana once was.

Although land in the Fontana area was secured as early as 1813, it was not actively developed until the early 1900's, when the Fontana Development Company acquired it and began a community called "Rosena." The name was changed to "Fontana" in 1913.

In 1913, A.B. Miller founded the townsite of Fontana, and made it into a diversified agricultural community. Nearly 30 years later, as America geared up for World War II, Fontana was selected as the site for a West Coast steel mill and soon became Southern California's leading producer of steel and other related products. The mill operated until 1984. Today, Fontana is a growing community and is the home of the California Speedway, a world class track for auto racing.

Mr. President, it is clear that the City of Fontana has truly thrived since its early beginnings. Its population has grown from 13,695 to 139,100, and the city provides a full range of valuable services to its residents.

I am proud to serve the people of Fontana, and wish them all a wonder-

ful anniversary celebration and many more years of prosperity.●

#### 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 Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-256. A joint resolution adopted by the Legislature of the State of Wyoming relative to wolf reintroduction in the State of Wyoming; to the Committee on Environment and Public Works.

#### JOINT RESOLUTION NO. 3

Whereas, the federal government is responsible for the reintroduction of wolves in the state of Wyoming;

Whereas, elk, moose and deer are important to the recreational and economic interests of the people of the state of Wyoming;

Whereas, the use of elk feed grounds provides positive benefits for the people of the state of Wyoming by maintaining elk population objectives at different locations in the state;

Whereas, the introduction of wolves creates a negative impact on habitats for moose and deer, and wolves kill and displace moose and deer, thereby posing a threat to the maintenance of moose and deer population objectives in the state;

Whereas, wolves kill and displace elk, moose and deer, thereby posing a threat to the maintenance of elk, moose and deer population objectives in the state and the habitats of moose and deer and the use of elk feed grounds;

Whereas, wolves kill approximately three hundred thirty (330) elk annually in Wyoming, costing the owner of those elk, the state of Wyoming, an estimated one million three hundred twenty thousand dollars (\$1,320,000.00);

Whereas, the state of Wyoming does not have jurisdiction to regulate wolves while they remain on the federal list of threatened species. Now, therefore, be it

*Resolved By The Members of the Legislature of the State of Wyoming:*

Section 1. That the Wyoming state legislature recognizes the importance of elk, moose and deer to the people of the state and the use of elk feed grounds and the importance of habitats for moose and deer to maintain elk, moose and deer population objectives at various locations in the state of Wyoming.

Section 2. That the federal authorities responsible for the management of wolves in the state of Wyoming must manage wolves in a manner consistent with maintaining elk, moose and deer population objectives, preserving the habitats of moose and deer and the use of elk feed grounds, as determined by state wildlife officials.

Section 3. That the federal government should annually reimburse the state of Wyoming for the loss to the state caused by the killing of elk, moose and deer by wolves.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Interior and to the Wyoming Congressional Delegation.

POM-257. A resolution adopted by the House of the Legislature of the State of Michigan relative to the Transboundary Hazardous Waste Agreement with Canada; to the Committee on Environment and Public Works.

#### HOUSE RESOLUTION NO. 389

Whereas, Michigan has long been frustrated in efforts to regulate solid waste imported into our state. Our state is especially concerned about waste that is brought here from Ontario. Our citizens feel strongly that our environment should not be placed at additional risk from municipal solid waste and other materials that are generated elsewhere and transported here for disposal; and

Whereas, The volume of waste that comes into Michigan each year represents a significant portion of all trash handled here. As much as 20 percent of all solid waste in Michigan is from out of state, and the amount has increased significantly in recent years; and

Whereas, Congress has authority for regulating the transportation and disposal of solid waste between states and nations by virtue of the United States Constitution's interstate commerce clause. To protect the public health, safety, and welfare of our environment and citizens, Congress must take action to provide states with the express means to regulate or prohibit the importation of trash. Congress has before it now a bill that would provide the appropriate authority to the states. Under H.R. 1927, states could prohibit or impose certain limitations on the receipt of foreign municipal solid waste; and

Whereas, Hazardous waste and solid waste transported between Canada and the United States are provided for in the Agreement Between the Government of Canada and the Government of the United States Concerning the Transboundary Movement of Hazardous Waste. It has been reported, however, that the notification requirements and procedures set forth in the agreement have not been followed. It is most disturbing to think that the protections provided in the agreement between our nations are not working. The people of this state have every right to know that all prudent measures are being enforced to protect our citizens and environment; now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the Congress of the United States to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste and to urge the Environmental Protection Agency to ensure full compliance with the Agreement Between the Government of Canada and the Government of the United States Concerning the Transboundary movement of hazardous waste; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Environmental Protection Agency.

POM-258. A resolution adopted by the House of the Legislature of the State of

Michigan relative to Federal transportation funding for highway and transit programs; to the Committee on Environment and Public Works.

#### HOUSE RESOLUTION NO. 419

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, Under the provisions of the Transportation Equity Act for the 21st century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, For Fiscal Year 2003, proposed federal transportation funding for Michigan is expected to be \$222 million less than Fiscal Year 2002. This shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed; now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-259. A House concurrent resolution adopted by the Legislature of the State of Hawaii relative to the TANF Reauthorization Act of 2001; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, on October 12, 2001, Representative Patsy Mink introduced the TANF Reauthorization Act of 2001 with thirty Democratic cosponsors, three of whom are on the committee of referral, the Ways and Means Committee; and

Whereas, the bill would also make it clear that its principal focus is the long-term reduction of poverty, rather than a short-term, impermanent, immediate reduction in the welfare rolls; and

Whereas, the bill would reform the Temporary Aid to Needy Families program to make it clear that postsecondary education is a work activity under TANF, for example, by providing access to postsecondary education for women TANF recipients as an allowable work activity; and

Whereas, in the United States, education has always been a route to economic self-sufficiency and social mobility; and

Whereas, in the twenty-first century, at least one year of postsecondary education will become increasingly more essential for all workers; and

Whereas, yet, TANF does not currently extend our nation's commitment to educational opportunity to women who are living in poverty with their children but who are ready, willing, and able to benefit from postsecondary education; and

Whereas, data from several studies have demonstrated that the additional earning capacity that a postsecondary education provides can make the difference between economic self-sufficiency and continued poverty for many women TANF recipients; and

Whereas, among families headed by African American, Latino, and white women, the poverty rate declines from fifty-one, forty-one, and twenty-two per cent to twenty-one, eighteen and a-half, and thirteen per cent, respectively, with at least one year of postsecondary education; and

Whereas, further data have found that postsecondary education not only increases women's incomes, it also improves their self-esteem, increases their children's education ambitions including aspiring to enter college themselves, and has a dramatic impact on their quality of life; and

Whereas, now, more than ever, TANF recipients need postsecondary education to obtain the knowledge and skills they will require to compete for jobs and enable them to lift themselves and their children out of poverty in the long-term; and

Whereas, without some postsecondary education, most women who leave welfare for work will earn wages that place them far below the federal poverty line, even after five years of working; and

Whereas, allowing TANF recipients to attend college, even for a short time, will improve their earning potential significantly, in fact, the average person who attends a community college, even without graduating, earns about ten per cent more than those who do not attend college at all; and

Whereas, women who receive TANF assistance clearly appreciate the importance and role of postsecondary education in moving them out of poverty to long-term economic self-sufficiency; and

Whereas, as of November 1999, at least nineteen states had considered or enacted strategies to support women's efforts to achieve long-term economic self-sufficiency through pursuit of a postsecondary education; now, therefore, be it

*Resolved by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002, the Senate concurring,* That the Legislature supports the TANF Reauthorization Act of 2001 (HR 3113); and be it further

*Resolved,* That the Legislature urges Hawaii's congressional delegation to support the passage of the TANF Reauthorization Act of 2001 (HR 3113); and be it further

*Resolved,* That certified copies of this concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, the Governor of Hawaii, the President of the Senate, and the Speaker of the House of Representatives.

POM-260. A House concurrent resolution adopted by the General Assembly of the State of Ohio relative to federal funding for character education and program development; to the Committee on Health, Education, Labor, and Pensions.

#### CONCURRENT RESOLUTION NO. 28

*Be it resolved by the House of Representatives of the State of Ohio (the Senate concurring):*

Whereas, The members of the 124th General Assembly of Ohio, recognizing the importance of fostering citizens with honorable character qualities that are based upon the moral standards exemplified by our nation's founders and with which they established our nation and legal system, find it wise to intentionally designate Ohio as a character-building state; and

Whereas, It is imperative that we continue to build upon our heritage to make Ohio a community where families are strong, homes and streets are safe, education is effective, business is productive, neighbors demonstrate care for one another, and citizens are free to make wise choices for their lives and families; and

Whereas, Because citizens are responsible for their actions, and their daily decisions need to be based upon universally recognized ethical standards and upon universally recognized positive character qualities including integrity, responsibility, respect, compassion, honesty, justice, generosity, kindness, and courage; and

Whereas, Individual irresponsibility and lack of commitment to moral principles results in an increasing number of family problems that have personal, social, and financial consequences not only for individual family members, but also for this state and society as a whole; and

Whereas, If people increasingly fail to demonstrate positive character qualities and if they make wrong moral choices, the health, safety, and welfare of the citizens of this state are endangered, resulting in a financial burden upon the taxpayers of this state for increased costs of law enforcement; and

Whereas, Many current societal problems will be alleviated when more of the citizens of this state exemplify in their lives positive character qualities that distinguish between right and wrong; and

Whereas, There is a need for ever-increasing numbers of positive role models among our youth to prevent juvenile rebellion and delinquency, and among our leaders to encourage an example-setting culture; and

Whereas, Teaching positive character qualities to juvenile delinquents in particular has been shown to produce a positive change in behavior and to reduce recidivism rates; and

Whereas, Schools need to be environments where positive character qualities are exemplified, taught, and strengthened and where learning character-focused behaviors is encouraged; and

Whereas, Encouraging employees to recognize positive character qualities has resulted in an increase in workplace ethics, employee safety, and organizational performance; and

Whereas, An emphasis upon positive character qualities in every sector of society can only occur as institutions and individuals mutually commit themselves to exemplify positive character qualities in their public and personal lives and to collaborate with one another to establish character as a foundational community asset; now therefore be it

*Resolved*, That we, the members of the 124th General Assembly of Ohio, in adopting this Resolution, pledge our commitment to positive character qualities by recognizing Ohio to be a character-building state, by increasingly viewing our decisions in light of their character impact, by encouraging the advancement of positive character qualities in state government, in city, township, and county governments, in the media, and in schools, businesses, community groups, worship centers, and homes; and by urging the citizens and civic and community leaders of this state to mutually pursue character as a vital leadership and citizenship priority; and be it further

*Resolved*, That the members of the 124th General Assembly of Ohio commend the United States Congress for its support of character education and development through the passage of House Resolution 1, the "No Child Left Behind Act of 2001"; and be it further

*Resolved*, That the members of the 124th General Assembly of Ohio request that the

Ohio Department of Education take all steps necessary to secure available funding for character education and development programs provided for by Congress in Sec. 5431 of House Resolution 1, the "No Child Left Behind Act of 2001"; and be it further

*Resolved*, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and the news media of Ohio.

POM-261. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to the establishment of a center for health, welfare and education of children, youth and families for Asia and the Pacific; to the Committee on Foreign Relations.

#### SENATE RESOLUTION No. 71

Whereas, the Millennium Young People's Congress held in Hawaii in October 1999, demonstrated the value of a collective global vision by and for the children of the world and the need for a forum for international discussion of issues facing all children and youth; and

Whereas, children and youth are the key to world peace, sustainability, and productivity in the next millennium; and

Whereas, the health, welfare, and education of children and families are part of the basic foundation and values shared globally that should be provided for all children and youth; and

Whereas, the populations of countries in Asia and the Pacific Rim are the largest and fastest growing segment of the world's population with young people representing the largest percentage of that population; and

Whereas, Hawaii's location in the middle of the Pacific Rim between Asia and the Americas, along with a diverse culture and many shared languages, provides an excellent and strategic location for meetings and exchanges as demonstrated by the Millennium Young people's Congress, to discuss the health, welfare, and rights of children as a basic foundation for all children and youth, and to research pertinent issues and alternatives concerning children and youth, and to propose viable models for societal application; now, therefore, be it

*Resolved by the Senate of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002*, That the United Nations is respectfully requested to consider the establishment in Hawaii of a Center for the Health, Welfare, and Education of Children, Youth and Families for Asia and the Pacific; and be it further

*Resolved*, That the President of the United States and the United States Congress are urged to support the establishment of the Center; and be it further

*Resolved*, That the House and Senate Committees on Health convene an exploratory task force to develop such a proposal for consideration by the United Nations; and be it further

*Resolved*, That certified copies of this Resolution be transmitted to the Secretary General of the United Nations, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the University of Hawaii, the President of the East West Center, the President of the United Nations Association in Hawaii, and members of Hawaii's congressional delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2621: A bill to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems. (Rept. No. 107-166).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 754: A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs. (Rept. No. 107-167).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 1866: A bill to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.

H.R. 1886: A bill to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1291: A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1335: A bill to support business incubation in academic settings.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1754: A bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David S. Cerone, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Morrison C. England, Jr., of California, to be United States District Judge for the Eastern District of California.

Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida.

Lawrence A. Greenfield, of Maryland, to be Director of the Bureau of Justice Statistics.

Anthony Dichio, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of four years.

Michael Lee Kline, of Washington, to be United States Marshal for the Eastern District of Washington for the term of four years.

James Thomas Roberts, Jr., of Georgia, to be United States Marshal for the Southern District of Georgia for the term of four years.

(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 Ms. LANDRIEU:

S. 2650. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself, Mr. THOMPSON, and Mr. COCHRAN):

S. 2651. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRAHAM:

S. 2652. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. MILLER):

S. 2653. A bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. THOMAS, Mr. CLELAND, Ms. SNOWE, Mr. JOHNSON, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. HAGEL, Mr. CONRAD, Mr. ROBERTS, Mr. DURBIN, Mr. TORRICELLI, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 2654. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2655. A bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the medicare and medicaid programs; to the Committee on Finance.

By Ms. SNOWE:

S. 2656. A bill to require the Secretary of Transportation to develop and implement a plan to provide security for cargo entering the United States or being transported in intrastate or interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. EDWARDS, Ms. LANDRIEU, and Mr. DODD):

S. 2657. A bill to amend the Child Abuse Prevention and Treatment Act to provide for opportunity passports and other assistance for youth in foster care and youth aging out of foster care; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. EDWARDS, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. DODD):

S. 2658. A bill to amend subtitle C of title I of the National and Community Service Act of 1990 to give more youth aging out of foster care the opportunity to participate in national service programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 2659. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion; to the Select Committee on Intelligence.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2660. A bill to amend the Richard B. Russell National School Lunch Act to increase the number of children participating in the summer food service program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEWINE:

S. 2661. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. ALLEN):

S. 2662. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 2663. A bill to permit the designation of Israeli-Turkish qualifying industrial zones; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. 2664. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HUTCHINSON (for himself, Mr. HARKIN, and Mr. GREGG):

S. 2665. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 267

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 1042

At the request of Mr. INOUE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1066

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to es-

tablish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program.

S. 1291

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1760

At the request of Mr. THOMAS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1760, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program and for other purposes.

S. 1818

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1818, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 2027

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2027, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 2084

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies.

S. 2215

At the request of Mr. SANTORUM, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction,



cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2221

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2394

At the request of Mrs. CLINTON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2394, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2509

At the request of Mrs. HUTCHISON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2509, a bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes.

S. 2521

At the request of Mr. KERRY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2521, a bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount.

S. 2560

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2560, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2572

At the request of Mr. KERRY, the name of the Senator from North Caro-

lina (Mr. EDWARDS) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

AMENDMENT NO. 3912

At the request of Mr. REID, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3912 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3915

At the request of Mr. FEINGOLD, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 3915 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3916

At the request of Mr. BAYH, his name was added as a cosponsor of amendment No. 3916 proposed to S. 2514, an original bill to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 2650. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I rise today to introduce to my colleagues, the Consolidation Student Loan Flexibility Act of 2002, a bill of great importance to the hundreds and thousands of students working to make the dream of a college education a reality. According to a recent report published by the National Center for Higher Education, the cost of attending two- and four-year public and private colleges has grown more rapidly than inflation, and faster than family income. Poor families spent as much as 25 percent of their annual income to send their children to a public, four-year colleges in 2000, compared with 13 percent in 1980. What's worse, the Federal Pell Grant

program, designed to help alleviate the financial burden on low income families, covered only 57 percent of the cost of tuition at public four-year colleges in 1999, compared with 98 percent in 1986.

The most widespread response to the increasing costs, according to the report, involves debt, more students are borrowing more money than ever before. Since 1980, Federal financial assistance has been transformed from a system characterized mainly by need based grants to one dominated by loans. In 2000, loans represented 58 percent of Federal student financial aid, and grants represented 41 percent. Studies show that a major factor influencing a student's choice of college and degree program is the amount of debt connected with the type of institution or profession. Make no mistake, these choices not only affect the lives of the students themselves but also impact society as a whole. Efforts to attract college graduates into needed, but not necessarily high paying careers, such as teaching, may be undermined by substantial debt burdens.

School loans are an important and legitimate aspect of attending college for many students, but it also raises several policy concerns. One area of growing concern surrounds what is called the single lender rule. The single lender rule is a provision in the Higher Education Act that affects the ability of college graduates to consolidate multiple student loans into a single new loan for the purpose of getting a lower rate. Specifically, it provides that borrowers having all of their loans held by a single lender have to consolidate with that lender, so long as it offers consolidation loans. Therefore those borrowers with all of their loans in one place can't go to other lenders offering better rates or benefits, they have to stay where they are.

I would like to submit for the RECORD some numbers which demonstrate how damaging the single lender rule is for students. Last year, 143,504 students were denied the benefits of loan consolidation because of the single lender rule. In my home State of Louisiana, 3,329 students were prevented from obtaining a lower-rate or more generous benefits because of this rule. Many of these students are studying to be doctors, nurses, teachers, and lawyers. These are conservative numbers, collected from student loan providers, the reality is even more staggering.

This restriction makes no sense and while it may benefit those offering student loans, it sure isn't designed to provide students with the power that choice and competition can bring. A few months ago we acted to pass a package designed to stimulate the economy and secure long term economic stability in America. I would be hard pressed to think of a better way to ease the burden on our States and to secure a brighter future for the U.S. economy than to make a college degree

an affordable option for all who seek to obtain one.

The Census Bureau has released new figures on the earnings gap between people with a high school education and those with bachelor's degrees. It's wide and growing. The bureau said that college graduates made an average of \$40,500 last year, while the average high school graduate earned \$22,900. People with bachelor's degrees now earn an average of 76 percent more than high school graduates. In 1975, the gap was 57 percent. One does not have to have a Ph.D. in math to understand the impact that closing this gap would mean for the economy, more people with college degrees means higher consumer spending and lower unemployment.

Some of my colleagues may be asking, why now? Why not wait until next year when we will be re-addressing the Higher Education Act? Here are some of the reasons why I believe this is not a good idea for us to wait until next year or the year after. To delay repealing the rule until the H.E.A. Reauthorization would unnecessarily victimize hundreds of thousands of student loan borrowers, depriving them of the ability to manage their debt in an optimal way. Today's graduates are entering a workplace where jobs are hard to get and salaries for starting positions are lower than they have ever been before. In this environment, we need to be building up opportunities for them to reduce their debt not increase it.

This bill is an important first step to making college more affordable for all American families. I hope my colleagues will join me in making the dream of a college education a reality for all.

By Mr. GRAHAM:

S. 2652. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, when the Spanish explorers surveyed Florida in the early 16th century, this is what they saw: Massive pines, measuring two to three feet in diameter that climbed into the skies over 100 feet.

This was the landscape of the Apalachicola National Forest.

You could walk through the forest, especially early in the day as the morning fog was rising, look up and see these silent giants create a dense canopy overhead.

Some likened the forest's natural beauty to a cathedral of trees.

The sheer enormity of these tall stately trees was magnified by the close cut landscape of wiregrass on the forest floor.

This pattern of tall stately trees and lawn like underbrush, as the first Spanish explorers described this impressive habitat, was common throughout the southeast of North America—over 90 million acres of pines and wiregrass.

Today, all but a fraction of these acres of the longleaf pine ecosystem have been destroyed or altered.

The forest character has been transformed by thick palmetto and other growth from that which was encountered by Florida's earliest settlers.

Why? Because of fires, or more precisely—the absence or containment of fires to protect businesses and their property.

Natural fires created by thunderstorms are part of nature's cycle. The longleaf pines and wiregrass have natural qualities which allowed them to survive the fires while other plant life perished.

The result is dramatically depicted in this painting by Jacksonville, FL artist Jim Draper who captures the landscape as it once looked and how it looks in limited areas today.

I bring to the attention of my colleagues the landscape painting by Mr. Draper of the area to be affected by the adoption of the legislation by allowing us to bring into public ownership outholdings which represent a potential threat through the possibility that they might cause resistance to the necessary controlled fires which are necessary in order to maintain this small piece of what had been 90 million acres of the southeastern United States.

It is an important part of our Nation's natural history, which we have the opportunity to take a step to protect for future generations during this session of Congress.

The painting is of one of those areas in the Apalachicola National Forest in the eastern section of the Florida Panhandle. It is known as Post Office Bay and retains the heritage of the American southeast of the pre-Columbian era.

Like its predecessors, this special part of the Apalachicola is preserved due to fires, now both natural and prescribed.

But those fires are now threatened by man. Private inholdings adjacent to Post Office Bay are being considered for sale as small acreage second homes and vacation sites. Should this occur, managed fires would likely encounter serious resistance from the new owners and the fires required to sustain this vestige of America's natural history would be ended.

The 564,000 acre Apalachicola National Forest has a unique opportunity to acquire the remainder of a 2,560 acre inholding within the forest.

As of last month, 1,180 acres of this property has been acquired through a land swap.

Now we need to finish the job, to permanently protect Post Office Bay.

The Florida National Forest Lands Management Act of 2002 will do just that.

The United States Forest Service has been left with several noncontiguous parcels of land in Okaloosa County, further west in Florida's Panhandle—that it must manage because former portions of the Choctowahatchee Na-

tional Forest were returned to the Forest Service by the Department of Defense.

These parcels are high in value, some have potential buyers, and several are encumbered with urban structures, such as baseball fields and the county fairgrounds.

Our legislation will allow the Forest Service to sell these parcels and purchase the remainder of the Apalachicola inholdings and other sensitive lands with the proceeds.

The land sale would have several benefits.

This legislation will make it easier for nature and man to continue its cleansing process by fire without endangering private land or its occupants.

By connecting the lands of the longleaf pine ecosystem, the regular course of natural fires can resume safely, optimizing Mother Nature's method of keeping this area beautiful.

Also, by allowing the regular cycle of fire to resume freely, the regeneration process will continue.

Ultimately, the forest would be more easily and effectively managed.

The Florida National Forest Lands Management Act of 2002 is a sensible way for the Apalachicola National Forest to acquire these vast and important inholdings and preserve a natural treasure.

It will aid in expanding the 3 million acres of longleaf pine that now cover the Southeastern United States.

This measure has the support of the Forest Service, and I urge my colleagues to support it as well.

By Mr. SANTORUM (for himself and Mr. MILLER):

S. 2653. A bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mr. SANTORUM. Mr. President, today, I am pleased to announce the introduction, along with my colleague Senator MILLER, of the bipartisan Teacher Paperwork Reduction Act of 2002. During the 107th Congress, we have been successful in legislating sweeping reforms in education with the passage last year of the No Child Left Behind Act. We also hope to complete reauthorization of another important Federal education initiative, the reauthorization of the Individuals with Disabilities Education Act, IDEA, this year. As we consider this legislation, our greatest responsibility is to improve the quality of the education that students with special needs receive.

One of the problems fostered by the current system, which stands in direct contrast to our purpose, is the excessive paperwork burden imposed on our special education teachers. This burden takes valuable time away from classroom instruction and is a source of ongoing frustration for the special education teachers working on the

frontlines. As a result, this undermines the goal of providing the best quality education possible to all children. The Teacher Paperwork Reduction Act addresses this problem and seeks to offer solutions that will benefit special education teachers and most importantly the children they instruct.

This bipartisan legislation includes four main provisions to correct the problem of burdensome paperwork. First, the Department of Education, in cooperation with state and local educational agencies, would be required to reduce the amount of paperwork by 50 percent within 18 months of enactment of the legislation and would be encouraged to make additional reductions. Second, the General Accounting Office GAO, would conduct a study to determine how much of the paperwork burden is caused by Federal regulations compared to State and local regulations; the number of mediations that have been conducted since mediations were required to be made available under the 1997 IDEA amendments; the use of technology in reducing the paperwork burden; and GAO would make recommendations on steps that Congress, the U.S. Department of Education, and the states and local districts can take to reduce this burden within six months of the passage of this legislation.

Third, mediation would be mandatory for all legal disputes related to Individual Education Programs IEPs to better empower parents and schools to focus resources on a quality education for children rather than unnecessary litigation within one year of enactment of this legislation. Fourth, the Department of Education is directed to conduct research to determine best practices for successful mediation, including training practices, that can help contribute to the effort to reduce paperwork, improve student outcomes, and free up teacher resources for teaching. The Department would also provide mediation training support services to support state and local efforts. The resources to fund these requirements would come from money appropriated through Part D of IDEA.

The Council for Exceptional Children, CEC, states, "No barrier is so irksome to special educators as the paperwork that keeps them from teaching." According to a CEC report, concerns about paperwork ranked third among special education teachers, out of a list of 10 issues. The CEC also reports that special education teachers are leaving the profession at almost twice the rate of general educators. Statistics concerning the amount of time special education teachers spend completing paperwork are telling. 53 percent of special education teachers report that routine duties and paperwork interfere with their job to a great extent. They spend an average of five hours per week on paperwork, compared to general education teachers who spend an average of two hours per week. More than 60 percent of special education teachers

spend a half to one and a half days a week completing paperwork. One of the biggest sources of paperwork, the individualized education program, IEP, averages between 8 and 16 pages long, and 83 percent of special education teachers report spending from a half to one and a half days each week in IEP-related meetings.

There are three primary factors associated with burdensome paperwork. The first factor is federal regulations. The 1997 IDEA regulations set forth the necessary components of the IEP and require teachers to complete an array of paperwork in addition to the IEP. According to the National School Boards Association, NSBA, "These requirements result in consuming substantial hours per child and cumulatively are having a negative impact on special educators and their function." Second, there are misconceptions at the state and local levels regarding federal regulations that result in additional requirements imposed by the states and local school districts. The U.S. Department of Education compiled a sample IEP with all the necessary components, and it is five pages long. However, most IEPs are much longer. The third factor is litigation and the threat of litigation. In order to be prepared for due process hearings and court proceedings, school district officials often require extensive documentation so that they are able to prove that a free appropriate public education (FAPE) was provided to the special education student.

A key provision of the bill makes mediation mandatory for all legal disputes related to IEPs. There are several benefits to using mediation as an alternative to due process hearings and court proceedings. According to the Consortium for Appropriate Dispute Resolution in Special Education, CADRE, mediation is a constructive option for children, parents, and teachers and allows families to maintain a positive relationship with teachers and service providers. Parents have the benefit of working together with educators and service providers as partners instead of as adversaries. If an agreement cannot be reached as a result of mediation, parties to the dispute would retain existing due process and legal options.

Mediation is also a much less costly, less time consuming alternative for all parties concerned. Parents do not have to pay for mediation sessions, because under the 1997 IDEA amendments, states are required to bear the cost for mediation. States and local districts save a lot of money as well. According to the Michigan Special Education Mediation Program, MSEMP, the average hearing cost to the state is \$40,000; it pays approximately \$700 per mediation session. The NSBA reports that attorney fees for school districts average between \$10,000 to \$25,000. In contrast, the Pennsylvania Bureau of Education says that it pays mediators \$250 per session. The cost effectiveness of mediation is

apparent. Not only does mediation save money, it saves time as well. According to the Washington State Department of Education, a mediation session may generally be scheduled within 14 days of a parental request, whereas it may take up to a year to secure a court date.

Most importantly, mediation is a successful alternative to due process hearings. At least some form of agreement is reached in 80 percent of sessions nationwide. In Pennsylvania, 85 percent of voluntary special education mediations end in agreement in which both parties are satisfied. According to the New York State Dispute Resolution Association, mediation ending in resolution of the conflict occurs for 75 percent of referrals, and in Wisconsin, approximately 84 percent of those who chose mediation would use it again.

The Teacher Paperwork Reduction Act is meant to alleviate a serious problem that causes frustration and discouragement among dedicated special education teachers who expend energy and countless hours in order to give students with disabilities an equal opportunity to learn. It is only fair and right to find ways to reduce paperwork in order to give teachers more time to spend educating our students and changing their lives, and less time wading through inanimate stacks of paper. I would invite my colleagues to join us in cosponsoring this legislation to help teachers, schools, and parents provide a better education for all students so that no child is left behind.

By Ms. CANTWELL (for herself, Mr. THOMAS, Mr. CLELAND, Ms. SNOWE, Mr. JOHNSON, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. HAGEL, Mr. CONRAD, Mr. ROBERTS, Mr. DURBIN, Mr. TORRICELLI, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 2654. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today with Senator CRAIG THOMAS to introduce legislation that would exclude loan repayments made through the National Health Service Corps from taxable income. I am pleased that Senators CLELAND, SNOWE, JOHNSON, GORDON SMITH, LANDRIEU, HAGEL, CONRAD, ROBERTS, DURBIN, TORRICELLI, ROCKEFELLER, and WYDEN are also cosponsoring this important legislation.

There have been many developments in the area of health care in the last few years from managed care reform, to increases in biomedical research, the mapping of the human genome, and the use of exciting new technologies in both rural and urban areas such as telemedicine. In fact, it seems that almost every day we hear of astounding new scientific breakthroughs. But unfortunately, while we are making great

strides in the quality of health care, we are losing ground on the access to health care for so many.

The sad truth is that there are currently 38.7 million Americans without health insurance coverage, 9.2 million of whom are children. In Washington, 13.3 percent of the population, and 155,000 children, lacks health insurance. Many of the 42.6 million uninsured Americans are lower-income workers who do not have employer-sponsored coverage for themselves, but earn too much to be eligible for public programs like Medicaid and the State Children's Health Insurance Program.

Access to health insurance for the uninsured is of the utmost importance, we know that at the very least, health insurance means the difference between timely and delayed treatment and at worst between life and death. In fact, the uninsured are four times as likely as the insured to delay or forego needed care, and uninsured children are six times as likely as insured children to go without needed medical care.

But even insurance isn't enough if there are no available providers. Hospitals and other health care providers across the country are facing an increasingly uncertain future. The sad truth is that it is increasingly more difficult to recruit health care providers to work with underserved communities, especially in rural areas. In addition to economic pressures, rural areas must overcome the environmental issues involved with recruiting a doctor who may have been raised, educated, and trained in an urban setting.

The National Health Service Corps was created in 1970 by Senator Warren Magnuson, one of the most distinguished Senators to come from Washington State. He saw the need to put primary care clinicians in rural communities and inner-city neighborhoods, and developed this program to fill that need.

Since then, the Corps has placed over 22,000 health professionals in rural or urban health professions shortage areas. There is no doubt that National Health Service Corps has been extremely successful. In fact, the most recent available data show that more than 70 percent of providers continued to provide services to underserved communities after their Corps obligation was fulfilled, 80 percent of these health care providers stayed in the community in which they had originally been placed.

Under current law, the National Health Service Corps provides scholarships, loan-repayments, and stipends for clinicians who agree to serve in urban and rural communities with severe shortages of health care providers. In 1986 the IRS ruled that all payments made under the program are considered taxable income. Understanding the immediate detriment to scholarship recipients, who were forced to pay the tax out of their own pockets, Congress eliminated the scholarship tax in 2001.

And while the scholarship program is now not considered taxable income to the IRS, the loan-repayments and stipends are.

By statute, the current loan program awards also include a tax assistance payment equal to 39 percent of the loan repayment amount, which is to be used by the recipient offset his or her tax liability resulting from the loan repayment "income." This means that nearly 40 percent of the federal loan repayment budget goes to pay taxes on the loan repayment "income" alone. If these federal payments were not taxed, and the funding was freed up, more health professions students could take advantage of the loan repayment program, and could be placed in shortage areas, thereby increasing access to health care in both urban and rural areas.

This is not a new problem. The tax burden that accompanies the National Health Service Corps loan payments is a significant deterrent to increasing the number of clinicians enrolling in the Corps. I do not want to see a situation where, as happened several years ago, over 300 applicants actually left underserved areas because the Corps could not fully fund the loan repayment program.

The legislation we are introducing today, the National Health Service Corps Loan Repayment Act, would address this disincentive, making the Corps available to more medical and health professionals, and thereby bringing more providers into underserved areas. If loan repayments are excluded from taxation, the National Health Service Corps will have greater resources to provide aid to health professionals seeking loan repayment, and will be able to increase the number of providers in underserved areas.

There is no doubt that strengthening the National Health Service Corps is a "win-win" situation. Corps scholarships help finance education for future primary care providers interested in serving the underserved. In return, graduates serve those communities where the need for primary health care is greatest.

This bill is supported by over 20 national organizations including the National Rural Health Association, the National Association of Community Health Centers, the Association of American Medical Colleges, and the American Medical Student Association. I am especially pleased that the Washington State Medical Association is supporting this bill. I ask unanimous consent that the complete list be included in the RECORD after my statement.

I urge my colleagues to look at this bill and to join me in expanding this vitally important and imminently successful program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH SERVICE CORPS LOAN  
REPAYMENT ACT ENDORSEMENTS  
American Academy of Nurse Practitioners.

American Academy of Pediatric Dentistry.  
American Academy of Physician Assistants.

American Association of Colleges of Osteopathic Medicine.

American Association of Colleges of Pharmacy.

American Association for Dental Research.  
American College of Nurse-Midwives.

American College of Nurse Practitioners.  
American College of Osteopathic Family Physicians.

American Counseling Association.  
American Dental Association.

American Dental Education Association.  
American Medical Student Association.

American Optometric Association.  
American Organization of Nurse Executives.

American Osteopathic Association.  
American Psychological Association.

American Student Dental Association.  
Association of Academic Health Centers.

Association of American Medical Colleges.  
Association of Clinicians for the Underserved.

Association of Schools and Colleges of Optometry.

National Association of Community Health Centers.

National Association of Graduate-Professional Students.

National Rural Health Association.  
Washington State Medical Association.

Mr. THOMAS. I am pleased to rise today to introduce the National Health Service Corps Loan Repayment Act of 2002 with my colleague from Washington, Ms. CANTWELL. Specifically, this legislation will exclude loan repayments made through the National Health Service Corps (NHSC) program from taxable income. Enactment of the National Health Service Corps Loan Repayment Act of 2002 would increase the amount of federal dollars available so more students could participate in the NHSC program.

Under current law, the NHSC provides scholarships, loan-repayments, and stipends for clinicians who agree to serve in national designated underserved urban and rural communities. The tax law changes in 1986 resulted in the IRS ruling that all NHSC payments were taxable. Congress eliminated the tax on the scholarship in 2001, but the loan-repayments and stipends continue to be taxed.

To assist loan repayment recipients with their tax burden, the NHSC loan program includes an additional payment equal to 39 percent of the loan repayment amount so the loan repayment recipient can pay his or her taxes. Close to 40 percent of the NHSC Federal loan repayment budget goes to pay taxes on the loan repayment "income." The current situation should not be allowed to continue. Given the fiscal restraints we are facing, we must ensure that federal dollars are spent efficiently and effectively. It is obvious that today's NHSC loan repayment structure does not meet that goal. Our legislation resolves this issue.

For over 30 years, the National Health Service Corps (NHSC) program has literally been a lifeline for many underserved communities across the country that otherwise would not have a health care provider. I know this program is critically important to my

state of Wyoming and to many other rural states that has difficulties recruiting and retaining primary health care clinicians.

There are 2,800 Health Professional Shortage Areas, 740 Mental Health Shortage Areas and 1,200 Dental Health Shortage Areas now designated across the country. However, the NHSC program is meeting less than 13 percent of the current need for primary care providers and less than six percent of need for mental health and dental services. The National Health Service Corps Loan Repayment Act of 2002 would increase the number of students in the program and allow more providers to be placed in these shortage areas.

The National Health Service Corps Loan Repayment Act of 2002 is crucial to the future well being of many of our rural communities. I strongly urge all my colleagues to support this important legislation.

By Mr. ROCKEFELLER:

S. 2655. A bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the Medicare and Medicaid Programs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce "A First Step to Long-Term Care Act of 2002." This is a targeted long-term care package—a first step in the direction of long-term care reform. This legislation is about protecting assets, expanding home care, and modestly expanding Medicare to address the need for adult day health care.

Government coverage for nursing home care operates primarily, and most substantially, through the Medicaid program the safety net for the poor. Despite what many Americans believe or hope, Medicare is not designed or financed to cover long-term care needs. Medicare is, in fact, the universal health care program for the elderly, which covers all health care needs, save prescription drugs and long-term care.

Just this morning, I testified before the Senate Special Committee on Aging about the need to find real solutions to attack the issue of long-term care coverage. This legislation is a step in that direction.

Today, the home care benefit under Medicare offers skilled care and possibly home health aides on a part-time or intermittent basis. Beneficiaries also must be confined to the home, despite the fact that many could leave the home with assistance. "A First Step to Long-Term Care Reform" retains the requirement that leaving the home requires a considerable and taxing effort, but it obviates the difficult choice that patients face: either be imprisoned in their home or risk losing Medicare coverage.

We also need to begin to provide options to nursing home care under the Medicare benefit, such as the payment for adult day health care. This is some-

thing Senator SANTORUM has been working on as well. Doing so would provide a measure of respite and will reduce the bias towards institutionalizing those who can, with the right circumstances—stay at home.

Giving states relief from the mandate that they must pursue and sell-off the estates of Medicaid beneficiaries is another first step. In the short-term, we can provide states with the option of whether or not to do so. West Virginia is one State, in particular, which is seeking relief from this harsh and unnecessary mandate. I recognize Congressman NICK RAHALL, my good friend and colleague from West Virginia, for his leadership on this issue.

Mr. President, there are few issues that are as challenging as providing a solution for the long-term care problem, but we simply must have the courage to find solutions. 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. 2655

*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 "A First Step to Long-Term Care Act of 2002".

#### SEC. 2. MAKING MEDICAID ESTATE RECOVERY OPTIONAL.

(a) IN GENERAL.—Section 1917(b)(1) of the Social Security Act (42 U.S.C. 1396p(b)(1)) is amended by striking "shall seek" each place it appears and inserting "may seek".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act. A State (as defined for purposes of title XIX of the Social Security Act) may apply such amendments to estates and sales occurring at such earlier date as the State may specify.

#### SEC. 3. COVERAGE OF SUBSTITUTE ADULT DAY CARE SERVICES UNDER THE MEDICAID PROGRAM.

(a) SUBSTITUTE ADULT DAY CARE SERVICES BENEFIT.—

(1) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1), by inserting "or (8)" after "paragraph (7)";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by adding "and" at the end; and

(D) by inserting after paragraph (7), the following new paragraph:

"(8) substitute adult day care services (as defined in subsection (ww));".

(2) SUBSTITUTE ADULT DAY CARE SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Substitute Adult Day Care Services; Adult Day Care Facility

"(ww)(1)(A) The term 'substitute adult day care services' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day care facility as a part of a plan under subsection (m) that substitutes such services for a portion of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

"(B) The items and services described in this subparagraph are the following items and services:

"(i) Items and services described in paragraphs (1) through (7) of subsection (m).

"(ii) Meals.

"(iii) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day care facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

"(iv) A medication management program (as defined in subparagraph (C)).

"(C) For purposes of subparagraph (B)(iv), the term 'medication management program' means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

"(i) unnecessary or inappropriate use of prescription drugs; and

"(ii) adverse events due to unintended prescription drug-to-drug interactions.

"(2)(A) Except as provided in subparagraphs (B) and (C), the term 'adult day care facility' means a public agency or private organization, or a subdivision of such an agency or organization, that—

"(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

"(ii) meets such standards established by the Secretary to ensure quality of care and such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the facility;

"(iii) provides the items and services described in paragraph (1)(B); and

"(iv) meets the requirements of paragraphs (2) through (8) of subsection (o).

"(B) Notwithstanding subparagraph (A), the term 'adult day care facility' shall include a home health agency in which the items and services described in clauses (ii) through (iv) of paragraph (1)(B) are provided—

"(i) by an adult day-care program that is licensed or certified by a State, or accredited, to furnish such items and services in the State; and

"(ii) under arrangements with that program made by such agency.

"(C) The Secretary may waive the requirement of a surety bond under paragraph (7) of subsection (o) in the case of an agency or organization that provides a comparable surety bond under State law.

"(D) For purposes of payment for home health services consisting of substitute adult day care services furnished under this title, any reference to a home health agency is deemed to be a reference to an adult day care facility."

(b) PAYMENT FOR SUBSTITUTE ADULT DAY CARE SERVICES.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(f) PAYMENT RATE FOR SUBSTITUTE ADULT DAY CARE SERVICES.—In the case of home health services consisting of substitute adult day care services (as defined in section 1861(ww)), the following rules apply:

"(1) The Secretary shall estimate the amount that would otherwise be payable under this section for all home health services under that plan of care other than substitute adult day care services for a period specified by the Secretary.

"(2) The total amount payable for home health services consisting of substitute adult day care services under such plan may not exceed 95 percent of the amount estimated to be payable under paragraph (1) furnished under the plan by a home health agency."

(c) ADJUSTMENT IN CASE OF OVERUTILIZATION OF SUBSTITUTE ADULT DAY CARE SERVICES.—

(1) MONITORING EXPENDITURES.—Beginning with fiscal year 2004, the Secretary of Health and Human Services shall monitor the expenditures made under the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for home health services (as defined in section 1861(m) of such Act (42 U.S.C. 1395x(m))) for the fiscal year, including substitute adult day care services under paragraph (8) of such section (as added by subsection (a)), and shall compare such expenditures to expenditures that the Secretary estimates would have been made for home health services for that fiscal year if subsection (a) had not been enacted.

(2) REQUIRED REDUCTION IN PAYMENT RATE.—If the Secretary determines, after making the comparison under paragraph (1) and making such adjustments for changes in demographics and age of the Medicare beneficiary population as the Secretary determines appropriate, that expenditures for home health services under the Medicare Program, including such substitute adult day care services, exceed expenditures that would have been made under such program for home health services for a year if subsection (a) had not been enacted, then the Secretary shall adjust the rate of payment to adult day care facilities so that total expenditures for home health services under such program in a fiscal year does not exceed the Secretary's estimate of such expenditures if subsection (a) had not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2003.

**SEC. 4. CLARIFICATION OF THE DEFINITION OF HOMEBOUND FOR PURPOSES OF DETERMINING ELIGIBILITY FOR HOME HEALTH SERVICES UNDER THE MEDICARE PROGRAM.**

(a) CLARIFICATION.—Sections 1814(a) and 1835(a) of the Social Security Act (42 U.S.C. 1395f(a); 1395n(a)) are each amended by adding at the end the following: "Notwithstanding the preceding sentences, in the case of an individual that requires technological assistance or the assistance of another individual to leave the home, the Secretary may not disqualify such individual from being considered to be 'confined to his home' based on the frequency or duration of the absences from the home."

(b) TECHNICAL AMENDMENTS.—(1) Sections 1814(a) and 1835(a) of the Social Security Act (42 U.S.C. 1395f(a); 1395n(a)) are each amended in the sixth sentence by striking "leave home," and inserting "leave home and".

(2) Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)), as amended by subsection (a), is amended by moving the seventh sentence, as added by section 322(a)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (appendix F, 114 Stat. 2763A-501), as enacted into law by section 1(a)(6) of Public Law 106-554, to the end of that section.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date of enactment of this Act.

By Ms. SNOWE:

S. 2656. A bill to require the Secretary of Transportation to develop and implement plan to provide security for cargo entering the United States or being transported in intrastate or interstate commerce; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation aimed at closing the dangerous cargo security loophole in our Nation's aviation security network.

Last year, with the passage of the Aviation and Security Act of 2001, we reinvented aviation security. We overturned the status quo, and I am proud of the work we did. We put the Federal Government in charge of security and we have made significant strides toward restoring the confidence of the American people that it is safe to fly.

We no longer have a system in which the financial "bottom line" interferes with protecting the flying public. We also addressed the gamut of critical issues, including baggage screening, additional air marshals, cockpit security, and numerous other issues.

But there is more work to be done. We must not lose focus. If we are to fully confront the aviation security challenges we face in the aftermath of September 11, we must remain aggressive. We need a "must-do" attitude, not excuses about what "can't be done", because we are only as safe as the weakest link in our aviation security system.

I believe one of the most troubling shortcomings, which persists to this day, is the lax cargo security infrastructure. The Department of Transportation Inspector General will warn in a soon-to-be-released report that the existing system is "easily circumvented." This must not be allowed to stand.

Moreover, according to a June 10 Washington Post report, internal Transportation Security Administration documents warn of an increased risk of an attack designed to exploit this vulnerability because TSA has been focused primarily on meeting its new mandates to screen passengers and luggage.

This is clear evidence that cargo security needs to be bolstered. And time is not on our side. We must act now. The legislation I am introducing today is designed to tackle this issue by directing the Transportation Security Administration to submit a detailed cargo security plan to Congress that will address the shortcomings in the current system.

And while the TSA is designing and implementing this plan, my bill would require interim security measures to be put in place immediately. The interim security plan would include random screening of at least 5 percent of all cargo, an authentication policy designed to ensure that terrorists are not able to impersonate legitimate shippers, audits of each phase of the shipping process in order to police compliance, training and background checks for cargo handlers, and funding for screening and detection equipment.

On September 11, terrorists exposed the vulnerability of our commercial aviation network in the most horrific fashion. The Aviation and Transportation Security Act of 2001 was a major step in the right direction, but we must always stay one step ahead of those who would commit vicious acts of violence on our soil aimed at innocent men, women, and children.

This bill is designed to build on the foundation we set last year. I urge my colleagues to join me in addressing this critical matter.

By Mr. DEWINE:

S. 2659. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion; to the Select Committee on Intelligence.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2659

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

**SECTION 1. MODIFICATION OF BURDEN OF PROOF FOR ISSUANCE OF ORDERS ON NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

(a) ORDERS OF ELECTRONIC SURVEILLANCE.—Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) on the basis of facts submitted by the applicant—

"(A) in the case of a target of electronic surveillance that is a United States person, there is probable cause to believe that—

"(i) the target is a foreign power or an agent of a foreign power, provided that no United States person may be considered a foreign power or an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States; and

"(ii) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power; or

"(B) in the case of a target of electronic surveillance that is a non-United States person, there is reasonable suspicion to believe that—

"(i) the target is a foreign power or an agent of a foreign power; and

"(ii) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power;"

(2) in subsection (b), by inserting "or reasonable suspicion" after "probable cause"; and

(3) in subsection (e)(2), by inserting "or reasonable suspicion in the case of a non-United States person," after "probable cause".

(b) PHYSICAL SEARCHES.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

"(3) on the basis of facts submitted by the applicant—

"(A) in the case of a target of a physical search that is a United States person, there is probable cause to believe that—

"(i) the target is a foreign power or an agent of a foreign power, except that no United States person may be considered a foreign power or an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States; and

"(ii) the premises or property to be searched is owned, used, possessed by, or is



in transit to or from an agent of a foreign power or foreign power; or

“(B) in the case of a target of a physical search that is a non-United States person, there is reasonable suspicion to believe that—

“(i) the target is a foreign power or an agent of a foreign power; and

“(ii) the premises or property to be searched is owned, used, possessed by, or is in transit to or from an agent of a foreign power or foreign power;”;

(2) in subsection (b), by inserting “or reasonable suspicion” after “probable cause”; and

(3) in subsection (d)(2), by inserting “, or reasonable suspicion in the case of a non-United States person,” after “probable cause”.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2660. A bill to amend the Richard B. Russell National School Lunch Act to increase the number of children participating in the summer food service program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LUGAR. Mr. President, I rise today to introduce legislation to amend the Richard B. Russell National School Lunch Act that will streamline, nationwide, management of the Summer Food Service Program. The proposed administrative changes are expected to increase the number of local organizations stepping forward to sponsor a summer feeding program in their communities and, thus, serve many more children in poor neighborhoods.

Children in low-income communities are eligible to receive free or reduced price meals during the school year through the National School Lunch and Breakfast Programs. During the 2000–2001 school year, 15.3 million children received such assistance. But, unless children attend school during the summer, access to meals through these programs ends.

The Summer Food Service Program, which is administered at the federal level by USDA, helps to fill the resulting hunger gap and helps children get the nutrition they need to learn, play and grow throughout the summer months. This is an entitlement program which funds the meal and snack service provided by the sponsors of diverse, summer activity programs.

Although the Summer Food Service Program is the largest Federal resource used to feed children during the summer months, we know that there is substantial unmet need. Among the more than 15 million children getting free and reduced-price meals during the school year, only about 20 percent of these three million children received free meals during the summer months.

State administering agencies report that a major obstacle to serving more low-income children is the relatively small and static number of local organizations serving as program sponsors or meal providers. During the last several years, the total number of Summer Food Service Program sponsors across the country ranged between 28,000 and a little over 31,000.

Two important factors contribute to this situation. Many schools and summer recreation programs remain unaware that federal funding is available to provide free meals and snacks to needy children. Others find the requirements for budget and cost reporting, which are different from those used in the School Lunch and Breakfast Programs, to be unusually complex and burdensome.

The administrative obstacles are both familiar to the Congress and one we have taken an initial step to address. In early fiscal year 2001, I authored a provision of the Consolidated Appropriations Act that authorizes a pilot to try out simpler accounting and reimbursement procedures. The pilot replaces a sponsor's usual obligation to provide detailed and separate documentation of actual administrative and operating costs up to specified limits. In practice, this documentation has little effect, since a large majority of sponsors qualify for the maximum reimbursement. In the pilot states, sponsors report the number of meals and are reimbursed at a flat rate of \$2.50 per meal. This allows sponsors in the 13 pilot States to combine both cost categories and follow procedure used in the school meals programs for reimbursement.

Although the pilot test is not over, the initial results are positive. The Food Research Acton Center released findings today in their annual summer nutrition status report, *Hunger Does Not Take a Vacation*. The number of sponsors increased by eight percent in the pilot areas compared to one percent across all other states. Most important, children's participation in the Summer Food Service Program increase by 8.9 percent across the pilot States. This contrasts with a 3.3 percent decline for the rest of the nation.

USDA's Secretary Veneman and Under Secretary Bost used their authority to facilitate sponsorship and announced, last March, that all states may seek waivers to adopt more streamlined administrative procedures.

I think it is now time for Congress to step up and take action to further improve the capacity of the Summer Food Service Program. I am introducing a new bill, along with Senator HARKIN, the Chairman of the Agriculture Committee. Our proposed legislation makes the procedural simplifications in the pilot a part of the Program's regular operating rules. This eliminates the need for waiver requests and waiver approval.

If we are truly committed to the principle that no child will be left behind, this is a small step that can make a large difference in encouraging local organizations to sponsor a summer feeding program and in meeting the nutrition needs of low-income children.

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. 2660

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

# SECTION 1. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) FOOD SERVICE.—Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—

“(i) PRIVATE NONPROFIT ORGANIZATIONS.—Subject to subparagraphs (B) and (C), payments to a private nonprofit organization described in subsection (a)(7) shall be equal to the full cost of food service operations (which cost shall include the costs of obtaining, preparing, and serving food, but shall not include administrative costs).

“(ii) SERVICE INSTITUTIONS.—Payments to a service institution shall be equal to the maximum amounts for food service under subparagraphs (B) and (C).”.

(b) ADMINISTRATIVE COSTS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

“(3) ADMINISTRATIVE COSTS.—

“(A) PRIVATE NONPROFIT INSTITUTIONS.—

“(i) BUDGET.—A private nonprofit organization described in subsection (a)(7), when applying for participation in the program, shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State.

“(ii) AMOUNT.—Payment to a private nonprofit organization described in subsection (a)(7) for administrative costs shall be equal to the full amount of State-approved administrative costs incurred, except that the payment to the service institution may not exceed the maximum allowable levels determined by the Secretary under the study required under paragraph (4).

“(B) SERVICE INSTITUTIONS.—Payment to a service institution for administrative costs shall be equal to the maximum allowable levels determined by the Secretary under the study required under paragraph (4).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 13(a)(7)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)(7)(A)) is amended—

(A) by striking “Private” and inserting “Subject to paragraphs (1) and (3) of subsection (b), private”; and

(B) by striking “other service institutions” and inserting “service institutions”.

(2) Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2003.

(2) SUMMER FOOD PILOT PROJECTS.—The amendment made by subsection (c)(2) takes effect on May 1, 2004.

By Mr. DEWINE:

S. 2661. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2661

*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 "Video Voyeurism Act of 2002".

**SEC. 2. PROHIBITION OF VIDEO VOYEURISM.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

**"CHAPTER 88—PRIVACY**

"Sec.

"1801. Video voyeurism.

**"§ 1801. Video voyeurism**

"(a) Whoever, except as provided in subsection (b), in the special maritime and territorial jurisdiction of the United States, videotapes, photographs, films, or records by any electronic means, any nonconsenting person, in circumstances in which that person has a reasonable expectation of privacy—

"(1) if that person is totally nude, clad in undergarments, or in a state of undress that exposes the genitals, pubic area, buttocks, or female breast; or

"(2) under that person's clothing so as to expose the genitals, pubic area, buttocks, or female breast;

shall be fined under this title or imprisoned not more than one year, or both.

"(b) Subsection (a) does not apply to conduct—

"(1) of law enforcement officers pursuant to a criminal investigation which is otherwise lawful; or

"(2) of correctional officials for security purposes or for investigations of alleged misconduct involving a person committed to their custody."

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

**"88. Privacy ..... 1801".**

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. ALLEN):

S. 2662. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

**TEACHER TAX RELIEF ACT OF 2002**

Ms. COLLINS. Mr. President, I am pleased today to rise to introduce the Teacher Tax Relief Act 2002.

I am joined with my colleagues, Senator WARNER, Senator LANDRIEU, and Senator ALLEN in introducing this legislation to help our teachers who selflessly reach deep into their own pockets to purchase supplies for their classrooms or to engage in professional development.

Senators WARNER, LANDRIEU, and I have long led the effort to recognize the invaluable services that teachers provide each and every day to our children and to our communities. We were very pleased when earlier this year the economic recovery package included our provision to create an above-the-line deduction for teachers who purchase classroom supplies.

This tax relief is significant in that it recognizes for the first time the extra mile that our dedicated teachers go in order to improve the classroom experience for their students.

Today, we introduce legislation that builds upon the relief enacted earlier this year. Our bill would double the amount that a teacher can deduct—from \$250 to \$500—and includes professional development expenses in the deduction. Our bill would also make this modest tax relief permanent whereas the provision in the economic stimulus package is scheduled to sunset in 2 years.

While our bill provides financial assistance to educators, its ultimate beneficiaries will be our students. Other than involved parents, a well-qualified teacher is the single most important prerequisite for student success. Educational researchers have demonstrated, time and again, the strong correlation between qualified teachers and successful students. Moreover, educators themselves understand just how important professional development is to maintaining and expanding their level of confidence.

When I meet with teachers from Maine, they repeatedly tell me of their desire and need for more professional development. But they also tell me that, unfortunately, school budgets are so tight that frequently the school districts cannot provide that assistance that a teacher needs in order to take that additional course or pursue that advanced degree. As President Bush aptly put it: "Teachers sometimes lead with their hearts and pay with their wallets."

A recent survey by the National Center for Education Statistics highlights the benefits of professional development. The survey found that most teachers who had participated in more than 8 hours of professional development during the previous year felt "very well prepared" in the area in which the instruction occurred. Obviously, teachers who are taking additional course work, and pursuing advanced degrees, become even more valuable in the classroom.

Increasing the deduction for teachers who buy classroom supplies is also a critical component of my legislation. So often teachers in Maine, and throughout the country, spend their own money to improve the classroom experiences of their students. While most of us are familiar with the National Education Association's estimate that teachers spend, on average, \$400 a year on classroom supplies, a new survey demonstrates that they are spending even more than that. According to a recent report from Quality Education Data, the average teacher spends over \$520 a year out of pocket on school supplies.

I have spoken to dozens of teachers in Maine who have told me of the books, rewards, supplies, and other materials they routinely purchase for their students.

Idella Harter, president of the Maine Education Association, is one such teacher. She told me of spending over \$1,000 in 1 year, reaching deep into her pocket to buy materials, supplies, and other treats for her students. At the end of the year, she started to add up all of the receipts that she had saved, and she was startled to discover they exceeded \$1,000. Idella told me, at that point she decided she better stop adding them up.

Debra Walker is another dedicated teacher in Maine who teaches kindergarten and first grade in Milo. She has taught for over 25 years. Year after year, she spends hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and ink pads. She even donated her own family computer for use by her class. She described it well by saying: "These are the extras that are needed to make learning fun for children and to create a stimulating learning environment."

Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick. He is a new recruit to the teaching profession. After teaching for just 2 years, Tyler has incurred substantial "startup" fees as he builds his own collection of needed teaching supplies. In his first years on the job, he has spent well over \$500 out of pocket each year, purchasing books and other materials that are essential to his teaching program.

Tyler tells me that he is still paying off the loans that he incurred at the University of Maine-Farmington. He has car payments and a wedding to pay for. He is saving for a house. And he someday hopes to get an advanced degree. Nevertheless, despite the relatively low pay he is receiving as a new teacher, he says: "You feel committed to getting your students what they need, even if it is coming out of your own pocket."

That is the kind of dedication that I see time and again in the teachers in Maine. I have visited almost 100 schools in Maine, and everywhere I go, I find teachers who are spending their own money to improve their professional qualifications and to improve the educational experiences of their students by supplementing classroom supplies.

The relief we passed overwhelmingly earlier this year was a step in the right direction. As Tyler told me, "It's a nice recognition of the contributions that many teachers have made." We are committed to building on this good work.

Again, I thank the senior Senator from Virginia, Mr. WARNER, for being a leader with me on this bill. We invite all of our colleagues to join us in recognizing our teachers for a job well done.

Mr. WARNER. Mr. President, I join my distinguished colleague from Maine. We have fought together for this measure for several years now. One of the great rewards has been an inducement for this Senator. The Senator just spoke of visiting 100 schools.

I cannot claim 100, but it is growing in number. And what a joy it is.

For those of us who are privileged to serve in the Senate, and are successful in a piece of legislation, what a pleasure it is to go back and tell others, and thank them for their support which has enabled us to succeed.

The teachers associations have been instrumental in backing this. They even ran a little advertisement in the papers of Virginia thanking me, for which I really humbly am very deeply touched and grateful.

But Senators COLLINS, LANDRIEU, ALLEN, and I have worked closely for sometime now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as a part of their duties.

It is not required by law. It is not required by regulation. It is not required by the principals or the school districts. They just do it out of the generosity of their own hearts and the love and affection they have for their students. What a lesson this has been to this Senator.

Earlier this year we were successful in providing much needed tax relief for our Nation's teachers with the passage of H.R. 3090, the Job Creation and Worker Assistance Act of 2002.

This legislation, which was signed into law by President Bush early this year, included the Collins-Warner Teacher Tax Relief Act of 2001, providing a \$250—which the Senator mentioned—above-the-line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students.

These important provisions will provide almost half a billion dollars' worth of tax relief to teachers all across America over the next 2 years.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends \$521 out of their own pocket each year on classroom materials—materials such as pens, pencils, and books. First year teachers spend even more, averaging \$701 a year on classroom expenses.

Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Without a doubt the Teacher Tax Relief Act of 2001 took a step forward in helping to alleviate the nation's teacher shortage by providing a \$250 above the line deduction for classroom expenses.

However, it is clear that our teachers are spending much more than \$250 a year out of their own pocket to better the education of our children.

Accordingly, Senator COLLINS, Senator LANDRIEU, Senator ALLEN, and I have joined together to take another step forward by introducing the Teacher Tax Relief Act of 2002.

This legislation will build upon current law in three ways. The legislation will: increase the above-the-line deduction for educators from \$250 allowed under current law to \$500; allow educators to include professional development costs within that \$500 deduction. Under current law, up to \$250 is deductible but only for classroom expenses; and make the Teacher Tax relief provisions in the law permanent. Current law sunsets the Collins-Warner provisions after 2 years.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. And, in my view, the Federal Government should recognize the many sacrifices our teachers make in their career.

The Teacher Tax Relief Act of 2002 is another step forward in providing our educators with the recognition they deserve.

I thank my colleague from Maine for her work on this issue.

By Mr. BREAUX (for himself, Mr. GRASSLEY, and Mr. McCAIN):

S. 2663. A bill to permit the designation of Israeli-Turkish qualifying industrial zones; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today, Senators BREAUX, McCAIN, and I introduce the Turkish-Israeli Economic Enhancement Act of 2002.

This legislation will allow qualified products from Turkey to be eligible for duty-free entry into the United States under the Qualified Industrial Zone program. Congress first established the Qualified Industrial Zone program in 1996 to facilitate economic cooperation between Israel, Egypt and Jordan. The impetus behind this program was to help create the economic basis for sustained peace in the region. While peace still eludes us today, there is little doubt that the program has helped to foster greater economic cooperation in the region. Allowing Turkey to participate in the program will foster even greater economic growth and stability in the region.

The Israeli-Turkish Economic Enhancement Act would amend Section 9(e)(1) of the United States Israel Free Trade Area Implementation Act of 1985, as amended, the "FTA Act, by expanding the definition of "qualifying industrial zones" to include portions of the territory of Israel and Turkey.

Under the FTA Act, the President may proclaim duty-free benefits for certain products produced within the qualifying industrial zones. The bill would allow the President to proclaim duty-free benefits for certain products, excluding certain import sensitive products, of qualifying industrial zones established jointly by Israel and Turkey. The bill would foster cooperation between Israel and Turkey and help promote economic growth, opportunity and development in Turkey, a vital security partner in NATO and a key ally in the war against terrorism.

I am committed to working with my colleagues and the President to enact the legislation as soon as practicable. Enabling Turkey to participate in the Qualified Industrial Zone program can help attract foreign investment to Turkey and build greater regional stability.

I understand that there is strong interest in supporting high-technology investment in Turkey. The investment potential for high technology products and services in Turkey has not gone unnoticed by major U.S. investors. Microsoft has installed a subsidiary in Istanbul responsible for sales and support to all of the Middle East, Central Asia and Northern Africa. By creating a qualified industrial zone, Turkey may be able to attract even more foreign investment in this important sector.

Turkey has been a staunch, long-time ally of the United States. American and Turkish troops fought together in Korea. Today we are fighting a different war on a different front in Afghanistan. But our friendship and joint commitment to freedom and democracy remains the same.

By enacting this legislation, the U.S. Congress can send a strong message to the people of Turkey that we appreciate and value their friendship and support and that we will continue to work with them to promote freedom and prosperity for all of our people.

Mr. McCAIN. Mr. President, I am pleased to introduce legislation with Senators BREAUX and GRASSLEY that would expand the U.S.-Israel Free Trade Agreement to recognize Turkey's critical role as a key American partner in the Middle East conflict, the war on terrorism, and the NATO alliance.

Turkey has a deepening strategic relationship with Israel, with which it has enjoyed military cooperation since 1994. It is a force for stability in the Eastern Mediterranean region. Today, it assumed command of the International Security Assistance Force, ISAF, in Afghanistan. It is one of our best NATO allies. Turkish troops have fought alongside U.S. forces from Korea to Kabul. Turkey's support was instrumental during the 1991 gulf war; it hosts operation Northern Watch, in which American and British aircraft patrol the no-fly zone over northern Iraq; and it will be central to any American military campaign against

Iraq. As a Muslim nation and a secular democracy that has embraced modernity, Turkey puts to rest the myth that America's war on terror is a war on Islam.

Turkey's economy shrank by over 8 percent last year. Its ability to contribute to the war effort in Afghanistan and elsewhere faces serious economic constraints. Turkey has shown a strong commitment to economic reform and to working with the International Monetary Fund. A Qualified Industrial Zone for Turkey, under the U.S.-Israel Free Trade Agreement, would help Turkey attract foreign investment, diversify its exports, and boost trade. It would also help Israel and Turkey develop the economic dimension of their strong security relationship, which is unique in the region.

I know this issue is important to the administration and to the Governments of Turkey and Israel. I am sorry we were unable to pass legislation authorizing a QIZ for Turkey as part of the TPA package last month. I am confident that the measure we have introduced today will enjoy wide bipartisan support and will make a tangible, substantive contribution to Israeli-Turkish cooperation and to American interests in the region.

By Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire):

S. 2664. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Environmental and Public Works.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2664

*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 "First Responder Terrorism Preparedness Act of 2002".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government must enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(2) as a result of the events of September 11, 2001, it is necessary to clarify and consolidate the authority of the Federal Emergency Management Agency to support first responders.

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

(1) to establish within the Federal Emergency Management Agency the Office of National Preparedness;

(2) to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

(3) to address issues relating to urban search and rescue task forces.

#### SEC. 3. DEFINITIONS.

(a) MAJOR DISASTER.—Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended by inserting "incident of terrorism," after "drought),".

(b) WEAPON OF MASS DESTRUCTION.—Section 602(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(a)) is amended by adding at the end the following:

"(11) WEAPON OF MASS DESTRUCTION.—The term 'weapon of mass destruction' has the meaning given the term in section 2302 of title 50, United States Code."

#### SEC. 4. ESTABLISHMENT OF OFFICE OF NATIONAL PREPAREDNESS.

Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended by adding at the end the following:

##### "SEC. 616. OFFICE OF NATIONAL PREPAREDNESS.

"(a) IN GENERAL.—There is established in the Federal Emergency Management Agency an office to be known as the 'Office of National Preparedness' (referred to in this section as the 'Office').

"(b) APPOINTMENT OF ASSOCIATE DIRECTOR.—

"(1) IN GENERAL.—The Office shall be headed by an Associate Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) COMPENSATION.—The Associate Director shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) DUTIES.—The Office shall—

"(1) lead a coordinated and integrated overall effort to build viable terrorism preparedness and response capability at all levels of government;

"(2) establish clearly defined standards and guidelines for Federal, State, tribal, and local government terrorism preparedness and response;

"(3) establish and coordinate an integrated capability for Federal, State, tribal, and local governments and emergency responders to plan for and address potential consequences of terrorism;

"(4) coordinate provision of Federal terrorism preparedness assistance to State, tribal, and local governments;

"(5) establish standards for a national, interoperable emergency communications and warning system;

"(6) establish standards for training of first responders (as defined in section 630(a)), and for equipment to be used by first responders, to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

"(7) carry out such other related activities as are approved by the Director.

"(d) DESIGNATION OF REGIONAL CONTACTS.—The Associate Director shall designate an officer or employee of the Federal Emergency Management Agency in each of the 10 regions of the Agency to serve as the Office contact for the States in that region.

"(e) USE OF EXISTING RESOURCES.—In carrying out this section, the Associate Director shall—

"(1) to the maximum extent practicable, use existing resources, including planning documents, equipment lists, and program inventories; and

"(2) consult with and use—

"(A) existing Federal interagency boards and committees;

"(B) existing government agencies; and

"(C) nongovernmental organizations."

#### SEC. 5. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

(a) IN GENERAL.—Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) is amended by adding at the end the following:

##### "SEC. 630. PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Federal Emergency Management Agency, acting through the Office of National Preparedness established by section 616.

"(2) FIRST RESPONDER.—The term 'first responder' means—

"(A) fire, emergency medical service, and law enforcement personnel; and

"(B) such other personnel as are identified by the Director.

"(3) LOCAL ENTITY.—The term 'local entity' has the meaning given the term by regulation promulgated by the Director.

"(4) PROGRAM.—The term 'program' means the program established under subsection (b).

"(b) PROGRAM TO PROVIDE ASSISTANCE.—

"(1) IN GENERAL.—The Director shall establish a program to provide assistance to States to enhance the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction.

"(2) FEDERAL SHARE.—The Federal share of the costs eligible to be paid using assistance provided under the program shall be not less than 75 percent, as determined by the Director.

"(3) FORMS OF ASSISTANCE.—Assistance provided under paragraph (1) may consist of—

"(A) grants; and

"(B) such other forms of assistance as the Director determines to be appropriate.

"(c) USES OF ASSISTANCE.—Assistance provided under subsection (b)—

"(1) shall be used—

"(A) to purchase, to the maximum extent practicable, interoperable equipment that is necessary to respond to incidents of terrorism, including incidents involving weapons of mass destruction;

"(B) to train first responders, consistent with guidelines and standards developed by the Director;

"(C) in consultation with the Director, to develop, construct, or upgrade terrorism preparedness training facilities;

"(D) to develop, construct, or upgrade emergency operating centers;

"(E) to develop preparedness and response plans consistent with Federal, State, and local strategies, as determined by the Director;

"(F) to provide systems and equipment to meet communication needs, such as emergency notification systems, interoperable equipment, and secure communication equipment;

"(G) to conduct exercises; and

"(H) to carry out such other related activities as are approved by the Director; and

"(2) shall not be used to provide compensation to first responders (including payment for overtime).

"(d) ALLOCATION OF FUNDS.—For each fiscal year, in providing assistance under subsection (b), the Director shall make available—

"(1) to each of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, \$3,000,000; and

"(2) to each State (other than a State specified in paragraph (1))—

"(A) a base amount of \$15,000,000; and

“(B) a percentage of the total remaining funds made available for the fiscal year based on criteria established by the Director, such as—

“(i) population;

“(ii) location of vital infrastructure, including—

“(I) military installations;

“(II) public buildings (as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612));

“(III) nuclear power plants;

“(IV) chemical plants; and

“(V) national landmarks; and

“(iii) proximity to international borders.

“(e) PROVISION OF FUNDS TO LOCAL GOVERNMENTS AND LOCAL ENTITIES.—For each fiscal year, not less than 75 percent of the assistance provided to each State under this section shall be provided to local governments and local entities within the State.

“(f) ADMINISTRATIVE EXPENSES.—

“(1) DIRECTOR.—For each fiscal year, the Director may use to pay salaries and other administrative expenses incurred in administering the program not more than the lesser of—

“(A) 5 percent of the funds made available to carry out this section for the fiscal year; or

“(B)(i) for fiscal year 2003, \$75,000,000; and

“(ii) for each of fiscal years 2004 through 2006, \$50,000,000.

“(2) RECIPIENTS OF ASSISTANCE.—For each fiscal year, not more than 10 percent of the funds retained by a State after application of subsection (e) may be used to pay salaries and other administrative expenses incurred in administering the program.

“(g) MAINTENANCE OF EXPENDITURES.—The Director may provide assistance to a State under this section only if the State agrees to maintain, and to ensure that each local government that receives funds from the State in accordance with subsection (e) maintains, for the fiscal year for which the assistance is provided, the aggregate expenditures by the State or the local government, respectively, for the uses described in subsection (c)(1) at a level that is at or above the average annual level of those expenditures by the State or local government, respectively, for the 2 fiscal years preceding the fiscal year for which the assistance is provided.

“(h) REPORTS.—

“(1) ANNUAL REPORT TO THE DIRECTOR.—As a condition of receipt of assistance under this section for a fiscal year, a State shall submit to the Director, not later than 60 days after the end of the fiscal year, a report on the use of the assistance in the fiscal year.

“(2) EXERCISE AND REPORT TO CONGRESS.—As a condition of receipt of assistance under this section, not later than 3 years after the date of enactment of this section, a State shall—

“(A) conduct an exercise, or participate in a regional exercise, approved by the Director, to measure the progress of the State in enhancing the ability of State and local first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction; and

“(B) submit a report on the results of the exercise to—

“(i) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate; and

“(ii) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

“(i) COORDINATION.—

“(1) WITH FEDERAL AGENCIES.—The Director shall, as necessary, coordinate the provision of assistance under this section with activities carried out by—

“(A) the Administrator of the United States Fire Administration in connection

with the implementation by the Administrator of the assistance to firefighters grant program established under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) (as added by section 1701(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654, 1654A–360)); and

“(B) other appropriate Federal agencies.

“(2) WITH INDIAN TRIBES.—In providing and using assistance under this section, the Director and the States shall, as appropriate, coordinate with—

“(A) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and other tribal organizations; and

“(B) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) and other Alaska Native organizations.”

(b) COST SHARING FOR EMERGENCY OPERATING CENTERS.—Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is amended—

(1) by inserting “(other than section 630)” after “carry out this title”; and

(2) by inserting “(other than section 630)” after “under this title”.

#### SEC. 6. URBAN SEARCH AND RESCUE TASK FORCES.

Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) (as amended by section 5) is amended by adding at the end the following:

##### “SEC. 631. URBAN SEARCH AND RESCUE TASK FORCES.

“(a) DEFINITIONS.—In this section:

“(1) URBAN SEARCH AND RESCUE EQUIPMENT.—The term ‘urban search and rescue equipment’ means any equipment that the Director determines to be necessary to respond to a major disaster or emergency declared by the President under this Act.

“(2) URBAN SEARCH AND RESCUE TASK FORCE.—The term ‘urban search and rescue task force’ means any of the 28 urban search and rescue task forces designated by the Director as of the date of enactment of this section.

“(b) ASSISTANCE.—

“(1) MANDATORY GRANTS FOR COSTS OF OPERATIONS.—For each fiscal year, of the amounts made available to carry out this section, the Director shall provide to each urban search and rescue task force a grant of not less than \$1,500,000 to pay the costs of operations of the urban search and rescue task force (including costs of basic urban search and rescue equipment).

“(2) DISCRETIONARY GRANTS.—The Director may provide to any urban search and rescue task force a grant, in such amount as the Director determines to be appropriate, to pay the costs of—

“(A) operations in excess of the funds provided under paragraph (1);

“(B) urban search and rescue equipment;

“(C) equipment necessary for an urban search and rescue task force to operate in an environment contaminated or otherwise affected by a weapon of mass destruction;

“(D) training, including training for operating in an environment described in subparagraph (C);

“(E) transportation;

“(F) expansion of the urban search and rescue task force; and

“(G) incident support teams, including costs of conducting appropriate evaluations of the readiness of the urban search and rescue task force.

“(3) PRIORITY FOR FUNDING.—The Director shall distribute funding under this subsection so as to ensure that each urban search and rescue task force has the capacity

to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.

“(c) GRANT REQUIREMENTS.—The Director shall establish such requirements as are necessary to provide grants under this section.

“(d) ESTABLISHMENT OF ADDITIONAL URBAN SEARCH AND RESCUE TASK FORCES.—

“(1) IN GENERAL.—Subject to paragraph (2), the Director may establish urban search and rescue task forces in addition to the 28 urban search and rescue task forces in existence on the date of enactment of this section.

“(2) REQUIREMENT OF FULL FUNDING OF EXISTING URBAN SEARCH AND RESCUE TASK FORCES.—Except in the case of an urban search and rescue task force designated to replace any urban search and rescue task force that withdraws or is otherwise no longer considered to be an urban search and rescue task force designated by the Director, no additional urban search and rescue task forces may be designated or funded until the 28 urban search and rescue task forces are able to deploy simultaneously at least 2 teams with all necessary equipment, training, and transportation.”

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 626 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197e) is amended by striking subsection (a) and inserting the following:

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title (other than sections 630 and 631).

“(2) PREPAREDNESS ASSISTANCE FOR FIRST RESPONDERS.—There are authorized to be appropriated to carry out section 630—

“(A) \$3,340,000,000 for fiscal year 2003; and

“(B) \$3,458,000,000 for each of fiscal years 2004 through 2006.

“(3) URBAN SEARCH AND RESCUE TASK FORCES.—

“(A) IN GENERAL.—There are authorized to be appropriated to carry out section 631—

“(i) \$160,000,000 for fiscal year 2003; and

“(ii) \$42,000,000 for each of fiscal years 2004 through 2006.

“(B) AVAILABILITY OF AMOUNTS.—Amounts made available under subparagraph (A) shall remain available until expended.”

By Mr. HUTCHINSON (for himself, Mr. HARKIN, and Mr. GREGG):

S. 2665. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Health, Education, Labor, and Pensions.

MR. HUTCHINSON. Mr. President, I am pleased today to introduce the Animal Drug User Fee Act of 2002, along with my distinguished colleagues Senator HARKIN, who is chairman of the Senate Agriculture Committee, and Senator GREGG, who is ranking member of the Senate Health, Education, Labor, and Pensions Committee. Modeled after the Prescription Drug User Fee Act, which has successfully reduced approval and review times by over half, the Animal Drug User Fee Act of 2002 would authorize the Food and Drug Administration to collect user fees from animal pharmaceutical manufacturers to increase the amount of resources devoted to reviewing new animal drug applications and investigational applications.

Right now, nearly 90 percent of new animal drug applications are overdue,

many by over a year. These unprecedented delays in the review and approval process are both frustrating and problematic to the industry, veterinarians, as well as countless farmers who depend on cutting edge tools to combat and prevent animal disease and enhance the safety of our food supply.

Under the Animal Drug User Fee Act of 2002, user fees would be contingent upon the Food and Drug Administration's Center for Veterinary Medicine reducing its review times to a maximum of 180 days over a period of five years. The user fees generated by the Act would amount to \$5 million in fiscal year 2003, \$8 million in fiscal year 2004, and \$10 million for each of the last three years, for a total of \$43 million over 5 years. The Secretary may determine the user fee amount and grant waivers in cases where such fees would inhibit innovation or discourage the development of animal drug products for minor uses or minor species. Such user fees would be considered an addition to, not a replacement for, the annual appropriations amount designated for CVM through the annual appropriations process.

The Animal Drug User Fee Act of 2002 is supported by a broad range of pharmaceutical, livestock, and poultry producers, including the American Sheep Industry Foundation, the American Veterinary Medical Association, the Animal Health Institute, the National Cattlemen's Beef Association, the National Milk Producers Federation, the American Association of Equine Practitioners, the American Farm Bureau Federation, the National Pork Producers Association, and the National Turkey Federation.

This legislation will help address the inefficient review process at the Center for Veterinary Medicine and ensure that the veterinary and agriculture communities have access to new and innovative drug products to keep animals alive and healthy.

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. 2665

*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 "Animal Drug User Fee Act of 2002."

#### SECTION 2. FINDINGS.

The Congress finds as follows:

(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health;

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of new animal drug applications; and

(3) The fees authorized by this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions

as set forth in the goals identified, for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

#### SECTION 3. FEES RELATING TO ANIMAL DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following part:

##### "Part 3—Fees Relating To Animal Drugs

##### "SEC. 738. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term "animal drug application" means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

"(2) The term "supplemental animal drug application" means—

"(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

"(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

"(3) The term "animal drug product" means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.

"(4) The term "animal drug establishment" means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.

"(5) The term "investigational animal drug submission" means—

"(A) the filing of a claim for an investigational exemption under section 512(j) for a new animal drug intended to be the subject of an animal drug application or a supplemental animal drug application, or

"(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.

"(6) The term "animal drug sponsor" means either an applicant named in an animal drug application, except for an approved application for which all subject products have been removed from listing under Section 510, or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.

"(7) The term "final dosage form" means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.

"(8) The term "process for the review of animal drug applications" means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:

"(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(B) The issuance of action letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications, supplemental animal drug applications, and investigational animal drug submissions and, where appropriate, the actions necessary to place such applications, supplements or submissions in condition for approval.

"(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary's review of pending animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(E) The development of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(F) Development of standards for products subject to review.

"(G) Meetings between the agency and the animal drug sponsor.

"(H) Review of advertising and labeling prior to approval of an animal drug application or supplemental animal drug application, but not such activities after an animal drug has been approved.

"(9) The term "costs of resources allocated for the process for the review of animal drug applications" means the expenses incurred in connection with the process for the review of animal drug applications for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, or investigational animal drug submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities,

"(B) management of information, and the acquisition, maintenance, and repair of computer resources,

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies, and

"(D) collecting fees under section 739 and accounting for resources allocated for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(10) The term "adjustment factor" applicable to a fiscal year refers to the formula set forth in section 735(8) with the base or comparator year being 2002.

"(11) The term "affiliate" refers to the definition set forth in section 735(9).

##### "SEC. 739. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

"(a) TYPES OF FEES.—Beginning in fiscal year 2003, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) ANIMAL DRUG APPLICATION AND SUPPLEMENT FEE.—

"(A) IN GENERAL.—Each person that submits, on or after September 1, 2002, an animal drug application or a supplemental animal drug application shall be subject to a fee as follows:



“(i) A fee established in subsection (b) for an animal drug application; and

“(ii) A fee established in subsection (b) for a supplemental animal drug application for which safety or effectiveness data are required.

“(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the animal drug application or supplemental animal drug application.

“(C) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If an animal drug application or a supplemental animal drug application was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

“(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

“(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph B if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

“(2) ANIMAL DRUG PRODUCT FEE.—Each person—

“(A) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under Section 510, and

“(B) who, after September 1, 2002, had pending before the Secretary an animal drug application or supplemental animal drug application;

shall pay for each such animal drug product the annual fee established in subsection (b). Such fee shall be payable for the fiscal year in which the animal drug product is first submitted for listing under Section 510, or is submitted for relisting under section 510 if the animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each animal drug product for a fiscal year in which the fee is payable.

“(3) ANIMAL DRUG ESTABLISHMENT FEE.—Each person—

“(A) who owns or operates, directly or through an affiliate, an animal drug establishment, and

“(B) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under Section 510, and

“(C) who, after September 1, 2002, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall be assessed an annual fee established in subsection (b) for each animal drug establishment listed in its approved animal drug application as an establishment that manufactures the animal drug product named in the application. The annual establishment

fee shall be assessed in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee shall be paid on or before January 31 of each year. The establishment shall be assessed only one fee per fiscal year under this section, provided, however, that where a single establishment manufactures both animal drug products and prescription drug products, as defined in section 735(3), such establishment shall be assessed both the animal drug establishment fee and the prescription drug establishment fee, as set forth in section 736(a)(2), within a single fiscal year.

“(4) ANIMAL DRUG SPONSOR FEE.—Each person—

“(A) who meets the definition of an animal drug sponsor within a fiscal year; and

“(B) who, after September 1, 2002, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission,

shall be assessed an annual fee established under subsection (b). The fee shall be paid on or before January 31 of each year. Each animal drug sponsor shall pay only one such fee each fiscal year.

“(b) FEE AMOUNTS.—Except as provided in subsection (a)(1) and subsections (c), (d), (f), and (g) below, the fees required under subsection (a) shall be determined and assessed as follows:

“(1) APPLICATION AND SUPPLEMENT FEES.—

“(A) The animal drug application fee under subsection (a)(1)(A)(i) shall be \$35,750 in fiscal year 2003, \$57,150 in fiscal year 2004, and \$71,500 in fiscal years 2005, 2006, and 2007.

“(B) The supplemental animal drug application fee under subsection (a)(1)(A)(ii) shall be \$17,850 in fiscal year 2003, \$28,575 in fiscal year 2004, and \$35,700 in fiscal years 2005, 2006, and 2007.

“(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(2) shall be \$1,250,000 in fiscal year 2003, \$2,000,000 in fiscal year 2004, and \$2,500,000 in fiscal years 2005, 2006, and 2007.

“(3) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(3) shall be \$1,250,000 in fiscal year 2003, \$2,000,000 in fiscal year 2004, and \$2,500,000 in fiscal years 2005, 2006, and 2007.

“(4) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in sponsor fees under subsection (a)(4) shall be \$1,250,000 in fiscal year 2003, \$2,000,000 in fiscal year 2004, and \$2,500,000 in fiscal years 2005, 2006, and 2007.

“(c) ADJUSTMENTS.—

“(1) INFLATION ADJUSTMENT.—The fees and total fee revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year according to the formula set forth in section 736(c)(1).

“(2) WORKLOAD ADJUSTMENT.—After the fee revenues are adjusted for inflation in accordance with subparagraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2003 to reflect changes in review workload. With respect to such adjustment:

“(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug

study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

“(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b), as adjusted for inflation under subparagraph (c)(1).

“(3) FINAL YEAR ADJUSTMENT.—For FY 2007, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first three months of FY 2008. If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of three months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for FY 2007.

“(4) ANNUAL FEE ADJUSTMENT.—Subject to the amount appropriated for a fiscal year under subsection (g), the Secretary shall, within 60 days after the end of each fiscal year beginning after September 30, 2002, adjust the fees established by the schedule in subsection (b) for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (1), (2), (3), and (4) of subsection (b) shall be set to be equal to 25 percent of the total fees appropriated under subsection (g).

“(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

“(d) FEE WAIVER OR REDUCTION.—

“(1) IN GENERAL.—The Secretary shall grant a waiver from fees assessed under subsection (a) where the Secretary finds that—

“(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances,

“(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in conducting the process for the review of animal drug applications for such person,

“(C) the animal drug application is intended solely to provide for a minor use or minor species indication, or

“(D) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review.

“(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

“(3) RULES FOR SMALL BUSINESSES.—

“(A) DEFINITION.—In paragraph (1)(D), the term “small business” means an entity that has fewer than 500 employees, including employees of affiliates.

“(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(D) the application fee for the first animal drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay application fees for all subsequent animal drug applications and supplemental animal drug applications for which safety or effectiveness data are required in the same manner as an entity that does not qualify as a small business.

“(C) CERTIFICATION.—The Secretary shall require any person who applies for a waiver

under paragraph (1)(D) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

“(e) EFFECT OF FAILURE TO PAY FEES.—An animal drug application or supplemental animal drug application submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 738(5)(B) that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any animal drug application, supplemental animal drug application or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

“(f) ASSESSMENT OF FEES.—

“(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2002 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2002 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

“(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(g) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of animal drug applications.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—

“(A) IN GENERAL.—The fees authorized by this section—

(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees col-

lected under this section, for fiscal year 2002 multiplied by the adjustment factor.

“(B) COMPLIANCE WITH REQUIREMENT.—The Food and Drug Administration will be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if—

“(i) the costs funded by appropriations and allocated for the process for the review of animal drug applications are not more than 3 percent below the level specified in (B)(i); or

“(ii) the costs funded by appropriations and allocated for the process for the review of animal drug applications are more than 3 percent below the level specified in (A)(ii), and fees assessed for a subsequent fiscal year are decreased by the amount in excess of 3 percent by which the costs funded by appropriations and allocated for the process for the review of animal drug applications fell below the level specified in (A)(ii), provided that the costs funded by appropriations and allocated for the process for the review of animal drug applications are not more than 5 percent below the level specified in (B)(i).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

“(A) \$5,000,000 for fiscal year 2003,

“(B) \$8,000,000 for fiscal year 2004,

“(C) \$10,000,000 for fiscal year 2005,

“(D) \$10,000,000 for fiscal year 2006, and

“(E) \$10,000,000 for fiscal year 2007, as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

“(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriations Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

“(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

“(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of animal drug applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.

#### SECTION 4. ANNUAL REPORTS.

(a) PERFORMANCE REPORT.—Beginning with fiscal year 2003, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and

Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 2(3) of this Act toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) FISCAL REPORT.—Beginning with fiscal year 2003, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

#### SECTION 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2007 and section 4 shall not be in effect after 120 days after such date.

Mr. HARKIN. Mr. President, today I am pleased to join my distinguished colleagues, Senators HUTCHINSON, with whom I am pleased to work with on the Agriculture Committee and the Health, Education, Labor, and Pensions (HELP) Committee, and Senator GREGG, who is also a member of the HELP Committee, in introducing the Animal Drug User Fee Act of 2002. The Animal Drug User Fee Act would authorize the Food and Drug Administration, FDA, to collect user fees from animal drug manufacturers to support new animal drug applications and investigational applications. This important legislation is modeled after the successful Prescription Drug User Fees Act, which after a few years of implementation has reduced approval and review times by half.

The need for expedited review of animal drug applications is substantial. Nine out of ten new animal drug applications are overdue. Prompt approval of safe and effective animal drugs is critical to the improvement of not only animal health but public health as well. Our animal health professionals need the newest and most effective drugs to combat dangerous animal diseases.

Under the Animal Drug User Fee Act, the collection of user fees from animal drug manufacturers would be contingent on FDA's Center for Veterinary Medicine, CVM, reducing its review times to a maximum of 180 days over five years. The user fees generated by the Act would amount to \$5 million in Fiscal Year 2003, \$8 million in Fiscal Year 2004, and \$10 million for each of the last three years, totaling \$43 million over 5 years. The Secretary may determine the user fee amount and grant waivers in cases where such fees would inhibit innovation or discourage the development of animal drug products for minor uses or minor species. Such user fees would be considered an

addition to, not a replacement for, the annual appropriations amount designated for CVM through the annual appropriations process.

This legislation enjoys broad support from pharmaceutical, livestock and poultry producers and from the American Veterinary Medical Association, the Animal Health Institute, the National Pork Producers Association, the National Turkey Federation, the National Cattlemen's Beef Association, the National Milk Producers Federation, and the American Farm Bureau Federation.

I urge my colleagues to support this important legislation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3917. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3918. Mr. KENNEDY (for himself, Mr. REED, Mr. AKAKA, Mr. FEINGOLD, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3919. Mr. THOMAS (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3920. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3921. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3922. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3923. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3924. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3925. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3926. Mr. WYDEN (for himself and Mr. SMITH, of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3927. Mrs. MURRAY (for herself and Ms. SNOWE) proposed an amendment to the bill S. 2514, supra.

SA 3928. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUE, Mr. BUNNING, Mrs. FEINSTEIN, Mr. CRAIG, Ms. COLLINS, Mr. SHELBY, Mr. SMITH, of New Hampshire, Mr. BOND, Mr. DOMENICI, Mr. BAYH, Mr. NELSON, of Nebraska, Mr. BURNS, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3929. Mr. KERRY submitted an amendment intended to be proposed by him to the

bill S. 2514, supra; which was ordered to lie on the table.

SA 3930. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3931. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3932. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3933. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3934. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3935. Mr. NELSON, of Florida (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3936. Mr. NELSON, of Florida (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3937. Mr. NELSON, of Florida (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3938. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 3939. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 3940. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 3941. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 2514, supra.

SA 3942. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3943. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 2514, supra.

SA 3944. Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, supra.

SA 3945. Mr. WARNER (for Mr. GRASSLEY (for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN)) proposed an amendment to the bill S. 2514, supra.

SA 3946. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. HUTCHINSON)) proposed an amendment to the bill S. 2514, supra.

SA 3947. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3948. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3949. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3950. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, supra.

SA 3951. Mr. LEVIN (for himself and Mr. SESSIONS) proposed an amendment to the bill S. 2514, supra.

#### TEXT OF AMENDMENTS

SA 3917. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize

appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

#### SEC. 2829. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) REVERSIONARY INTEREST.—(1) If at the end of the five-year period beginning on the date of the conveyance authorized by subsection (a), the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3918. Mr. KENNEDY (for himself, Mr. REED, Mr. AKAKA, Mr. FEINGOLD, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

#### TITLE XIII—EQUAL COMPETITION IN CONTRACTING

#### SEC. 1301. RELATION TO DEPARTMENT EFFORTS TO ACHIEVE MOST EFFICIENT ORGANIZATION FOR PERFORMANCE OF COMMERCIAL OR INDUSTRIAL FUNCTIONS.

Nothing in this title is intended to limit the ability of Secretary of Defense or the Secretary of a military department to promote efficiencies in the civilian workforce of the Department of Defense through reductions in force, internal reorganization, or streamlining efforts.

#### SEC. 1302. REQUIRED COST SAVINGS LEVEL FOR CHANGE OF FUNCTION TO CONTRACTOR PERFORMANCE.

Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(5)(A) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector unless, as a result of the cost comparison examination required under paragraph (3)(A) that meets the requirements of subparagraph (B), at least a 10-percent cost savings would be achieved by performance of the function by the private sector over the period of the contract.

“(B) The cost comparison examination required under paragraph (3)(A) shall employ the most efficient organization process, the framework for calculating the public sector price cost estimate, and the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, as described in Office of Management and Budget Circular A-76 or any successor regulation.

“(C) The cost savings requirement specified in subparagraph (A) does not apply to any contract for the following:

- “(i) Special studies and analyses.
- “(ii) Construction services.
- “(iii) Architectural services.
- “(iv) Engineering services.
- “(v) Medical services.
- “(vi) Scientific and technical services related to (but not in support of) research and development.

“(vii) Depot-level maintenance and repair services.

“(viii) Services performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

“(ix) Services related to the design and installation of information technology (which does not include services related to the management, operation, and maintenance of information technology).

“(D) The Secretary of Defense may waive the cost savings requirement if—

“(i) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

“(E) A copy of the waiver under subparagraph (D) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

“(6) The reference to Office of Management and Budget Circular A-76 in paragraph (5)(B) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.”.

#### **SEC. 1303. APPLICABILITY OF STUDY AND REPORTING REQUIREMENTS TO NEW COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS.**

(a) NEW FUNCTIONS.—Section 2461(a) of title 10, United States Code, is amended—

(1) by striking “CHANGE IN PERFORMANCE.” and inserting “CHANGE IN OR INITIATION OF PERFORMANCE.—(1)”; and

(2) by adding at the end the following new paragraphs:

“(2) In the case of a commercial or industrial type function of the Department of Defense not previously performed by Department of Defense civilian employees or a contractor, the performance of the function by a private sector source may not be initiated until—

“(A) the Secretary of Defense conducts a cost comparison examination that employs the most efficient organization process, the framework for calculating the public sector price cost estimate, and the framework for calculating the evaluated price for private sector proposals to take into account costs

such as contract administration costs, as described in Office of Management and Budget Circular A-76 and its supplemental handbook, or any successor regulation and policy; and

“(B) a determination is made that performance of the function by the private sector source would be less costly over the period of the contract than performance by Department of Defense civilian employees during that same period.

“(3) This subsection does not apply to the following contracts:

“(A) A contract between the Department of Defense and a private sector source for work with a contract value of less than \$1,000,000, for so long as the work was not divided, modified, or in any way changed for the purpose of avoiding the requirements of this section.

“(B) A contract for any of the following:

- “(i) Special studies and analyses.
- “(ii) Construction services.
- “(iii) Architectural services.
- “(iv) Engineering services.
- “(v) Medical services.
- “(vi) Scientific and technical services related to (but not in support of) research and development.
- “(vii) Depot-level maintenance and repair services.

“(viii) Services performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

“(ix) Services related to the design and installation of information technology (which does not include services related to the management, operation, and maintenance of information technology).

“(4) The Secretary of Defense may waive the applicability of this subsection if—

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(B) the written waiver is accompanied by a detailed determination that—

“(i) there is no reasonable expectation that civilian employees would be selected to perform the function in a competition between public sector sources and private sector sources; or

“(ii) the immediate performance of the function by Department of Defense civilian employees or a contractor is so urgent that it overrides the compelling interest of subjecting new commercial or industrial type functions to public-private sector competition before converting the performance of those functions to private sector performance.

“(5) A copy of the waiver under paragraph (4) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

“(6) The reference to Office of Management and Budget Circular A-76 in paragraph (2)(A) does not require the use of the process described in that circular to perform the cost comparison required by this subsection.”.

(b) MINIMAL LEVELS OF PUBLIC-PRIVATE COMPETITION FOR NEW WORK.—(1) Not less than the percentage specified in paragraph (2) of the total dollars expended during a specified fiscal year for the performance by contractors of commercial or industrial type functions of the Department of Defense not previously performed by Department of Defense civilian employees or the private sector (that are not otherwise exempt from comparison under section 2461 of title 10, United States Code) shall be expended for service contracts that are awarded after the completion of cost comparison examinations.

(2) The requirements of paragraph (1) apply as follows:

(A) Not less than 10 percent, for fiscal year 2004.

(B) Not less than 15 percent, for fiscal year 2005.

(C) Not less than 20 percent, for fiscal year 2006.

(3) The Secretary of Defense may waive the requirements of this subsection if—

(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements.

(4) A copy of the waiver under paragraph (2) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section 2461 is amended to read as follows:

**“§ 2461. Commercial or industrial type functions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance.”.**

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of title 10, United States Code, is amended to read as follows:

“2461. Commercial or industrial type functions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance.”.

#### **SEC. 1304. REPEAL OF WAIVER FOR SMALL FUNCTIONS.**

Section 2461 of title 10, United States Code, is amended by striking subsection (d).

#### **SEC. 1305. REQUIREMENT FOR EQUITY IN PUBLIC-PRIVATE COMPETITIONS.**

Section 2461 of title 10, United States Code, is amended by inserting after subsection (c) the following new subsection:

“(d) EQUITY IN PUBLIC-PRIVATE COMPETITION.—(1)(A) For any fiscal year in which commercial or industrial type functions of the Department of Defense performed by Department of Defense civilian employees are studied for possible change to private sector performance, the Secretary of Defense shall ensure that approximately the same number of positions held by non-Federal employees under contracts with the Department of Defense, subject to completion of the terms of those contracts, are subjected to—

“(i) the same cost comparison examination described in subsection (b)(3) that employed the most efficient organization process, the framework for calculating the public sector price cost estimate, and the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, as described in Office of Management and Budget Circular A-76 or any successor regulation, and

“(ii) the requirement that no work may be changed to performance by the public sector unless at least a 10-percent cost savings would be achieved by performance of the function by the public sector over the term of the contract.

“(B) The cost savings requirement specified in subparagraph (A)(ii) does not apply to any contract for the following:

- “(i) Special studies and analyses.
- “(ii) Construction services.
- “(iii) Architectural services.
- “(iv) Engineering services.
- “(v) Medical services.
- “(vi) Scientific and technical services related to (but not in support of) research and development.
- “(vii) Depot-level maintenance and repair services.

“(viii) Services performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

“(ix) Services related to the design and installation of information technology (which does not include services related to the management, operation, and maintenance of information technology).

“(2) To the extent possible, the Secretary of Defense should, in complying with this subsection, select those contract positions held by non-Federal employees under contracts with the Department of Defense that are associated with commercial or industrial type functions that are, or have been, performed at least in part by Department of Defense civilian employees at any time on or after October 1, 1980.

“(3) Notwithstanding any limitation on the number of Department of Defense civilian employees established by law, regulation, or policy, the Department of Defense may continue to employ, or may hire, such civilian employees as are necessary to perform functions acquired through the public-private competitions required by this subsection or any other provision of this section.

“(4) The requirement to perform cost comparison examinations under this subsection does not require the use of the process described in Office of Management and Budget Circular A-76 in the performance of the examinations.

“(5) The Secretary of Defense may waive the requirements of this subsection if—

“(A) the written waiver is prepared by the Secretary of Defense, or an Assistant Secretary of Defense or head of an agency of the Department of Defense authorized by the Secretary to do so; and

“(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirements.

“(6) A copy of the waiver under paragraph (5) shall be published in the Federal Register, although use of the waiver is not contingent on its publication.

#### **SEC. 1306. REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE'S SERVICE CONTRACTOR WORKFORCE.**

(a) IMPOSITION OF REPORTING REQUIREMENT.—(1) Chapter 146 of title 10, United States Code, is amended by inserting after section 2461a the following new section:

##### **“§2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements**

“(a) DEFINITIONS.—In this section:

“(1) CONTRACTOR.—The term ‘contractor’ includes a subcontractor.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ includes the Secretary of Defense with respect to matters concerning a Defense Agency.

“(b) GENERAL REPORTING REQUIREMENT.—The Secretary concerned shall require each defense contractor to report to secure websites established and maintained by the Defense Agencies and military departments the same contractor direct manhour and cost information that is collected by the Department of the Army pursuant to part 668 of title 32, Code of Federal Regulations, as in effect on December 26, 2000, in terms of functions performed, appropriations funding the contract, and identification of the subordinate organizational elements within the Defense Agency or military department directly overseeing the contractor performance.

“(c) ASSIGNMENT OF REPORTING RESPONSIBILITY.—The head of the Defense Agency or Secretary of the military department containing the major organizational element re-

ceiving or reviewing the work performed by a defense contractor shall be responsible for collecting the data required by this section, even where all or part of the contracted work is funded by appropriations not controlled by the Secretary concerned. If the Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by the contractor is different from the Defense Agency or military department containing the contracting activity, the Secretary concerned shall ensure that the contractor reports the required information to the Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by the contractor.

“(d) TIMING OF CONTRACTOR REPORTING TO ASSURE DATA QUALITY.—The Secretary concerned shall require contractors to report the information described in subsection (c) to the secure web-site contemporaneous with submission of a request for payment (including any voucher, invoice, or request for progress payment) or not later than quarterly.

“(e) CONTRACT REQUIREMENT EFFECTIVE DATE.—The Secretary concerned shall include the reporting requirement described in this section in each solicitation of offers issued, contract awarded, and bilateral modification of an existing contract executed by the Secretary concerned after October 1, 2002.

“(f) CONTRACTOR SELF-EXEMPTION.—The Secretary concerned shall exempt a contractor from the data collection requirement imposed by this section if the contractor certifies in writing that the contractor does not have an internal system for aggregating billable hours in the direct or indirect pools, or an internal payroll accounting system, and is not otherwise required to provide such information to the Government. A contractor may not claim an exemption on the sole basis that the contractor is a foreign contractor, that services are provided pursuant to a firm, fixed price or time and materials contract or similar instrument, that the payroll system of the contractor is performed by another person, or that the contractor has too many subcontractors. The validity of this certification is the only requirement in this section that may be subject to audit and verification by the Secretary concerned.

“(g) REPORT TO CONGRESS AND COMPTROLLER GENERAL ACTIONS.—The Secretary concerned shall submit the information collected under subsection (c) to Congress not later than October 1 of each year for the prior fiscal year. Not later than April 1 of each year, the Comptroller General shall review the information submitted for the prior fiscal year to assess compliance with this section and the effectiveness of Department of Defense initiatives to integrate this information into its budgeting process.

“(h) PUBLICATION OF REPORTS.—After completion of the Comptroller General review under subsection (h), the Secretary concerned shall take steps to make the non-proprietary compilations of the data public on web sites, using the publication standard expressed by the Department of the Army in part 668 of title 32, Code of Federal Regulations.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2461a the following new item:

“2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements.”

(b) EFFECTIVE DATE.—Section 2461b of title 10, United States Code, as added by sub-

section (a), shall take effect on October 1, 2002.

#### **SEC. 1307. COMPTROLLER GENERAL REPORTS.**

The Comptroller General shall report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate biannually on the compliance by the Department of Defense with the requirements in sections 1301, 1302, 1303, 1304, 1305, and 1306 of this Act and the amendments made by such sections.

#### **SEC. 1308. LIMITED PILOT PROGRAM TO IMPLEMENT RECOMMENDATIONS OF COMMERCIAL ACTIVITIES PANEL.**

(a) USE OF ALTERNATIVE PUBLIC-PRIVATE COMPETITION PROCESSES.—Notwithstanding sections 2461 and 2462 of title 10, United States Code, the Secretary of Defense may carry out a limited pilot program to examine and evaluate the feasibility and advisability of using public-private competition processes other than the process described in Office of Management and Budget Circular A-76 for commercial or industrial type functions performed by Federal employees, performed by contractors, or proposed for performance by Federal employees or contractors.

(b) DURATION OF PILOT PROGRAM.—The Secretary of Defense may carry out the limited pilot program during fiscal years 2003 through 2005.

(c) EXTENT OF PILOT PROGRAM.—The total value of the commercial or industrial type functions reviewed under the pilot program may not exceed \$300,000,000.

(d) POSSIBLE ALTERNATIVES.—(1) The alternatives to Office of Management Budget Circular A-76 that could be tested and evaluated by the pilot program include the following:

(A) The process known as low-price/technically acceptable (under the framework of the Federal Acquisition Regulation).

(B) The process known as cost/technical trade-off (under the framework of the Federal Acquisition Regulation).

(C) The process known as bid-to-goal.

(2) In paragraph (1)(C), the term “bid-to-goal” means a process that—

(A) uses a series of competitive performance targets, included in a performance work statement, to compare for specific functions the cost of public sector performance with that of performance by private sector contractors and other public sector entities at the Federal, State, and local levels; and

(B) allows managers and affected employees to create streamlined and improved work plans that, if determined to be viable by an independent party, are incorporated into detailed service agreement awarded to the public sector entity for implementation and performance of the functions.

(e) REQUIRED ELEMENTS.—The alternatives examined and evaluated under the framework of the Federal Acquisition Regulation shall include the most efficient organization process, the framework for calculating the public sector price cost estimate, the framework for calculating the evaluated price for private sector proposals to take into account costs such as contract administration costs, and the 10 percent cost differential in favor of whichever sector is currently performing the work, as described in Office of Management and Budget Circular A-76 or any successor administrative regulation.

(f) COMPARABILITY.—To the maximum extent practicable, the Secretary of Defense shall ensure that comparable amounts of work, as measured in dollars, performed by Federal employees, performed by contractors, or new work that is not yet performed by Federal employees or contractors should be tested and evaluated under the alternatives authorized for the pilot program.

(g) EXCLUSION OF CERTAIN FUNCTIONS.—Under the pilot program, the Secretary of

Defense may not use the alternative public-private competition processes to review depot-level maintenance and repair workloads, functions for which contracts for performance by the private sector are prohibited, or inherently governmental activities.

(h) **RELATION TO A-76 PROCESS.**—In order to provide proper test and evaluation conditions for the pilot program, functions designated for study under the pilot program shall be exempt for the duration of the pilot program from review initiated under Office of Management and Budget Circular A-76 or any successor administrative regulation, and no function that has been announced for or is undergoing such a review shall be selected for the pilot program.

(i) **CONSULTATION.**—(1) The officer or employee of the Department of Defense responsible for determining under the alternatives authorized by the pilot program whether to convert a commercial or industrial type function of the Department of Defense from Federal employee performance to contractor performance or from contractor performance to Federal employee performance—

(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with Federal or contractor employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

(B) may consult with such employees or contractors on other matters relating to that determination.

(2) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, United States Code, consultation with representatives of that labor organization shall satisfy the consultation requirements of paragraph (1).

(3) In the case of employees other than employees referred to in paragraph (2), consultation with appropriate representatives of those employees (including appropriate labor organizations representing such employees) shall satisfy the consultation requirements of paragraph (1).

(j) **REPORTING REQUIREMENTS.**—(1) Not later than 90 days after the end of each fiscal year during which the pilot program is conducted, the Secretary of Defense and the Comptroller General shall each submit to Congress a report of the results of the pilot program and lessons learned. For each commercial or industrial type function covered by the program, the report shall address the following:

(A) The cost of conducting the alternative.

(B) The time necessary to conduct the alternative.

(C) The savings, if any, expected to be achieved from conducting the alternative.

(D) The savings, if any, actually achieved from conducting the alternative.

(E) The gains in efficiency or effectiveness, if any, expected to be achieved from conducting the alternative.

(F) The gains in efficiency or effectiveness, if any, actually achieved from conducting the alternative.

(G) The impact on Federal employees and contractors (and contractor employees) from conducting the alternative.

(2) To the maximum extent possible, the report shall compare each alternative undertaking, with respect to the factors specified in paragraph (1), with an undertaking of Office of Management and Budget Circular A-76 that has been completed within at least two years prior to the date of the enactment of this Act for work that is comparable in nature and scope.

(3) The final report shall include recommended changes with respect to imple-

mentation of policies and proposed legislation.

(k) **REGULATIONS.**—The Secretary of Defense shall prescribe such regulations as the Secretary considers necessary to carry out the pilot program.

**SA 3919.** Mr. THOMAS (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 828. COMPETITION FOR PERFORMANCE OF ACTIVITIES NOT INHERENTLY GOVERNMENTAL.**

(a) **REQUIREMENT.**—Section 2(d) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2383; 31 U.S.C. 501 note) is amended by striking “on the list” at the end of the first sentence and all that follows through “the performance of such an activity, the” in the second sentence and inserting “on the list and initiate an action to select the source for the performance of each such activity. The”.

(b) **EFFECTIVE DATE AND APPLICABILITY.**—The amendment made by subsection (a) shall take effect on October 1, 2002, and shall apply with respect to lists of activities that are submitted to the Office of Management and Budget after that date under section 2 of the Federal Activities Inventory Reform Act of 1998.

**SA 3920.** Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XIII—FREEDOM FROM GOVERNMENT COMPETITION**

**SEC. 1301. SHORT TITLE.**

This title may be cited as the “Freedom From Government Competition Act of 2002”.

**SEC. 1302. FINDINGS.**

Congress makes the following findings:

(1) Private sector business concerns, which are free to respond to the private or public demands of the marketplace, constitute the strength of the American economic system.

(2) Competitive private sector enterprises are the most productive, efficient, and effective sources of goods and services.

(3) Government competition with the private sector of the economy is detrimental to all businesses and the American economic system.

(4) Government competition with the private sector of the economy is at an unacceptably high level, both in scope and in dollar volume.

(5) When a government engages in entrepreneurial activities that are beyond its core mission and compete with the private sector—

(A) the focus and attention of the government are diverted from executing the basic mission and work of that government; and

(B) those activities constitute unfair government competition with the private sector.

(6) Current laws and policies have failed to address adequately the problem of government competition with the private sector of the economy.

(7) The level of government competition with the private sector, especially with small businesses, has been a priority issue of each White House Conference on Small Business.

(8) Reliance on the private sector is consistent with the goals of the Government Performance and Results Act of 1993 (Public Law 103-62).

(9) Reliance on the private sector is necessary and desirable for proper implementation of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226).

(10) It is in the public interest that the Federal Government establish a consistent policy to rely on the private sector of the economy to provide goods and services that are necessary for or beneficial to the operation and management of Federal Government agencies and to avoid Federal Government competition with the private sector of the economy.

(11) It is in the public interest for the private sector to utilize employees who are adversely affected by conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

**SEC. 1303. RELIANCE ON THE PRIVATE SECTOR.**

(a) **GENERAL POLICY.**—Notwithstanding any other provision of law, except as provided in subsection (c), each agency shall procure from sources in the private sector all goods and services that are necessary for or beneficial to the accomplishment of authorized functions of the agency.

(b) **PROHIBITIONS REGARDING TRANSACTIONS IN GOODS AND SERVICES.**—

(1) **PROVISION BY GOVERNMENT GENERALLY.**—No agency may begin or carry out any activity to provide any products or services that can be provided by the private sector.

(2) **TRANSACTIONS BETWEEN GOVERNMENTAL ENTITIES.**—No agency may obtain any goods or services from or provide any goods or services to any other governmental entity.

(c) **EXCEPTIONS.**—Subsections (a) and (b) do not apply to goods or services necessary for or beneficial to the accomplishment of authorized functions of an agency under the following conditions:

(1) Either—

(A) the goods or services are inherently governmental in nature within the meaning of section 1306(b); or

(B) the Director of the Office of Management and Budget determines that the provision of the goods or services is otherwise an inherently governmental function.

(2) The head of the agency determines that the goods or services should be produced, provided, or manufactured by the Federal Government for reasons of national security.

(3) The Federal Government is determined to be the best value source of the goods or services in accordance with regulations prescribed pursuant to section 1304(a)(2)(C).

(4) The private sector sources of the goods or services, or the practices of such sources, are not adequate to satisfy the agency's requirements.

**SEC. 1304. ADMINISTRATIVE PROVISIONS.**

(a) **REGULATIONS.**—

(1) **OMB RESPONSIBILITY.**—The Director of the Office of Management and Budget shall prescribe regulations to carry out this title.



## (2) CONTENT.—

(A) PRIVATE SECTOR PREFERENCE.—Consistent with the policy and prohibitions set forth in section 1303, the regulations shall emphasize a preference for the provision of goods and services by private sector sources.

(B) FAIRNESS FOR FEDERAL EMPLOYEES.—In order to ensure the fair treatment of Federal Government employees, the regulations—

(i) shall not contravene any law or regulation regarding Federal Government employees; and

(ii) shall provide for the Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, to furnish information on relevant available benefits and assistance to Federal Government employees adversely affected by conversions to use of private sector entities for providing goods and services.

## (C) BEST VALUE SOURCES.—

(i) STANDARDS AND PROCEDURES.—The regulations shall include standards and procedures for determining whether it is a private sector source or an agency that provides certain goods or services for the best value.

(ii) FACTORS CONSIDERED.—The standards and procedures shall include requirements for consideration of analyses of all direct and indirect costs (performed in a manner consistent with generally accepted cost-accounting principles), the qualifications of sources, the past performance of sources, and any other technical and noncost factors that are relevant.

(iii) CONSULTATION REQUIREMENT.—The Director shall consult with persons from the private sector and persons from the public sector in developing the standards and procedures.

(D) APPROPRIATE GOVERNMENTAL ACTIVITIES.—The regulations shall include a methodology for determining what types of activities performed by an agency should continue to be performed by the agency or any other agency.

(b) COMPLIANCE AND IMPLEMENTATION ASSISTANCE.—

(1) OMB CENTER FOR COMMERCIAL ACTIVITIES.—The Director of the Office of Management and Budget shall establish a Center for Commercial Activities within the Office of Management and Budget.

## (2) RESPONSIBILITIES.—The Center—

(A) shall be responsible for the implementation of and compliance with the policies, standards, and procedures that are set forth in this title or are prescribed to carry out this title; and

(B) shall provide agencies and private sector entities with guidance, information, and other assistance appropriate for facilitating conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

**SEC. 1305. STUDY AND REPORT ON COMMERCIAL ACTIVITIES OF THE GOVERNMENT.**

(a) ANNUAL PERFORMANCE PLAN.—Section 1115(a) of title 31, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following:

“(7) include—

“(A) the identity of each program activity that is performed for the agency by a private sector entity in accordance with the Freedom From Government Competition Act of 2002; and

“(B) the identity of each program activity that is not subject to the Freedom From Government Competition Act of 2002 by reason of an exception set forth in that Act, together with a discussion specifying why the activity is determined to be covered by the exception.”.

(b) ANNUAL PERFORMANCE REPORT.—Section 1116(d)(3) of title 31, United States Code, is amended—

(1) by striking “explain and describe,” in the matter preceding subparagraph (A);

(2) in subparagraph (A), by inserting “explain and describe” after “(A)”;

(3) in subparagraph (B)—

(A) by inserting “explain and describe” after “(B)”;

(B) by striking “and” at the end;

(4) in subparagraph (C)—

(A) by inserting “explain and describe” after “infeasible,”; and

(B) by inserting “and” at the end; and

(5) by adding at the end the following:

“(D) in the case of an activity not performed by a private sector entity—

“(i) explain and describe whether the activity could be performed for the Federal Government by a private sector entity in accordance with the Freedom From Government Competition Act of 2002; and

“(ii) if the activity could be performed by a private sector entity, set forth a schedule for converting to performance of the activity by a private sector entity.”.

**SEC. 1306. DEFINITIONS.**

(a) AGENCY.—As used in this title, the term “agency” means the following:

(1) EXECUTIVE DEPARTMENT.—An executive department as defined by section 101 of title 5, United States Code.

(2) MILITARY DEPARTMENT.—A military department as defined by section 102 of title 5.

(3) INDEPENDENT ESTABLISHMENT.—An independent establishment as defined by section 104(1) of title 5, United States Code.

(b) INHERENTLY GOVERNMENTAL GOODS AND SERVICES.—

(1) PERFORMANCE OF INHERENTLY GOVERNMENTAL FUNCTIONS.—For the purposes of section 1303(c)(1)(A), goods or services are inherently governmental in nature if the providing of such goods or services is an inherently governmental function.

(2) INHERENTLY GOVERNMENTAL FUNCTIONS DESCRIBED.—

(A) FUNCTIONS INCLUDED.—For the purposes of paragraph (1), a function shall be considered an inherently governmental function if the function is so intimately related to the public interest as to mandate performance by Federal Government employees. Such functions include activities that require either the exercise of discretion in applying Federal Government authority or the making of value judgments in making decisions for the Federal Government, including judgments relating to monetary transactions and entitlements. An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as to—

(i) bind the United States to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

(ii) determine, protect, and advance its economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;

(iii) significantly affect the life, liberty, or property of private persons;

(iv) commission, appoint, direct, or control officers or employees of the United States; or

(v) exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the control or disbursement of appropriated and other Federal funds.

(B) FUNCTIONS EXCLUDED.—For the purposes of paragraph (1), inherently governmental functions do not normally include—

(i) gathering information for or providing advice, opinions, recommendations, or ideas to Federal Government officials;

(ii) any function that is primarily ministerial or internal in nature (such as building security, mail operations, operation of cafeterias, laundry and housekeeping, facilities operations and maintenance, warehouse operations, motor vehicle fleet management and operations, or other routine electrical or mechanical services); or

(iii) any good or service which is currently or could reasonably be produced or performed, respectively, by an entity in the private sector.

**SA 3921.** Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XIII—FEDERAL ACTIVITIES  
INVENTORY REFORM AMENDMENTS**

**SEC. 1301. SHORT TITLE; REFERENCES TO FAIR ACT OF 1998.**

(a) SHORT TITLE.—This title may be cited as the “Federal Activities Inventory Reform Amendments of 2002”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2382; 31 U.S.C. 501 note).

**SEC. 1302. ANNUAL LISTS OF GOVERNMENT ACTIVITIES.**

(a) LISTS TO INCLUDE INHERENTLY GOVERNMENTAL ACTIVITIES.—Subsection (a) of section 2 is amended by inserting before the period at the end of the first sentence the following: “and those activities performed by Federal Government sources for the executive agency that, in that official’s judgment, are inherently governmental functions”.

(b) DESCRIPTIVE AND EXPLANATORY MATTERS TO BE INCLUDED.—Such subsection is further amended—

(1) by redesignating paragraph (3) as paragraph (5);

(2) by inserting after paragraph (2) the following new paragraphs (3) and (4):

“(3) A description of the activity, including—

“(A) a narrative description of the activity;

“(B) the product or service code, if any, that would be assigned to the activity under the Federal Procurement Data System if the activity were performed in the private sector; and

“(C) the Standard Industrial Classification code, if any, that would be assigned to the activity if the activity were performed in the private sector.

“(4) The organization within the executive agency that is performing the activity, or for which the activity is performed, and the location of that organization.”; and

(3) by adding at the end the following:

“(6) The identity of any provision of law or other authority that, except for subsection (f), would expressly or impliedly exempt the executive agency from the requirements of this section or of Office of Management and Budget Circular A-76 with respect to any activity that is not an inherently governmental activity, together with a discussion of the rationale for that exemption.”.

(c) DEADLINES FOR PUBLICATION OF LISTS AND CHANGES.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking “promptly” and inserting “, not later than 30 working days after receiving the list,”; and

(2) in paragraph (2)(B), by inserting after “(B)” the following: “not later than 30 working days after the date of the final decision to make the change.”.

#### SEC. 1303. NOTIFICATION OF AFFECTED EMPLOYEES.

Section 2 is further amended by adding at the end the following:

“(f) NOTIFICATION OF AFFECTED EMPLOYEES.—At the same time that the Director of the Office of Management and Budget publishes a notice of the availability of a list of an executive agency under subsection (c)(1), the head of the executive agency shall notify each employee of the executive agency employed in an activity listed as not being an inherently governmental function that the activity may be converted to performance by a private sector source.”.

#### SEC. 1304. COMPETITION REQUIREMENTS.

(a) USE OF COMPETITIVE PROCEDURES.—

(1) REQUIREMENT.—The second sentence of section 2(d) is amended by striking “use a competitive process” and all that follows and inserting “select the source using competitive procedures applicable to the executive agency’s procurements.”

(2) COMPETITIVE PROCEDURES DEFINED.—Section 5 is amended by adding at the end the following:

“(3) COMPETITIVE PROCEDURES.—The term ‘competitive procedures’ has the meaning given that term in section 2302(2) of title 10, United States Code, and section 309(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)).”.

(b) COST COMPARISONS.—Section 2(e) is amended to read as follows:

“(e) COST COMPARISONS.—

“(1) REALISTIC AND FAIR COST COMPARISONS.—Before determining to contract with a private sector source for the performance of an executive agency activity on the basis of a comparison of the costs of procuring services from such a source with the cost of performing that activity by the executive agency, the head of the executive agency shall ensure that—

“(A) the cost comparison was conducted in accordance with—

“(i) Office of Management and Budget Circular A-76; and

“(ii) any provision of law that is applicable to the cost comparison, including (if applicable) title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.) relating to architectural and engineering services (including surveying and mapping services);

“(B) all costs have been considered, including the costs of quality assurance, technical monitoring of the performance of such activity, liability insurance, employee retirement and disability benefits, and all other overhead costs; and

“(C) the costs considered are realistic and fair.

“(2) EXEMPTION.—Notwithstanding any other provision of law, the performance of an activity that is not an inherently governmental function may be converted to performance by a private sector source without a cost comparison if the activity is performed by fewer than 10 full-time employees of the United States (or the equivalent in part-time employees or in a combination of full-time and part-time employees).”.

#### SEC. 1305. INAPPLICABILITY OF EXEMPTIONS IN OTHER LAWS.

Section 2 is amended by adding at the end the following:

“(f) EXEMPTIONS INAPPLICABLE.—The head of each executive agency shall carry out this Act notwithstanding any other provision of law that expressly or impliedly exempts that executive agency from developing an inventory of activities that are not inherently governmental functions and are performed by the executive agency or by Federal Government sources for the executive agency. The head of the executive agency shall include in the annual list prepared under subsection (a) a notation of each such exemption that, except for the preceding sentence, would otherwise apply to the executive agency or any such function.”.

#### SEC. 1306. PERFORMANCE FOR OTHER GOVERNMENTAL ORGANIZATIONS.

(a) LIMITATIONS.—Section 2, as amended by section 1305 of this Act, is further amended by adding at the end the following:

“(g) LIMITATIONS ON PERFORMANCE FOR OTHER GOVERNMENTAL ORGANIZATIONS.—

“(1) FEDERAL AGENCIES.—An activity that is not an inherently governmental function may not be performed for an executive agency by another Federal Government source under section 1535 of title 31, United States Code, unless, within three years before the order for that activity is placed with the other Federal Government source under that section, performance of that activity by the executive agency has been justified pursuant to a competition carried out under Office of Management and Budget Circular A-76.

“(2) STATE AND LOCAL GOVERNMENTS.—The head of an executive agency may not take any action under section 6505 of title 31, United States Code, to perform for the benefit of an agency of a State or a political subdivision of a State an activity that is not an inherently governmental function unless the head of the executive agency has first—

“(A) solicited offers for the performance of that activity in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)); and

“(B) determined on the basis of the response to the solicitation that no responsible private sector source is available to meet the needs of the executive agency for the performance of that activity for the executive agency.”.

(b) STATE DEFINED.—Section 5, as amended by section 1304(a)(2) of this Act, is further amended by adding at the end the following:

“(4) STATE.—The term ‘State’, includes the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.”.

#### SEC. 1307. CHALLENGES TO THE LIST.

(a) MATTERS SUBJECT TO CHALLENGE.—Section 3(a) is amended by striking “or an inclusion of a particular activity on,” and inserting “an inclusion of a particular activity on, or the classification of any activity on”.

(b) REVISION OF DEADLINES.—Section 3 is amended—

(1) in subsection (c), by striking “30 days” and inserting “90 working days”; and

(2) in subsection (d), by striking “28 days” and inserting “28 working days”; and

(3) in subsection (e)(2), by striking “10 days” and inserting “10 working days”.

(c) PUBLICATION OF RESOLUTION OF CHALLENGES.—Section 3 is amended by adding at the end the following:

“(f) PUBLICATION OF RESOLUTION OF CHALLENGES.—Not later than 30 working days after the head of an executive agency makes a decision on an appeal under subsection (e), the head of the executive agency shall publish in the Federal Register the following:

“(1) FINAL LIST.—A final version of the list that was challenged.

“(2) SCHEDULE FOR REVIEW OF LIST.—A schedule for the review to be conducted of

such list under section 2(d), together with a description of the intended review.”.

(d) WORKING DAYS DEFINED.—Section 5, as amended by section 1306(b) of this Act, is further amended by adding at the end the following:

“(5) WORKING DAY.—The term ‘working day’, in the administration of sections 2 and 3 with respect to a list of an executive agency, means a day on which the headquarters of the executive agency is open for the conduct of the executive agency’s business.”.

#### SEC. 1308. PROHIBITION ON CONVERSION TO PERFORMANCE BY FEDERAL PRISON INDUSTRIES.

Section 4 is amended by adding at the end the following:

“(c) PROHIBITED CONVERSION.—The performance of an activity of an executive agency that is not an inherently governmental function may not be converted to performance by a government corporation provided for under chapter 307 of title 18, United States Code.”.

#### SEC. 1309. INHERENTLY GOVERNMENTAL FUNCTION NOT TO INCLUDE RESEARCH AND DEVELOPMENT.

Section 5(2)(C) is amended—

(1) by striking “or” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting “; or”; and

(3) by adding at the end the following:

“(iii) the conduct of research and development.”.

#### SEC. 1310. PRIVATE SECTOR SOURCE DEFINED.

Section 5, as amended by section 1307(d) of this Act, is further amended by adding at the end the following:

“(6) PRIVATE SECTOR SOURCE.—The term ‘private sector source’ means a person lawfully engaged in business for profit in the United States.”.

#### SEC. 1311. REPORT ON PORTABILITY OF FEDERAL PENSION BENEFITS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report on the portability of Federal pension benefits. The report shall contain—

(1) an evaluation of current Federal law, policies, and procedures relating to the conversion by Federal Government employees of their Federal pension benefits to private sector pension plans upon the transition of such employees from Federal Government employment to private sector employment;

(2) a discussion of any impediments to the conversion of Federal pension benefits as described in paragraph (1);

(3) an analysis of the scoring, under the Congressional Budget Act of 1974, of the conversion of Federal pension benefits as so described; and

(4) recommendations of the Director for any legislation required to permit the ready conversion of Federal pension benefits as so described.

(b) CONSULTATION.—The Director of the Office of Management and Budget shall consult with the Director of the Office of Personnel Management and other appropriate interested parties in preparing the report required by subsection (a).

**SA 3922.** Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**SEC. 305. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS.**

Of the amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for defensewide activities, \$3,000,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

**SA 3923.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2841, relating to a transfer of funds in lieu of acquisition of replacement property for National Wildlife Refuge system in Nevada, and insert the following:

**SEC. 2841. TRANSFER OF FUNDS FOR ACQUISITION OF REPLACEMENT PROPERTY FOR NATIONAL WILDLIFE REFUGE SYSTEM LANDS IN NEVADA.**

(a) TRANSFER OF FUNDS AUTHORIZED.—(1) The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2304(a), transfer to the United States Fish and Wildlife Service \$15,000,000 to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106-65; 113 Stat. 889).

(2) Upon receipt by the Service of the funds transferred under paragraph (1), the obligations of the Air Force referred to in that paragraph shall be considered fulfilled.

(b) CONTRIBUTION TO FOUNDATION.—(1) The United States Fish and Wildlife Service shall grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999.

(2) Funds received by the Foundation under paragraph (1) shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

**SA 3924.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

[The amendment was not available for printing. It will appear in a future edition of the RECORD.]

**SA 3925.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe per-

sonnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1065. TRANSFER OF HISTORIC DF-9E PANTHER AIRCRAFT TO WOMEN AIRFORCE SERVICE PILOTS MUSEUM.**

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the Women Airforce Service Pilots Museum in Quartzsite, Arizona (in this section referred to as the "W.A.S.P. museum"), all right, title, and interest of the United States in and to a DF-9E Panther aircraft (Bureau Number 125316). The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in "as is" condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft under subsection (a)—

(1) a condition that the W.A.S.P. museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the W.A.S.P. museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the W.A.S.P. museum.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SA 3926.** Mr. WYDEN (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVI, add the following:

**SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER, LANE COUNTY, OREGON.**

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Army National Guard of the United States is hereby increased by \$9,000,000.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section

2601(1)(A) for the Army National Guard of the United States, as increased by subsection (a), \$9,000,000 shall be available for a military construction project for a Reserve Center in Lane County, Oregon.

(2) The amount available under paragraph (1) for the military construction project referred to in that paragraph is in addition to any other amounts available under this Act for that project.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby reduced by \$9,000,000.

**SA 3927.** Mrs. MURRAY (for herself and Ms. SNOWE) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 154, after line 20, insert the following:

**SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.**

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "RESTRICTION ON USE OF FUNDS.—".

**SA 3928.** Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUE, Mr. BUNNING, Mrs. FEINSTEIN, Mr. CRAIG, Ms. COLLINS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. BOND, Mr. DOMENICI, Mr. BAYH, Mr. NELSON of Nebraska, Mr. BURNS, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2814. ADDITIONAL SELECTION CRITERIA FOR 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.**

(a) ADDITIONAL SELECTION CRITERIA.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

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

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADDITIONAL CONSIDERATIONS.—The selection criteria for military installations shall also address the following:

"(1) Force structure and mission requirements through 2020, as specified by the document entitled 'Joint Vision 2020' issued by the Joint Chiefs of Staff, including—

"(A) mobilization requirements; and

"(B) requirements for utilization of facilities by the Department of Defense and by other departments and agencies of the United States, including—

"(i) joint use by two or more Armed Forces; and

“(ii) use by one or more reserve components.

“(2) The availability and condition of facilities, land, and associated airspace, including—

“(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports; and

“(B) current, planned, and programmed military construction.

“(3) Considerations regarding ranges and airspace, including—

“(A) uniqueness; and

“(B) existing or potential physical, electromagnetic, or other encroachment.

“(4) Force protection.

“(5) Costs and effects of relocating critical infrastructure, including—

“(A) military construction costs at receiving military installations and facilities;

“(B) environmental costs, including costs of compliance with Federal and State environmental laws;

“(C) termination costs and other liabilities associated with existing contracts or agreements involving outsourcing or privatization of services, housing, or facilities used by the Department;

“(D) effects on co-located entities of the Department;

“(E) effects on co-located Federal agencies;

“(F) costs of transfers and relocations of civilian personnel, and other workforce considerations.

“(6) Homeland security requirements.

“(7) State or local support for a continued presence by the Department, including—

“(A) current or potential public or private partnerships in support of Department activities; and

“(B) the capacity of States and localities to respond positively to economic effects and other effects.

“(8) Applicable lessons from previous rounds of defense base closure and realignment, including disparities between anticipated savings and actual savings.

“(9) Anticipated savings and other benefits, including—

“(A) enhancement of capabilities through improved use of remaining infrastructure; and

“(B) the capacity to relocate units and other assets.

“(10) Any other considerations that the Secretary of Defense determines appropriate.”

(b) **WEIGHTING OF CRITERIA FOR TRANSPARENCY PURPOSES.**—Subsection (a) of such section 2913 is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) **WEIGHTING OF CRITERIA.**—At the same time the Secretary publishes the proposed criteria under paragraph (1), the Secretary shall publish in the Federal Register the formula proposed to be used by the Secretary in assigning weight to the various proposed criteria in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.”

**SA 3929.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 13 and 14, insert the following:

**SEC. 828. LIMITATION ON ARMY CONTRACTING AGENCY.**

(a) **LIMITATION OF AUTHORITY.**—During the period specified in subsection (b), the Secretary of the Army may not remove or transfer the authority of a contracting officer of any Army installation to enter into, review, or approve contracts for the purchase of goods or services by reason of the establishment of an Army Contracting Agency or a similar entity for the regionalization or consolidation of installation support contracts or information technology contracts.

(b) **DURATION OF LIMITATION.**—Subsection (a) applies during the period beginning on the date of enactment of this Act and ending 45 days after the date on which the Secretary of the Army submits a report that meets the requirements of subsection (c) to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(c) **REPORT CONTENT.**—A report from the Secretary of the Army meets the requirements of this subsection if it sets forth, in detail—

(1) the Army's plans and justification for the establishment of an Army Contracting Agency or similar entity;

(2) a discussion of how the establishment and operations of an agency described under paragraph (1) will affect Army compliance with—

(A) Department of Defense Directive 4205.1;

(B) section 15(g) of the Small Business Act; and

(C) section 15(k) of the Small Business Act; and

(3) the likely effects of the establishment and operations of an Army Contracting Agency (or similar entity) on small business participation in Army procurement contracts, including—

(A) the impact on small businesses located near Army installations, including—

(i) the anticipated increase or decrease in the total value of Army prime contracting with small businesses; and

(ii) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(B) the likely increase in consolidated contracts and bundled contracts.

**SA 3930.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 13 and 14, insert the following:

**SEC. 828. REPORT ON EFFECTS OF ARMY CONTRACTING AGENCY.**

(a) **IN GENERAL.**—The Secretary of the Army shall submit a report on the effects of the establishment of an Army Contracting Agency on small business participation in Army procurements during the first year of operation of such an agency to—

(1) the Committee on Armed Services of the House of Representatives;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Small Business of the House of Representatives; and

(4) the Committee on Small Business and Entrepreneurship of the Senate.

(b) **CONTENT.**—The report required under subsection (a) shall include, in detail—

(1) the justification for the establishment of an Army Contracting Agency;

(2) a discussion of how the establishment and operations of an Army Contracting Agency has affected Army compliance with—

(A) Department of Defense Directive 4205.1;

(B) section 15(g) of the Small Business Act; and

(C) section 15(k) of the Small Business Act;

(3) the effect of the establishment and operations of an Army Contracting Agency on small business participation in Army procurement contracts, including—

(A) the impact on small businesses located near Army installations, including—

(i) the increase or decrease in the total value of Army prime contracting with local small businesses; and

(ii) the opportunities for small business owners to meet and interact with Army procurement personnel; and

(B) the increase in consolidated contracts and bundled contracts; and

(4) if there is a negative effect on small business participation in Army procurement contracts, in general or near any Army installation, a description of the Army's plan to increase small business participation where it is negatively affected.

(c) **TIME FOR SUBMISSION.**—The report under this section shall be due 15 months after the date of the establishment of the Army Contracting Agency.

**SA 3931.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2842. DESIGNATION OF CERTAIN LOUISIANA HIGHWAY AS DEFENSE ACCESS ROAD.**

Louisiana Highway 28 between Alexandria, Louisiana, and Leesville, Louisiana, a road providing access to the Joint Readiness Training Center, Louisiana, and to Fort Polk, Louisiana, is hereby designated as a defense access road for purposes of section 210 of title 23, United States Code.

**SA 3932.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 258, after line 24, insert the following:

**SEC. 1065. PROGRAMMING FOR A 310-SHIP FLEET FOR THE NAVY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The 2001 Quadrennial Defense Review establishes that the United States should maintain a Navy of at least 310 ships.

(2) The President proposes to procure only five ships for the Navy in fiscal year 2003 and proposes to procure only an average of 6.8 ships for the Navy annually thereafter through fiscal year 2007.

(3) The current level of spending on shipbuilding for the Navy will result in a Navy fleet of approximately 238 ships within 35 years.

(4) It is necessary for the Navy to procure over the long term, on average, 8.9 new ships each year (the steady-state replacement rate) in order to support the President's plans to achieve and maintain a Navy fleet of 310 ships.

(5) It may be necessary to achieve an average procurement rate of 11.2 ships each year beginning in fiscal year 2008 in order to compensate for the procurement of ships at an average annual rate below 8.9 ships in previous fiscal years.

(6) The Navy provides a United States presence worldwide, especially where forward land basing of United States forces is not possible.

(7) Seapower of the United States Navy is a cornerstone of our national defense.

(b) **FUTURE-YEARS DEFENSE PROGRAM.**—It is the policy of the United States for the budget of the United States for fiscal years after fiscal year 2003, and for the future-years defense program for such fiscal years (under section 221 of title 10, United States Code), to include sufficient funding for the Navy to maintain a fleet of at least 310 ships.

(c) **ANNUAL CERTIFICATION OF SUFFICIENCY.**—The President shall include in the budget submitted to Congress under section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2003 either—

(1) a certification that the budget provides a level of funding for the Navy that is sufficient to sustain a fleet of at least 310 ships; or

(2) an explanation of why the budget does not provide such level of funding.

**SA 3933.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 522. LEAVE OF ABSENCE FOR MILITARY SERVICE.**

(a) **OBLIGATION AS PART OF PROGRAM PARTICIPATION REQUIREMENTS.**—Section 487(a)(22) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amended by inserting “and with the policy on leave of absence for active duty military service established pursuant to section 484C” after “section 484B”.

(b) **LEAVE OF ABSENCE FOR MILITARY SERVICE.**—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 484B the following:

**“SEC. 484C. LEAVE OF ABSENCE FOR MILITARY SERVICE.**

“(a) **LEAVE OF ABSENCE REQUIRED.**—Whenever a student who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, the institution of higher education in which the student is enrolled shall grant the student a military leave of absence from the institution—

“(1) while such student is serving on active duty; and

“(2) for 1 year after the conclusion of such service.

“(b) **CONSEQUENCES OF MILITARY LEAVE OF ABSENCE.**—

“(1) **PRESERVATION OF STATUS AND ACCOUNTS.**—A student on a military leave of absence from an institution of higher education shall be entitled, upon release from serving on active duty, to be restored to the educational status such student had attained prior to being ordered to such duty without loss of—

“(A) academic credits earned;

“(B) scholarships or grants awarded; or

“(C) subject to paragraph (2), tuition and other fees paid prior to the commencement of the active duty.

“(2) **REFUNDS.**—

“(A) **OPTION OF REFUND OR CREDIT.**—An institution of higher education shall refund tuition or fees paid or credit the tuition and fees to the next period of enrollment after the student returns from a military leave of absence, at the option of the student. Notwithstanding the 180-day limitation in section 484B(a)(2), a student on a military leave of absence under this section shall not be treated as having withdrawn for purposes of section 484B unless the student fails to return at the end of the military leave of absence (as determined under subsection (a)).

“(B) **PROPORTIONATE REDUCTION OF REFUND FOR TIME COMPLETED.**—If a student requests a refund during a period of enrollment, the percentage of the tuition and fees that shall be refunded shall be equal 100 percent minus the percentage of the period of enrollment (for which the tuition and fees were paid) that was completed (as determined in accordance with section 484B(d)) as of the day the student withdrew.

“(c) **ACTIVE DUTY.**—The term ‘active duty’ has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school, but does include, in the case of members of the National Guard, active State duty.”.

**SA 3934.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 554. NATIONAL GUARD CHALLENGE PROGRAM.**

(A) **INCREASE IN FISCAL YEAR LIMITATION ON AMOUNT AVAILABLE FOR PROGRAM.**—(1) Section 509(b)(2)(A) of title 32, United States Code, is amended by striking “\$62,500,000” and inserting “\$66,000,000”.

(2) The amendment made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to fiscal years beginning on or after that date.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003.**—The total amount authorized to be appropriated by this Act for the Department of Defense for fiscal year 2003 for the National Guard Challenge Program of opportunities for civilian youth under section 509 of title 32, United States Code, is \$66,000,000.

**SA 3935.** Mr. NELSON of Florida (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, between lines 2 and 3, insert the following:

**SEC. 644. REPEAL OF REQUIREMENT FOR REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) **REPEAL.**—(1) Section 1450 of title 10, United States Code, is amended by striking subsections (c) and (e).

(2) Section 1451(c) of such title is amended by striking paragraph (2).

(b) **PROHIBITION ON RETROACTIVE BENEFITS.**—No benefits may be paid to any person for any period before the effective date specified in subsection (c) by reason of the amendments made by subsection (a).

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

**SA 3936.** Mr. NELSON of Florida (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1035. REPORTS ON EFFORTS TO RESOLVE WHEREABOUTS AND STATUS OF CAPTAIN MICHAEL SCOTT SPEICHER, UNITED STATES NAVY.**

(a) **REPORTS.**—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to Congress a report on the efforts of the United States Government to determine the whereabouts and status of Captain Michael Scott Speicher, United States Navy.

(b) **PERIOD COVERED BY REPORTS.**—The first report under subsection (a) shall cover efforts described in that subsection preceding the date of the report, and each subsequent report shall cover efforts described in that subsection during the 90-day period ending on the date of such report.

(c) **REPORT ELEMENTS.**—Each report under subsection (a) shall describe, for the period covered by such report—

(1) all direct and indirect contacts with the Government of Iraq, or any successor government, regarding the whereabouts and status of Michael Scott Speicher;

(2) any request made to the government of another country, including the intelligence

service of such country, for assistance in resolving the whereabouts and status of Michael Scott Speicher, including the response to such request;

(3) each current lead on the whereabouts and status of Michael Scott Speicher, including an assessment of the utility of such lead in resolving the whereabouts and status of Michael Scott Speicher; and

(4) any cooperation with nongovernmental organizations or international organizations in resolving the whereabouts and status of Michael Scott Speicher, including the results of such cooperation.

(d) **FORM OF REPORTS.**—Each report under subsection (a) shall be submitted in classified form, but may include an unclassified summary.

**SA 3937.** Mr. NELSON of Florida (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

**SEC. 135. SENSE OF CONGRESS REGARDING ASSURED ACCESS TO SPACE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Assured access to space is a vital national security interest of the United States.

(2) The Evolved Expendable Launch Vehicle program of the Department of Defense is a critical element of the Department's plans for assuring United States access to space.

(3) Significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could hamper the ability of the Department of Defense to provide assured access to space in the future.

(4) The continuing viability of the United States space launch industrial base is a critical element of any strategy to ensure the long-term ability of the United States to assure access to space.

(5) The Under Secretary of the Air Force, as acquisition executive for space programs in the Department of Defense, has been authorized to develop a strategy to address United States space launch and assured access to space requirements.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Under Secretary of the Air Force should—

(1) evaluate all options for sustaining the United States space launch industrial base;

(2) develop an integrated, long-range, and adequately funded plan for assuring United States access to space; and

(3) submit to Congress a report on the plan at the earliest opportunity practicable.

**SA 3938.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 217, between lines 13 and 14, insert the following:

**SEC. 1010. CLEARANCE OF CERTAIN TRANSACTIONS RECORDED IN TREASURY SUSPENSE ACCOUNTS AND RESOLUTION OF CERTAIN CHECK ISSUANCE DISCREPANCIES.**

(a) **CLEARING OF SUSPENSE ACCOUNTS.**—(1) In the case of any transaction that was entered into by or on behalf of the Department of Defense before March 1, 2001, that is recorded in the Department of Treasury Budget Clearing Account (Suspense) designated as account F3875, the Unavailable Check Cancellations and Overpayments (Suspense) designated as account F3880, or an Undistributed Intergovernmental Payments account designated as account F3885, and for which no appropriation for the Department of Defense has been identified—

(A) any undistributed collection credited to such account in such case shall be deposited to the miscellaneous receipts of the Treasury; and

(B) subject to paragraph (2), any undistributed disbursement recorded in such account in such case shall be canceled.

(2) An undistributed disbursement may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(b) **RESOLUTION OF CHECK ISSUANCE DISCREPANCIES.**—(1) In the case of any check drawn on the Treasury that was issued by or on behalf of the Department of Defense before October 31, 1998, for which the Secretary of the Treasury has reported to the Department of Defense a discrepancy between the amount paid and the amount of the check as transmitted to the Department of Treasury, and for which no specific appropriation for the Department of Defense can be identified as being associated with the check, the discrepancy shall be canceled, subject to paragraph (2).

(2) A discrepancy may not be canceled under paragraph (1) until the Secretary of Defense has made a written determination that the appropriate official or officials of the Department of Defense have attempted without success to locate the documentation necessary to demonstrate which appropriation should be charged and further efforts are not in the best interests of the United States.

(c) **CONSULTATION.**—The Secretary of Defense shall consult the Secretary of the Treasury in the exercise of the authority granted by subsections (a) and (b).

(d) **DURATION OF AUTHORITY.**—(1) A particular undistributed disbursement may not be canceled under subsection (a) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that undistributed disbursement.

(2) A particular discrepancy may not be canceled under subsection (b) more than 30 days after the date of the written determination made by the Secretary of Defense under such subsection regarding that discrepancy.

(3) No authority may be exercised under this section after the date that is two years after the date of the enactment of this Act.

**SA 3939.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel

strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 90, between lines 19 and 20, insert the following:

**SEC. 346. LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.**

(a) **AUTHORITY.**—The Secretary of Defense may make available, in accordance with this section and the regulations prescribed under subsection (e), logistics support and logistics services to a contractor in support of the performance by the contractor of a contract for the construction, modification, or maintenance of a weapon system that is entered into by an official of the Department of Defense.

(b) **SUPPORT CONTRACTS.**—Any logistics support and logistics services that is to be provided under this section to a contractor in support of the performance of a contract shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor.

(c) **SCOPE OF SUPPORT AND SERVICES.**—The logistics support and logistics services that may be provided under this section in support of the performance of a contract described in subsection (a) are the distribution, disposal, and cataloging of materiel and repair parts necessary for the performance of that contract.

(d) **LIMITATIONS.**—(1) The number of contracts described in subsection (a) for which the Secretary makes logistics support and logistics services available under the authority of this section may not exceed five contracts. The total amount of the estimated costs of all such contracts for which logistics support and logistics services are made available under this section may not exceed \$100,000,000.

(2) No contract entered into by the Director of the Defense Logistics Agency under subsection (b) may be for a period in excess of five years, including periods for which the contract is extended under options to extend the contract.

(e) **REGULATIONS.**—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that logistics support and logistics services are provided under this section only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the authority under this section to be used only for providing logistics support and logistics services in support of the performance of a contract that is entered into using competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(2) A requirement for the solicitation of offers for a contract described in subsection (a), for which logistics support and logistics services are to be made available under this section, to include—

(A) a statement that the logistics support and logistics services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the logistics support and logistics services that are to be made available to the contractor.

(3) A requirement for the rates charged a contractor for logistics support and logistics services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of



resources used, but not paid for, by the Department of Defense.

(4) A requirement to credit to the General Fund of the Treasury amounts received by the Department of Defense from a contractor for the cost of logistics support and logistics services provided to the contractor by the Department of Defense under this section but not paid for out of funds available to the Department of Defense.

(5) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(6) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of logistics support and logistics services provided to the contractor under this section.

(f) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(g) TERMINATION OF AUTHORITY.—(1) The authority provided in this section shall expire on September 30, 2007, subject to paragraph (2).

(2) The expiration of the authority under this section does not terminate—

(A) any contract that was entered into by the Director of the Defense Logistics Agency under subsection (b) before the expiration of the authority or any obligation to provide logistics support and logistics services under that contract; or

(B) any authority—

(i) to enter into a contract described in subsection (a) for which a solicitation of offers was issued in accordance with the regulations prescribed pursuant to subsection (e)(2) before the date of the expiration of the authority; or

(ii) to provide logistics support and logistics services to the contractor with respect to that contract in accordance with this section.

**SA 3940.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 23, between lines 12 and 13, and insert the following:

**SEC. 135. COMPASS CALL PROGRAM.**

Of the amount authorized to be appropriated by section 103(1), \$12,700,000 shall be available for the Compass Call program within classified projects and not within the Defense Airborne Reconnaissance Program.

**SA 3941.** Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 17, strike line 14, and insert the following:

**SEC. 121. INTEGRATED BRIDGE SYSTEM.**

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated by section 102(a)(4), \$5,000,000 shall be available for the procurement of the integrated bridge system in items less than \$5,000,000.

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 102(a)(4), the amount available for the integrated bridge system in Aegis support equipment is hereby reduced by \$5,000,000.

**SA 3942.** Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 344.

**SA 3943.** Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 26, after line 22, insert the following:

**SEC. 214. LASER WELDING AND CUTTING DEMONSTRATION.**

(a) AMOUNT FOR PROGRAM.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, \$6,000,000 shall be available for the laser welding and cutting demonstration in force protection applied research (PE 0602123N).

(b) OFFSETTING REDUCTION.—Of the total amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for laser welding and cutting demonstration in surface ship and submarine HM&E advanced technology (PE 0603508N) is hereby reduced by \$6,000,000.

**SA 3944.** Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 37, beginning on line 14, strike “Under Secretary of Defense for Acquisition, Technology, and Logistics” and insert “Director of Operational Test and Evaluation”.

On page 41, line 14, strike “Chapter 643” and insert “Chapter 645”.

On page 46, line 20, insert “the Under Secretary of Defense for Personnel and Readiness and” after “consult with”.

Strike section 236 and insert the following:

**SEC. 236. COMPLIANCE WITH TESTING REQUIREMENTS.**

(a) ANNUAL OT&E REPORT.—Subsection (g) of section 139 of title 10, United States Code,

is amended by inserting after the fourth sentence the following: “The report for a fiscal year shall also include an assessment of the waivers of and deviations from requirements in test and evaluation master plans and other testing requirements that occurred during the fiscal year, any concerns raised by the waivers or deviations, and the actions that have been taken or are planned to be taken to address the concerns.”.

(b) REORGANIZATION OF PROVISION.—Subsection (g) of such section, as amended by subsection (a), is further amended—

(1) by inserting “(1)” after “(g)”;

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the matter consisting of the fourth and fifth sentences as paragraph (4);

(5) by designating the sixth sentence as paragraph (5); and

(6) by realigning paragraphs (2), (3), (4), and (5), as so designated, two ems from the left margin.

**SA 3945.** Mr. WARNER (for Mr. GRASSLEY (for himself, Mr. HARKIN, Mrs. CLINTON, Mr. SCHUMER, Mr. DURBIN, Mr. FITZGERALD, and Mrs. LINCOLN)) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 346. CONTINUATION OF ARSENAL SUPPORT PROGRAM INITIATIVE.**

(a) EXTENSION THROUGH FISCAL YEAR 2004.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-65) is amended by striking “and 2002” and inserting “through 2004”.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking “2002” and inserting “2004”; and

(2) in paragraph (2), by striking the first sentence and inserting the following new sentence: “Not later than July 1, 2003, the Secretary of the Army shall submit to the congressional defense committees a report on the results of the demonstration program since its implementation, including the Secretary’s views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b).”.

**SA 3946.** Mr. LEVIN (for Mr. CLELAND (for himself and Mr. HUTCHINSON)), proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 17, line 23, insert before the period the following: “, and except that, notwithstanding subsection (k) of such section, such a contract may be for a period of six program years”.

**SA 3947.** Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 655. RATE OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL OF DEPENDENTS TRANSFERRED ENTITLEMENT BY MEMBERS OF THE ARMED FORCES WITH CRITICAL SKILLS.**

(a) CLARIFICATION.—Section 3020(h) of title 38, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “paragraphs (4) and (5)” and inserting “paragraphs (5) and (6)”; and

(B) by striking “and at the same rate”;

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

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

“(3)(A) Subject to subparagraph (B), the monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 3015 and 3022 of this title to the individual making the transfer.

“(B) The monthly rate of assistance payable to a dependent under subparagraph (A) shall be subject to the provisions of section 3032 of this title, except that the provisions of subsection (a)(1) of that section shall not apply even if the individual making the transfer to the dependent under this section is on active duty during all or any part of enrollment period of the dependent in which such entitlement is used.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), to which such amendments relate.

**SA 3948.** Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 100, between lines 3 and 4, insert the following:

**SEC. 503. REPEAL OF LIMITATION ON AUTHORITY TO GRANT CERTAIN OFFICERS A WAIVER OF REQUIRED SEQUENCE FOR JOINT PROFESSIONAL MILITARY EDUCATION AND JOINT DUTY ASSIGNMENT.**

Section 661(c)(3)(D) of title 10, United States Code, is amended by striking “In the case of officers in grades below brigadier general” and all that follows through “selected for the joint specialty during that fiscal year.”.

**SA 3949.** Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of De-

fense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 154, after line 20, add the following:

**SEC. 708. EXTENSION OF TEMPORARY AUTHORITY FOR ENTERING INTO PERSONAL SERVICES CONTRACTS FOR THE PERFORMANCE OF HEALTH CARE RESPONSIBILITIES FOR THE ARMED FORCES AT LOCATIONS OTHER THAN MILITARY MEDICAL TREATMENT FACILITIES.**

Section 1091(a)(2) of title 10, United States Code, is amended by striking “December 31, 2002” and inserting “December 31, 2003”.

**SA 3950.** Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 100, between lines 3 and 4, insert the following:

**SEC. 503. EXTENSION OF TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.**

Section 501(e) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 589) is amended by striking “September 30, 2002” and inserting “September 30, 2008”.

**SA 3951.** Mr. LEVIN (for himself and Mr. SESSIONS) proposed an amendment to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 200, between lines 14 and 15, insert the following:

**SEC. 905. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.**

(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—Section 2166 of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h), as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) The Secretary of Defense may, on behalf of the Institute, accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Institute.

“(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Institute. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Institute for the same purposes and same period as the appropriations with which merged.

“(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds \$1,000,000 in any fiscal year. Any such notice shall list

each of the contributors of such money and the amount of each contribution in such fiscal year.

“(4) For the purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.”.

(b) CONTENT OF ANNUAL REPORT TO CONGRESS.—Subsection (i) of such section, as redesignated by subsection (a)(1), is amended by inserting after the first sentence the following: “The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board’s report.”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 20, 2002, at 9:30 a.m., in open session to consider the nomination of General Ralph E. Eberhart, USAF for reappointment to the grade of general and to be Commander in Chief, U.S. Northern Command/Commander, North American Aerospace Defense Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, June 20, 2002, at 4:30 p.m., to hold a “top secret” classified hearing on the security of nuclear facilities under the jurisdiction of the U.S. Nuclear Regulatory Commission. The hearing will be held in S. 407 of the Capitol.

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, June 20, 2002, at 9:30 a.m., for the purpose of holding a hearing regarding “President Bush’s Proposal to Create a Department of Homeland Security.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “Workers Freedom of Association: Obstacles to Forming a Union” during the session of the Senate on Thursday, June 20, 2002, at 10 a.m., in SD-430.

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, June 20, 2002, at 10 a.m., in Dirksen Room 226.

#### Agenda

#### *I. Nominations*

Lavenski R. Smith to be a U.S. Circuit Court Judge for the Eighth Circuit; David Cercone to be U.S. District Court Judge for the Western District of Pennsylvania; Morrison Cohen England Jr. to be U.S. District Court Judge for the Eastern District of California; and Kenneth Marra to be U.S. District Court Judge for the Southern District of Florida.

For the Department of Justice: Lawrence Greenfield to be Director, Bureau of Justice Statistics.

To be U.S. Marshal: Anthony Dichio for the District of Massachusetts; Michael Lee Kline for the Eastern District of Washington; and James Thomas Roberts for the Southern District of Georgia.

#### *II. Bills*

S. 1291, Development, Relief, and Education for Alien Minors Act [Hatch].

S. 2134, Terrorism Victim's Access to Compensation Act of 2002 [Harkin/Allen].

H.R. 3375, Embassy Employee Compensation Act [Blunt].

S. 486, Innocence Protection Act [Leahy/Smith].

S. 2621, A bill to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems. [Leahy/Biden/Hatch].

S. 2633, Reducing Americans' Vulnerability to Ecstasy Act [Biden/Grassley].

S. 1754, Patent and Trademark Office Authorization Act of 2002 [Leahy/Hatch/Cantwell].

H.R. 1866, To amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents [Coble].

H.R. 1886, To amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings. [Coble].

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 [Sensenbrenner/Conyers].

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 20, 2002, at 2:30 p.m., to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Com-

mittee on Aging be authorized to meet on Thursday, June 20, 2002, from 9:30 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK AND WASTE MANAGEMENT

Mr. REID. Mr. President: I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund, Toxics, Risk and Waste Management be authorized to meet on Thursday, June 20, 2002, at 9:30 a.m., to hold a hearing to assess asbestos remediation activities in Libby, MT., lessons learned from Libby, as well as evaluate home insulation concerns related to asbestos. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, June 20, at 2:30 p.m., in SD-366. The purpose of this hearing is to receive testimony on the following bills:

S. 139 and H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City;

S. 1609 and H.R. 1814, to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Metacomb-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut as a national historic trail;

S. 1925, to establish the Freedom's Way National Heritage Area in the states of Massachusetts and New Hampshire, and for other purposes;

S. 2196, to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes;

S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, SC, relating to the Reconstruction Era;

S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; and

S. 2576, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Dr. Howard Forman and Anup Patel of my staff be granted the privileges of the floor for the balance of today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Stacey Sachs be granted the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that John Elliff, who is detailed to my committee office, be granted the privilege of the floor during the course of the proceedings today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that privilege of the floor be granted to Mark Garrell, a legislative fellow with Senator BUNNING, for the duration of the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Rebecca Kockler and Brian Hanley be allowed to be on the floor for the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Dr. Jonathan, Epstein, Mr. Dana Krupa, Mr. JOHN Kotek, and Scott Young, legislative fellows in the office of Senator BINGAMAN, be given floor privileges during the pendency of S. 2514 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of Senator ALLARD, I ask unanimous consent that the privilege of the floor be granted to Carol Welsch, a national defense fellow in Senator ALLARD's office, and Lance Landry of Senator ALLEN's office, during the entire debate of the National Defense Authorization Act for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-8

Mr. REID. As in executive session, I ask unanimous consent that the injunction of secrecy by removed from the following treaty transmitted to the Senate on June 20, 2002, by the President of the United States: Moscow Treaty (Treaty Document 107-8).

I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Affairs and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (the "Moscow Treaty").

The Moscow Treaty represents an important element of the new strategic relationship between the United States and Russia. It will take our two nations along a stable, predictable path to substantial reductions in our deployed strategic nuclear warhead arsenals by December 31, 2012. When these reductions are completed, each country will be at the lowest level of deployed strategic nuclear warheads in decades. This will benefit the peoples of both the United States and Russia and contribute to a more secure world.

The Moscow Treaty codifies my determination to break through the long impasse in further nuclear weapons reductions caused by the inability to finalize agreements through traditional arms control efforts. In the decade following the collapse of the Soviet Union, both countries' strategic nuclear arsenals remained far larger than needed, even as the United States and Russia moved toward a more cooperative relationship. On May 1, 2001, I called for a new framework for our strategic relationship with Russia, including further cuts in nuclear weapons to reflect the reality that the Cold War is over. On November 13, 2001, I announced the United States plan for such cuts—to reduce our operationally deployed strategic nuclear warheads to a level of between 1700 and 2200 over the next decade. I announced these planned reductions following a careful study within the Department of Defense. That study, the Nuclear Posture Review, concluded that these force levels were sufficient to maintain the security of the United States. In reaching this decision, I recognized that it would be preferable for the United States to make such reductions on a reciprocal basis with Russia, but that the United States would be prepared to proceed unilaterally.

My Russian counterpart, President Putin, responded immediately and made clear that he shared these goals. President Putin and I agreed that our nations' respective reductions should be recorded in a legally binding document that would outlast both of our presidencies and provide predictability over the longer term. The result is a Treaty that was agreed without protracted negotiations. This Treaty fully meets the goals I set out for these reductions.

It is important for there to be sufficient openness so that the United States and Russia can each be confident that the other is fulfilling its reductions commitment. The Parties will use the comprehensive verification regime of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (the "START Treaty") to provide the foundation for confidence, transparency, and predictability in further strategic offensive reductions. In our Joint Declaration on the New Strategic Relationship between the United States and Russia, President Putin and I also decided to establish a Consultative Group for Strategic Security to be chaired by Foreign and Defense Ministers. This body will be the principal mechanism through which the United States and Russia strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest.

The Moscow Treaty is emblematic of our new, cooperative relationship with Russia, but it is neither the primary basis for this relationship nor its main component. The United States and Russia are partners in dealing with the threat of terrorism and resolving regional conflicts. There is growing economic interaction between the business communities of our two countries and ever-increasing people-to-people and cultural contacts and exchanges. The U.S. military has put Cold War practices behind it, and now plans, sizes, and sustains its forces in recognition that Russia is not an enemy, Russia is a friend. Military-to-military and intelligence exchanges are well established and growing.

The Moscow Treaty reflects this new relationship with Russia. Under it, each Party retains the flexibility to determine for itself the composition and structure of its strategic offensive arms, and how reductions are made. This flexibility allows each Party to determine how best to respond to future security challenges.

There is no longer the need to narrowly regulate every step we each take, as did Cold War treaties founded on mutual suspicion and an adversarial relationship.

In sum, the Moscow Treaty is clearly in the best interests of the United States and represents an important contribution to U.S. national security and strategic stability. I therefore urge the Senate to give prompt and favorable consideration to the Treaty, and to advise and consent to its ratification.

GEORGE W. BUSH.  
THE WHITE HOUSE, June 20, 2002.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105-277, announces the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse:

Darcy L. Jensen of South Dakota (Representative of Non-Profit Organization), vice Kerrie S. Lansford, term expired.

Dr. Lynn McDonald of Wisconsin, vice Robert L. Maginnis, term expired.

George L. Lozano of California, vice Darcy Jensen, term expired.

Rosanne Ortega of Texas, vice Dr. Lynn McDonald, term expired.

## ORDERS FOR FRIDAY, JUNE 21, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, June 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, as announced earlier today, at 9:30 we will start a vote on the Murray amendment.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is in further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Friday, June 21, 2002, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 20, 2002:

### DEPARTMENT OF JUSTICE

RICHARD VAUGHN MECUM, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE ROBERT HENRY MCMICHAEL, TERM EXPIRED.

BURTON STALLWOOD, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS, VICE JOHN JAMES LEYDEN, RESIGNED.

GEORGE BREFFNI WALSH, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE DONALD W. HORTON.

# EXTENSIONS OF REMARKS

TRIBUTE TO MR. MICHAEL CLINCH REGARDING THE INTRODUCTION  
OF CERTAIN MEDICARE-RE-  
LATED BILLS

**HON. JERRY WELLER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. WELLER. Mr. Speaker, I rise today to offer congratulations to Mr. Michael Clinch on the occasion of his retirement after an exceptional career as Superintendent of Ottawa Township High School District #140 in Ottawa, Illinois.

For the past thirty-five years, Superintendent Clinch has served the citizens and students of Ottawa in an outstanding fashion—beginning his career at Ottawa Township High School as a business teacher and moving up the chain of responsibility until his appointment in 1989 as Superintendent.

Upon taking office in January, 1995 as the 11th Congressional District's Representative in the United States Congress, virtually the first community project brought to my attention was the need to complete the more than decade old effort to protect Ottawa Township High School from the frequent flooding of the Fox and Illinois Rivers with the construction of a levee around the School property. Largely because of both the unfailing determination of Superintendent Clinch to finally complete this vital project as well as the invaluable cooperation of Superintendent Clinch with my office, a compromise was reached with concerned neighbors of the High School and the multi-million dollar levee constructed under the auspices of the Corps of Engineers. Today, the levee provides for the safety of students and staff while protecting the millions of dollars which the taxpayers of Ottawa have invested in their High School—while at the same time saving the High School an estimated average of \$200,000 per year in flooding damages.

Superintendent Michael Clinch's career is marked by meritorious examples of this type of strong and visionary leadership ranging from the merger with Marseilles High School in 1990 shortly after his appointment as Superintendent to the recently confirmed multi-million dollar upgrading and expansion of Ottawa Township High School's buildings and classrooms.

In closing, Mr. Speaker, I am proud and pleased to be able to offer to my colleagues in the United States House of Representatives the example of Superintendent Michael Clinch as a modern day education leader able to combine an ironclad commitment to educational excellence with the rare ability to meet head-on and successfully resolve a wide variety of tough challenges.

**HON. W.J. (BILLY) TAUZIN**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. TAUZIN. Mr. Speaker, as you know, the Energy and Commerce Committee is marking up prescription drug and other Medicare-related legislation this week. The foundation for our markup is H.R. 4954, the Medicare Modernization and Prescription Drug Act of 2002, introduced by my colleagues, Representatives JOHNSON and BILIRAKIS on June 18, 2002.

To ensure an orderly process in my Committee, I made the decision to divide H.R. 4954 into a number of Committee Prints for our markup. In doing so, however, I of course want the Committee's good work to be reflected through full-fledged Committee reports on the various titles. Accordingly, I have already introduced two bills (H.R. 4961 and H.R. 4962), and will continue to introduce free-standing bills that are the exact text of the prints we have marked up and ordered reported. Taken together, these bills will represent my Committee's position on the vital Medicare legislation we are considering.

During House floor debate on the prescription drug legislation, which should take place next week, I will provide the House with a complete guide to the legislative history of the Energy and Commerce Committee's work in this area.

## CELEBRATING THE 30TH ANNIVERSARY OF TITLE IX

SPEECH OF

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from Hawaii for her leadership and rise to speak on a subject important to women across America. Most people just think sports when they hear Title IX, but it is so much more than that. For 30 years, Title IX has opened the door of educational opportunity to women. But a recent study tells us that the door may be closing if we do not act soon.

Before Title IX, schools at all levels limited participation of women and girls. What a different world it was then.

Back then, many publicly funded universities did not admit women to undergraduate programs. They had higher admissions standards for women than men and imposed quotas based on gender.

And that's not all. Women frequently were discouraged from applying to law and medical schools or majoring in hard sciences, such as physics or engineering. And when they did,

equally qualified women regularly received less financial aid than their male counterparts, with married women generally receiving none at all. Honor societies were regularly reserved for male students only, and women's athletics were funded at levels far below programs for men. In fact, most female athletic programs consisted mainly of cheerleading, and few women were allowed to coach athletics or hold administrative positions in athletic departments.

But when Title IX became law, that all began to change. It grew out of the women's civil rights movement of the late 1960's and early 70's. During that period when so much began to change, Congress started to focus attention on institutional barriers to women and girls, like education, largely because of how they affected women's employment opportunities.

And there have been real results. In 1971, only 18 percent of young women completed four or more years of college. But by 2006, women are projected to earn 55 percent of all bachelor's degrees.

In the legal and medical fields, there have been even greater advances. In 1999, women earned nearly half of all medical degrees, compared with 1972, when only 9 percent of medical school degrees went to women. Women accounted for 43 percent of all law school degrees in 1994, up from a meager 7 percent in 1972. And of all doctoral degrees awarded that year, 44 percent went to women.

And in athletics, an area that has received significant attention in recent years, the gains have been palpable.

Women now constitute 40 percent of college athletes, compared to the 15 percent thirty years ago. As evidenced by the trailblazing UConn Huskies women's basketball team and all of the accolades and championships they have earned, the values women learn from sports participation, like leadership, like teamwork, discipline, and pride in accomplishment are so very important. Today's athletic successes help us increase our participation in tomorrow's workforce, like the number of business management and ownership positions. In fact, 80 percent of female managers of Fortune 500 companies have a sports background. There is no question that participation in athletics has truly given women some of the tools they need for success.

But this month, the National Coalition for Women and Girls in Education—consisting of the American Association of University Women and 50 other organizations—released a report on the 30th anniversary of Title IX. And the news was not particularly good.

The study included a report card examining the state of gender equity in 10 areas. Athletics, an area where we are supposedly making so many advances, received a C+. Career Education, a D. Employment and Learning Environment, a C-. Sexual Harassment and Standardized Testing were scarcely better, receiving C's. And technology, such an important area for our economy, received a D.

And though all Federal agencies that fund education programs or activities are required

• 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.

to develop regulations to enforce Title IX, until recently only 4 agencies—Education, Energy, Agriculture and HHS—had done so.

And there is a growing movement to roll back Title IX protections. Funding has been slashed for numerous programs that support gender equity in education. In 1996, Congress eliminated funding under Title IV of the Civil Rights Act that had for two decades supported Title IX and gender-equity services in 49 state education agencies. Attacks on gender equity have been growing, and women have been forced to turn to the legal system to get the rights they are guaranteed by the law.

So, there is so much more work to do. We must support and enforce the strong compliance standards that are currently in place. And we must call on the Administration to take action to do just that. Title IX, gender equity and educational opportunity are simply too important to let fall by the wayside. We must remain vigilant. Protecting the rights of women is not simply the right thing to do, it is the essence of what we stand for as Americans.

Mr. Speaker, I would like to thank Congresswoman MINK for her continued leadership on this important issue.

#### PERSONAL EXPLANATION

#### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SCHIFF. Mr. Speaker, I was unavoidably detained in my district on Tuesday, June 4, 2002, and I would like the record to indicate how I would have voted on rollcall votes No. 207 and 208.

For rollcall vote No. 207, a bill to permanently exclude from taxable income any restitution payments from governments of former Nazi-controlled countries, I would have voted, "aye."

For rollcall vote number 208, a bill to permanently raise the adoption tax credit, I would have voted "aye."

#### COLORADO GENERAL ASSEMBLY

#### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express appreciation to the Colorado General Assembly. The respective members of the Colorado House of Representatives have made a commitment to improving the healthcare needs of the people of Colorado as expressed in their House Joint Resolution, which was adopted by the Second Regular Session of the 63rd General Assembly of the State of Colorado.

This joint resolution states support for the extension of health credits, the modernization of Medicare and the support of the "Immediate Helping Hand Prescription Drug Assistance Act." I commend the efforts of the Colorado House of Representatives and respectfully submit the following Colorado Joint Resolution for the RECORD.

House Resolution 02—1007, by Representatives Clapp, Crane, Fairbank, Johnson, Mace,

Miller, Mitchell, Paschall, Rhodes, Snook, Spradley, Stafford, Stengel, Williams S., Williams T., Witwer, Alexander, Boyd, Daniel, Fritz, Hefley, Hoppe, Kester, King, Larson, Lawrence, Sanchez, Scott, Swenson, Tochtrop, and Young.

#### CONCERNING THE HEALTH CARE NEEDS OF THE PEOPLE OF COLORADO

Whereas, President George W. Bush has proposed an innovative and comprehensive plan to improve access to health care as part of his proposed budget for 2003; and

Whereas, President Bush's proposed budget contains an allocation of eighty-nine billion dollars for new tax credits for health care expenses (health credits) to be available for working individuals and families; and

Whereas, These health credits could mean up to three thousand dollars in tax relief for eligible families and up to one thousand dollars for eligible individuals; and

Whereas, To enhance the effect of these health credits, President Bush has proposed that states could provide the power of group purchasing for the health credits through state-sponsored purchasing pools for certain individuals; and

Whereas, These health credits will make private health insurance more affordable for many Coloradans who do not currently have employer-subsidized insurance; and

Whereas, President Bush's proposed budget will also loosen the restrictions on medical savings accounts (MSAs) and flexible spending accounts (FSAs); and

Whereas, Employees who purchase a high-deductible health care plan will be permitted to make contributions to MSAs in an amount equal to the amount of the deductible; and

Whereas, MSAs will be made available to all employers, and they will be made permanent; and

Whereas, Employees will be permitted to rollover up to five hundred dollars in unspent health care contributions to an FSA to use the following year or to contribute to a 401(k) plan; and

Whereas, These changes will make MSAs and FSAs more attractive to employees and employers and therefore improve the quality of health care for working individuals and families from Colorado; and

Whereas, President Bush has also worked with a bipartisan group of legislators to establish the framework for legislation to improve Medicare and keep its benefits secure based on the following principles:

(1) Promoting the option of a subsidized prescription drug benefit as part of a modernized Medicare;

(2) Providing better coverage for preventive care and serious illnesses;

(3) Allowing current and future beneficiaries to have the option of keeping the traditional Medicare plan with no charges;

(4) Providing better health insurance options;

(5) Strengthening the long-term financial security of Medicare;

(6) Updating and streamlining Medicare's regulations and administrative procedures, while reducing its fraud and abuse;

(7) Encouraging high quality health care for all seniors; and

Whereas, President Bush's framework for bipartisan legislation will help modernize Medicare and help fulfill its promise of health care security for Colorado's seniors and people with disabilities; and

Whereas, Proposed legislation entitled the "Immediate Helping Hand Prescription Drug Assistance Act" would give states block grants to provide a drug benefit for low-income Medicare beneficiaries; and

Whereas, The "Immediate Helping Hand Prescription Drug Assistance Act" would

provide forty-eight billion dollars to states over seven years, including over eighty-five million dollars to Colorado; and

Whereas, This federal assistance would help Colorado's seniors afford prescription drugs; and

Whereas, President Bush's plans for extending health credits, increasing the flexibility of MSAs and FSAs, and modernizing Medicare, as well as the "Immediate Helping Hand Prescription Drug Assistance Act" will vastly improve the quality of health care for the citizens of Colorado; now, therefore,

*Be It Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado:*

That we, the members of the House of Representatives of the State of Colorado, encourage the Colorado congressional delegation to support and work to pass legislation related to extending health credits, increasing the flexibility of MSAs and FSAs, and modernizing Medicare, and also support and work to pass the "Immediate Helping Hand Prescription Drug Assistance Act".

*Be It Further Resolved,* That copies of this Resolution be sent to the President of the United States, the Secretary of the United States Department of Health and Human Services, and each member of Colorado's delegation to the United States Congress.

JUDITH RODRIGUE,

*Chief Clerk of the House of Representatives.*

DOUG DEAN,

*Speaker of the House of Representatives.*

#### TRIBUTE TO JOHN ROBERT DALZELL, OUTGOING CHAIRMAN, INLAND EMPIRE ECONOMIC PARTNERSHIP

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being and safety of my hometown of Corona, CA, is exceptional. The City of Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. John Robert Dalzell is one of these individuals. On Thursday, June 27, 2002, John Robert Dalzell will be retiring after 31 years of dedicated service to the community as a law enforcement officer. His outstanding work as a police officer, in addition to his personal involvement in the community, will be celebrated at a luncheon in his honor.

John Robert Dalzell was born in Illinois on September 1, 1947 and shortly after his family moved to Arizona. After graduation from high school, John enlisted for and honorably served in the United States Navy for five years which included tours of duty in Vietnam. He obtained his Bachelor's Degree from Chapman College and began his law enforcement career with the Corona Police Department as a reserve officer and police officer in 1976. He was promoted to the rank of lieutenant in 1980 and to captain in 1983.

John's exemplary career as a police officer includes serving as the commanding officer in charge of all three divisions in the police department. John holds several advanced Peace



Officer Standards and Training certificates including Advanced and Executive Certificate and has served on law enforcement advisory boards throughout Riverside County.

John has also been actively involved in the community, as the past president and current member of the Corona Breakfast Lions club, former chairman of the American Cancer Society Charity Dinner Committee and the 2001 recipient of the Temescal District Boy Scouts of America Distinguished Citizen Award.

John's tireless work as a police officer has contributed unmeasurably to the safety and betterment of the City of Corona. His involvement in community organizations of the City of Corona make me proud to call him a fellow community member, American and friend. I know that all of Corona is grateful for his efforts and salute him as he departs. I look forward to continuing to work with him for the good of our community in the future.

#### NATIONAL SERVICE DAY

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of National Service Day, a day on which we commemorate those who are committed to civic duty and helping their communities. National Service represents opportunity, responsibility and community.

In 1992, when President Bill Clinton was launching his dream of national service, he said, "We need a new spirit of community, a sense that we are all in this together, or the American Dream will continue to wither. Our Destiny is bound up with the destiny of every other American." Less than a year later, his dream was realized.

I was pleased to support the National and Community Trust Act in 1993, which created AmeriCorps, a domestic national service program founded on the framework of Federal, State and local partnership.

Since the inception of AmeriCorps, over 200,000 Americans have been able to serve their country, and more importantly, their communities.

I am proud that many citizens have been able to take advantage of serving in AmeriCorps. I am also proud that many of my constituents have chosen to give back to their communities in many different ways.

In the Commonwealth of Virginia, over 18,000 citizens of all ages and backgrounds are participating in over 90 national service projects, which include coordinating after-school programs, building homes and organizing neighborhood watch groups.

I am pleased to say, that this year, the Corporation for National Service will provide Virginia with more than \$6 million dollars to support Virginia communities through three national service initiatives: AmeriCorps, Learn and Serve America, and National Senior Service Corps.

After September 11th, much has been said about "giving back to our communities" in a time of national crisis, and I strongly believe that Americans want to continue this trend, even when the present threat is gone.

When citizens are deeply-rooted to their communities, when they have seen with their

own eyes the positive impact that their service has made on their communities, and when these same communities are boosted, national service has served its very local purpose.

I am proud, Mr. Speaker, to recognize National Service Day, and honor those who represent the true American ideals of opportunity, responsibility and community.

#### CODE TALKERS RECOGNITION ACT

SPEECH OF

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 3250, the Code Talkers Recognition Act. This bill expresses Congress' recognition towards the Native American Code Talkers for their honorable contribution in the U.S. victories during World War I and II.

The Sioux, Comanche, and Choctaw Code Talkers served on the frontlines of World War II in the European fronts and on the Pacific. During World War I the Choctaw Code Talkers served as radio airmen who were positioned in the widest possible area for communications that resulted in the successful transferring of their unbreakable code.

Many Native American Code Talkers provided vital combat information in their native language, regarding the enemies' locations and their strength. As a result, countless American soldier's lives were saved in battle. As a member of the House Committee of Veteran Affairs, I acknowledge the magnitude of commitment these men carried out in order to defend our Country and to grasp victory.

Last year on July 26, 2001, I had the privilege to participate in the Congressional Gold Medal award ceremony for the Navajo Code Talkers. Mr. Speaker, I support this legislation that will honor additional heroes of America, the Sioux, Comanche, and Choctaw Code Talkers. These code talkers respectfully deserve equal recognition for their heroic support in World Wars I and II.

#### RECOGNIZING THE GWINNETT HOUSING RESOURCE PARTNERSHIP'S 10-YEAR ANNIVERSARY

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. BARR of Georgia. Mr. Speaker, I am pleased to recognize the Gwinnett Housing Resource Partnerships's (GHRP) 10-year Anniversary. This event coincides with Gwinnett County naming June as Homeownership Month.

The Gwinnett Housing Resource Partnership is a non-profit housing counseling agency which strives to help low- and moderate-income households, including the homeless, become home owners. GHRP works toward combating predatory lending by educating over 600 households.

GHRP is led by the Executive Director, Marina Peed, whose dedication to excellence makes her a role model to her coworkers and

the neighboring counties. I am pleased to honor GHRP and Marina Peed for their impressive accomplishments and wish them continuous success.

#### FINALISTS FOR NATIONAL HISTORY DAY CONTEST

### HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SPRATT. Mr. Speaker, I rise to congratulate the National History Day finalists from my district in South Carolina—McArn Bennett, Bryan Blair, Jordan Thomas, Meagan Linton, Mary Carolyn Hudson, and Angel Burns.

The students were part of a nationwide group of 2,000 finalists participating in the National History Day contest at the University of Maryland at College Park June 9–13th. They brought with them the products of months of research in the form of dramatic performances and museum exhibits.

McArn Bennett's exhibit, "Discord in Harmony: Revolution and Reaction in Jazz," won first place in the nation in the category of senior individual exhibit. He received a gold medal and \$1,000.

Bryan Blair's exhibit, "The Orangeburg Massacre: Revolution, Reaction, and Reform in South Carolina" was one of 17 student projects selected to be presented at the Smithsonian's National Museum of American History. It was ranked 11th in the nation, and he won a partial-tuition scholarship to Chaminade University in Honolulu.

An exhibit by Meagan Linton, Jordan Thomas, and Mary Carolyn Hudson entitled "Tears of Sorrow, Tears of Joy: The Reaction to the Assassination of Abe Lincoln," was shown at the White House Visitors Center. Their exhibit was ranked 12th in the nation.

Angel Burns won applause for a ten-minute individual performance entitled "Septima Clark: Queen Mother of the Civil Rights Revolution."

I want to salute all of these students for their outstanding work, and I also want to recognize their teachers, Gail Ingram, from Cheraw High School, and Debbie Ballard, from Long Junior High School. Together, they have brought a great sense of pride to their schools and their communities and helped make history come alive for their students.

#### JUNETEENTH

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. RANGEL. Mr. Speaker, I rise today to recognize the historic significance of June 19th, known as Juneteenth, a day which marks the end of slavery across America and the independence of African Americans.

Juneteenth began in the great State of Texas when Major General Gordon Granger of the Union Army led his troops into the city of Galveston. There, on June 19, 1865, he officially proclaimed freedom for slaves in that State. Note that this was two and a half years

after President Lincoln's Emancipation Proclamation, which had become official January 1, 1863. Thus it was on Juneteenth that the African American slaves of Texas and other parts of the South celebrated the final execution of the Emancipation Proclamation, giving them their freedom forever.

The celebration of Juneteenth which has not until recently received its rightful day of national appreciation is not only a showcase of the African American community's positive contributions to the American way of life, but it also makes a statement for all Americans that the United States is truly the "Land of the Free." Juneteenth is an expression and extension of American freedom and, like the Fourth of July, a time for all Americans to celebrate our independence, human rights, civil rights and freedom.

A SPECIAL TRIBUTE TO BETTY JO  
SHERMAN ON HER NFRW TRIB-  
UTE NOMINATION

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding citizen from Ohio's Fifth Congressional District. Betty Jo Sherman will be honored by the Ohio Chapter of the National Federation of Republican Women on Sunday, June 23, 2002 for her continued dedication to the electoral process.

Mr. Speaker, Betty Jo is celebrating this monumental occasion with family, friends, and colleagues, all who have known of her selfless contributions to the U.S. electoral system. Serving a democratic institution was not only Betty Jo's duty but also her honor. These opportunities to contribute to a fundamentally American responsibility have brought her a lifetime of both personal and professional achievement. Betty Jo truly is a valued citizen of the State of Ohio.

Betty Jo continues to lead a distinguished career as an advocate for the participation in American political process, which is made evident through the numerous positions she has held within the local and state Republican Party. She has also served her local community by becoming the first woman to be elected to the Woodmore, Ohio Board of Education. Betty Jo has been active in the electoral process since the early 1970's and tirelessly continues to serve both the interests of that system and those of her local community. These achievements demonstrate not only that Betty Jo is dedicated to the strong ideals of the American electoral process, but also to the vision of our founding fathers.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Betty Jo Sherman. Our democratic institutions are served well by having such honorable and giving citizens, like Betty Jo, who care about the active participation of all Americans in the electoral process. I am confident that Betty Jo will continue to serve her community as an advocate of citizen participation in the American electoral system well into the future. We wish her the very best on this special occasion.

HONORING JANET COHN OF  
CONNECTICUT

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Janet Cohn of Connecticut, who died on April 25th at 92 years young. Mrs. Cohn was the wife of the late Yale Cohn, who passed away in 1995, and mother of the Secretary of the Connecticut State Democratic party. She was an active member of the League of Women Voters as well as various other West Hartford organizations.

Born in New York City, Mrs. Cohn moved to Connecticut where she skipped two grades and graduated from Rockville High School as class valedictorian at the age of 16. From there she went on to work at the Aetna Insurance Company due to the fact that college was financially out of the question.

At Aetna, her exceptional skill as a typist was widely known as well as her tendency to distract most of her gentleman co-workers with her flapper skirts, as she would gleefully report to all those who inquired.

Mrs. Cohn met Yale at a dance for Jewish singles and married in 1933. Soon after, her skills in the workplace caused the company to break its then longstanding policy of firing female employees after they married. After she left Aetna, she took up the books at her husband's fish store, the Bostonian Fishery.

A self-proclaimed "old fashioned girl," Mrs. Cohn refused to bow to the increase in technology over the years, which meant that she never used a videotape recorder or flew in a plane. Her lack of travel only increased her focus on the welfare of her community. After moving to West Hartford in 1964, she became chairwoman of her voting district, pitching in wherever she felt that she was needed most.

In addition to her love of politics, Mrs. Cohn found time for her love of painting, making hand painted cards for the birthdays of all of the many members of her family. She even found the time to serve as a Justice of the Peace, a role she gladly played at the age of 91 for her own granddaughter's wedding ceremony. She leaves behind two daughters, four grandchildren and six great grandchildren.

Janet Cohn was an exceptional human being whose love of life was contagious to all those she came into contact with. She will truly be missed by the community she served for so many years, but most of all by her loving family.

THE PLIGHT OF HAITIAN AND  
AFRICAN REFUGEES

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. TOWNS. Mr. Speaker, though the events of September 11 were a tragic and unbelievable experience for almost all of us in this country, some of the policies and security measures that we are creating and enforcing because of it go against the principles that we as a nation stand for. The freedoms that many

countries deny their citizens, but we allow to ours, has been the reason that we have been able to shine as the great nation that we are. The responsibility that we have taken on by assisting victims of terror and oppression have separated us from other countries and again helped us to create a nation dedicated to the welfare of all peoples. However as a result of 9-11, we have started to retract on these policies. And though they may be grounded in a fear that is all too real, retracting on our principles and ideals will not remove that fear, nor will it solve the problem. Two groups that have been affected the most by some of the new policies and/or security measures are two groups that need it the most. Haitian and African refugees are suffering in their homelands and are turning to the U.S. for aid, nonetheless, we are turning them away and/or allowing them to enter the U.S. and continue their suffering in detainment centers. Will we allow ourselves to succumb to the laws of other countries that deny people their rights and ability to live as free civilized peoples?

In December, the Administration initiated a policy, which detains all Haitians seeking asylum in Miami. This policy is unmistakably discriminatory: 91 percent of refugees from other nations are given parole in American communities while they seek asylum, while Haitians who have been granted asylum often remain in detention. The policy's objective, to deter Haitians from risking their lives to come to the U.S. by boat, has not been successful. Many Haitians are not aware of this new policy and some choose to face detainment here rather than face terrorism at home. In fact, approximately 97 percent of Haitians seeking asylum are detained. For a country that was built on a historical acceptance of refugees, does it make logical sense that we treat refugees in this manner? Most Americans' ancestors came here escaping problems in their homelands as well, yet were not treated with the same disdain. Yet this goes beyond disdain, these people lack the basic rights that we as a country preach that everyone should have. These people are detained in facilities that have surpassed their maximum limit. They are not given ample time to obtain legal assistance or prepare and file their claim of asylum. They are not given sufficient medical care. Their children are denied educational services and are not allowed recreational time outdoors. They are housed with criminal prisoners even though they themselves are not. Their human rights are being violated. It is important that we ensure the due process and equal protection to Haitians asylum seekers as they turn to us for help.

The treatment of African refugees is equally problematic. According to the Interaction's Committee on Migration and Refugee Affairs, almost 50 percent of the world's 25 million internally displaced persons are in Africa, yet we only allow 31 percent of all refugees admitted to the U.S. are African. And, because the Department of State has consistently not processed refugees, we have not been able to reach our refugee allocations throughout the 1980s and 90s. For the Fiscal Year 2002, the allocation for Africa was 22,000 yet only 891 African refugees were admitted into the country. In 1999, \$120 was spent on a refugee from Yugoslavia, whereas \$35 was spent on one refugee from Africa. If African refugees are in greater need why are their needs being neglected?

Witness the case of Melrose Coker, an African refugee from Sierra Leone, who has languished in two different refugee camps since 1999. She and her children have been subjected to hazardous labor exploitation, physical abuse, denial of education, sexual violence and exploitation. While trying to survive hardships in one of these camps, Melrose was able to make contact with her family in the United States. Her mother was deeply troubled and saddened by the hardships Melrose and her family suffered in Guinea. She could not sit back and watch while her daughter and grandchildren suffered. She therefore petitioned for Melrose and her family to be provided with visas to travel to the United States, for purposes of family reunification and resettlement. This petition was filed with a local refugee agency in New York City in 1999. Several months passed and no feed-back was received from the agency handling the petition. Several petitions have been filed by Melrose's family in the United States, with various agencies and UNECR, to resettle Melrose's family in the United States. Thus far, all of these efforts have been unsuccessful. Inquiries into the status of her case have all produced no information or response. Meanwhile, Melrose and her family continue to perish while putting their lives at risk everyday, living in fear, poverty and squalor. Melrose's voice is reaching out of the depths of darkness and misery and is crying out to us today. Not only has Melrose's family suffered some of the worst atrocities ever recorded in the world during the war in Sierra Leone, but they continue to remain at risk in the refugee camps in Guinea—where they are supposed to find safety. I, therefore, appeal to you to listen to Melrose's voice calling from beyond the tents of refugee camps in Guinea. I urge you to take on the challenge to protect her and resettle and reunify her with her family in the United States.

Finally, Haitian and African refugees are in dire need of our help and as we close our doors to their pleas or continue to allow them to be mistreated in our own nation, we join alliances with those that are for the inhumane treatment of human beings. Have we not dedicated ourselves to promoting the freedom of those deprived of rights that we believe are inherent to human life? The answer is yes. The United States has been a leader in the protection of refugees and as we decline in our dedication to those that need our aid so do the rest of the resettlement countries. We must remember the events of September 11th and learn how to prevent them, but we cannot do so at the cost of the lives of others. We were attacked on that day because of our principles, if we retract on them, we our only allowing ourselves to lose in the war on terrorism. The Haitian and African refugees need our help; let us stand up for what we believe in and give them the rights that they deserve.

#### TRIBUTE TO MS. SALLY SCHMITZ

#### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. WELLER. Mr. Speaker, I rise today to offer congratulations to Ms. Sally Schmitz on the occasion of her retirement after an exceptional career as the Administrative Assistant

and Office Manager of the Ottawa Area Chamber of Commerce and Industry (OAC).

For the past fifteen years, Ms. Schmitz has served the business community and citizens of the City of Ottawa in an outstanding fashion—oftentimes providing the behind-the-scenes coordination for many of the City of Ottawa's most attractive and successful events.

Some of these key events made successful in large part because of Ms. Schmitz's organizational abilities include the Ottawa Area Chamber's sold-out annual meeting banquet at Starved Rock Lodge; the OAC's Business Expo and BIP Golf Outing; the huge Welcomeburger community event; many Riverfest activities and the expanding Farmers Market.

In addition to coordinating these key events which have enhanced and enriched the quality of life in the City of Ottawa, Ms. Schmitz has played a vital role over the years in helping the Ottawa Area Chamber of Commerce and Industry develop into a vigorous and effective organization. For example, Ms. Schmitz's work to maintain an efficient office operation while supporting OAC membership recruitment and retention efforts have been absolutely critical to the success of the Ottawa Area Chamber of Commerce and Industry.

In closing, Mr. Speaker, I am proud and pleased to be able to offer to my colleagues in the United States House of Representatives the example of Ms. Sally Schmitz as an outstanding community servant whose work during the course of her career has helped build the Ottawa Area Chamber of Commerce and Industry into perhaps the leading public service organization in the City of Ottawa.

#### IN RECOGNITION OF JACK LOFTIS

#### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Jack Loftis, the longtime Associate Publisher and Editor of the Houston Chronicle, who will officially retire on July 1, 2002, after serving nearly 50 years in Texas journalism.

A native of Hillsboro, Texas, Jack Loftis began his journalism career as a sportswriter for the Hillsboro Daily Mirror while still attending Baylor University, where he received a BBA degree in the spring of 1957. Soon after he was named editor of the paper in 1962. Mr. Loftis joined the Houston Chronicle in 1965 as a copy editor and five years later became editor of the Texas Magazine, the paper's Sunday rotogravure section. In 1972, he was promoted to features editor and began his rise through the newspaper's executive ranks and in 1974 was named assistant managing editor. Promoted to assistant editor in 1979 and vice president and editor in 1987, Jack Loftis gained the additional titles of executive vice president in 1990 and associate publisher in 1998. At the age of 67, Mr. Loftis has been the Chronicle's ranking editor during the past 15 years and the ninth in the Chronicle's 100-year history. His tenure is second only to that of M. E. Foster, who founded the paper in 1901 and served as its editor for 26 years.

Throughout his career Jack Loftis has remained involved in a number of organizations aimed at improving the Houston community.

He is a founding director of Crime Stoppers of Houston, Inc., Vice President of the Chronicle's Goodfellows holiday charity and a former member of both the Houston READ Commission and the Clean Houston Commission. Mr. Loftis, along with his wife Beverly has been involved in activities connected with the Lone Star Chapter of the Multiple Sclerosis Society, Friends of the West University Park and Citizens for Animal Protection.

Jack Loftis' exemplary model of community activism has earned him the respect and praise of his colleagues, community leaders and countless community organizations. He was the recipient of the United Way Loving Hand Award (1994); the Headliners Foundation of Texas' Lifetime Achievement Award (1995); Honorary chairman of the 1995 Inaugural Committee; Newspaper Features Hall of Fame (1997); the Freedom of the Information Foundation of Texas' James Madison Award (1999); and the Pulitzer Prize Nominating Juror (1999 and 2000).

Honored as a Baylor Distinguished Alumnus in 1988, Loftis was a member of the school's Sesquicentennial Council of 150 during 1993–95 and received the Baylor Communications Award in 1997. He currently is a member of the executive committee of the Baylor Alumni Association and chairs the advisory board for The Baylor Line, the association's quarterly magazine. Also, in recognition of his legacy, Baylor University has named the press box at its newly constructed Baylor Ballpark stadium in Jack Loftis' honor.

Jack Loftis recently summed up his career best by saying: "Since the day I walked in the Chronicle my intention has been to do what was best for the community, this newspaper and this staff. I hope I have succeeded more times than I have failed." Mr. Speaker there is no question that Jack Loftis has succeeded in improving our city, state and nation and establishing the Houston Chronicle as one of America's leading daily newspapers. Throughout his tenure, Jack witnessed and reported on the tremendous growth of Houston and Texas, the rise (and sometimes the fall) of its leaders and every day lives of the people who make up our great nation. Committed to the truth and a free, open, and democratic society, he has never shied away from reporting the news and expressing an opinion regardless of controversy or consternation. Mr. Speaker, I congratulate my friend on his tremendous career and commend him on a job well done.

#### DENTAL AMALGAM SAFETY

#### HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. OTTER. Mr. Speaker, today I rise to support the continued recognition of Amalgam as a safe and appropriate material to be used in dental fillings.

Numerous studies conducted by a diverse assortment of health research organizations including the National Institutes of Health, the World Health Organization, the U.S. Public Health Service, the Food and Drug Administration, and the Centers for Disease Control and Prevention all confirm that the use of Amalgam in dental fillings is safe. With the costs of healthcare already soaring it is important to protect those treatments that have a

proven track record of reliability and are cost effective for patients.

Dentists have come to rely on the use of Amalgam as a harmless, dependable, and cost effective material with which to treat their patients and I believe the use of Amalgam should remain a viable option for dentists and their patients.

#### FACTS ON THE 2002 ASSISTANCE TO FIREFIGHTERS GRANTS

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. SMITH of Michigan. Mr. Speaker, USFA has just recently completed its peer review of the applications for this year.

Fire Operations and Firefighter Safety: \$882,539,097 representing 58 percent of the applications.

Fire Fighting Vehicles: \$1.26 billion representing 37 percent of the applications.

Emergency Medical Services: \$35,174,783 representing two percent of the applications.

Fire Prevention Programs: \$30,580,741 representing three percent of the applications.

Volunteer/Combination fire departments: 17,786 applications requesting more than \$1.9 billion.

Career fire departments: 1,733 applications requesting more than \$287 million.

This large number of requests by departments demonstrates just how significantly many fire departments are lacking the most basic of firefighting equipment.

Last year, only 4% of applicants received awards—through a peer reviewed process, which is the fairest, most effective way to distribute these funds.

Two years ago, Congress passed legislation authorizing a grant program to help fire departments enhance their ability to respond to fire and fire-related hazards. The program, known as the Assistance to Firefighters Grant Program, makes competitive, peer-reviewed awards to fire departments for basic needs such as training and equipment. In only its second year, the program has been extremely popular among the firefighting community and was appropriated at \$360 million for fiscal year 2002.

We invite you to co-sponsor H.R. 4548, which would protect the Assistance to Firefighters Grants as a program separate and distinct from the Administration's newly created initiative within FEMA aimed at helping emergency service personnel prepare for and respond to terrorist incidents. The fire service community has overwhelmingly opposed any consolidation of these two programs, concerned that it would negatively impact the grant program or possibly even eliminate it altogether. These programs, while both very important to first responders, serve distinct needs.

The efficient and cost effectiveness of the Assistance to Firefighters Grants Program has been of great benefit to America's fire service. Congressmen HOYER, WELDON of PA, and I ask your support as a cosponsor of this legislation that retains the current provisions of the program (authorized at \$900 million), as administered by the U.S. Fire Administration. To sign on as a cosponsor, contact me or Dan Byers at 225-5064.

#### MARKING INTERNATIONAL REFUGEE DAY

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. CONYERS. Mr. Speaker, while Western nations mark and celebrate International Refugee Day today, the 3.3 million people who make up Africa's refugee population probably do not know that this day is for them. They are too busy eking out a living, a bare existence, in refugee camps and villages where they have found temporary safety.

Despite being the world leader in refugee resettlement, the U.S. has barely opened the door to African refugees. Helping Africans resettle here has not been a priority of U.S. policy since the end of the slave trade. In 1988, the Reagan Administration capped African admissions at just 3000, and fewer than 1600 Africans were actually admitted that year. From 1995 to 2000, 28% of the world's refugees were African, but only 11% of all the refugees resettled to the U.S. were Africans.

One policy of refugee resettlement was being applied to the world, while another policy with fewer admissions was being applied to Africa. I and my fellow members of the Congressional Black Caucus pressured the Clinton Administration to increase the admissions allocation for Africa, to rectify this imbalance, and to address the dire needs of people fleeing political persecution and violence in Africa.

By the end of the Clinton Administration in 2000, African admissions had climbed to 20,000 per year, largely due to the CBC's efforts. Our doors were opened to admit 22,000 African refugees this year. Despite this important victory—we are unlikely to see the fruits of our labor. Nowhere near 22,000 refugees will arrive from Africa this year, due to policy changes in the refugee program implemented after the September 11th attacks.

African admissions are down for several reasons. The Bush Administration imposed additional security checks—known as Special Advisory Opinions—on all men between the ages of 15 and 55 from certain Arab and Muslim countries, including some North and East African nations. They will not publicize this list so it is impossible to tell whether any male African refugees are exempt from this review, but processing has been very slow.

INS personnel stopped conducting circuit rides through Africa to conduct interviews of refugee applicants due to security concerns. Interviews were also stopped at processing locations in Kenya and Ghana for almost 6 months for security reasons.

The INS is also cracking down on "major inconsistencies" in the petitions of relatives seeking to join asylees already resettled in the U.S. In the worse cases, these differences include applications for parents who the resettled refugee originally claimed were murdered for political reasons, and applications for children who the refugee did not identify when they first applied for their refugee status. The rates of these inconsistencies are undeniably troubling. For some nationalities, more than 50% of family relative applications are inconsistent with the original applications filed by the resettled asylee.

Yet American and international voluntary organizations that assist in identifying refugees

for resettlement tell us that in some places refugees are bribed by middlemen who hold up their paperwork if they indicate that they have living relatives who can assist them. The fact that the vast majority of African applicants seek entry as relatives suggests that other categories of entry may not be effective ways of entry for Africans. A myriad of processing and filing errors, or fraud on the part of the anchor relative or a third party, may be to blame. Rather than seeking explanations and contacting the applicants, the INS assumes that one such inconsistency means that any other claims of persecution, no matter how brutal, are untrustworthy lies.

For all of these reasons, many of the most vulnerable populations children, amputees, widowed women, and those who languish in refugee camps—are not getting admission to a program that exists to protect them.

I remain deeply concerned that huge refugee camps still exist in Africa where thousands of people await a chance at a decent life for as many as 10 to 15 years. In that time children are raising themselves, and each other, to adulthood while living in the camps. Eighty percent of refugees in these camps are women and children—both vulnerable groups who are in need of protection and durable solutions. Families are under dire strain, reunification is difficult and resuming a normal productive life is impossible. The United States must do more to address these tragedies that are plaguing refugees in Africa.

It is also time for us to turn around the horribly unjust policy that the INS recently instituted to keep Haitian asylum seekers locked up like, and sometimes with, violent criminals. For years, the INS Miami office has paroled asylum seekers into the community, once they show credible fear of persecution, while they await the adjudication of their claims. That policy still applies to people from any nation in the world—except Haiti. The INS has decided to discriminate against Haitians, holding them for months without access to translators and lawyers, while they await a decision.

The INS has said that the purpose of this policy is to deter Haitians from risking their lives to flee Haiti by boat. If that were the case, the policy would have been applied to Cubans, and any other people that come to the U.S. by boat, at the time it was instituted. And what evidence exists to show that locking people up will keep those risking their lives and fleeing persecution from coming? The real goal appears to be to keep Haitians out of the United States and once again I must question whether race is a factor in this discriminatory policy.

About 250 refugees are now being held in Miami. Men are separated and put in the grossly overcrowded facilities at Krome Detention Center. Women are placed in a maximum security county jail with violent criminals. And children are being detained with one parent in a facility where they receive no education, no play time or trips outside, no special programs geared towards their needs.

It is bad enough that there are millions of refugees around the world who come to us for refuge from persecution. It is even worse that we are then persecuting some of these refugees when they arrive by placing them in these inhumane conditions. There is no political, strategic, security or moral justification for this policy. I call on the Attorney General to immediately parole Haitians—just like all other asylum seekers.

TRIBUTE TO ERNEST C. ("ERNIE")  
SMITH

**HON. ELLEN O. TAUSCHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mrs. TAUSCHER. Mr. Speaker, I would like to submit the following to the CONGRESSIONAL RECORD for June 20, 2002, on behalf of my constituent.

In Loving Memory of Ernest C. ("Ernie") Smith.

For his contributions to his country as a United States Marine in numerous battles in the Pacific during World War II.

For his many years of service to his community as a school teacher and docent at the Oakland Museum.

For his unconditional and unending love, guidance and support of family as beloved husband, father, grandfather and great-grandfather, and

For his camaraderie, humor and loyalty to all whom were blessed to count him as a friend.

He will be forever loved, respected and etched in our memories.

TRIBUTE TO DAY HIGUCHI

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. BERMAN. Mr. Speaker, I rise today to recognize an outstanding educator and leader—my very good friend, Day Higuchi. On June 22, 2002, Day will be honored at a luncheon held by his friends and colleagues to celebrate his thirty-two years of tireless work on behalf of the public schools of Los Angeles.

While serving as President of United Teachers of Los Angeles, Day has also devised a number of new and innovative ways of teaching that can be used throughout the many subjects he has taught in his career—science, drama, English and film making. He is recognized for his creativity and the unique manner in which he has continually refined his instructional methods, as he designed, then redesigned an innovative interdisciplinary team teaching program with three of his colleagues. Day has also improved instruction for students by creating school-to-career centers, increasing standards based instruction, and creating effective reading and math programs. In addition, he developed a system to improve teaching quality through internships for new teachers, and Professional Development Programs (PAR, NBC, ISCA, Education Advisory Committee, and Task Force on the Professional Work of Teachers).

It is no wonder that I have long turned to him as a prime advisor on issues relating to education. He is a distinguished expert on improving the performance both of students and of teachers.

Day's leadership within the United Teachers of Los Angeles has resulted in dramatic improvements in the working conditions of educators. He first served as Chapter Chair from 1973 to 1987, then moved on to become a member of the UTLA House of Representatives from 1974 to 2003, the Board of Direc-

tors from 1984 to 1988, the Director of East Area from 1988 to 1991, the UTLA/American Federation of Teachers Vice-President from 1992 to 1997, and President from 1997 to 2003.

Day's accomplishments as an advocate and leader are legion. He successfully fought for the rights of Union Members and for an increase in important benefits. He helped defeat the breakup of the Lomita district, negotiate raises averaging 23 percent, defeat propositions to silence labor, defeat the Draper initiative for vouchers and pass important school bonds measures.

Day is a remarkable man who has been a great asset to the Los Angeles Unified School District. Mr. Speaker, it is an honor to ask my colleagues to join with me in paying tribute to Day Higuchi, who has dedicated his life to our children and their education.

TRIBUTE TO THE COMMUNITY ACTION AGENCY OF DELAWARE COUNTY

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to acknowledge the contributions that the Community Action Agency of Delaware County has made to improve the lives of many low income county residents. Since their inception in 1979, this agency has served numerous families and individuals.

The Community Action Agency of Delaware County focuses on equipping low income families and individuals with the tools and life skills they need to develop and build their own resources. This goal is achieved through programs focusing on life skills, employment and training, housing, and community development. These programs allow my constituents to gain a sense of self-respect, self-esteem, and a renewed sense of faith in their own abilities. The qualities and skills they develop make it possible for them to lead lives free from dependent relationships with government agencies.

The Community Action Agency of Delaware County has been successful in combining public, private, and nonprofit resources to address the needs within the economically disadvantaged community. Through these efforts they have become a major provider of social services and housing in Delaware County. For their work, they have received accolades from the Council of Delaware County.

Mr. Speaker, the Community Action Agency of Delaware County is ensuring that true self-sufficiency is possible for everyone in Delaware County. I hope that all my colleagues will join me in recognizing their contributions to Delaware County, to Pennsylvania, and to our great Nation.

TRIBUTE TO MR. JOSEPH PATRICK CRIBBINS

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to Joseph Patrick Cribbins, a great American

patriot, who served the United States military and our nation, and who remains a hero in the hearts of South Texans and other Americans who knew him. He passed away this week.

This American soldier, with 52 years of military service, died on June 14, 2002, the 227th birthday of the United States Army.

He was a world-renowned expert in aviation safety and logistics, particularly in U.S. Army. As a young man, he was an expert horseman and steeplechase jockey. He joined the U.S. Army First Cavalry Division as a stable sergeant in the horse cavalry in 1940.

From there, he was deployed to the Philippines, joining the staff of General Douglas MacArthur in World War II, where he was commissioned as an officer. That is also where he met his wife of over 50 years, his beloved Helen who preceded him in death.

After a 26-year career in uniform, he entered the civil service with the Department of the Army in the Army Materiel Command in the Washington, D.C. area. His extraordinary achievements grew, as did Army aviation in the Vietnam Era and the late 20th Century. There, he became a major player in founding the aviation logistics office, which oversaw maintenance and supply activities.

This second Army career, in which he worked closely with the Corpus Christi Army Depot in South Texas, led to a second 26-year career culminating in his top rank as the third-ranked DA civilian, equivalent to a three-star general. He received numerous awards and decorations including four individual Presidential Awards for distinguished service, from four different Commanders-in-Chief.

I ask my colleagues to join me today as the nation mourns a lost warrior, one who helped defend freedom and democracy and shaped defense policy in the 20th Century Army.

PEACE CORPS CHARTER FOR THE 21ST CENTURY ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. UDALL of Colorado. Mr. Speaker, today my colleague Representative SAM FARR and I are introducing the Peace Corps Charter for the 21st Century Act. I thank my colleague for working so closely with me on this important bill.

I also thank Senator CHRISTOPHER DODD for introducing a companion bill in the Senate and working with us every step of the way in this effort. I look forward to continuing communication between the House and Senate and with the Administration to ensure the product that emerges from the legislative process is one that has strong bipartisan support as well as the support of returned and current Peace Corps volunteers everywhere.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national and community service. But I also have strong connections to the Peace Corps—through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important

Peace Corps connection for me is my mother, who served as a volunteer in Nepal decades ago.

Because of these connections I have a special interest in advancing the ability of the Peace Corps to play an important role in these new times.

As Americans, we have never been more proud of our country, our freedoms, our democracy, our diversity. We know how fortunate we are to live in the United States. And yet we were sent a clear message on September 11th that we are not necessarily viewed abroad the way we view ourselves at home. Why is this so? More importantly, how can we change this?

One way is to take multilateral action against terrorism, which we have done with the help of our allies in the months since 9–11. Another way is to continue to promote world peace and friendship through the people-to-people approach of the Peace Corps.

For over forty years, Peace Corps volunteers around the world have taught English and other subjects to foreign students, worked with small farmers to increase harvests, taught local people how to monitor their environment, and raised community awareness of health issues, among other things. The Peace Corps is one of the most admired and successful initiatives ever put in place.

But the Peace Corps's first director, Sargent Shriver, said in a speech at Yale last November that its founders made one mistake when they created the Peace Corps: They didn't go far enough or dream big enough. As he put it, "Our present world cries out for a new Peace Corps—a vastly improved, expanded, and profoundly deeper enterprise. . . . Peace is much more than the mere absence of war. Peace requires the simple but powerful recognition that what we have in common as human beings is more important and crucial than what divides us."

I think he was right. And the bill we are introducing today echoes that vision. The Peace Corps mission reflects the fact that with economic development and mutual understanding come greater opportunities for peace. And every small step we take to help and understand people in other countries has its own rewards.

A pebble tossed into a still pond creates ripples that begin small and grow larger. Peace Corps volunteers have had this same effect on the people they have touched. The Peace Corps experience exemplifies how individuals can make a tremendous difference in the lives and perceptions of people in developing countries as well as people right here at home.

More than 166,000 Americans have served in 135 countries over the past 40 years. Many more are prepared to serve; since the beginning of this year, requests for Peace Corps applications have increased by 77 percent. This is good news, as we are finally building solid support behind the idea of doubling the size—as well as the impact—of the Peace Corps.

It was the Reagan Administration that first articulated the notion of expanding the size of Peace Corps to 10,000 volunteers. We're pleased that President Bush has embraced this important goal and has pledged to seek to double the size to 15,000 in five years. The bill we're introducing today builds on that concept and goes beyond it to propose a new post-9-11 "Charter" for the Peace Corps.

The "Peace Corps Charter" strengthens the Peace Corps in a number of ways. It restates and further promotes its goals—to provide technical assistance to those in need around the world, to promote better understanding of Americans on the part of the peoples served, and to bring the world home to America. It authorizes funding to allow for a Peace Corps expansion to 15,000 volunteers in five years. It reaffirms the independence of the Peace Corps. It authorizes a number of reports, such as one on host country security. It spells out a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations. It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS. It streamlines and empowers the Peace Corps Advisory Council, with an added focus of making use of the expertise of Returned Peace Corps Volunteers. Finally, the bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

As Sargent Shriver stated in his November speech, we need a new world of peace. Today we join with the Administration in its call for an expanded and refocused Peace Corps that can take on the new challenges that September 11th has presented to us, a Peace Corps that can be "a pragmatic and dramatic symbol of America's commitment to peace." I believe that passage of the Peace Corps Charter for the 21st Century will help us head in this direction.

I look forward to working with our colleagues in the House as we move forward with this vital legislation.

#### RECOGNIZING JIM NEELY FOR HIS YEARS OF PUBLIC SERVICE

#### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. TANNER. Mr. Speaker, I rise today to recognize the years of selfless public service of a dear friend of mine, Mr. James Neely. Jim recently received the Pinnacle of Excellence Award, the highest honor offered by the people of Huntingdon, Tennessee, which I am proud to say is also the hometown of my wife, Betty Ann.

Mr. Neely and his wife, Rachel Todd Neely, live in Huntingdon in Carroll County, Tennessee. They have a daughter and son-in-law, Hope and Michael Turner, a granddaughter, Neely Turner, and a second grandchild on the way.

Jim is a graduate of Huntingdon High School and the University of Tennessee at Martin. Since that time, he has been a leader in our community and in the state, including serving as Commissioner of the Tennessee Department of Labor and as President of the Tennessee AFL-CIO Labor Council.

Other state positions he has held include seats on the Employment Security Advisory Council, the Cabinet Council on Indigent Health Care, the Commission on Higher Education, the Advisory Council on Worker's Com-

pensation and the Safety Congress Board of Directors, which he also founded. He has chaired the Planning Committee for the Tennessee Job Partnership Council and the state Workforce Development Planning Committee.

His other accomplishments include past Chairman of the Huntingdon Special School District Board of Education and past Member of the Federal Reserve Bank of Atlanta Advisory Board.

Jim has said he is proud to be from Huntingdon, Tennessee. Today, Mr. Speaker, I say that we are proud to have such a fine leader as one of our own. I ask that you and our colleagues join me in recognizing my friend, Mr. James Neely, for all he has done to make a difference.

#### CONGRATULATING TIGER WOODS

#### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Ms. WATERS. Mr. Speaker, I rise tonight to offer my congratulations to Tiger Woods. Over the weekend, he won the 102nd U.S. Open, held this year at Bethpage Black Golf Course.

The victory did not come easy. A strong field started the tournament on Thursday and the players had to fight through three days of torrential rain. The course, the longest in U.S. Open history, was also regarded as among the most difficult courses ever played.

But Tiger's poise and concentration, as well as wealth of talent, helped him through the week. He managed to shoot a 277, three under par. Tiger was the only golfer of the 155 that competed, who managed to finish under par.

With the victory, Tiger's tally of major tournaments won climbed to eight. He has won six of the last nine major championships, and seven of 11—an unbelievable streak.

Despite all his accomplishments, Tiger is still aiming higher. He now says he wants to win all four majors in the same year, a grand slam—something that has never been done before. But, I'm certain with Tiger's discipline and talent he will accomplish this as well.

So as I conclude, Mr. Speaker, I would once again like to congratulate Tiger in his most recent victory. I would also like to congratulate and thank Tiger for being such a positive role model for our nation's children. He is a great inspiration for them. Lastly, I would like to wish him good luck in his efforts to win the grand slam and achieving all the other goals he sets for himself. He is a tremendous athlete and fine individual and deserves all the best.

#### TRIBUTE TO MRS. RUTH C. GIST

#### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Ruth C. Gist of Union, South Carolina on occasion of the Union County Pacolet River Baptist Association declaring Saturday June 22, 2002, Mrs. Ruth C. Gist Day in Union South Carolina.

Mrs. Ruth C. Gist has devoted her life to her family, her community and Christian service.



She has served as a role model for her family and fellow community members. She is described as a "woman of strong moral values, great strength, integrity and dignity."

Mrs. Ruth C. Gist has five children all of whom I have had the privilege to interact with professionally and socially. She has five grandchildren, and five great-grandchildren. In addition, she has served as a surrogate parent to numerous other children in her church and local community all of whom she tries to serve by precept and example.

Because of her selfless devotion and tireless community service, Mrs. Gist's, church family, and the citizens of Union County have deemed it appropriate to recognize her for her years of unselfish service.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Mrs. Gist on this momentous day, Mrs. Ruth C. Gist Day, in Union County, South Carolina. I wish her good luck and Godspeed.

#### ON INTRODUCTION OF BILL THAT PAYS TRIBUTE TO STEVEN PINIAHA

##### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise to introduce a bill that pays tribute to an especially brave man from New Jersey, Private First Class Steven Piniha. This bill would authorize the President to award Private Piniha, the Congressional Medal of Honor, for his gallantry in action near Pirkenbrunn, Germany, on April 25, 1945. For his courageous and selfless actions on the battlefield, this man is truly a great American patriot.

In response to the call of duty, Private Piniha was unable to dislodge a force of enemy riflemen from their dug-in positions on a hillside with tank fire. Private Piniha dismounted his tank and boldly stormed the hill. Although twice thrown to the ground by concussion grenades he continued forward until he was mere yards from the enemy and then forced the surrender of twelve of the enemy. Private Piniha's fearless courage, dauntless initiative and devotion to duty reflect credit on himself and are in keeping with the highest military traditions.

After leaving the service, Mr. Piniha, spent a quarter of a century coaching little league baseball and football. He is married and has eight grownup children. He is currently retired.

Although the American colonists were victorious in the revolutionary war 219 years ago, the American pursuit of liberty did not end there. Throughout the past 2 centuries, young Americans like Private Piniha have fought to preserve our country's values both inside and outside its borders. In this struggle, one of our most valuable resources has been our soldiers and their dedication to upholding American ideals.

This July 4th, when we celebrate the birth of our beloved nation and all it means to us, we must acknowledge the brave and selfless actions of dedicated American soldiers like Private Piniha. Through his courageous military service, Private Piniha has done his part to ensure that America may celebrate its independence year after year.

I urge support for this bill that honors Private Piniha's contribution to American military history. Thanks to brave soldiers like Private Piniha, we retain our freedom and we protect democracy around the world. I ask all my colleagues to join me in commending Private Piniha's sacrifice for our nation.

#### HONORING ERNEST R. GRECCO

##### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CARDIN. Mr. Speaker, I rise today to honor Ernest R. Grecco, an extraordinary leader and community activist who serves as President of the Metropolitan Baltimore Council AFL-CIO Unions. Mr. Grecco is recognized for his commitment to "the right of all working people to join unions" and his ongoing work in serving the Baltimore area.

Mr. Grecco's distinguished involvement with the labor movement has flourished since his initial engagement while working for Calvert Distilleries. Ernest Grecco's perseverance and open mindedness have allowed him to rise through the ranks of AFL-CIO Unions leadership. First serving as the COPE Director of the Metropolitan Baltimore Council AFL-CIO Unions in 1976, he became the director of the Maryland State and District of Columbia branch of this organization in 1983. Then in 1987, as a result of his genuine dedication to bettering the lives of people, Mr. Grecco advanced to his current role as the President of Metropolitan Baltimore division of this organization.

Since then, Ernest Grecco has maintained his commitment in providing services to working people. His support for the Community Service division of the Metropolitan Baltimore Council AFL-CIO Unions has strengthened projects in areas of education, job placement and community action.

However, his message of hard work, dedication and justice is not confined to the labor movement. Ernest Grecco is extensively involved in all facets of the community. Not only is he the Secretary of the United Way Board of Directors, but Mr. Grecco also serves as a member of the Private Industry Council, the Governor's Work Force Investment Board and the Empower Baltimore Committee, among countless other distinguished organizations.

Through all his public service, Mr. Grecco has distinguished himself in the state of Maryland. He proclaimed that "Labor is alive and well in Maryland" and works hard each day to improve the lives of workers.

In July, Mr. Grecco will be celebrating his 60th birthday with family and friends. I urge my colleagues to join me in honoring Mr. Ernest R. Grecco for his service to the AFL-CIO Unions and devotion to the people of Maryland.

#### CONGRATULATING THE WILLIAMS SISTERS

##### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Ms. WATERS. Mr. Speaker, I rise today to congratulate the Williams sisters on their mag-

nificent play during the 2002 French Open. The two sisters, Venus and Serena, met recently in the finals of the French Open and provided an exciting game for us to watch. In the end, Serena defeated her big sister in straight sets, 7-5, 6-3 to become champion. It was a great match and I look forward to watching them compete in the future. I would not be surprised to see them competing against each other in other finals over the next few years.

Recently, Venus was ranked number one in the world by the Women's Tennis Association. And Serena was ranked number two. It is the first time sisters have ever held the top two spots in the world. It is quite an accomplishment.

Venus and Serena have dominated the tennis scene since they arrived in 1994 and 1997, respectively. Together, they have won over 27 tournaments and six grand slam titles. When Venus won the 2000 Wimbledon championship, she became the first female black champion since 1958 when Althea Gibson won the title. In the same year, she teamed up with her sister to win the doubles championship. Venus went on to win Wimbledon last year and is the top ranked woman this year. She also won the Olympic gold medal for singles and doubles in the Sydney Games. To win the Olympic doubles gold medal, she paired up with Serena. The two sisters overwhelmed the competition with power and hard work, winning the gold medal match 6-1, 6-1. With that victory, Venus became the first woman, since 1924, to win the gold in singles and doubles competition.

Serena is also quite accomplished. She has fifteen career wins under her belt. As I mentioned, she won her second Grand Slam title at the French Open this year, her first coming at the 1999 U.S. Open. When she won that title, Serena became the lowest seed to win the women's title in the Open era. She is ranked number two at Wimbledon this year.

So it appears that most expect the sisters to reach the Wimbledon finals this year. If it does happen, it would be the third all-Williams Grand Slam final in 10 months. And their seventh championship in the past 12 Grand Slam singles events.

In closing, I wish Venus and Serena the best of luck at Wimbledon and offer my sincere congratulations to them for their remarkable achievements.

#### TRIBUTE TO BROOKLAND BAPTIST CHURCH

##### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Brookland Baptist Church, of West Columbia, South Carolina, on the occasion of their Centennial year.

This Sunday, June 23, 2002, will be Brookland Baptist Church's Men's Day Celebration during which they will celebrate 100 years of Christian service. Although this church—as many others—is made of bricks and mortar, to its community it symbolizes the body of Christ. In times of need, Brookland Baptist has been, and continues to be, a place of comfort and support. In times of joy, it has

been and is a gathering place for families and friends to join in celebration. Every day, and in every way this church has been a place of sanctity and worship. Brookland Baptist's entire church family is to be commended for its commitment and service.

Brookland Baptist Church not only has demonstrated great love and loyalty to its community, but also has shown its resilience and strength over the years. This prominent church in West Columbia started out with modest roots. In the 1800's, Brookland Baptist Church held its first meetings in the home of Mrs. Francis Millage. But from this modest beginning, the members—with faith in their hearts—were able to construct Brookland's first church edifice in Triangle City, West Columbia, in 1902. Since that time the church moved twice in order to have space for its growing congregation. Today the Church has a 2,200 seat sanctuary, and will break ground next year on a new Family Life Center. The church currently has 4,500 members in their congregation.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Brookland Baptist Church for its dedication and commitment, endless faith and devotion, and the love and contributions it has shown to the community of West Columbia. Congratulations on this latest milestone in its rich history. May God continue to bless the good works of this great Church and smile upon each of its outstanding members.

#### A TRIBUTE TO ADAM N. HASKINS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. TOWNS. Mr. Speaker, I rise today in honor of Adam N. Haskins and his commitment to service.

From an early age, Adam focused on education, personal growth, spirituality, and serving his community. After receiving his high school diploma from Brooklyn College Academy, he will pursue a Computer Science degree at Central Connecticut State University.

Mr. Haskins has always been very involved in extra-curricular activities at school. He was a member of the Leadership Team, participated in a walk-a-thon for the March of Dimes, the Toys for Tots drive and many school fundraising drives. Adam has also received many awards including the National Commemorative Certificate in the Arts from the United States Achievement Academy. The New York Metropolitan Museum of Art honored him with the Saint Gauden's medal for visual arts.

Adam's mother, Peggy, inspired him to get involved in his community. He was a valuable intern in my Brooklyn district office. During his internship, he was involved in many community projects including the Toy Gun Exchange, the community Christmas Tree lighting, town hall meetings, and health forums. He was also closely involved with Congressman Towns' Youth Initiative.

Mr. Speaker, Adam N. Haskins is a fine young man who has an outstanding record of achievement in his school and in his community. I urge all of my colleagues to join me in honoring this remarkable person.

#### NATIONAL SERVICE DAY

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in recognition of National Service Day, celebrated every year on June 20, but more important to Americans this year than ever before.

Following the events of September 11, I, like many Americans, felt the need to respond not only with my checkbook but also with my actions. Indeed, many of us felt a yearning to find meaning in those tragic events by actively participating in our nation's healing process; and we came together in a way that many of us had not seen in generations.

Long before that horrifying day, President John F. Kennedy captured what so many of us felt in the wake of our national disaster. He pointed to the need Americans have always had to participate in spreading America's values of freedom, justice and opportunity around the world. "We have, in this country," he said, "an immense reservoir of men and women anxious to sacrifice their energies and time and toil to the cause of world peace and human progress . . . knowing that he or she is sharing in the great common task of bringing to man that decent way of life which is the foundation of freedom and a condition of peace." Americans since September 11 have indeed responded to that calling and contributed their share in our nation's, and the world's, rejuvenation.

Yet they have learned what many Americans have known all along: that service benefits not only the recipient of the deed, but the giver as well, in ways far less tangible, but perhaps even more meaningful. Service has always been an answer to man's quest for purpose and meaning in life, elevating him, bringing him closer to people from different backgrounds and teaching him that the world can be improved even through the small acts of individuals. Thus, when President John F. Kennedy asked Americans not to be dependent on our country, but rather to do for our country, we understood what he meant because we knew the value of national service. Our appreciation of its enriching nature ensured our overwhelming response to his call.

AmeriCorps is perhaps the most celebrated example of the drive Americans have always had to lend a hand to those in need. Since it was initiated by President Clinton in 1993, more than 250,000 men and women have served in AmeriCorps, providing needed assistance to millions of Americans, particularly in tutoring programs. The Corporation for Public Management, an independent evaluator, found that students tutored by AmeriCorps members completed their homework 67 percent more often, and 75 percent of those students improved the quality of their homework as well. In my district, in the last year alone, AmeriCorps provided in-school and after-school tutoring to 250 children in five elementary schools in order to improve children's language arts performance. The Corps members in my district also tutored 300 disadvantaged students and parents at homework centers and engaged youth in service-learning projects. AmeriCorps, however, is just one of many organizations in my district that I look to as inspiring examples of community service.

The Connecticut Commission on National and Community Service is another shining example, dedicated to incorporating volunteerism into a positive personal experience to strengthen communities. Based in Hartford, the Commission envisions a Connecticut in which every citizen embraces the ethic of community service. Through a multitude of service opportunities, individuals will understand the social needs of their communities and will embark on fulfilling their most American of wishes—to help others. By recognizing this opportunity to serve, barriers that have hindered a sense of community will be lifted, and citizens across age, ethnic, racial, and economic strata will come together around a common good.

It is therefore incumbent on us here in Congress to do all we can to encourage service in this time when so many Americans are yearning for ways to do their share and find scraps of meaning in the rubble of September 11. Now, more than ever, we can expose young people to the uplifting value of serving their community and their nation.

Therefore, I join supporters of national service across the country by calling on my colleagues and on President Bush to expand America's national service programs, such as AmeriCorps. Congressmen FORD and OSBORNE introduced the "Call to Service Act" which seeks to quintuple AmeriCorps service openings to 250,000, expand senior service, create a "citizen soldier" for short term military enlistments, and increase the involvement of college work study participants in community service. We must act to pass that legislation and its companion in the Senate in order to ensure that the opportunity to participate in service be available to all Americans. Similarly, the Senate Armed Services Committee has reported legislation creating a citizen soldier option. We must take up these pieces of legislation and move forward so that national service can become not just a special chance for a few but a way of life for all Americans.

At a time when Americans from all walks of life are asking what they can do to help make our nation safer, stronger and better, national service offers an answer that points us towards a higher politics of individual and national purpose.

#### CONGRATULATING THE BOROUGH OF OAKLAND ON ITS ANNIVERSARY

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate the Borough of Oakland on the occasion of its 100th anniversary. Oakland, New Jersey is a valley community nestled in the foothills of the Ramapo Mountains. It has become community known for its dedication to its people, programs, and the preservation of its history and natural resources. The warmth and intimacy of this small town make Oakland a true treasure in an industrial region. This weekend, the Borough of Oakland will begin their town-wide celebration of its 100th anniversary with a gala celebration, starting with a family picnic and concluding with a wonderful fireworks display at dusk. I am proud to recognize this wonderful event and community in Northern New Jersey.

The area of land that is now Oakland was originally purchased by a Dutch Company in 1695, although settlers did not arrive in Oakland until a much later time. In 1710, there were only ten families. Much of this was due to the fact that the area was at least a day and a half journey on Native American paths from Hackensack, the closest town. During the 18th century, Oakland evolved into a serene farming and lumbering area with numerous mills on the Ramapo River and local streams.

Today, the residents of Oakland number over 12,000, many of whom are lifelong residents of the once rural area. These residents take tremendous pride in the history of Oakland. The Historical Society has been active in preserving the Van Allen House, a place George Washington stayed in June 1777. With the restoration of the Van Allen Homestead, these residents are setting a wonderful example of local pride, and I commend them for their efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing the Borough of Oakland on its 100th anniversary, and I congratulate the town on creating such a positive, welcoming community for its citizens.

#### WORLD REFUGEE DAY

**HON. CARRIE P. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 20, 2002*

Mrs. MEEK of Florida. Mr. Speaker, I rise today as we commemorate World Refugee Day and to bring attention to the desperate circumstances faced by Haitian refugees in South Florida.

Life for very many people in Haiti has unfortunately been one of poverty, violence, and instability.

According to the UN High Commissioner for Refugees (UNHCR), since early 2000, an increasing number of people have left Haiti due to persecution and violence, often associated with politics. Haitians have applied for asylum in increasing numbers in the Dominican Republic, Jamaica, and other countries.

Mr. Speaker, the United States has had an unmatched history of welcoming immigrants and refugees to our shores, which is why our refusal to welcome more Haitian refugees is so especially troubling.

In addition to the desperation, and the psychological and emotional trauma that Haitian refugees already must contend with, Haitian refugees who make it to the United States have long been subject to unfair and unequal treatment by the Immigration and Naturalization Service. Hundreds of Haitian refugees with well-founded pending asylum claims are currently being held at Turner Guilford Knight Correctional Facility—which is supposed to be used as a maximum-security prison—and the Krome Avenue Detention Facility, in South Florida.

Since December, the situation for Haitians seeking political asylum in this country has become markedly worse. The INS has been detaining Haitian asylum seekers before and while their appeals are considered, for extremely lengthy periods of time, while many other refugees are routinely paroled into the community.

There is clear and overwhelming evidence which shows that Haitian refugees who come

to our country seeking asylum are not treated the same as other refugee groups.

Federal judges have long criticized the INS for its wholesale violations of the Haitians' fundamental legal rights. A reading of their decisions amply demonstrates that no other group of refugees has been treated with the blatant discrimination suffered by Haitian refugees during the past two decades.

It is extremely divisive, in a diverse community like Miami where different ethnic groups live side-by-side, that similarly situated immigrant groups, like Cuban and Nicaraguan refugees are given such radically different treatment.

Mr. Speaker, I have in my hand testimonials from Haitian detainees who are presently detained in the Turner-Guilford Knight Correctional Facility, and the Krome Avenue Detention Facility, and I ask that these be included in the RECORD.

#### TRANSLATION OF LETTER

TKG, MARCH 4 2002

We are writing this letter today so we can explain thee problems that we have been having since we left Haiti up until now at TKG. We know that we were wrong to enter the United States illegally, but we had to in order to save our lives from the Lavalas members. When you think about it, we were running away and what we found is worse. When we got here, we thought that the Americans would understand us because there are laws that protect victims of abuse and torture. We did not leave our homes because of lack of food, it was political problems that forced us to leave. What hurts us more is that everyone we've spoken to has told us that this is not the way Immigration usually treats asylum seekers. When you look at it everyone from other nations that have come to the United States under the same conditions as us have been released in two or three days. We would like for Immigration to have pity on us because we can no longer take this. Some of us have been here for a period of time ranging from one to three months and still are not able to get released. This causes us a lot of sadness. Some of us have developed high blood pressure, chest pain. Our biggest problem right now is that all of us have some type of rash even if we shower regularly. This might be due to the fact that we get a change of uniform every fifteen days. We only get a very small tube of tooth paste which we have to make sure it lasts the required amount of days, which is not too good for our breaths. We did not commit any crime and we are treated like criminals. We can not even go outside to take a breath of fresh air and get some sun. Sometimes while laying down we think about our country, we can not sleep because our families are still in Haiti where the Lavalas members do whatever they want, setting people on fire, raping people. It does not matter if you are involved in politics or not. People always have to watch what they say, because they are looking for reasons to kill you. Every time they want to kill people they pretend there was a coup. It reminds us of what happened on July 28 where 4 police officers were killed and a cadet. December 17, 2001 they burned many houses in the capital and the provinces. Many people died from gun shots and some were buried alive also. Those people are always preaching violence. In 1995 Rene Preval, Haiti's president at the time came with a slogan stating that people need to do whatever they have to in order to survive. Which incited robbers to do whatever they wanted. In 2001 Aristide came with another slogan stating there should be zero tolerance. This slogan was against peo-

ple who are not Lavalas partisans. Many of us left our schools, universities and our jobs in order for us to flee from the Lavalas group who is holding our country in hostage. We arrived to the United States to seek political asylum so we can have peace, freedom and security but we were thrown in prison. None of the other nations were kept in jail but us Haitians we are suffering. We do not know why. We are neither criminals nor assassins. Why does the INS imprison us. We ask President Bush to say something in our favor especially when March 8 is National Woman's Day. Have pity on us. Release us. Give us our freedom as a gift so we can go and celebrate with all the other women. We thank you in advance Mr. President.

Here at TKG we go through a lot with certain officers and the white detainees. Everything that they do gets blamed on us. We are called "Fuckin Haitians". We are made fun of. Several rumors stated that we were going to get deported. Whenever that happens we become scared because we know how things are in our country.

Another one of our biggest problems is the food that we are given. [The only thing we can eat is] bread twice a day, around six or seven o'clock, we are given supper that contains no salt and most of the time the meat or chicken is spoiled and very bloody. Our health has deteriorated because we do not eat well due to the fact that the food is awful, we do not sleep well. One day one of us fainted since she was feeling so feeble. Most of us have gotten sick. It is not before we have filled out the clinic form seven or eight times that we are able to go there and get medical attention. For us who came on the boat and left Haiti on November 25, 2001 this was a big day for us because we escaped from tribulation. After everything that we endured at sea we thought that we would finally be delivered when we fall into the hands of Americans. But they imprisoned us without letting us go. Since every letter deserves an answer, we are waiting for INS's because we can not go back to Haiti into the Lavalas's hands.

#### CERTIFICATE OF TRANSLATION

I, Sarnia Michel, certify that I am fluent in English and Creole and that I translated the foregoing letter fully and accurately from Creole to English.

SARNIA MICHEL.

#### STATEMENT OF HAITIAN ASYLUM-SEEKER DETAINED AT KROME

ATTEMPTED SUICIDE—JUNE 7 AND 12, 2002

My name is . My A number is . I am Haitian and I arrived on the December 3rd boat. I've been in detention here at Krome since I arrived.

I tried to get asylum but the judge denied me. My cousin got me a private attorney, but I don't remember his name. He showed up for the hearing I had in February when I was denied. I thought he was going to appeal my case, but at the end of March I learned that he did not appeal and the due date for my appeal had already gone by. I think my cousin tried to find another private attorney to help me, but that one never got back to him either. I don't know any of their names.

I became very depressed as the months went by because I am still here in detention. I have nine children in Haiti who depend on me and it is like they are imprisoned too because I am here in detention and I can't help them at all.

On June 2, 2002, I tried to hang myself. I thought I wanted to die rather than stay here in Krome being humiliated everyday. We're locked up in prison here. I kept thinking of my kids, all my little kids, and how I'm here and locked up and not going anywhere and how I can't do anything for them.

I lost my case, they won't release us—and I don't think they'll ever release us—and I'm not going anywhere. I don't want to spend the rest of my life in prison and I can't help anyone here. So I simply decided to kill myself.

I found this tube in the bathroom that had fabric at the end of it. I made a noose from the fabric. I had the noose around my neck and I had my Bible. I was reading some passages out loud from the Bible and just as I was about to pull the noose to let myself hang and die, this other Haitian detainee, came in and saw me. He jumped and grabbed me and held me and he told me to stop.

Then some guards came and they took me to PHS, the medical place, at Krome. They never took me to the hospital. The doctor said he would treat me cautiously. He said they wanted to take me to a place for people with mental problems. They kept me at PHS for two days—from 7 am the day I tried to hang myself until about 7 pm the following day. The doctor who talked to me gave me some pills to help me sleep because I can never sleep at night.

I told the doctor not to send me to the place for people with mental problems. I said I'm not sick. It's this place that makes me sick. I just think of my kids, and think of how I lost my case and how they want to keep me in prison forever, and that's why I tried to kill myself. But I'm not sick. They want to keep me in PHS but I told them I wanted to be in general population so they let me go back.

I'm back in the dorm now. No one treats me any differently. I didn't get any further counseling after I was in PHS.

I have a headache though that never stops. They won't give me anything for it though, even though I make requests. I had a problem where I was spitting up blood. I wrote a medical request and they came back with a band-aid. I wrote them back and asked what I was going to do with a band-aid when I'm spitting up blood? They didn't respond and didn't help.

That medication to help me sleep is the only one I'm on. A doctor comes at 9 pm each night and gives it to me. I don't know what it's called. It doesn't matter because it doesn't really work anyway. It doesn't help me sleep. At night when I can't sleep I think about all my children in Haiti. I can't get up to walk around, I just sit and think. I don't think I even need this medicine since it's not helping me sleep and I'm not sick.

Krome is a prison. There's not enough recreation—it's only about a half hour each day—and we're just all locked in. Sometimes there's no chair and we have to sit on the floor because it's so crowded. There are about 92 to 94 people in my dorm. I have a regular bunk but there are also cots because there are so many people.

It's not so much that I had problems with the guards or with other detainees, I was just very depressed because I'm still locked up like this. And knowing that I can't help my kids is really hard for me.

I left Haiti because I did have problems in. But I feel like I came here and found bigger problems because they want to keep us in prison forever here. They won't tell us when we can leave.

HAITIAN ASYLUM SEEKER, KROME  
WIFE AND CHILD TRANSFERRED TO  
PENNSYLVANIA—MAY 7, 2002

My name is . My "A" number is .  
I arrived on the boat with my common-law wife, , and my son, , on December 3, 2001.

I was immediately separated from my family when we arrived. I have been detained at Krome since December. My family was taken to the hotel.

I saw my family maybe three or four times when they were at the hotel. We were allowed to see each other in the visitation area when they came for court.

About a week and a half ago, I called our sponsor. Our sponsor told me my wife and child were transferred to Pennsylvania. No officer or anyone from INS has talked to me about where my family is or that they were transferred. I don't know how to contact them there. I don't know when they were transferred, my sponsor just said that they're now in Pennsylvania.

I can't say if what's happened to my family is fair or not. We're in jail, and we're not in control of our situation, it's up to them [INS] what to do with us. Since we're locked up they can do whatever they want. Only God knows why they sent my family there.

We came to this country to escape political problems in my country. But I was expecting better treatment than this. I just depend on God to help us out of this.

My health is ok, but sometimes I get very depressed because we've been locked up for so long.

I just follow instructions and do what I'm told here so I don't have any problems with the officers here. I'm not arrogant and I don't make problems for anyone.

Krome is really overcrowded. Even with the Haitians who came at the airport getting released, it's still too crowded. There were 92 people in my pod yesterday; one left last night and one left this morning, but there have also been three new people. They have brought cots in for people to sleep on because there aren't enough beds.

## HUMAN CLONING

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 20, 2002

Mr. SOUDER. Mr. Speaker, scientists stunned the world five years ago when they announced the creation of the world's first clone, a sheep named Dolly. In the short time since, cattle, goats, mice, rabbits and a cat have also been cloned. And efforts are now underway in the United States and elsewhere to create cloned human beings.

The President, the public, religious leaders, and many scientists have all expressed their disapproval for efforts to conduct human cloning, for any reason. And the House of Representatives overwhelmingly approved legislation last year to prohibit all human cloning.

Opposition to human cloning is based upon both ethical and scientific considerations. All clones have been found to suffer from severe abnormalities, premature aging and early death. In addition to these problems, cloning also poses significant health risks to the mother of a clone and to the women from whom the eggs necessary for cloning are harvested.

These dangers have not, however, deterred some from attempting to produce cloned humans.

Scientists—such as Dr. Panos Zavos, who recently testified before the Criminal Justice Subcommittee which I chair—are pursuing cloning as a means of producing live human offspring while others seek to create cloned human embryos in order to destroy them for scientific research with the hopes that such research may potentially yield treatments or cures.

Regardless of the goals of those who are attempting to manufacture human clones, the

fact is that cloning, for whatever purpose, creates human life.

There is no difference between a cloned human embryo created for procreation or for research purposes. Whether or not the newly created embryo is implanted with the intent of reproduction or destroyed for the purpose of research is irrelevant to the fact that a cloned human embryo has been created. Therefore, a prohibition on cloning that is limited only to preventing the implantation of a cloned embryo as some have suggested in effect legalizes human cloning, and raises additional ethical dilemmas.

A ban that permits embryonic clones to be created but forbids them to be implanted in utero legally requires the destruction of human life and criminalizes efforts to preserve and protect such life once created.

Under a partial ban that permits the creation of cloned embryos for research, human embryos would be manufactured in numerous laboratories around the country. Once cloned embryos are available, it would be virtually impossible to monitor or control what is done with them.

Stockpiles of embryonic human clones could be produced, bought and sold. Implantation of cloned embryos—an easy procedure—could take place out of sight, and not even the most elaborate and intrusive regulations and policing could detect or prevent the initiation of a clonal pregnancy.

Scientists agree that once begun, a clonal pregnancy would be virtually impossible to detect or differentiate from a routine pregnancy. And if detected, what could the government do? Would a woman with a clonal pregnancy be forced, or coerced with severe penalties, to abort the child?

Allowing human cloning for research brings us further down the slippery slope that devalues the sanctity of human life.

Not even a year ago, supporters of embryonic stem cell research—which requires the destruction of a living human embryo—found “extremely troubling” the announcement that embryos were being created in order to conduct stem cell research. There was a consensus among opponents and supporters of embryonic stem cell research that embryos should never be created solely and specifically for research. But now that is exactly what proponents of research cloning are demanding.

If we now permit the manufacturing of human embryos for research, where do we draw the line? Do we only allow cloned embryos to grow for 5 days before they are destroyed in the process of extracting their stem cells? What about removing tissue from 5-week-old embryos? Should we consider harvesting the organs from 5-month-old fetuses? What will those who support destructive research next claim is necessary in the name of research?

We must finally draw the line that stops the exploitation of any form of human life.

Cloning, regardless of the intent, reduces human life to a commodity that is created and destroyed for convenience. And despite the claims to the contrary, there is no evidence that cloning can, or ever will, cure diseases. Such statements are purely speculative and pursuing cloning merely diverts limited resources away from more promising research that is already producing promising results.

It is clear that a ban that applies only to “reproductive” cloning is a false ban, which

merely creates an illusion that human cloning has been prohibited. The fact is that all cloning is reproductive cloning, and therefore

human cloning for any reason should be banned.

Dr. Zavos announced his goal of producing a cloned human child by the end of this year. Some of his colleagues claim to already have

created cloned pregnancies. Congress must not act as an accomplice to these sinister acts by failing to enact a ban now, before it is too late.

# Daily Digest

## HIGHLIGHTS

The House passed H.R. 1079, Small Airport Safety, Security, and Air Service Improvement Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S5791–S5879*

**Measures Introduced:** Sixteen bills were introduced, as follows: S. 2650–2665. **Page S5851**

#### Measures Reported:

S. 2621, to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems. (S. Rept. No. 107–166)

S. 754, to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs, with an amendment in the nature of a substitute. (S. Rept. No. 107–167)

H.R. 1866, to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.

H.R. 1886, to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings.

S. 1291, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents, with an amendment in the nature of a substitute.

S. 1335, to support business incubation in academic settings, with an amendment in the nature of a substitute.

S. 1754, to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, with an amendment in the nature of a substitute. **Page S5850**

**National Defense Authorization Act:** Senate continued consideration of S. 2514, to authorize appropriations for fiscal year 2003 for military activities

of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto:

**Pages S5799–S5821, S5825–35, S5836–41**

Adopted:

Reid (for Conrad) Modified Amendment No. 3916 (to Amendment No. 3915), of a perfecting nature. **Pages S5799–S5812**

Levin/Warner Amendment No. 3938, to authorize clearance of certain transactions recorded in Treasury suspense accounts and cancellation of certain check issuance discrepancies in Treasury records, all of which relate to financial transactions of the Department of Defense. **Page S5836**

Levin/Warner Amendment No. 3939, to authorize the Secretary to provide logistics support and logistics services to weapon system contractors.

**Pages S5836–37**

Levin/Warner Amendment No. 3940, to provide for the amount for the Compass Call program of the Air Force to be available within classified projects.

**Page S5837**

Warner (for Sessions) Amendment No. 3941, to reallocate \$5,000,000 of the authorization of appropriations for Other Procurement, Navy, for the integrated bridge system to items less than \$5,000,000 from the Aegis support equipment. **Page S5837**

Levin (for Cleland) Amendment No. 3942, to strike section 344 relating to clarification of core logistics capabilities. **Pages S5837–38**

Warner (for Collins) Amendment No. 3943, to reallocate \$6,000,000 of the authorization of appropriations for RDT&E, Navy, for laser welding and cutting demonstration to force protection applied research (PE 0602123N) from surface ship and submarine HM&E advanced research (PE 0603508N).

**Page S5838**



Levin (for Landrieu) Amendment No. 3944, to make various amendments to the subtitle on improved management of Department of Defense test and evaluation facilities. **Page S5838**

Warner (for Grassley) Amendment No. 3945, to extend the Arsenal support program initiative. **Pages S5838–39**

Levin (for Cleland/Hutchinson) Amendment No. 3946, to authorize a 6-year period for a multiyear contract for the procurement of C-130J aircraft and variants. **Page S5839**

Levin (for Cleland) Amendment No. 3947, to clarify the rate of educational assistance under the Montgomery GI Bill for dependents transferred entitlement by members of the Armed Forces with critical skills. **Page S5839**

Levin (for Cleland) Amendment No. 3948, to repeal a limitation on authority to grant officers in grades of colonel (or captain, in the case of the Navy) and below a waiver of the required sequence of joint professional military education and joint duty assignment. **Pages S5839–40**

Levin (for Cleland) Amendment No. 3949, to extend temporary authority for entering into personal services contracts for the performance of health care responsibilities for the Armed Forces at locations other than military medical treatment facilities. **Page S5840**

Levin (for Cleland) Amendment No. 3950, to extend the temporary authority for recall of retired aviators. **Page S5840**

Levin/Sessions Amendment No. 3951, to authorize the Secretary of Defense to accept foreign gifts and donations for the Western Hemisphere Institute for Security Cooperation, and to require the Secretary's annual report on the Institute to include the annual report of the Board of Visitor's for the Institute. **Pages S5840–41**

Pending:

Murray/Snowe Amendment No. 3927, to restore a previous policy regarding restrictions on use of Department of Defense facilities. **Pages S5826–35**

During consideration of this measure today, Senate also took the following action:

By 59 yeas to 40 nays (Vote No. 159), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to waive section 306 of the Congressional Budget Act with respect to Feingold Amendment No. 3915, to extend for 2 years procedures to maintain fiscal accountability and responsibility. Subsequently, a point of order that the amendment violates section 306 of the Congressional Budget Act, by containing a matter within the jurisdiction of the Committee on the Budget and had been offered to a measure that was not reported from the Budget

Committee, was sustained, and the amendment thus fell. **Pages S5799–S5821**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, June 21, 2002, with a vote to occur on or in relation to Murray/Snowe Amendment No. 3927 (listed above). **Page S5828**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaty:

The Moscow Treaty (Treaty Doc. No. 107–8).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S5878–79**

#### **Appointment:**

**Parents Advisory Council on Youth Drug Abuse:** The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–277, announced the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse: Darcy L. Jensen of South Dakota (Representative of Non-Profit Organization), vice Kerrie S. Lansford, term expired; Dr. Lynn McDonald of Wisconsin, vice Robert L. Maginnis, term expired; George L. Lozano of California, vice Darcy Jensen, term expired; and Rosanne Ortega of Texas, vice Dr. Lynn McDonald, term expired. **Page S5879**

**Nominations Received:** Senate received the following nominations:

Richard Vaughn Mecum, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

Burton Stallwood, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

George Breffni Walsh, of Virginia, to be United States Marshal for the District of Columbia for the term of four years. **Page S5879**

**Petitions and Memorials:** **Pages S5848–50**

**Executive Reports of Committees:** **Page S5850**

**Additional Cosponsors:** **Pages S5851–52**

**Statements on Introduced Bills/Resolutions:** **Pages S5852–66**

**Additional Statements:** **Pages S5846–48**

**Amendments Submitted:** **Pages S5866–77**

**Authority for Committees to Meet:** **Pages S5877–78**

**Privilege of the Floor:** **Page S5878**

**Record Votes:** One record vote was taken today. (Total—159) **Page S5821**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 7:29 p.m., until 9:30 a.m., on Friday, June 21, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5879).

## Committee Meetings

(Committees not listed did not meet)

### AMTRAK

*Committee on Appropriations:* Subcommittee on Transportation concluded hearings to examine Amtrak's financial condition, focusing on investment in infrastructure, long term financing options, and long term effective public partnerships, after receiving testimony from David Gunn, President and Chief Executive Officer, National Railroad Passenger Corporation (AMTRAK); and Allan Rutter, Administrator, Federal Railroad Administration, Kenneth M. Mead, Inspector General, and Donna McLean, Chief Financial Officer, all of the Department of Transportation.

### NOMINATION

*Committee on Armed Services:* Committee concluded hearings on the nomination of Gen. Ralph E. Eberhart, USAF, for reappointment to the grade of general and to be Commander in Chief, United States Northern Command/Commander, North American Aerospace Defense Command, after the nominee testified and answered questions in his own behalf.

### NATIONAL PARKS

*Committee on Energy and Natural Resources:* Subcommittee on National Parks concluded hearings on S. 139/H.R. 3928, to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah, S. 1609/H.R. 1814, to amend the National Trails System Act to direct the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System; S. 1925, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, S. 2196, to establish the National Mormon Pioneer Heritage Area in the State of Utah, S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System, and S. 2576,

to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, after receiving testimony from Senators Dodd, Lieberman, and Bennett; Brenda Barrett, National Coordinator for Heritage Areas, National Park Service, Department of the Interior; Mayor Mary Whitney, Fitchburg, Massachusetts, on behalf of the Freedom's Way Heritage Association, Inc.; Wilson G. Martin, Utah Division of State History, and Fred C. Esplin, University of Utah, both of Salt Lake City; Kathryn M. Cordova, El Prado, New Mexico, and Jose D. Villa, Espanola, New Mexico, both on behalf of the Northern Rio Grande National Heritage Area; and Heather Clish, Appalachian Mountain Club, Boston, Massachusetts.

### ASBESTOS REMEDIATION

*Committee on Environment and Public Works:* Subcommittee on Superfund, Toxics, Risk, and Waste Management concluded hearings to examine lessons learned from asbestos remediation activities in Libby, Montana, as well as home insulation concerns relating to asbestos, after receiving testimony from Senator Murray; Marianne Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Gregory R. Wagner, Director, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, and Henry Falk, Assistant Administrator, Agency for Toxic Substances and Disease Registry, both of the Department of Health and Human Services; Michael R. Spence, Montana State Department of Public Health and Human Services, Helena; Brad Black, Lincoln County Health Department, and Pat Cohan, both on behalf of the Center for Asbestos-Related Disease, Libby, Montana; and John Konzen, Lincoln County Commission, Troy, Montana.

### NUCLEAR SECURITY

*Committee on Environment and Public Works:* Committee concluded closed hearings to examine nuclear plant security, after receiving testimony from certain Federal witnesses.

### HOMELAND SECURITY

*Committee on Governmental Affairs:* Committee concluded hearings to examine the President's proposal to create a Department of Homeland Security, after receiving testimony from former Senators Gary Hart and Warren Rudman, both Co-Chairs, United States Commission on National Security/21st Century; and Tom Ridge, Director, Office of Homeland Security.

### FORMING UNIONS

*Committee on Health, Education, Labor, and Pensions:* Committee concluded hearings to examine workers

freedom of association, focusing on whether current American labor laws impose unacceptable obstacles to forming unions, after receiving testimony from John J. Sweeney, AFL-CIO, and Daniel V. Yager, Labor Policy Association, both of Washington, D.C.; Kenneth Roth, Human Rights Watch, New York, New York; Nancy Schweikhard, St. John's Medical Center, Oxnard, California; Robert MacDaniels, ONCORE Construction, Bladensburg, Maryland; Eric J. Vizier, Galliano, Louisiana; Sherri Bufkin, Bladenboro, North Carolina; and Mario Vidales, Las Vegas, Nevada.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 1291, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents, with an amendment in the nature of a substitute;

S. 2621, to provide a definition of vehicle for purposes of criminal penalties relating to terrorist attacks and other acts of violence against mass transportation systems;

S. 1754, to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, with an amendment in the nature of a substitute;

H.R. 1866, to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents;

H.R. 1886, to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings;

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

The nominations of David S. Cercone, to be United States District Judge for the Western District of Pennsylvania, Morrison C. England, Jr., to be United States District Judge for the Eastern District of California, Kenneth A. Marra, to be United States District Judge for the Southern District of Florida, and Lawrence A. Greenfeld, of Maryland, to be Director of the Bureau of Justice Statistics, James Thomas Roberts, Jr., to be United States Marshal for the Southern District of Georgia, Michael Lee Kline, to be United States Marshal for the Eastern District of Washington and Anthony Dichio, to be United States Marshal for the District of Massachusetts, all of the Department of Justice.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

### LONG-TERM CARE FINANCING

*Special Committee on Aging:* Committee concluded hearings to examine long term care financing, focusing on entitlement reform, including expanding home care, and expanding Medicare to address the need for adult day health care, after receiving testimony from Senator Rockefeller; former Senator Durenberger, on behalf of the Citizens for Long-Term Care Coalition; Carol V. O'Shaughnessy, Specialist in Social Legislation, Congressional Research Service, Library of Congress; Vermont Governor Howard Dean, Montpelier, on behalf of the National Governors Association; and Steven Chies, American Health Care Association, Washington, D.C.

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## House of Representatives

### *Chamber Action*

**Measures Introduced:** 12 public bills, H.R. 4970–4981; 1 private bill, H.R. 4982; and 4 resolutions, H.J. Res. 100 and H. Res. 452–454, were introduced.

Page H3774

**Reports Filed:** Reports were filed as follows:

H.R. 1606, to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to

authorize additional appropriations for historically black colleges and universities, and to decrease the matching requirement related to such appropriations, amended (H. Rept. 107–519);

H.R. 2733, to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration, amended (H. Rept. 107–520);

H.R. 4854, to reauthorize and reform the national service laws, amended (H. Rept. 107–521); and

H. Res. 451, providing for consideration of H.R. 4931, to provide that the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent (H. Rept. 107–522). **Page H3774**

**Guest Chaplain:** The prayer was offered by the Most Reverend Oscar H. Lipscomb, Archbishop of Mobile, Alabama. **Page H3723**

**Journal:** Agreed to the Speaker's approval of the Journal of Wednesday, June 19 by a ye-and-nay vote of 352 yeas to 50 nays, Roll No. 239.

**Pages H3723–24**

**President's Export Council:** The Chair announced the Speaker's appointment of Representatives English, Pickering, Hayes, Inslee, and Wu to the President's Export Council. **Page H3724**

**Small Airport Safety, Security, and Air Service Improvement Act:** The House passed H.R. 1079, to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers by a ye-and-nay vote of 284 yeas to 143 nays, Roll No. 243. **Pages H3736–49**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, H. Rept. 107–496, was considered as an original bill for the purposes of amendment.

**Page H3743**

**Agreed To:**

Nethercutt amendment that requires a study on the feasibility, costs, and benefits of allowing the sponsor of an airport to use up to 10% of Airport Improvement Program funds to pay the non-Federal cost of operating an air traffic control tower (agreed to by a recorded vote of 415 ayes to 12 noes, Roll No. 242). **Pages H3747, H3748–49**

**Rejected:**

Oberstar amendment that sought to strike provisions that allow the Secretary of Transportation to use Airport Improvement Program grants to reimburse airports for the cost of construction or improvement of a nonapproach control tower incurred after October 1, 1996 and to reimburse airports for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996 (rejected by a recorded vote of 202 ayes to 223 noes, Roll No. 241). **Pages H3743–47, H3747–48**

Agreed to H. Res. 447, the rule that provided for consideration of the bill by a ye-and-nay vote of 419 yeas with none voting “nay,” Roll No. 240.

**Pages H3728–36**

**Senate Messages:** Message received from the Senate today appears on page H3724.

**Referrals:** S. Con. Res. 110 was referred to the Committee on Transportation and Infrastructure and S. Con. Res. 114 was held at the desk. **Page H3772**

**Quorum Calls—Votes:** Three ye-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H3723–24, H3735–36, H3747–48, H3748–49, and H3749. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 6:42 p.m.

## Committee Meetings

### TRANSPORTATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Transportation held a hearing on Transportation Security Administration. Testimony was heard from the following officials of the Department of Transportation: John W. Magaw, Under Secretary, Security; and Kenneth M. Mead, Inspector General.

### TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on the Treasury, Postal Service and General Government held a hearing on the Office of National Drug Control Policy. Testimony was heard from John P. Walters, Director, Office of National Drug Control Policy.

### UNION DUES—ASSESSMENT OF USE FOR POLITICAL PURPOSES

*Committee on Education and the Workforce:* Subcommittee on Workforce Protections held a hearing on “An Assessment of the Use of Union Dues for Political Purposes: Is the Law Being Followed or Violated?” Testimony was heard from public witnesses.

### MISCELLANEOUS HEALTH MEASURES

*Committee on Energy and Commerce:* Ordered reported the following: Certain health profession programs regarding practices of pharmacy, as amended; and programs of grants to health care providers to implement electronic prescription drug programs.

### HOUSING AFFORDABILITY FOR AMERICA ACT

*Committee on Financial Services:* Began markup of H.R. 3995, Housing Affordability for America Act of 2002.

Committee recessed subject to call.

**POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT**

*Committee on Government Reform:* By a vote of 6 yeas, 20 nays and 9 present, the Committee defeated H.R. 4970, Postal Accountability and Enhancement Act.

**DEPARTMENT OF HOMELAND SECURITY—PRESIDENT'S PROPOSAL OVERVIEW**

*Committee on Government Reform:* Held a hearing on "The Department of Homeland Security: An Overview of the President's Proposal." Testimony was heard from Tom Ridge, Assistant to the President, Office of Homeland Security Advisor.

**OIL DIPLOMACY**

*Committee on International Relations:* Held a hearing on Oil Diplomacy: Facts and Myths Behind Foreign Oil Dependency. Testimony was heard from Spencer Abraham, Secretary of Energy; Alan P. Larson, Under Secretary, Economic, Business and Agricultural Affairs, Department of State; and public witnesses.

**LITIGATION AND ITS EFFECTS ON RAILS-TO-TRAILS**

*Committee on the Judiciary:* Subcommittee on Commercial and Administrative Law held an oversight hearing on "Litigation and its Effect on the Rails-To-Trails Program." Testimony was heard from Tom Sanconetti, Assistant Attorney General, Environment and Resources Division, Department of Justice; Thomas Murphy, Mayor, Pittsburgh, Pennsylvania; and public witnesses.

**OVERSIGHT—PATENT REEXAMINATION AND SMALL BUSINESS INNOVATION**

*Committee on the Judiciary:* Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on "Patent Reexamination and Small Business Innovation." Testimony was heard from public witnesses.

**MISCELLANEOUS MEASURES**

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action the following measures: H. Con. Res. 408, honoring the American Zoo and Aquarium Associate for their continued service to animal welfare, conservation education, conservation research, and wildlife conservation programs; H.R. 3937, amended, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; H.R. 4807, Susquehanna National Wildlife Refuge Expansion Act; and H.R. 4883, amended, Hydrographic Services Improvement Act Amendments of 2002.

**MISCELLANEOUS MEASURES**

*Committee on Resources:* Subcommittee on Forests and Forest Health held a hearing on the following: H.R. 4870, Mount Naomi Wilderness Boundary Adjustment Act; H.R. 4952, Mount Wilson Observatory Preservation and Enhancement Act; H.R. 3802, to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; H.R. 4919, Tonto and Coconino Forests Land Exchange Act; and H.R. 4917, Los Padres National Forest Land Exchange Act of 2002. Testimony was heard from Representatives Peterson of Pennsylvania and Hayworth; Tom L. Thompson, Deputy Chief, National Forest System, Forest Service, USDA; and public witnesses.

**RETIREMENT SAVINGS SECURITY ACT**

*Committee on Rules:* Granted, by voice vote, a modified closed rule providing one hour of debate on H.R. 4931, Retirement Savings Security Act of 2002. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Matsui or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Portman and Matsui.

**AQUATIC INVASIVE SPECIES—RESEARCH PRIORITIES**

*Committee on Science:* Subcommittee on Environment, Technology, and Standards held a hearing on Research Priorities for Aquatic Invasive Species. Testimony was heard from Representative Underwood; and public witnesses.

**FEDERAL TRANSIT CAPITAL GRANTS PROGRAM**

*Committee on Transportation and Infrastructure:* Subcommittee on Highways and Transit held a hearing on Federal Transit Capital Grants Programs. Testimony was heard from Jennifer L. Dorn, Administrator, Federal Transit Administration, Department of Transportation; John H. Anderson, Jr., Director, Transportation Issues Area, GAO; Linda A. Lovejoy, Chief, Public Transit, Bureau of Transit and Local Roads, Department of Transportation, State of Wisconsin; and public witnesses.

## RETIREMENT SECURITY AND DEFINED BENEFIT PENSION PLANS

*Committee on Ways and Means:* Subcommittee on Oversight held a hearing on Retirement Security and Defined Benefit Pension Plans. Testimony was heard from Representative Gutknecht; Steven A. Kandarian, Executive Director, Pension Benefit Guaranty Corporation; and public witnesses.

## SOCIAL SECURITY DISABILITY PROGRAMS' CHALLENGES AND OPPORTUNITIES

*Committee on Ways and Means:* Subcommittee on Social Security continued hearings on Social Security Disability Programs' Challenges and Opportunities. Testimony was heard from public witnesses.

## Joint Meetings

### GREECE HUMAN RIGHTS

*Commission on Security and Cooperation in Europe (Helsinki Commission):* Commission concluded joint hearings to examine human rights in Greece, focusing on minority rights, religious liberty, freedom of the media, human trafficking, and domestic terrorism, after receiving testimony from Mania Telalian, Legal Advisor, Athens, Greece; Dimitrios Moschopoulos, Counselor, Berlin, Germany, both of the Greece Ministry of Foreign Affairs; Vassilios Tsirbas, European Centre for Law and Justice, Strasbourg, France; Adamantia Pollis, New School University, New York, New York; and Panayote Dimitras, Center for Documentation and Information on Minorities in Europe-Southeast Europe, Athens, Greece.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of June 17, 2002, p. D626)

H.R. 1366, to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building". Signed on June 18, 2002. (Public Law 107-190)

H.R. 1374, to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building". Signed on June 18, 2002. (Public Law 107-191)

H.R. 3789, to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building". Signed on June 18, 2002. (Public Law 107-192)

H.R. 3960, to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building". Signed on June 18, 2002. (Public Law 107-193)

H.R. 4486, to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building". Signed on June 18, 2002. (Public Law 107-194)

H.R. 4560, to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting. Signed on June 19, 2002. (Public Law 107-195)

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## COMMITTEE MEETINGS FOR FRIDAY, JUNE 21, 2002

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine the importance of summer school to student achievement and well being, 10 a.m., SD-430.

*Committee on the Judiciary:* Subcommittee on Immigration, to hold hearings to examine the plight of North Korean refugees, 10 a.m., SD-226.

### House

*Committee on Appropriations,* Subcommittee on Commerce, Justice, State and Judiciary, on FBI Reorganization, 10 a.m., 2359 Rayburn.



*Next Meeting of the SENATE*

9:30 a.m., Friday, June 21

## Senate Chamber

**Program for Friday:** Senate will continue consideration of S. 2514, National Defense Authorization Act, with a vote to occur on Murray/Snowe Amendment No. 3927.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Friday, June 21

## House Chamber

**Program for Friday:** H.R. 4931, Retirement Savings Security Act of 2002 (modified closed rule, one hour of debate).

## Extensions of Remarks, as inserted in this issue

## HOUSE

Barr, Bob, Ga., E1109  
 Bentsen, Ken, Tex., E1111  
 Berman, Howard L., Calif., E1113  
 Brady, Robert A., Pa., E1113  
 Calvert, Ken, Calif., E1108  
 Cardin, Benjamin L., Md., E1115  
 Clyburn, James E., S.C., E1114, E1115  
 Conyers, John, Jr., Mich., E1112  
 DeLauro, Rosa L., Conn., E1107

Gillmor, Paul E., Ohio, E1110  
 Larson, John B., Conn., E1110, E1116  
 Meek, Carrie P., Fla., E1117  
 Moran, James P., Va., E1109  
 Ortiz, Solomon P., Tex., E1113  
 Otter, C.L. "Butch", Idaho, E1111  
 Rangel, Charles B., N.Y., E1109  
 Roukema, Marge, N.J., E1115, E1116  
 Schaffer, Bob, Colo., E1108  
 Schiff, Adam B., Calif., E1108  
 Smith, Nick, Mich., E1112

Souder, Mark E., Ind., E1118  
 Spratt, John M., Jr., S.C., E1109  
 Tanner, John S., Tenn., E1114  
 Tauscher, Ellen O., Calif., E1113  
 Tauzin, W.J. (Billy), La., E1107  
 Towns, Edolphus, N.Y., E1110, E1116  
 Udall, Mark, Colo., E1113  
 Udall, Tom, N.M., E1109  
 Waters, Maxine, Calif., E1114, E1115  
 Weller, Jerry, Ill., E1107, E1111



# Congressional Record

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