United States
of America

Congressional Record

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

Vol. 148 WASHINGTON, FRIDAY, JUNE 21, 2002 *No. 84*

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 21, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

PRAYER

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

Almighty God, we praise You for another day. May the brightness of Your holy presence fill this chamber and our lives that we might serve You by seeking the white light of justice and serve Your people, especially those in most need of Your merciful shadow to shield them.

Amid the silent moorings of the sun's constellation, this common planet on which we stand twists on turn and Your people enter into a new season.

May our summer days be fulfilled with joy and peace. May our work flourish in the bright sun of honesty and personal effort.

While holding us in the balance of America's expectations and accountability to other nations, help us to secure safe travel, rejoice in the earth's natural resources and share a bountiful harvest of summer's gifts with the less fortunate.

From this day forward, our days grow shorter and we ready ourselves for Your judgment both now and forever. Amen.

THE JOURNAL

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

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

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

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

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

Mr. HOBSON. 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 318, nays 45, answered ''present'' 1, not voting 70, as follows:

[Roll No. 244]

YEAS—318

Abercrombie	Blunt	Chambliss	Diaz-Balart	Hunter	Mica
Akin	Boehlert	Clayton	Dicks	Hyde	Millender-McDonald
Allen	Boehner	Clyburn	Doggett	Inslee	Miller, Dan
Andrews	Bonilla	Coble	Dooley	Isakson	Miller, Gary
Armey	Bono	Collins	Dreier	Israel	Miller, Jeff
Baca	Boozman	Combest	Duncan	Issa	Mink
Bachus	Boswell	Condit	Dunn	Istook	Mollohan
Baldacci	Boyd	Cooksey	Edwards	Jackson (IL)	Moran (KS)
Ballenger	Brady (TX)	Cramer	Ehlers	Jackson-Lee (TX)	Moran (VA)
Barcia	Brown (SC)	Crenshaw	Ehrlich	Jefferson	Morella
Barr	Bryant	Crowley	Emerson	Jenkins	Myrick
Barrett	Burr	Cubin	Engel	John	Napolitano
Bartlett	Burton	Culberson	Eshoo	Johnson (CT)	Nethercutt
Barton	Buyer	Cunningham	Etheridge	Johnson (IL)	Ney
Bass	Calvert	Davis (CA)	Evans	Johnson, Sam	Nussle
Becerra	Camp	Davis (IL)	Farr	Jones (NC)	Obey
Bentsen	Cannon	Davis, Jo Ann	Fattah	Jones (OH)	Osborne
Bereuter	Cantor	Deal	Ferguson	Kanjorski	Ose
Berkley	Capito	DeGette	Flake	Kaptur	Otter
Biggert	Capps	DeLauro	Foley	Kelly	Pallone
Bilirakis	Cardin	DeLay	Forbes	Kennedy (RI)	Pascrell
Bishop	Castle	DeMint	Ford	Kerns	Paul
Blumenauer	Chabot	Deutsch	Fossella	Kildee	Payne
			Frank	Kilpatrick	Pelosi
			Frelinghuysen	Kind (WI)	Pence
			Frost	King (NY)	Peterson (PA)
			Gallegly	Kingston	Petri
			Gekas	Kirk	Phelps
			Gephardt	Kleczka	Pickering
			Gilchrest	Knollenberg	Platts
			Gillmor	Kolbe	Pombo
			Gilman	LaFalce	Pomeroy
			Gonzalez	Langevin	Portman
			Goode	Lantos	Price (NC)
			Goodlatte	Larson (CT)	Pryce (OH)
			Goss	Latham	Putnam
			Graham	LaTourette	Quinn
			Granger	Leach	Radanovich
			Graves	Lee	Rahall
			Green (TX)	Levin	Rangel
			Green (WI)	Lewis (CA)	Regula
			Greenwood	Lewis (KY)	Rehberg
			Grucci	Linder	Reynolds
			Hall (OH)	Lofgren	Rivers
			Hall (TX)	Lowey	Rodriguez
			Harman	Lucas (KY)	Roemer
			Hastings (FL)	Lucas (OK)	Rogers (KY)
			Hastings (WA)	Luther	Rogers (MI)
			Hayes	Lynch	Rohrabacher
			Hayworth	Maloney (CT)	Ros-Lehtinen
			Hefley	Maloney (NY)	Ross
			Herger	Mascara	Rothman
			Hill	Matheson	Roybal-Allard
			Hinojosa	Matsui	Royce
			Hobson	McCarthy (MO)	Rush
			Hoeffel	McCarthy (NY)	Ryan (WI)
			Hoekstra	McCollum	Ryun (KS)
			Holden	McCrery	Sandlin
			Holt	McGovern	Sawyer
			Honda	McHugh	Saxton
			Hooley	McIntyre	Schiff
			Horn	McKeon	Schrock
			Hostettler	Meehan	Scott
			Hoyer	Menendez	Sensenbrenner
			Hulshof		

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Serrano	Solis	Velazquez
Sessions	Souder	Vitter
Shadegg	Spratt	Walden
Shaw	Stearns	Walsh
Shays	Stenholm	Wamp
Sherman	Sullivan	Watkins (OK)
Sherwood	Tauzin	Watson (CA)
Shimkus	Taylor (NC)	Watts (OK)
Shows	Terry	Waxman
Shuster	Thornberry	Weldon (FL)
Simmons	Thune	Weldon (PA)
Simpson	Thurman	Wexler
Skeen	Tiahrt	Wicker
Skelton	Tiberi	Wilson (NM)
Slaughter	Tierney	Wilson (SC)
Smith (NJ)	Toomey	Wolf
Smith (TX)	Towns	Woolsey
Smith (WA)	Turner	Young (FL)
Snyder	Upton	

NAYS—45

Aderholt	Kennedy (MN)	Sanchez
Baird	Kucinich	Schaffer
Baldwin	LoBiondo	Schakowsky
Berry	Markey	Strickland
Brady (PA)	McDermott	Sweeney
Capuano	McNulty	Tanner
Carson (OK)	Miller, George	Taylor (MS)
Costello	Moore	Thompson (CA)
DeFazio	Neal	Thompson (MS)
English	Oberstar	Udall (NM)
Filner	Olver	Visclosky
Fletcher	Pastor	Waters
Gutknecht	Peterson (MN)	Weller
Hart	Ramstad	Whitfield
Johnson, E. B.	Sabo	Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—70

Ackerman	Everett	Norwood
Baker	Ganske	Ortiz
Berman	Gibbons	Owens
Blagojevich	Gordon	Oxley
Bonior	Gutierrez	Pitts
Borski	Hansen	Reyes
Boucher	Hilleary	Riley
Brown (FL)	Hilliard	Roukema
Brown (OH)	Hinchey	Sanders
Callahan	Houghton	Smith (MI)
Carson (IN)	Keller	Stark
Clay	LaHood	Stump
Clement	Lampson	Stupak
Conyers	Larsen (WA)	Sununu
Cox	Lewis (GA)	Tauscher
Coyne	Lipinski	Thomas
Crane	Manzullo	Traficant
Cummings	McInnis	Udall (CO)
Davis (FL)	McKinney	Watt (NC)
Davis, Tom	Meek (FL)	Weiner
Delahunt	Meeks (NY)	Wynn
Dingell	Murtha	Young (AK)
Doolittle	Nadler	
Doyle	Northup	

□ 0929

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SIMPSON). Will the gentleman from Florida (Mr. JEFF MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. JEFF MILLER of Florida led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes per side.

COVETED TROPHY GOES TO REPUBLICANS AFTER 41ST ANNUAL ROLL CALL BASEBALL GAME, AND CHARITY IS THE BIG WINNER

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

Mr. OXLEY. Mr. Speaker, I am proud to hold the coveted Roll Call trophy for the victory last night at Bowie Baysox Stadium, where I want to thank our good friend, the gentleman from Maryland (Mr. HOYER), the host of the evening, for a wonderful time, the 41st Annual Roll Call Baseball Game between the Republicans and the Democrats for charity.

The big winner last night really was charity. We raised over $90,000 for the Boys and Girls Clubs and for the Literacy Council. It was a well-played game.

I want to thank my cohort on the other side of the diamond, the gentleman from Minnesota (Mr. SABO), for once again being a great sportsman, and the gentleman from North Carolina (Mr. WATT), the pitcher for the Democrats, a consistent player, and all of the Republican team for a great victory.

Our MVP last night was the gentleman from Illinois (Mr. SHIMKUS). He was extraordinary. I took him from behind the plate and put him on the mound. Nobody thought we could win after STEVE LARGENT left; but the gentleman from Illinois (Mr. SHIMKUS) was magnificent, and did not walk a hitter and only allowed one earned run. Our infield played solid, and our outfield, as well. We had some timely hits from a couple of unlikely sources, and we came away victorious, so of course I thank the Members so much for this.

Let me also say how proud we were of the women on our team. Republicans have had women players now for the last 12 years, and I invite our friends on the other side of the aisle perhaps to find some capable women to play that game. We are the embodiment of title IX on the Republican side, and proud of it.

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

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

Mr. SABO. Mr. Speaker, let me simply congratulate the manager and the Republicans on a well-played game. They played incredibly well. Their defense was good, and they hit the ball hard. We will be back next year, but congratulations for this year.

Mr. OXLEY. I thank my friend, the gentleman from Minnesota.

THE ADMINISTRATION'S APPALLING PLAN TO DISMEMBER AMTRAK

(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, it was appalling yesterday to have the administration finally come forward with its plan for Amtrak. It is appalling that when the administration finally comes forward with its plan for Amtrak, it is basically to dismember the system, arguing somehow that Amtrak should be self-supporting.

When this Congress and administration gave $5 billion to the airline industry, on top of the $11 billion for air traffic control, for an industry that has never shown a profit over its 75 years is a little bit disingenuous, to say the least.

Amtrak plays a critical role in our transportation system. To dismember it now, to privatize a few profitable lines and then walk away from our commitment when we have never, never provided the money that was authorized originally, would be a sad day.

Luckily, there is broad bipartisan support in this Congress. Over 162 Members support the approach of the gentleman from New York (Chairman QUINN) and the ranking member, the gentleman from Tennessee (Mr. CLEMENTS), to fund it for this year. A majority of the Senate agrees. Hopefully, we will be able to step up where the administration is failing in nerve.

INTRODUCTION OF H.R. 4971, SUPPORT OF AMERICAN EAGLE SILVER BULLION PRODUCTION ACT

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

Mr. OTTER. Mr. Speaker, yesterday, joined by my colleagues, the gentleman from Idaho, (Mr. SIMPSON) and the gentleman from Nevada (Mr. GIBBONS), I introduced H.R. 4971, the Support of the American Silver Bullion Production Act. This bill will allow the U.S. Mint to continue its production of the American eagle silver dollar, the most popular silver coin in the world.

The Sunshine Mint Company in my district produces the blanks for these coins, and employs 60 of my constituents. Idaho is the greatest silver producer in history, mining more than 1.1 billion ounces since 1884.

Passage of this bill into law will allow us, number one, to meet the worldwide demand for bullion; number two, to continue to build on the $264 million that this program has contributed to the deficit reduction; and, finally, to preserve the connection between Idaho's Silver Valley and our Nation's coinage.

PEACE CORPS CHARTER OF THE TWENTY-FIRST CENTURY

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

Mr. FARR of California. Mr. Speaker, I would first of all like to welcome to the United States Capitol all the returned Peace Corps volunteers who

have served this country overseas. Now, over 165,000 Americans have served in over 130 countries throughout the world, and they have come here to our Nation's capital to celebrate the anniversary of Peace Corps, which is 40 + 1 years old. We were going to have the 40th anniversary celebration last year, but 9–11 pushed it off to this year, so it is 40 plus one.

I had the honor yesterday of introducing a bill about the Peace Corps, H.R. 4979. It authorizes appropriations for the Peace Corps to double the number of volunteers in five years; it restates the independence of the Peace Corps; it reports to Congress on new initiatives and security for Peace Corps volunteers; it makes 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 develops training programs for Peace Corps volunteers in areas of education and prevention of AIDS; it streamlines and empowers the Peace Corps Advisory Council and creates a fund to promote the work of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps and in facilitating the world-wide support of peace.

I ask Members of Congress who are interested in this to cosponsor this great piece of legislation.

SUPPORTING LEGISLATION TO EXPAND THE SILVER MARKET

(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, I rise today to express my support for legislation to expand the silver market, which is being introduced by my good friends, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Idaho (Mr. OTTER).

I am a proud cosponsor of this bill, which calls for the extending of production of the popular American eagle silver bullion coins. These coins were first minted in 1986 from a stockpile of silver held over since the Second World War. They became an instantly popular coin, and now the stockpile has almost run out. This bill will allow the U.S. Mint to buy silver on the open market, to continue the production of these patriotic coins. It also encourages the purchase of domestically mined silver, providing a great new market for silver mines, especially those in Nevada, the Silver State.

I thank my colleagues, the gentleman from Idaho (Mr. OTTER) and the gentleman from Idaho (Mr. SIMPSON), for their leadership on this bill, and encourage all of my colleagues to support this patriotic coin program.

LET US NOT FORGET OUR SENIORS AND THEIR PRESCRIPTION DRUG NEEDS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we leave this weekend to go home to our districts, we are still burdened by the inertia of this Congress in dealing with a very serious issue, and that is, of course, the needs of the greatest generation, our grandparents and our parents.

We have, for the last 4 years, promised these hardworking Americans a Medicare prescription drug benefit. I wish we could do this in a bipartisan way, Mr. Speaker. I wish we could put forward a bill that really did respond to the needs of our senior citizens so they would not have to make the choices of paying rent and buying food or eliminating their prescription drugs.

The Democrats have a proposal that is clear: a $25 premium; the ability to assist those who cannot afford to pay for their prescription drugs; and a prescription drug policy that applies to all of their medical providers, so that two individuals who are a couple, who have worked and contributed to this Nation, will not suffer anymore.

It seems to me a crisis and a shame that we have a Republican bill that does nothing but play to the pharmaceutical industry. Let us work together for the Greatest Generation, to help our parents to live a good quality of life.

HONORING THE 60TH ANNIVERSARY OF THE HAMPTON COUNTY WATERMELON FESTIVAL

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

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow marks the 6th anniversary of the Hampton County Watermelon Festival Parade. This parade will begin at 10 a.m. in Varnville, and I am honored to be participating once again in this annual event.

The theme for this year's festival is ''Patriotism, the Spirit of America.'' Last year, according to the South Carolina State Troopers, approximately 50,000 spectators attended the festival.

Mr. Speaker, this annual watermelon festival parade honors the dedication and sacrifices made by our farmers throughout South Carolina, who work so hard to feed so many Americans. Our farmers support rural economies and continue a tradition that has existed for centuries in America.

I would like to commend the efforts of this year's festival chairman, Hugh Gray and vice-chairman, Susan Hatcher, along with parade chairmen Rodger Roberts and Otis Harrison; Mrs. Mary Ellen Bowers, the Estill congressional district office director; as well as the efforts of the South Carolina Farm Bureau and Ag First Farm Credit Bank in helping to feed America and make our country strong.

NEXT WEEK'S INADEQUATE REPUBLICAN PRESCRIPTION DRUG BENEFIT PLAN FOR SENIORS

(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, next week is going to be a very interesting week. Probably the major issue that faces this Congress, that is, what do we do about prescription drugs for senior citizens, will be dealt with.

The Republicans have put a bill out here which is absolutely inadequate. Everybody knows it. The newspapers have reported that. It is clear to anybody who has looked at the data. Yet when the Democrats put something forward, they say that ours costs too much.

Now, some of us, many of us, said back in March when we passed $1.7 trillion worth of tax cuts that the day is going to come when we are not going to have the money to do this right. So now we have a bill which is going to come out here. It will pass, no one here has any doubt about that, because we know we have to have the press release: House Republicans Deal With Drug Problems for Seniors, or something like that.

But the fact is that the bill will not do what is necessary. It is a real shame that Members would rather cut taxes than take care of their mothers and fathers.

MORE GOODS IN STORES TO BE MADE IN AMERICA

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

Mr. BALLENGER. Mr. Speaker, on 9–11 I stood here and made a speech about the overvalued dollar and its bad effect on our trade, especially the textile industry. Then came the vicious attack. Since that time, the President and the House leadership have promised to aid our beleaguered industry and have delivered on those promises. But in the long run, the weakening dollar will provide immediate aid in our ability to compete, to compete in the world market in textiles and steel and other important sectors of our economy. Our retail prices will increase; but now, more goods in the stores will be made in America.

DEMOCRAT PRESCRIPTION DRUG PLAN TAKES CARE OF SENIORS' NEEDS, UNLIKE REPUBLICAN PLAN

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

Mr. GEORGE MILLER of California. Mr. Speaker, the committee has completed their markup on the prescription drug benefit last night, and what we are now confronted with is having to pass legislation that may or may not provide prescription drug benefits to the elderly in this country. It may or may not provide the insurance that they need to purchase those drugs. Those drugs may or may not be available, based upon whether the insurance companies think those drugs are too expensive.

We just went through this with our senior population, with the HMOs. People who thought they had health insurance now find out they do not have health insurance because the HMOs have left the field. People who thought they were covered in rural America now find they are not covered in rural America. Why? Because the insurance companies decided the population was too expensive, and they were not going to cover them and gave them back to the government.

That is why the Democrats put forth a program where the prescription drugs were guaranteed, the drugs Members need or their families need to take care of their illnesses in the twilight years of their lives will be there, will be guaranteed, and will be paid for. That is far different from the Republican plan that is made out of Swiss cheese and does not serve the interests of the elderly of this country.

DEMOCRAT PARTY IS PARTY OF ''WE NEED''

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, the Democrat Party has been the party these days of ''we need.'' They continually come before the microphones and bash Republicans for supposedly spending the Social Security surplus; yet every time a Democrat walks to a microphone, they say ''we need'' a new program.

All they are doing is taking and putting their hands in the pockets of working people, pulling out money, and spending it. It reminds me of a child who goes into a supermarket with a handful of change to spend. They are so happy and anxious to buy something. The problem is, they took the money from people who did not want to give it to them; and they should put the money back in the pockets of working people.

Men and women in this country sacrifice time away from their children, they put their efforts and talents, and in many cases invest their own hard-earned money to benefit their family, to have a better life for their children; and all we do in this House is confiscate the hard-earned money that they earn to give it to people that we think deserve it better than they do.

So let us stop calling them the Democratic Party and let us start calling them the ''we need'' party, because ''we need money for this program'' and ''we need money for that program.'' We need to be accountable to the American people and let them spend their money where they think it should best be spent.

□ 0945

WE NEED TO REMEMBER OUR SENIORS

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

Mr. HONDA. Mr. Speaker, my comments are very brief, and it is about we need. We need to remember our seniors. We need to remember who they are, where they came from. We need to remember the kinds of work they have done in order to attain the age that they have.

My mother needs prescription drugs, and I think that what we have to look at, we need to look at everybody's prescription capsule, the container, and on the container is a label that says expiration date. We need to have a good prescription drug to address all the seniors of this country so that we do not need to worry about them, that they do not need to worry about whether prescription drugs are going to be too expensive or not. We need to take care of business, and we need to do it soon.

OIL IS CRITICAL ENERGY SOURCE

(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, oil is a critical energy source for both the United States and the world, and for us it is a very uncertain energy future because there are only about 1,000 gigabarrels of known reserves of oil in the world. Certainly we will find more oil, and maybe the additional oil we find will be enough to take care of the additional demands for oil.

If we take this 1,000 gigabarrels of oil and divide it by the 80 million barrels of oil that the world burns, uses each day, this comes out to roughly 40 years. This is certainly not forever. Of this 80 million barrels that are used each day, the United States uses 20. That is about 25 percent of the total oil used in the world is used in the United States.

We have some reserves. They are off the Florida coast. They are under Lake Michigan, and they are in ANWR. Should we drill those? There are two arguments. One is that we need it. The other is we may need it more in the future. We have to determine when it would serve our interests best, to use it now or to wait for a rainier day, which will surely come.

WE NEED A PRESCRIPTION DRUG BENEFIT

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

Mr. GREEN of Texas. Mr. Speaker, the Committee on Energy and Commerce was in session all night debating a prescription drug benefit for seniors. I am on that committee, and the biggest frustration we had was that all night we heard was that the Democratic plan for prescription drugs under Medicare or that 80 percent/20 percent, like doctors and hospitals, we do not have the money, we cannot afford it.

Well, it is a matter of priorities. In 2001, we passed a huge tax cut, and it will be paid out over the next 10 years. So will a prescription drug benefit. It is a matter of priorities. The House Republicans set their priorities for tax cuts. That is fine. I like tax cuts, but I also know that we owe a debt to our seniors to make sure that they do not have to miss their prescriptions because they cannot afford it; they do not have to give up turning on their air conditioner in Houston, Texas, during the summer because they cannot afford their prescriptions.

We need to take care of America's generation. We need to make sure we have our prescription drug benefit that will take care of the seniors who built this country.

MODERNIZE MEDICARE

(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, we need to modernize Medicare with a prescription drug benefit, and both parties agree. The difference is this: Our plan fits within the budget. It covers needy seniors and prevents a senior from losing their home due to high drug costs. Most importantly, it provides an immediate discount now on drug prices, not 2 years from now, as the minority plan offers.

The minority plan spends $1 trillion. In the middle of a war and an economic downturn, can seniors depend on that $1 trillion check from bouncing? Seniors count on the promises we make. They cannot count on a $1 trillion check to actually be cashed.

Our plan is affordable. It is a promise we can keep. It is a promise that seniors can count on.

PROVIDING PRESCRIPTION DRUG BENEFIT OUR SENIORS NEED

(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, we come here each week to do the people's business, and we come hoping that we will do those things that are important to the American people. One of those groups of people are our seniors. They are waiting, Mr. Speaker. They are waiting to see just what we are going to do in terms of prescription drugs. Twelve million seniors are without prescription drugs, and yet we have sat, we have belabored this issue, and we have come to no conclusion.

I think if my colleagues look at the Democratic proposal, we will find the vast difference of the two between the Democrats and the Republicans. The Democrats are asking for a sound prescription drug proposal. The Republicans are not.

Mr. Speaker, it is high time for this body to do something for those who have done so much for our country, and those are the seniors. They are continuing to wait. They can wait no longer for us to do the business of this House, and that is providing the type of prescription drug benefit that our seniors need.

I yield back my time.

FARM POLICY

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

Mr. SMITH of Michigan. Mr. Speaker, I would like to call to my colleagues' attention to a meeting I had yesterday with Senator GRASSLEY. We talked about the fact that there is no limitation on payments in the farm bill. We talked about the danger and the inappropriate farm policy, the inappropriate public policy for this Congress to give most of the farm support benefits to a very small percentage of the farmers. We are now, because there is no real limit on those price subsidy payments, giving millions of dollars of payments to the very biggest farmers.

I think it is going to be bad for farmers in the long run, and what we are doing is we are giving larger advantage to those great superfarms at the sacrifice of the traditional family farms. Work with us as we look for ways in the appropriation bills or elsewhere to have some kind of limit on farm payments so that we bring back and support what should be in farm policy, and that is supporting the traditional family farm.

CONGRATULATING SOUTH FLORIDA REGIONAL CLEFT LIP AND PALATE CLINIC

(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 congratulate the South Florida Regional Cleft Lip and Palate Clinic at the University of Miami for its outstanding dedication and treatment of those suffering from craniofacial malformations. I would like to especially recognize Dr. Seth Thaller, Dr. Magdalena Plewinska and Mrs. Maria Santiago, whose selfless devotion has made this clinic successful.

This clinic is the largest in South Florida, and it utilizes the expertise of community and university doctors, surgeons and dentists who graciously volunteer their time to treat their patients.

This outstanding treatment center is initiating a program entitled Adopt a Smile, which will allow corporate and private donors to identify patients and follow their treatment over the years.

The treatment of facial anomalies at the Cleft Lip and Palate Clinic at the University of Miami has improved the lives of thousands, and I congratulate all who are involved in it.

ARAFAT MUST GO

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

Mr. GILMAN. Mr. Speaker, 31 innocent Israeli men, women, and children have been brutally murdered by Palestinian terrorists in the past 3 days, most recently a mother and her three children last night in their own home.

Yesterday, many of us felt the pain personally when we learned that Michal Franklin, age 21, the niece of Israeli's Ambassador to South Africa, Tova Herzl, was one of the murdered on Wednesday in Jerusalem. My colleagues may recall that Ambassador Herzl served as congressional liaison here in Washington just a few years ago. We extend to Tova and her family our deepest condolences and condemn the barbaric and cowardly act.

Permit me to quote from yesterday's Washington Post editorial, which states: ''It is easy to understand why many Israelis would support the latest military campaign. There have now been at least 71 suicide bombings in 20 months that have killed some 247 civilians and wounded thousands more as they rode buses, shopped, sat in cafes, danced in clubs, or celebrated religious holidays. No democratic country could be expected to tolerate such a sustained campaign of murder.''

Mr. Speaker, that Washington Post editorial succinctly sums up the critical Middle East situation, underscores why Mr. Yasser Arafat must go, and why President Bush should not at this time announce American support for any provisional Palestinian state.

RETIREMENT SAVINGS SECURITY ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 451, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House 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. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) One hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Matsui of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

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

Mr. Speaker, H. Res. 451 is a modified closed rule providing for the consideration of H.R. 4931, the Retirement Savings Security Act of 2002, a bill that makes permanent the pension and IRA enhancements contained within President Bush's 2001 tax relief program, the Economic Growth and Tax Reconciliation Act.

H. Res. 451 provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. It also provides for consideration of the amendment in the nature of a substitute printed in the Committee on Rules report accompanying this resolution, if offered by the gentleman from California (Mr. MATSUI) or his designee, which shall be considered as read and shall be separately debatable for 1 hour equally divided and controlled by the proponent and an opponent.

H. Res. 451 waives all points of order against the amendment printed in the report and provides one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair rule which will allow the House to work its will on the underlying bill, H.R. 4931. This legislation helps to provide for a new national strategy to promote more retirement security by providing a supplement to Social Security by enhancing employer-provided benefits and giving companies and individuals incentives to save more money for their retirement.

The underlying bill increases 401(k) contribution limits and IRA contribution limits and provides for enhanced flexibility by allowing employees to roll their pension savings from a prior employer to a new employer. These are just a few of the noteworthy benefits available to individuals looking to provide themselves with a more secure retirement.

H.R. 4931 also waives certain IRS user fees and enhances catch-up provisions to assist women who enter and leave the work force when they have children or care for their families.

I urge my colleagues to approve this rule so that the full House can proceed to adopt H.R. 4931 in order to ensure that we encourage investment in the market and continue to encourage older and younger workers to prepare for retirement.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

Mr. Speaker, our constituents are reeling from the daily headlines that highlight the corporate implosions. Companies like Enron, Tyco International and Adelphia Communications, once the darlings of Wall Street and 401(k) managers, are now threatening the retirement security of thousands of Americans. I know of which I speak.

Global Crossing's North American headquarters were located in my district of Rochester, New York. I am sure my colleagues know Global Crossing. This is the company that plummeted from a net worth of $22 billion to just $750 million in a span of less than a year. In the wake of its collapse, the lives of thousands in my district were shattered, all because promised safeguards failed at every level. My constituents got a hard lesson in how companies cheat, overstate or obscure their financial disclosures in an effort to charm analysts and manipulate investor expectations.

Many of our constituents were also stunned to learn the top executives from many of these failing companies walked away with millions, while the pensioners and employees were left penniless. On March 9, I hosted a public forum in Rochester where 250 people came to share their experiences on Global Crossing. One constituent noted, ''Many former employees have been economically devastated as a result of corporate greed and mismanagement of Global Crossing. People have spent their life savings and have had to cash in their deflated retirement 401(k) plans just to survive these last few months after Global Crossing abruptly ceased their promised severance payments.''

□ 1000

Some former employees are now forced to file bankruptcy themselves while others may lose their homes and have had to drastically change their lifestyles and are barely surviving.

Since the collapse of Global Crossing, I have worked to ensure that the interests of current and former Global Crossing and Frontier employees are not forgotten in the bankruptcy proceedings. Indeed, I have asked the court to order expedited lump-sum payments to former employees and to give employee stockholders priority status during the proceedings.

But, Mr. Speaker, fundamental reform is required. We have an opportunity today to tackle some of the most egregious outcomes of these bankruptcies. It is unconscionable that executives can walk away from failing companies where pension plans are depleted. Congress should tackle the double standard that exists between workers and their executives. The so-called golden parachutes are a slap in the face to the work and trust afforded these executives by the working men and women of this country.

If we are serious about enhancing pension participation, workers must have confidence that Congress is doing all it can to protect them against corporate corruption. The substitute before us is an important step.

For starters, it would put a halt to executives resigning and receiving large severance packages while shareholders are left holding worthless stock. The substitute would extend the golden parachute excise tax to severances and retirement benefits when there is a large reduction in the employer's stock or when the corporation goes into bankruptcy.

Moreover, the substitute would eliminate the ability of corporations to provide performance-based tax double compensation in excess of $1 million if performance includes cost savings from raiding pension plans. Corporate executives should only receive tax deductible bonuses for real improvement of business operations, not fictitious improvements. And corporate executives should not be rewarded for cutting employees' pension benefits through conversion of the pension plan to a less costly plan.

Finally, when a corporation incorporates overseas to avoid United States taxes, the ordinary shareholders are required to pay capital gains tax on the exchange of their old stock for their new stock. But guess what? Corporate executives are not required to recognize gain on their stock options. The substitute would require executives to pay taxes on their stock options when the corporation moves overseas just as share shareholders are required to do.

Mr. Speaker, much is at stake here. The stability of our financial markets has been severely undermined by a perception of widespread corruption. This instability is hitting shareholders hardest, many of whom are middle-class workers whose only involvement in the stock market is their 401(k).

Congress must once again take the lead. Since the 1970s, Congress has been an important proponent for expanded savings participation. The enactment of tax incentives for retirement savings, together with the establishment of new investment vehicles, such as the Roth Individual Retirement Account, has significantly enhanced the level of pension participation among a larger cross-section of the American workforce. But these gains can be obliterated in a heartbeat if we do not take the serious and justifiable fears of our Nation's workers into account.

Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

I am frankly kind of perplexed today. We came into session on Friday, now, and we are taking up one bill, and that bill is to extend the Portman-Cardin pension legislation. Here we had Secretary Paul O'Neill, just 2 days ago, say that on June 28 of this year, next week, the Federal Government will reach a debt crisis. Because what is going to happen is we are going to meet the debt ceiling, and we are not going to be able to pay Social Security checks or veterans checks or meet our obligations.

At a time when most Americans are saying, what is the status of our Social Security benefit, because the President went out and scared everybody by wanting to privatize Social Security, we should be bringing up the Republican proposals to privatize Social Security so we can at least find out before November where Members stand and what their values are when it comes to income security for senior citizens.

We should bring a prescription drug bill that really does benefit senior citizens instead of the bill that passed at 2 a.m. in the Committee on Ways and Means Tuesday night and is still being worked upon in the Committee on Energy and Commerce.

But, instead, we are taking up a pension bill. A pension bill. What is ironic about this pension bill is that whatever we do today will not take effect until the year 2011, 9 years from now. It is 2002 today, 2011 is when this bill will take effect, 9 years from now. So we are not dealing with Social Security, we are not dealing with prescription drugs, we are not dealing with the debt crisis that we are going to see on June 28 that Secretary O'Neill has talked about.

We are also not dealing with another more fundamental issue as well. In Business Week of June of this year it has a front page story, and Business Week is not a liberal magazine, and it says, ''Special Report: Restoring Trust in Corporate America.'' This week's Business Week, again not a liberal manager: ''The Crisis in Corporate

Governance, a Special Report.'' Fortune Magazine, this week, and I would urge my colleagues to read it: ''System Failure, Corporate America. We Have a Crisis. Seven Ways to Restore Confidence.''

We are not dealing with these issues. Senator CORZINE AND SENATOR SARBANES on the Committee on Banking, Housing and Urban Affairs just this week passed legislation out of the Senate committee essentially trying to restore Americans' confidence in our soft market by dealing with accounting standards, by changing accounting standards so average Americans will understand when there is an Enron Corporation and they cannot cook their books, or when Arthur Andersen tries to manipulate books, it will not happen because there will be severe penalties under their legislation.

We are not dealing with that either. We are not dealing with that. We are ignoring it. In fact, the gentleman from Texas (Mr. ARMEY), the majority leader of the Republican Party, says we should allow companies to go offshore if they want to save taxes.

And that brings us right to Stanley Works. Stanley Works is going to vote in the next month or so whether to go to Bermuda and open up a post office box so it can save $30 million in taxes. It will not go to their employees. It is going to go to top managers. Because we have seen that on Enron and we saw that on Global Crossing, and we will see that on Stanley Works as well. But what is so offensive is not only that this bill that we are dealing with today will not take effect for 9 years, but there is another aspect of it as well. I am going to read a short part of a letter that I received on June 20, and it is available to my colleagues. This is a letter written by a professor of law who deals with pension issues, Norman P. Stein, University of Alabama, again not a liberal school.

He says in the second paragraph: ''The original Portman-Cardin bill was an unwieldy package of disparate measures cobbled together by the pension industry.''

On the second page and I read three short paragraphs: ''Many of the bill's provisions were so technically complex that their unlikely impact could only be determined by pension experts. Thus, many in Congress uncritically accepted the lofty expectations of Representatives PORTMAN and CARDIN (and industry lobbyists) and persuaded themselves that they were voting for a bill that would increase retirement security for middle-class Americans and particularly women. So far there is no evidence that the bill has done any of that, but there is evidence that many of the technical provisions are being manipulated by pension planners to allow the most affluent Americans to greatly reduce their taxes and to reduce retirement benefits for middle-class workers. If any legislative action should be taken now, it should be to scale back Portman-Cardin's one-sided tax breaks for the wealthy, extend and expand the tax credit to help lower income'' savers ''and to repeal Portman-Cardin provisions that some firms are using to reduce benefits for middle-class and lower-income workers.''

''In any event, it is certainly premature for Congress to'' take up ''the Portman-Cardin and make them permanent, just one year after their enactment and 9 years before'' we need to.

I find it to be absolutely inexplicable that the greatest legislative body in the history of the human race would be spending time when we have a crisis on the debt, when we have a crisis in Medicare and Social Security, to be talking about something that will not take effect until 9 years from now and we know that the provision will hurt the average American and only help the Ken Lays of America.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the legislation. I was not going to speak. I know we want to move ahead just as expeditiously as possible. But the fact of the matter is, as I listened to my dear friend, the gentleman from California (Mr. MATSUI), talk about the fact that we have not done anything on Social Security, we have not got a prescription drug plan, the fact is if we can put into place legislation that will allow those 76 million baby boomers who are approaching retirement to begin making long-term plans, that would go a long way towards dealing with the problems of no Social Security plan that they keep talking about that is out there, and we of course very much want to address that. It can deal with making sure that people have access to affordable prescription drugs if we allow people to have more resources as they approach retirement.

So we know that there are a lot of problems out there in the accounting field and corporate America. We are aware of that. We have dealt with that here by trying to bring about some major reform and accounting practices and in other areas, but to say that as we encourage people to make long-term plans for retirement beyond the year 2010 is somehow going to undermine the financial stability of the United States of America is just plain wrong.

This is very good legislation. The gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) have worked long and hard on this. It is important for us to expand it beyond the year 2010, and I urge my colleagues in a bipartisan way to support both the rule and the legislation itself.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I include for the RECORD the letter from the University of Alabama signed by Dr. Stein, dated 20 June, 2002.

The letter referred to is as follows:

THE UNIVERSITY OF ALABAMA,
Tuscaloosa, AL, June 20, 2002.

Hon. ROBERT T. MATSUI,
House of Representatives, Rayburn Building, Washington, DC

DEAR CONGRESSMAN MATSUI: I understand that the House of Representatives is considering legislation making permanent certain temporary changes to the pension system that were enacted last year as part of the Portman-Cardin legislation. (The Portman-Cardin provisions themselves have a 10-year sunset provision.) Making the Portman-Cardin provisions permanent at this time is ill-advised and premature, for we do not yet have enough information on its effects to know whether it will advance, or as I believe, harm the retirement security of most Americans. We should at least wait until the evidence on whether Portman-Cardin is helping or hurting is in.

The original Portman-Cardin bill was an unwieldy package of disparate measures cobbled together by the pension industry. Although the bill included a few changes that were helpful to average American workers, its critics (of whom I was one) charged that most of its provisions would simply lavish further tax breaks on the most affluent Americans, who were hardly the group of workers most in need of governmental paternalism to help them save for their retirement. The only provision to help lower income workers save for retirement—a modest tax credit proposed by the Democrats—was watered down by House Republicans and is set to expire in the year 2007. (Ironically, this is the only provision that under the proposed Portman-Cardin extender would not be made permanent or even extended.) A benefit supposedly designed for women who return to the workforce late in life applies to men or women, regardless of whether they were out of the workforce, and in any event is only helpful to those few people who can afford to contribute at least $20,000 to their 401(k) plan. Worse still, the bill included several provision (supposedly to reduce regulatory burdens) that all but invite existing plans to reduce benefits for rank-and-file workers, while maintaining, or even improving, them for the owners of businesses and their most highly paid employees.

The sponsors of Portman-Cardin dismissed criticism of their bill. Instead, they argued that the bill would provide compelling new incentives for small businesses to adopt and expand their retirement and 401(k) plans. Congressman Portman and Cardin thus contended that the net effect of the bill would be to create thousands and thousands of new plans, whose very existence would benefit middle-class workers.

Many of the bill's provisions were so technically complex that their likely impact could only be determined by pension experts. Thus, many in Congress uncritically accepted the lofty expectations of Representatives Portman and Cardin (and industry lobbyists) and persuaded themselves that they were voting for a bill that would increase retirement security for middle-class Americans and in particular women.

So far, there is no evidence that the bill has done any of that, but there is evidence

that many of the technical provisions are being manipulated by pension planners to allow the most affluent Americans to greatly reduce their taxes and to reduce retirement benefits for middle-class workers.

If any legislative action is to be taken now, it should be to scale back Portman-Cardin's one-sided tax breaks for the wealthy, extend and expand the tax credit to help lower income people save for retirement, and to repeal the Portman-Cardin provisions that some firms are using to reduce benefits for middle class and lower-income workers.

In any event, it is certainly premature for Congress to make the Portman-Cardin provisions permanent, just one year after their enactment and nine years before their planned sunset. Before taking that step, Congress should at least wait long enough to study the real-world effects of Portman-Cardin, to determine whether it has helped or hindered the average American worker's efforts to save for retirement. Instead of precipitously acting on the important questions of whether to modify, repeal, or make permanent the Portman-Cardin provisions, Congress should ask the General Accounting Office to engage in a study of Portman-Cardin's effects on the retirement security of America's working people. There will be time enough to act when the results of such a study are in hand.

Please note that my comments are my own and do not necessarily reflect the views of the University of Alabama School of Law

Sincerely,

NORMAN P. STEIN,
Professor of Law.

Mr. Speaker, this is the letter that was referred to by the gentleman from California (Mr. MATSUI). It is always interesting to come into the well of the House on a day like today. We are celebrating baseball victories. And we have a simple one-page bill here. I mean, it is nothing. My mother, my brother, my grocer, the girl who makes my coffee could read this bill and understand what it is about. It makes permanent the provisions of a bill we passed last year.

This has been a very interesting procedure we have done over and over again. We passed the bill and then we come into make it permanent the next year; so we get two votes on it. But the letter from the professor in Alabama lays out the case very well for why we should not be extending it permanently. If we realize that 70 percent of what happens for the pensioners in this country goes to the top 20 percent and 42 percent of what comes out of this bill goes to the top 5 percent, we realize whom this bill is for. It is not for ordinary pensioners. It is not for ordinary people or women or people who enter the workforce. This is a bill about giving more to the rich, letting them use the tax policy.

And why do they need the repeal today? Mr. MATSUI acts as though we should be doing it or that it is a mystery why we are giving it to them now. It is because people who have a lot of money plan way out into the future. Most of us who are living paycheck to paycheck, we do not know where we are going to be in 9 or 10 years, but if someone has $50 million in their family or whatever or if someone makes $150 or $500 million in Enron, suddenly they need time to plan to deal with how they are going to deal with all that money.

□ 1015

Those of us who go down and get our paycheck and spend it that month, and wait for the next one to spend it that month, do not need a bill that goes out 10 years into the future.

Those provisions would be bad enough if it was not for what has not happened here around the issue of Enron. Enron went in the tank. They manipulated the pensions and the 401(k)s of their employees, and 100 Enron executives recently got more than $300 million in severance pay while the employees suffered devastating losses in their income and retirement packages. Those people at Enron who were working there, all they have left is their Social Security because we got away from defined benefits, and we gave them a defined contribution. We said, here is the money, and they can put it anywhere they want as long as it is Enron stock. When Enron stock went in the tank, they went in the tank. They have no job, no pension, and all they have left is their Social Security.

That should be changed, and that is in the substitute of the gentleman from California (Mr. MATSUI). There was no hearing. When we get on the substitute, Members will say we have never had a hearing on these provisions in the Committee on Ways and Means. Why not? Because we have to protect the people who got all this money, and we have to get their pensions set up, never mind the hundreds of people who lost their money at Enron. The Committee on Ways and Means has never looked at this issue.

We have another issue, and that is corporate investments, inversions. Presently when a company moves to Bermuda, the shareholders pay capital gains taxes when they exchange their U.S. shares for the shares in the foreign corporations. But the corporate executives, on the other hand, are not required to recognize accrued gain on their stock options. So again, the ordinary folks, they have to pay taxes; but the corporate executives, they can go over there, and they do not have to recognize it. They flip it over, and away they go. That should be changed.

Members will say we have never had a hearing in the Committee on Ways and Means on this issue. That is right. Nobody is going to bother Stanley Tool or anybody else going to Bermuda. That is why this is a bad bill. It has not been considered enough, and we ought to reject the rule and reject the bill and go back and do what needs to be done about corporate governance.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, first of all, I strongly support the rule. It makes in order the substitute that the gentleman from Washington (Mr. MCDERMOTT) just talked about, which is very fair, and it gives us an opportunity to talk about the important project before us today, which is trying to make permanent these crucial changes in our pension system that we enacted a year ago.

I am concerned about the debate that I have heard so far this morning. We are going to have an opportunity during general debate to get into the specific details of the bill. Right now we are just talking about the rule, and yet the other side of the aisle is taking this opportunity to, in a very partisan way, attack the legislation we passed last year with over 400 votes.

Those Members who have spoken are among the less than 10 percent of this Congress who did not vote for the legislation, and I sense that there is a fierce partisanship in this House in an election year that makes it very difficult for them to accept the fact that this legislation was developed over a period of over 5 years on a totally bipartisan basis. All these issues were fully vetted with subcommittee hearings and full committee hearings. There has been ample debate on the floor. The gentleman from Maryland (Mr. CARDIN), who will speak in a moment, was the cosponsor of this legislation. There was support across the board from the Chamber of Commerce, the AFL–CIO, and the Building and Trades Council.

I know it is difficult for some Members on the other side of the aisle who would just like to attack each other and saying things like this bill is just about giving more to the rich. That is not the case here. That is not how this bill was developed. That is not the spirit in which the debate has been conducted over the past 5 years on this issue.

As we talk about this legislation, and we will have an opportunity to do that when we get beyond the rule debate, I hope we can have a more constructive debate sticking to the facts and sticking to what again in this case has been an unusual, admittedly, but important exercise of this Congress working across party lines to do what is best for the American people.

For those who think this is just about the rich, I hope they realize that half of America's workers have no pension whatsoever today; no 401(k), no defined benefit plan, not even the simplest pension program, like a SEP plan or so-called simple plan. Those are the Americans who will be helped by this legislation.

It has only been in effect since the first of the year, so we do not have year-end data yet, but all the evidence we have, including what was presented at a hearing yesterday of the Committee on Ways and Means Subcommittee on Oversight, indicated it is working to do that.

This is not about the rich. This is about helping where it is needed, which is in small businesses. With fewer than half of the workers covered by pensions

among small businesses, it is less than 20 percent that have any kind of pension coverage. This is where those low-income workers are who we all want to see get more coverage.

By raising the limits and simplifying the plans; taking the away the burdens, costs and liabilities; by permitting portability, all of which is done in this legislation, which again passed this House by more than 400 votes, admittedly not during an election year; by doing all of these things, we are going to be able to give people who work in small businesses more opportunities to be able to save a little money for their own retirement.

On the issue of planning, the gentleman from Washington (Mr. MCDERMOTT) said he lives paycheck to paycheck, and that is how most Americans live. That is fine, but I hope the gentleman is planning for his retirement, and I hope he is planning more than 9 years out. That is certainly what this Congress ought to encourage all Americans to do.

We need to encourage small businesses to get into the business of providing retirement savings. To do that, they need to know there is some certainty this is going to continue, that we are not going to go from a situation where one can put $15,000 aside in a 401(k) plan to go back to where one can only put $10,000 and $500 aside; to get to a situation where people will know that they will be able to put into their IRA accounts $5,000, and with a catch-up another $2,000, rather than going back to the situation where they can only put $2,000 aside. That is what would happen if this bill were repealed after 9 years, which is the current law.

So I would ask my Members on both sides of the aisle to view this differently than we usually do, particularly during an election year, and that is to focus on what is right and good for the American people and not try to make this another partisan contest where we are yelling and screaming at each other about who cares more about poor people, and making it into a class warfare argument.

This has not been that process all along. It has been a long and carefully thought out process, bipartisan from the start, and I hope that we can continue in that spirit today.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important as we debate this matter to be clear on the urgency of the underlying bill. These issues actually do not expire until 2010. I wish that we could deliberate more on the substance and what is needed by those of us who claim responsibility for governance of the United States of America.

I represent Houston, Texas, and in that representation have Enron in my congressional district. First, let me say that the employees remaining at the company are trying their very best to turn the tide and work on behalf of those who work for them. As their Representative, and they are my constituents, I wish them well. But we have a duty here in this Congress, and the American people have not been responded to; that is, for corporate response, corporate reformation, restoration, and reconfiguration. We must reform the corporate laws of America.

Now we have the best opportunity with this legislation, particularly in the substitute that the Democrats have offered. Every commentator, every American that is asked the question, has Congress done anything to avoid another Enron, answers, absolutely not.

Members should step in my shoes and travel throughout my district and see the pain and the misery: people who are not able to get medical care, houses being foreclosed on, no jobs, children not being able to go to college. Members would say those are the things that happen to folks. These are hard-working Americans and taxpayers who believed in a corporation and management, and they believed in corporate executives who said that they had the best company in the world.

We have the opportunity in this legislation today to avoid corporations who run away from trouble and leave to go to Bermuda and do not pay taxes to help build this Nation. We have the opportunity to avoid having deferred compensation with loopholes surrounding the so-called nonqualified deferred compensation packages, which are retirement packages which are designed to be immune to creditors' claims.

Mr. Speaker, my constituents on Friday witnessed $105 million given in retention bonuses. On Sunday, the company filed for bankruptcy; and on Monday, 5,000 of my constituents were fired.

We need to have corporate reform for America. I say to my colleagues on the other side of the aisle, we need to work together. Golden parachutes for Enron executives, and it is not just Enron, it is across America. Ever since Enron, one after another has toppled. Americans deserve better.

In the underlying bill, rather than helping poor people, this particular legislation takes away the only provision that will help low-income workers. In addition, it lifts the pension amounts for executives.

Mr. Speaker, as I close, there is too much of an opportunity here for this Congress to do something. It is a darn shame that we are a Congress that is doing nothing.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

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

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding me this time to speak on behalf of this legislation.

Mr. Speaker, I rise in support of the rule, and I rise in support of passage of the permanency of the retirement savings provisions of what we call the Bush tax cut.

First, let me comment very briefly and to the point on my colleague's remarks just prior to my speech. I think it is simple. If those in business break the law, they should go to jail. If we are probusiness, we enforce the law, and lawbreakers are held accountable. Unfortunately, the ethnics of the 1990s have come home to roost with Enron and Global Crossing and other companies which broke the law. Again, if they broke the law, they should be held accountable and should go to jail.

Today I speak in support of the Retirement Savings Security Act of 2002, legislation which is so meaningful because it has a real impact on working middle-class families on the south side of Chicago, which I have the privilege of representing. What we call the Bush tax cut benefits 100 million taxpayers who saw their taxes lowered. We eliminate the marriage tax penalty and the death tax. We increase opportunities for savings for education and retirement.

Today we are focused on making permanent the retirement savings component of the Bush tax cut.

□ 1030

Unfortunately because of an arcane rule over in the Senate, it had to be temporary. If you think about it, all the good things that we did in the Bush tax cut to help working middle-class families, they expire unless we do something.

It is interesting that in the Congress it is easy to increase taxes permanently, it is easy to increase spending permanently, but when you want to lower taxes or cut taxes, you can only do it on a temporary basis. That is just not right.

We believe that increasing opportunity for retirement savings should be permanent and that the increases in the contribution limits for individual retirement accounts from $2,000 to $5,000 should be made permanent. Otherwise it goes back down to $2,000. And the increases in retirement accounts, of 401(k) accounts, which benefit millions of middle-class workers across America, that go from 10- to 15-, that, if it expires, goes back to 10-. Who is hurt? Working middle-class families. All the more reason we should make the Bush tax cut permanent, particularly the retirement savings component.

I want to commend the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for their leadership on assembling this package which was included by President Bush in his package.

There are two provisions I want to draw attention to, one which is something that I really saw illustrated in

my own family. My sister Pat is a teacher and for years has taught in public schools. When she and her husband Rich, who is a farmer, decided they wanted to have children, they had three kids, Matt and Sarah and Christy, they decided that she would take time out of the work force and stay home and raise the children until they were old enough to go to school. What happened in that case is the family income was cut in half. They did not have any money to set aside in retirement savings. They were just basically making ends meet, so they were not able to set aside money for retirement savings.

Something that is really unique about this legislation is we allow people like my sister Pat and brother-in-law Rich, now in this case empty-nesters, or working women who go back into the work force, once they reach age 50 or older, we allow them to make what we call a catch-up contribution. They immediately can put up to $5,000 into their individual retirement account to make up for what they missed. If they have a 401(k) account, they can put an additional $5,000 above the 15-. That is meaningful. If this expires, they lose that opportunity.

Second, I want to draw attention to something that benefits millions of building trades people, union members across this country. That deals with the 415 provision that is in the legislation. It was brought to my attention by a couple by the name of Larry and Lori Kohr from Peru, Illinois, retired laborers, this 415 cap which said regardless of how much you contribute into your multiemployer pension funds, which is usually a building trade unions pension fund, that there is a cap on how much you can receive. That cap was originally put in place for high-paid executives and public employees. Over the years it was all removed, all those caps, except for working men and women in the building trades.

One of the priorities we in the Republican Congress made was removing that cap, so that people like Larry and Lori Kohr can get their full pension. They contribute more, they qualify for more, they should get their full pension. Prior to our cap, Larry and Lori Kohr only received about $19,500 a year, half of what they really should have received. Thanks to the Bush tax cut, by removing the 415 provision, Larry Kohr now receives a $39,500 pension. His pension was almost doubled as a result of removing that unfair cap. Think about it. If this is not made permanent, Larry and Lori Kohr will see their pension cut in half once again.

So let us help working men and women. Let us help those who benefit from the 415 provisions, and the working moms, and the empty-nesters who benefit from the catch-up provisions by making this permanent. That is why I commend the gentleman from Ohio (Mr. PORTMAN) for his leadership in bringing this legislation to the floor. It deserves overwhelming bipartisan support. Let us make the retirement savings provisions permanent.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, the President had it right soon after Enron when he was speaking down in Virginia at the naval base and he said, ''We've got to make sure that what's good for the captain is good for the crew.''

Last year prior to Enron, we passed this legislation, and this legislation greatly increased the disparities and the privileges to high-income earners within the pension system. Yes, we have done some things for those people at the bottom, for middle-class earners, but the fact of the matter is that increasing the amount of money that they can contribute is somewhat meaningless when only 2 percent of the individuals contribute the maximum because they simply do not make enough to have that kind of discretionary income to make additional contributions. But for those at the top, it is a very generous bill.

Yes, we are simply extending last year's bill, but what we had is we had an opportunity to review last year's bill, but we chose not to take that opportunity. We could have reviewed last year's bill in light of Enron, in light of Global Crossing, in light of Adelphia, in light of Tyco, when we see that clearly there are two classes of pensioners in this country. Those ordinary employees get treated with far less deference, with far less resources by the corporation than those who are at the corporate elite. We see those who are at the corporate elite have their pensions insured. They have their stock options not taxed in some cases if the company moves overseas. We see that those individuals are given severance pay that is insured, that is guaranteed, so that the very people who destroyed some of these corporations are now getting the most benefit. Yet this legislation refuses to address those issues.

The gentleman in the well that just preceded me said it is a simple basic rule: If you violate the law, you should be prosecuted. If you have not, no. What we are finding out is it is really not about a violation of law. Many of these activities are sanctioned within the law. That is what has got to trouble middle-class Americans as they see this rush in the Congress to continue to stuff benefits to the wealthiest elite people in this country, whether it is in the pension system, whether it is in the estate tax system, whether it is in the income tax system. There has been a rush by this Congress to stuff the money to the wealthiest people in this country before we hit the deficit wall and before America realizes that we are looting the Social Security Trust Fund.

It is very much like the executives of Tyco and Enron and Adelphia and these corporations that in the months preceding their bankruptcy, they started paying off their debts. Now when we examine who they were paying off, their children's real estate companies, their children's travel companies, their wives' auction houses, their wives' small businesses. They are getting the money out of the corporation to get it into their friends' hands before the bankruptcy.

So what was the end in Enron? One hundred forty executives walked away with 3- or $400 million, and the thousands of employees that were laid off walked away with $13,000.

We have an opportunity to reexamine the laws that govern the pension plans of this Nation, and we refuse to do it. We are now coconspirators in that disparity between the captain and the crew. But as this ship starts to sink, and we start to take the Social Security Trust Fund with us, the Republicans are not even going to hit the emergency bell as they head for the lifeboats with their friends. They are just going to get in the lifeboats with the income tax cuts, with the estate tax cuts, with the pension changes for the wealthiest people in this Nation, and they are going to sail away and watch everybody else go down with the ship.

What we are doing here is we are taking the payroll tax that pays for Social Security, and we are transferring it to the wealthiest people in the Nation, because that is how this $50 billion is being paid for, because there is no other tax available because we are running a non-Social Security deficit. We ought to understand that. If we are going to do that, we ought to make sure that some of those middle-class income workers in this Nation get some of the benefits. But in this bill 77 percent of the benefit goes to the top 20 percent of the people.

Mr. LINDER. Mr. Speaker, for the purpose of refocusing this discussion on what is actually on the floor, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Georgia for yielding time. I will be brief.

Just to repeat, we are not really talking about the same bill here. What we are trying to do here today is simply to extend the provisions of the retirement savings law that was passed by this Congress last year. Congress just took up legislation to deal with the post-Enron pension issues, and we passed that on a bipartisan basis. Congress just took up recently corporate governance issues related to Enron. We passed those on a bipartisan basis. We can revisit those, we can go back, maybe we should do different things, but this is not what we are about today. We are talking about the pension changes.

Again, the gentleman from California, it is good theater, but he is not talking about the facts. I am happy to go into the lifeboat with the people we are talking about helping.

Let me give you some actual statistics rather than just rhetoric. Of those people who are involved in pensions, 77 percent make less than $50,000 a year. These are middle-income workers. These are lower-income workers. Let me give you another statistic. There was a recent study showing that those who benefit most from retirement plans earn between $15,000 and $50,000 a year. Those same families pay slightly more than one-third of all Federal income taxes. They receive two-thirds of the pension accruals in this country. Those are the folks we are trying to help.

Beyond that, we are trying to expand these pensions to people who do not have them now. Who are they? They are primarily middle- and lower-income workers. I am not worried about the high-income workers. They have nonqualified plans, meaning they are not even in the pension system. Those are increasing rapidly because we are not doing enough to help free up the pension system. That is what the legislation was about last year. That is why 400 Members of this House supported it.

I am happy to get in the lifeboat with those folks. I would hope my colleagues would be as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I am somewhat confused by some of the debate that we have heard on this rule. I would think that all Members would want to support the rule. First of all, it allows the Democratic substitute to be offered that deals with the issues that the gentlewoman from New York raised. These are very valid issues. It gives us a chance to debate on the floor today, or when this bill comes up, corporate governance issues. They are important issues. I agree with a lot of what the gentlewoman said, and the rule makes that in order.

The second thing the rule does is allow us to make permanent the provisions in the pension bill of last year. I strongly support that, Mr. Speaker.

Some of my colleagues have talked about the fact that this was truly a bipartisan bill. I think that is difficult for some people to understand, but it did go through the normal, regular legislative process. It was developed in a bipartisan way. It was developed by Congress. It was not part of the President's tax proposals. It came into the President's tax proposals because we had bipartisan support in this House and in the other body. It was well vetted.

My friend from California brings forward a letter from someone from Georgia. We have had congressional hearings on every one of the provisions in that bill. People were invited. In fact, my recollection is at one hearing we could not get anyone to testify against the bill; that everyone who testified said the provisions in the bill were well founded.

Let us talk about the specific provisions, and I think you will find that every one of them advances the issues of people having more opportunity to provide for their retirement. That is why the underlying legislation was supported by organized labor. That is why the underlying legislation was supported by small business. It provides more opportunities.

In all due respect, Mr. Speaker, Ken Lay's retirement security is not based upon increasing the IRAs from $2,000 to $5,000 a year. That is not the type of people who benefit from the changes that are in the underlying bill. We make modest adjustments in the 401(k) and defined contribution limits. We do not even keep up with inflation. These are very modest changes that affect middle-income people, not the wealthy. That is why the cost of this bill is extremely modest. It does not affect the overall fiscal condition of this country. It is $6 billion over 10 years. The Democratic substitute, which does some things that I happen to like as far as the small savers credit, costs $30 billion, or five times more than the underlying bill. I just bring that up because I think the underlying bill is a good bill, and it is worthy of continued support.

Many of the people who have talked against it have consistently been against it. I understand that. But 185 Democrats joined a large number of Republicans with over 400 votes in favor of this bill on three separate occasions. There was good reason as to why Democrats and Republicans have worked together on this issue. Retirement security is an important issue for middle-income people. You cannot do it on Social Security alone. We need private savings. We need private retirement. The underlying bill helps advance those issues.

I urge my colleagues to support the rule and support the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

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

□ 1045

Mr. STENHOLM. Mr. Speaker, I rise in opposition to the rule and opposition to a very good bill. The gentleman from Ohio and the gentleman from Maryland have stated factually the bill. My problem is with the plan that this bill is included in.

We are completely ignoring that last month, May, with a 20 percent increase in spending, a 19 percent drop in tax receipts, combined to result in a larger-than-expected budget deficit of $80.6 billion for the month. That eclipses last year's $27.9 billion shortfall and puts the government on course for a $200 billion deficit.

The economic game plan that we are under, that some of us would like to work with our friends on the other side of the aisle to change, has got us on course to where next week you must vote to borrow an additional X number of billion dollars, the Secretary of Treasury has asked for $750 billion, borrow that money, without first fixing Social Security and Medicare. That is inexcusable. It is inexcusable for this body to continue to have our dessert without being willing to deal with the spinach problems of this country.

It has been over six months since Treasury Secretary Paul O'Neill first wrote to Congress to request an increase in the statutory debt limit. Secretary O'Neill warned Congress that the Federal Government would be unable to meet its commitments and at risk of default if an increase in the statutory debt limit was not approved before June 28th.

Despite these warnings, the House Leadership has been unwilling to take responsibility for dealing with this issue.

The Republican leadership is trying to blame Democrats for the failure to increase the debt limit. The rhetoric blaming Democrats for inaction on the debt limit doesn't bear any resemblance to reality.

We repeatedly have offered to provide bipartisan support for a modest increase in the debt limit in order to avoid a default. The Republican leadership has rejected all of our offers and prevented us from even offering amendments which would provide for an increase in the debt limit linked to action on a responsible budget plan.

What we have refused to support is the administration's request for a $750 billion increase in the debt limit without a plan to put us back on a path toward a balanced budget.

We will not vote for any increase in the debt limit without a commitment to a plan to bring the budget back into balance.

DENNIS MOORE and I went to the Rules Committee again this week to ask that we be allowed to offer an amendment today which would deal with the debt limit in a responsible manner.

The amendment would provide an immediate increase in the statutory debt limit of $150 billion but limit future increase in the debt limit until the President and Congress agree on a plan to place our budget on the path to on-budget balance by FY 2007.

Unfortunately, the Rules Committee did not make our amendment in order.

The need to raise the debt limit should compel us to re-examine our ability to afford current tax and spending policies, just as credit card spending limits serve as tools to force families to examine their household budgets.

Congress and the President need to sit down, roll up our sleeves and have an honest discussion about what we need to do to put the budget back in order, with everything on the table.

But instead of figuring out how we are going to stop the tide of red ink and stop spending Social Security surplus dollars, the House leadership continues to bring to the floor legislation that will put us deeper into debt.

I do not understand the philosophy of folks who don't have a problem with leaving our children and grandchildren with a large debt just so we can have a tax cut or more spending today.

I hope that the members who are once again coming to the floor proudly supporting yet another tax cut will be willing to come to the floor next week and show just as much enthusiasm when the vote to borrow the money to pay for their policies by raising the debt limit.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, back to the issue at hand, I rise today in support of this underlying bill to make permanent the pension reforms in the tax relief act. Before I do that, I want to congratulate my colleagues from the Committee on Ways and Means, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for their leadership on this.

Mr. Speaker, while this legislation would make permanent many good pension reforms we enacted last year, I would like to highlight one particular aspect of it. Many States, including Texas, have favorable laws that encourage pension portability, the ability to take your pension with you when you move jobs, especially for teachers and other public employees.

However, before the President's tax relief plan, Federal law really frustrated what were very helpful State laws. Virtually every State authorizes teachers and other public employees to purchase service credit, their work performed, for the years in which they were not eligible for pension.

For example, suppose you have a teacher that works 2 years in a State, moves to another that requires her to work 30 years. She works 28 and then goes back and purchases from the other State the 2 years that she worked. That way she has that pension. The problem is that purchasing back that service, those years, is very expensive. It can be up to $20,000. Most employees do not have that sitting around, but many do in a savings plan, their 403(b) tax sheltered annuity, or 457 deferred compensation plan, that they could use to buy back those years.

However, before the bill was put in place, they are prohibited from transferring this money to purchase service; and because of the quirk in the tax law, they could not do it pre-tax. Well, the tax relief bill, thanks to the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN), solved this problem by allowing our teachers and our other public employees to use this money to purchase service credit on a pre-tax basis, which is far more affordable. It also makes other changes in the enhanced pension portability.

If these provisions are not made permanent, which this bill does in a very commonsense way, these options for our teachers and workers will go away.

I urge my colleagues to support the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, at the outset, the arguments of my colleague, the gentleman from Texas (Mr. STENHOLM), need to be emphasized, because before voting on this or any other matter, no matter how worthy, we need to consider the fiscal consequences.

I think another way of putting it is that we have to evaluate each of these pieces of legislation, like the one in front of us, to decide whether we think it is so vital to spend that money that we are willing to borrow payroll taxes paid in for Medicare and Social Security and use them for a different purpose. That is a pretty heavy test to meet, and I do not believe this piece of legislation meets it.

Let me say, I think there are some very good provisions in the law that the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN) sponsored last year. That is why I voted for it. I was among the many Members of this body who felt that adding a little money to IRAs and 401(k)s, the portability provisions that let workers take these pensions from one place to another, were sound provisions. They were the highly publicized provisions by which this bill won the support of many people here and in the United States Senate.

The less publicized provisions, the fine print of that bill, contain the problems. It allowed more discrimination by the people at the top of pension plans against those at the bottom, the people who need retirement security assistance the most and who have done the least retirement planning. The fine print in that bill allowed some companies to stuff retirement plans with their own stock. And as if not enough of that were happening already, like at Enron, it actually provided them a tax subsidy to overfill plans. Those less publicized provisions are problematic and troublesome, and I wish I had been able to vote for a bill that did not have these problems, and I do not want to make those misguided provisions permanent.

But even if you think those bad provisions are good and you like the Portman-Cardin legislation exactly as it was passed last year, what do you think will happen if today's bill is defeated? Absolutely nothing. Those provisions will be the law of these United States until New Year's Eve 2010.

The reason that we are taking up a bill today to affect something that will not make a bit of difference, however you feel about this bill, until New Year's Eve on 2010, is because this Congress has little or no interest in standing up to special interests and doing anything about real retirement security.

We know that one executive after another is walking off with not a golden, but a platinum, parachute; meanwhile, many other people without a retirement plan are left to take the fall.

This bill that passed last year did something for those people. It gave them a small ''Saver's Tax Credit.'' This credit expires on New Year's Eve 2006. Is the benefit for the average worker extended? Is it made permanent in this bill? No. We had to extend the provisions that help those at the top that expire in 2010, but we are not extending those that expire in 2006.

If you look at this piece of legislation and you ask, ''will it do anything to protect retirement security and prevent more employees being victimized, just like those were at Enron?''—the answer is ''it does absolutely nothing.''

It ought to be rejected. It is fiscally irresponsible, and it does not improve retirement security for those who need it the most.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Georgia (Mr. LINDER) has 12 minutes remaining and the time of the gentlewoman from New York (Ms. SLAUGHTER) has expired.

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

Mr. Speaker, I presume the gentleman who just spoke from Texas will be happily voting on the Democrat substitute, which is spending five or six times as much as this bill, but that will not be considered fiscally irresponsible.

Mr. Speaker, I urge my colleagues to support this rule so we can get on with the underlying bill, which is a good bill and will pass.

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

The previous question was ordered.

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. SLAUGHTER. 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 344, nays 52, not voting 38, as follows:

[Roll No. 245]

YEAS—344

Abercrombie	Blumenauer	Carson (OK)
Aderholt	Blunt	Castle
Akin	Boehlert	Chabot
Armey	Boehner	Chambliss
Baca	Bonilla	Clay
Bachus	Bono	Clayton
Baird	Boozman	Clement
Baldacci	Boswell	Coble
Ballenger	Boucher	Collins
Barcia	Boyd	Combest
Barr	Brady (TX)	Condit
Barrett	Brown (SC)	Cooksey
Bartlett	Bryant	Costello
Barton	Burr	Cramer
Bass	Burton	Crane
Becerra	Buyer	Crenshaw
Bentsen	Calvert	Crowley
Bereuter	Camp	Cubin
Berkley	Cannon	Culberson
Berry	Cantor	Cummings
Biggert	Capito	Cunningham
Bilirakis	Capps	Davis (CA)
Bishop	Cardin	Davis (FL)

Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Andrews
Baldwin
Brady (PA)
Brown (OH)
Capuano
Clyburn
Conyers
DeFazio
Delahunt
Fattah
Filner
Ford
Gephardt
Green (TX)
Hinchey
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
LaFalce
Lee
Mascara
McCollum
McNulty
Millender-McDonald
Miller, George
Mink
Mollohan
Oberstar
Olver
Owens
Pastor
Rahall
Rangel
Rivers
Sanders
Schakowsky
Scott
Sherman
Shows
Stark
Stenholm
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner
Waters
Watson (CA)
Watt (NC)
Woolsey

NOT VOTING—38

Ackerman
Allen
Baker
Berman
Blagojevich
Bonior
Borski
Brown (FL)
Callahan
Carson (IN)
Cox
Coyne
DeGette
Dingell
Everett
Ganske
Gillmor
Gutierrez
Hansen
Hilliard
Houghton
Keller
LaHood
Lewis (GA)
Lipinski
Manzullo
McInnis
McKinney
Miller, Dan
Murtha
Northup
Norwood
Ortiz
Riley
Roukema
Smith (WA)
Traficant
Weiner

□ 1120

Mrs. JONES of Ohio and Mr. MOLLOHAN changed their vote from ''yea'' to ''nay.''

Mr. WATKINS of Oklahoma changed his 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.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 451, I call up 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 451, the bill is considered read for amendment.

The text of H.R. 4931 is as follows:

H.R. 4931

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 ''Retirement Savings Security Act of 2002''.

SEC. 2. PENSIONS AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsections (a) and (b) shall not apply to the provisions of, and amendments made by, subtitles (A) through (F) of title VI (relating to pension and individual retirement arrangement provisions).''.

(b) CONFORMING AMENDMENTS.—Section 901(b) of such Act is amended—

(1) by striking ''and the Employee Retirement Income Security Act of 1974'' in the text, and

(2) by striking ''OF CERTAIN LAWS'' in the heading.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider an amendment printed in House Report 107–522, if offered by the gentleman from California (Mr. MATSUI) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. MATSUI) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

Mr. Speaker, in our debate on previous portions of the tax package that became a law last year in which we have attempted to make particular provisions permanent, the argument has been made that we do not need to do it now. In fact, that argument was made as recently as the rule on this bill.

While there may have been some kernel of truth somewhere in the debates over the permanent repeal of the death or estate tax because we cannot control, in normal circumstances, the time of our death, that same argument made against this piece of legislation is an argument that is totally cynical and totally political.

Why? Because this is a provision to make permanent that portion of the tax bill that allows people to plan for retirement. Retirement is a voluntary decision, and the voluntariness of it depends to a degree on our ability to have effectively planned ahead of time.

The section that is probably most unfair to most Americans is the fact that we are going to keep them in doubt about what they can do with their own money to plan for their retirement.

Mr. Speaker, the argument that we do not need to make this permanent when we are dealing with the question of retirement is to basically tell those people who are in their last decade of work, who are around 50 years of age, and especially those who, in their forties, are going to be making their most significant retirement decisions, that we do not care. For what must be pure partisan reasons, we are not going to let them have that certainty.

And why do I say for pure partisan reasons? For a very simple reason. This bill passed the House as H.R. 10 by a vote of 407 to 24. I know that is not unanimous, but around here that is pretty overwhelming. So it is not the desire to implement the underlying provision, and perhaps the argument is, well, the budget situation has changed since that vote was recorded. We will accept that argument. Obviously we would not want to be voting out of here a budget-busting bill that we do not have to really deal with from a political point of view for 10 years, but from a personal financial-planning point of view, we desperately need this certainty.

Well, if one investigates, this bill only costs $6 billion over 10 years; and I know when I say only $6 billion, people would tend to relax, but I have to tell everyone, for the investment in the

comfort, in the belief in security of those Americans within a decade of retiring, $6 billion is a very, very worthwhile investment.

Then we heard the argument under the rule that why are we doing this today? We have other really important things we need to do. This is not going to become law anyway. Well, we also heard that argument about a stimulus package that was before this House in March. Why are we doing this? It is not going to become law anyway. That measure passed the House with 417 votes, and the Senate moved it on to the President and it became law. If the 197 Democrats who voted for this measure last year vote for it this year, it will become law. And if they are going to hide behind the $6 billion price tag for 10 years, if they are going to argue one does not need to have this kind of knowledge to plan one's retirement, then we need to understand it is politics. I find it ironic that we are going to see criticism of the cost that this somehow is for fat cats when in fact the Democrat substitute costs five times as much as this one.

So as we listen to the debate today, just keep a couple of things in mind. This portion of the tax bill that became law is not like the other portions. People can with certainty plan. It is extremely difficult to plan without certainty. The Democrats almost gleefully announce they are going to deny those people who are within a decade of retiring some certainty about the way in which they can manage their financial affairs so that in their retirement years they can live a little bit comfortably; and if this measure does not pass and if it does not become law, I want every American who cannot plan the way they should be able to plan to remember there were certain people here who thought it was more important in a political game of chess to try to advance a pawn in their goal to reclaim the majority of the House by playing stunts with this measure than it was to assure seniors and near-seniors of certainty for their retirement.

That is what this vote is all about. It is the ability to plan or the denial of the ability to plan. A ''yes'' vote lets Americans plan; a ''no'' vote denies them that opportunity. Let us see who will not let Americans plan their own futures.

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

Mr. MATSUI. Mr. Speaker, I ask unanimous consent to yield 10 minutes to the gentleman from Maryland (Mr. CARDIN), my colleague on the Committee on Ways and Means, and that he be allowed to yield said time.

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

There was no objection.

□ 1130

Mr. MATSUI. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I might just say at a time when we have a crisis in corporate America, one of the reasons the stock market is not doing too well, very sluggish, is because basically investors are not sure what companies are doing well and what companies are not, because we cannot get it any longer from the books because obviously after Enron, Global Crossing and a number of other corporations, we just do not know any longer what these books really mean because each individual accounting office like Arthur Andersen might decide on their own how to manipulate these accounts.

Business Week had a story Crisis in Corporate Governance, Special Report. Last week they had Restoring Trust in Corporate America, same Business Week. Fortune magazine this week talked about a System Failure in Corporate America. At a time when we should be talking about how we make sure that Stanley Corporation up in Connecticut does not move to Bermuda and open up a post office box basically to save $30 million in taxes, somewhat unpatriotically, at a time when 120 management employees of Enron Corporation were able to take $330 million in terms of retirement benefits right before they decided to file bankruptcy and gave nothing to their thousands and thousands of employees, it would only seem logical that we would try to deal in some fashion with those issues instead of dealing with extending a pension bill that is fatally flawed and will hurt the ordinary worker, not now, but will not take effect until 2011.

We need to really understand this bill that is on the floor now will not take until the year 2011. One must ask what is the House of Representatives, this august, wonderful body, doing talking about something that is 9 years away and not dealing with the fundamental problems of corporate governance, corporate responsibility, and the need to make sure that in a flagging democracy such as ours with the kind of marketplace economy, when there is no confidence in the fundamental stock market, why are we doing something with 9 years away instead of dealing with some of the major issues that are facing America today?

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

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

Did my colleagues hear it? Why are we dealing with something that is 9 years away? For someone who has worked 40 years, what is 9 years in terms of planning? It may be everything.

The cynicism with which they simply disregard someone's few dollars, trying to be planned most efficiently for the time, value of money, so they can have a marginally better retirement, does not mean a darn thing. It does not mean anything to these people.

Mr. Speaker, at this time, I want to publicly, if it does not do him too much damage, compliment my friend and colleague from Maryland. I have worked with the gentleman on the Committee on Ways and Means with some of the original preventive and wellness provisions that went into the Medicare bill. I have worked with him in a number of other very difficult and politically sensitive areas. Very much enjoyed the working relationship with the gentleman from Ohio (Mr. PORTMAN) on our side of the line.

The proof of the product was that people have accepted their work product in a nonpartisan, nongimmicky environment by more than 400 votes, and with great difficulty, and with enormous courage, the gentleman from Maryland is supporting a position he knows to be right.

I do hope there will be no permanent political damage done because I know his own leadership has changed the rules of the game to create significant pressure on him, and I just want to say it publicly that I admire someone who stands up on the floor and speaks with what they truly believe is right, rather than simply mouthing comments that are designed to advance a cynical, purely partisan position.

I want to say I am extremely proud of two Members of the House of Representatives, one on our side of the aisle and one on the other side of the aisle, who want to make sure that those who want to plan for a retirement with dignity have those 9 years that some folks think are not worth anything.

Mr. Speaker, I yield the remainder of my time to the gentleman from Ohio (Mr. PORTMAN), and ask unanimous consent that the gentleman control the remainder of my time.

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

There was no objection.

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

I thank the gentleman from California (Mr. THOMAS), the Chairman of the Committee on Ways and Means, for yielding me the time and for the work he has done to get us to this point.

This is a very important debate we are having today because it is about extending legislation this House passed last year on a totally bipartisan basis by over 400 votes, which is very important, as the gentleman from California (Mr. THOMAS) has said, to the retirement planning needs of America's workers.

Let me just talk for a moment about what we are doing here. Last year, as part of the overall tax relief measure, Congress passed this legislation which makes it easier for people to set more aside for their retirement. It increases contribution levels for IRAs, for 401(k)s, for other defined contribution plans. It increases the levels of benefits for defined benefit plans. It also simplifies the pension laws, takes away some of the costs, the burdens, the liabilities to enable small businesses to offer more plans, and it allows for portability so that people can move in a defined contribution context from job to

job without having to cash out on their pensions.

The need for these provisions is great. Right now, we know there are 70 million Americans, over half the work force, who have no retirement savings whatsoever through their employer, no pension plan of any kind. That is something that is even worse among small businesses, which is where a lot of lower-income, middle-income workers are.

Among smaller businesses, those with 25 or fewer employees, only 20 percent offer any kind of pension plan whatsoever. Unbelievably, there has been virtually no growth in pension plan coverage over the past couple of decades. At the same time, the baby boom generation, of which I am part and a lot in this House are, is beginning to retire, and we are finding that those baby boomers do not have adequate savings to be able to live a comfortable retirement, to have that kind of peace of mind and security that comes with having what someone needs through their retirement. In fact, baby boomers have put less than 40 percent aside of what they will need for a good retirement.

A major reason for this is because of what this Congress has done over the past couple of decades. Instead of responding to this by helping people save more for their retirement, Congress instead over the past 20 years has made pensions less generous by lowering contribution and benefit levels while making pensions more costly by increasing the burdens, costs and regulations. That has had a very bad impact. Let me give you a specific example.

From 1982 to 1994, limits on defined benefit plans were greatly reduced by Congress, and new restrictions were added, primarily for the purpose of generating more revenue, dealing with the deficit, not for pension policy. The effect of that was, as those cutbacks took effect, the number of traditional benefit plans ensured by the PBGC dropped from 114,000 in 1987 to only 38,000 in the year 2000.

Anyway that is what this body tried to do last year was to take some steps, some steps, not as big as some would have liked, but some steps in the right direction to begin to reverse these trends and begin to let people save more for their retirement.

First, again, we allowed people to put more aside in their own retirement plans, put more aside in their union multiemployer plans, their defined plans, other pensions, IRAs. We moved the IRA contribution, for instance, from $2,000 to $5,000 per year. This year alone you can put another $1,000 in, another 50 percent, $3,000. By the way, the average income of somebody who does an IRA is less than $30,000 a year.

So as my colleagues hear the other side today, some Members of the other side talking about how this is primarily going to benefit the rich, remember that statistic. The biggest increase we have is in IRAs. Those who have IRAs on average have less than $30,000 a year in income.

We also did a lot in terms of 401(k)s, moving those limits from $10,500 a year to $15,000 a year by 2006. By the way, these provisions only restore the limits to where they would have been back in the 1980s in terms of IRAs if it is adjusted for inflation, or in the case of 401(k)s, we only adjust it back to where they were back in the 1980s, when, incidentally, Republicans were not in control of this House.

Secondly, we created these catch-up contributions. It helps workers over 50 to set aside more for their retirement. If someone is 50, we say they should be able to put more aside in their IRA, but, significantly, in their 401(k). This is because we know there are a lot of people out there, again, baby boomers, particularly women who have taken time off to take care of their families, raise their kids, coming back in the work force, who just do not have enough in that retirement security nest egg. We want to encourage them to save more, so we allow for this catch-up.

We modernized the pension laws to adapt what we have learned of the realities of an increasingly mobile work force. That is a reality in our country. People move jobs quickly. The old defined benefit model does not work as well as it used to because people do not stay long enough to get the benefit of that.

We decreased the vesting from 5 years to 3 years. This is extremely important and already having an enormous impact out there. We had some testimony in the Committee on Ways and Means yesterday at one of our subcommittees about this very fact, that just by changing that vesting helps a lot because a lot of people do not stay around for those 5 years to get vested, but now they stay around for 3 years, they get the benefits of the pension.

We also allowed for people to roll over from job to job, plan to plan. For instance, someone is a school teacher and they go into the private sector or vice versa, if someone is a government employee and they go into the private sector. Under the old law, a person could not roll over their defined contribution plan, the 403(b), their 457, 401(k) and vice versa. We allow for that. It is seamless. The gentleman from North Dakota (Mr. POMEROY) who is here on the floor with us is really the author of that part of the legislation, worked hard on that over the years. It has been bipartisan, even nonpartisan.

Finally, we made it easier for employers, particularly small businesses, to be able to establish and maintain pension plans, again, by reducing these costs, burdens and liabilities. We did not do everything the small business community wanted. They wanted to get rid of the so-called top-heavy rules altogether, which incidentally President Clinton's Labor Department advisory group on this said we ought to get rid of altogether. They said it is like suspenders and belts, we already have the nondiscrimination testing in place, why do we need the top-heavy rules on top of that. We did not do that. We kept the top-heavy rules in place. We did simplify them somewhat to make it a little bit easier for small business to get into this game.

Again, think about the fact here that small businesses are not in this game in the way they should be. Only 20 percent of them are offering pensions now. We know from all the surveys that have been done, it is costs, it is burdens, it is liabilities that they are worried about. So we tried to address this in a way to be able to help people get more pension coverage, and we are seeing benefits. It has only happened this year. So we do not have the data from year end yet, but we do have anecdotal evidence, again as recently as yesterday in the Committee on Ways and Means.

We also modernized our pension laws by section 415 of the Tax Code. This is very important to people who are multiemployer plans, including union members who have worked hard. They have come to the point in their career where they need to retire, they suddenly find out that this 100 percent of compensation limit came into effect and kept them from getting the benefits that they deserved. We removed the section 415 limitation. This is extremely important, and it is fair because the way multiemployer plans adjust and calculate when they receive their pension benefits, the rule did not apply fairly to them. So we got rid of 100 percent of comp limit, which is very important.

We also got rid of something very important called aggregation limits. We also allowed for early retirement benefits. This is part of our modernization effort. It was consistent with what we did all through the bill, rolling up our sleeves, looking at these plans, trying to simplify them, trying to make more sense for the modern work force, and these provisions are helping working Americans.

Seventy-two percent of those making contributions to IRAs again have an income of below $50,000. The average is below $30,000; 77 percent of American workers participating in a pension plan make less than $50,000 a year, and when we expand retirement savings options, we help those workers who need it the most. Again, it passed the House already on a number of occasions, most recently with 407 votes.

So if we already passed this bill, why are we on the floor today? Why did I just talk all about all these great benefits that we have already passed into law? Because of the arcane rule in the United States Senate, all of this goes away. Nine years from now it disappears. What would happen if that were to take place?

For starters, it make it very difficult, again, for people to plan for their retirement. For example, looking

at the chart here, workers can now save, under our IRA provisions, $3,000 a year on their IRA. Under the old law it was $2,000 a year. By 2010, we go up to $5,000 a person can save on their IRA. Remember, these are the lower- and middle-income workers who really need this for their retirement savings. In the year 2011, it would go back to $2,000 a year if we do not extend this permanently. Does that make sense?

Who would want to do that in terms of 401(k)s? In 2002, we go from $10,500 to $11,000 a year people can set aside in their 401(k) plan. By the year 2010 it will go to $15,000. Actually, it starts in 2006, but in 2010 it will be $15,000 a year. In 2011 it would go back to $10,500 a year. Again, these limits are not dramatic increases. They barely keep up with inflation the way we do it, and they do not keep up with the limits that were in place back in the 1980s when my friends on the other side of the aisle controlled the Committee on Ways and Means. When they controlled this Congress, they had higher limits than this and reduced them because they wanted to reduce the deficit, and they took it out of pensions.

So this is what is going to happen if we do not extend it. Does that make any sense? The catch-up contributions we talked about earlier, again, under the IRAs this year a person gets $500 more to put away if they are over 50. By 2010 they get $1,000 more. In the year 2011, nothing, no catch-up, zero, zip. It is repealed. In 401(k)s, a person gets $1,000 more this year; they get $5,000 more by 2010. If this legislation is not passed, do not extend it, 2011, zero, zip.

Very important for people to be able to plan. Very important for small businesses to be able to plan so they can put together something that works for their employees. We will have some data later if people are interested about what small businesses are doing. They are taking advantage of these increases. They are changing their plans to allow people to save more for their retirement. They are doing it because they assume the Congress is going to do this indefinitely.

□ 1145

Now they are finding, because of this quirk in the Senate procedures, it may be stopped in 9 years. It does not make any sense. The expiration date, of course, will hit hardest on oldest workers because of these catch-up provisions. So these oldest workers, getting right up to retirement, are suddenly going to find they cannot do the catch-ups. If we fail to act as a Congress, these improvements simply will disappear and people will not have the peace of mind they need for their retirement.

Mr. Speaker, that is what the debate is about today. I know the Democrats have a substitute that deals with some other very important issues. I hope we will have a full debate on that when we talk about the substitute. I understand these are important issues on corporate governance, on executive pay; but let us be sure, as a Congress, we stick together on a bipartisan basis to move forward with what we started last year, to reverse this trend in Congress that was encouraging people to get out of the pension business and instead to get people into it so all Americans can save more for their retirement.

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

Mr. MATSUI. Mr. Speaker, I would like to inquire of the amount of time each of us has at this time. I understand the gentleman from Maryland (Mr. CARDIN) still has 10 minutes remaining.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Ohio (Mr. PORTMAN) has 9 minutes remaining, the gentleman from California (Mr. MATSUI) has 17½ minutes remaining, and the gentleman from Maryland (Mr. CARDIN) has 10 minutes remaining.

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

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), the sponsor of many of the provisions in the underlying bill, including the portability.

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

Sometimes in this Chamber, Mr. Speaker, we spend so much time talking about where we disagree, and we disagree on a lot, that we do not get around to evaluating where we agree and where we can agree.

We have just heard a very informed, technically adept exposition of the terms of this bill and why they were in the bill by the gentleman from Ohio (Mr. PORTMAN). I certainly would like to commend him for his leadership in this area. It takes a lot of time to get that kind of command of the technical demands of this subject area; and the gentleman from Ohio, along with his colleague from the other side of the aisle, the gentleman from Maryland (Mr. CARDIN), have each, I think, represented the best of what this Chamber can bring forward by way of making national policy as they have applied themselves over the years in understanding retirement savings as a major national priority and then even getting deeper into the technical details of how to get it done.

There are some areas where we disagree, and we are going to be able to talk about them in the context of the substitute. I do believe it is very important we have the discussion on the range of what might be appropriate and needed policy responses to the troubled corporate governance issues that we have read so much about in the newspapers recently. What I worry about a little is that some of the debate on the substitute may spill over and taint our evaluation of the underlying bill.

I want to tell my colleagues, Democrat and Republican alike, I believe the underlying bill is solid, bipartisan, constructive advancing of retirement policy; and I hope once the substitute vote is taken, we will be able to give this the kind of rousing endorsement that it got as we passed it when it was first considered.

There is a provision in the bill I would like to speak to which I think illustrates in a real way how this matters. We have a variety of defined contribution plans allowed under the Tax Code, 401(k) is the best known. Virtually identical, but a different structure, 403(b)s for those working in the nonprofit sector, and 457 plans for those working for State and local governments. As one goes through the workforce, you cannot roll your account from one into another, even though they are all defined contribution plans; they just have their basis in different provisions in the Tax Code.

It is important we give workers this kind of retirement account portability so that rather than getting the lump sum and spending it, they roll it into their retirement savings at their new place of work. Studies show pretty convincingly that the larger amount in the retirement account, the less likely it is to be spent on nonretirement purposes. As we help the American workers save for retirement, it is important we facilitate this portability and allow them, in fact encourage our workers, to leave the money there for retirement purposes.

Also in the bill, as was mentioned by the preceding speaker, moving vesting in defined contribution plans from 5 years to 3 years is a very big deal. This is a win that on its face we can all understand is important to those in a mobile society; that if they leave after 3 years, presently they do not acquire necessarily any benefit. These are provisions that ought to be endorsed and advanced, and I urge adoption of the underlying legislation.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I stand in support of this vital legislation to provide certainty and predictability in pension retirement benefits for the people I represent at home in Washington State.

I want to compliment my two colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), for taking leadership to help all women who are being very diligent in their effort to become independent as they plan for their retirement years. This bill enables millions of women to devote more money to retirement savings, to accumulate assets more quickly, and to maintain their benefits in one retirement plan as they go from job to job.

Women choose to leave the workforce for many reasons, including to raise a family or care for ailing parents. Often during those years they are unable to

take full advantage of employer-sponsored pension funds. The retirement protections in our bill allow women to make catch-up contributions to their pension plans to make up for the time they spend away from the workforce.

Before Portman-Cardin, it was very difficult to consolidate retirement funds from different plans into one plan. We took away these restrictions in our legislation to reflect the changing employment market. Today, we have more women working who tend to change jobs more frequently than do men. By enhancing portability, we ensure the retirement benefits follow the employee as she changes jobs.

With more women working outside the home, Mr. Speaker, we have to modernize our retirement laws to take into account a more diverse workforce. We have now, for example, 70 percent of young mothers with young children still in the home in the workforce. It is about time we make up for them and create for them a further opportunity to gain self-reliance during retirement.

So I do not think we can afford the effort that is being made by some of our opponents to turn back the clock in 2011, and I encourage my colleagues to support this legislation.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute.

I find it kind of interesting because I have a letter from Norman P. Stein, a professor of law at the University of Alabama, not the most liberal institution in the America, dated June 20, 2002. He basically says, and I will quote: ''Many in Congress uncritically accepted the lofty expectations of Representatives PORTMAN and CARDIN and industry lobbyists, and persuaded themselves that they were voting for a bill that would increase retirement security for middle-class Americans and in particular women,'' as the gentlewoman from Washington State says.

However, he states in the next paragraph: ''There is no evidence that the bill has done any of that, but there is evidence that many of the technical provisions are being manipulated by pension planners to allow the most affluent Americans to greatly reduce their taxes and to reduce the retirement benefits for middle-class workers.''

So I really question whether or not women are going to be helped. In fact, I really believe strongly women are going to be harmed by this. So what is the hurry about extending this package from 2010 to 2011 and beyond? This bill is in effect now. It has no impact for the next 8 years.

Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from the State of New York, (Mr. HINCHEY), a member of the House Committee on Appropriations.

Mr. HINCHEY. Mr. Speaker, when the specific provisions contained in this bill as before us this morning first came before the House in the 106th Congress, there were only a handful of us who voted against it, in spite of the fact that the bill was enormously complex, incredibly detailed, and hardly anyone, other than staff members, had any real idea of what was in it.

We voted against it because we thought that the bill would harm the retirement circumstances for the vast majority of Americans, while, at the same time, it would provide ways in which those who were in charge of the retirement systems in individual companies could manipulate those systems in ways that would benefit them specifically and injure the vast majority of their employees.

When the bill came back last year, a larger number of people voted against it. It was contained in a larger bill. Why? Because I think people are beginning to realize very clearly what is going on here. The whole pension program in this country is under change; and in fact, the pensions of the vast majority of Americans are under assault.

The previously popular defined benefit plans, which most corporations had for most of their employees, have now essentially gone out the window. We have flexible plans, plans that are undefined, plans that are not clear as to what the benefits will be. And the enormous amounts of money, tens of millions, hundreds of millions, in some cases billions, of dollars that are tied up in pension programs in various places and in corporations around the country are being manipulated by the corporate executives for their own advantage, for their retirement situation, for their golden parachutes, for their specific needs, to the detriment of the vast majority of employees.

Now, what do we have in this bill that is before us this morning? In spite of the experience of the last several years, the Enrons, the Global Crossings, and on and on and on, in spite of all that experience recently, now we have a bill coming before us that would make permanent the most egregious provisions of the bill that was passed previously and does nothing whatsoever to make permanent the single provision in the original bill that benefited low-income, middle-income employees, the vast majority of people who work for these corporations.

This bill is bad. We need to support the substitute and defeat the bill in chief.

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute.

I am somewhat perplexed by the argument because most of the provisions, almost 100 percent of the provisions that are in the underlying bill, are in the Democratic substitute. So I am not sure what the arguments being made against the underlying bill are really about.

There is a very small difference, and we will get the chance to talk about that as it relates to the highly compensated test that really helps companies provide matches for their employees, which help modest-income people. The overwhelming amount of dollars in the bill go to the same provisions that are in both the Democratic substitute and in the underlying bill.

As I pointed out earlier, the Democratic substitute costs six times as much as the underlying bill. So I think the arguments being made may be reserved for the substitute, where there is a major difference between the Democrats and the Republicans and it is worthy of debate. But on the underlying bill and the importance of increasing the limits and increasing portability, helping women with the catch-up contributions, I am pleased to see that Democrats have incorporated in their substitute the same provisions as the underlying bill.

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

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute.

I might just say that when the substitute is offered, actually by the gentleman from Massachusetts (Mr. NEAL), he will outline the bill. Much of the provisions, such as the IRA expansion, the 401(k) expansion, they are in the main bill and also in the substitute as well.

We have one thing in our substitute that is in current law that the underlying bill, the Republican bill, does not have, and that is the tax credit for small savers, the nonrefundable tax credit for small savers. Why that was taken out remains to be seen, because that was probably the only thing for the average worker in that legislation last year. But, nevertheless, we have it in our bill and they do not have it in their bill.

I might just also say, Mr. Speaker, there are some provisions in the bill that we do not have in ours, that is, that are in the Republican bill that we do not have in ours, and that is the fine print. They are the provisions that will really give high-management, top-management employees greater benefits than the average worker. We will be talking about those during the motion on the substitute itself.

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

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Michigan (Mr. CAMP), from the Committee on Ways and Means.

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

Mr. CAMP. Mr. Speaker, I support the Retirement Savings Security Act, which has been introduced by my colleagues on the Committee on Ways and Means, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN).

The pension measures contained in the original Economic Growth and Tax Relief Act include many long- sought provisions for our Nation's public sector employees and their State and local government-sponsored retirement plans. Twenty-eight national associations, representing State and local governments, government officials, and

public employee unions have sent letters supporting the public pension provisions in this act.

□ 1200

They all urged us to retain and enact these much-needed provisions. It is rare to see groups like the National Governors Association, the American Federation of State, County and Municipal Employees, the Fraternal Order of Police, the National Conference of State Legislatures, the International Association of Fire Fighters, the United States Conference of Mayors, the American Federation of Teachers, the National League of Cities all virtually agreeing together on any policy, and they agree on this.

They came to support these public pension provisions that will help the nearly 16 million public sector employees. The public pension provisions in this bill are really modest in cost and would apply to middle-income workers. In the bill is the enhancement of pension portability. Public employees are given greater opportunities to purchase credit for time served, such as time in the military or maternity leave, and they are also allowed to roll over their retirement assets between and among various types of account plans and jobs.

These portability provisions assist employees in building their retirement savings, especially those who have worked in various public and nonprofit institutions.

The act also provided assistance to governmental deferred compensation plans, and many State and local government entities sponsors these arrangements to allow participants to defer some portion of their salary to strengthen their individual retirement savings.

However, the administration of these plans and the ability of public employees to take advantage of them was often hampered by complex rules and lower contribution limits and other options that were in place prior to the passage of this act. But I think greater clarity and flexibility, which will now be provided under this bill, will help.

Mr. Speaker, the bill also addressed Federal limits that had an adverse effect on the administration of these plans, improvement of benefits and the ability of individuals to effectively contribute to their retirements savings. So for individuals who have been unable to take advantage throughout their career, the catch-up provisions will really provide an opportunity to help catch up with past contributions. These provisions will enhance the ability for people to save for their retirement. I urge support of this bipartisan, comprehensive approach.

Mr. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

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

Mr. MCDERMOTT. Mr. Speaker, various Members who have spoken on this bill have talked about the fact that there are things that we agree with. I think all Members of Congress like the idea that we can put another thousand dollars in our IRA. Some of us who are over 50 can add an extra $500, if we did not do it before. Those benefits that benefit us, we certainly like them, and they are in the bill, and we like them. Nobody should want to hide that.

But what is peculiar about this issue, and I think that somebody has to sometime explain to me the equity questions here, if 77 percent of the benefits go to people in the top 20 percent in this country, and 42 percent go to the top 5 percent in this country, where is the equity when we bring the bill to make it permanent and leave out the one piece that was there for the small savers?

Now, for the life of me, why for PR purposes would we want to give more to people at the top, and the little bit that we were giving to people that expires in 2006, it does not even make it to 2010, but they took it away. They took it away. They said, we do not need those folks. Now, last year's bill, let me be specific, included a nonrefundable tax credit for low- and middle-income workers who elect to contribute to either an employer-sponsored program, like a 401(k) at the Enron company, or an IRA. The maximum credit of $1,000 was available to taxpayers filing a joint return with an income up to $30,000, we are not talking about rich people here, $30,000 is below the average income in this country, that is all they have, or single filers up to $15,000.

Now, these would seem to me to be the people that the other side of the aisle would want to save. We would want to give them an incentive. We do not need to encourage people who have a lot of money to save money. They have got it already; but they save some more, that is nice, and get it tax free.

But the people on the bottom, a husband and a wife making $15,000 apiece, that is a little over $1,000 a month, which means about $250, $300 a week. So they are not cleaning up. But the other side of the aisle has that provision, and it goes out to 2006, and then it is dropped. They are now going to make things permanent, and they now say, well, we have evaluated the impact of this, and we do not think the small savers are doing much anyway, so let us take away their tax benefit, but let us make sure that the taxpayers in the upper 5 percent get theirs.

Now, I think when we think about this country, the questions of equity and the division between the rich and the poor in this country is getting wider and wider, and we are creating more and more tension. My question to the other side of the aisle is: Why was that taken out? I would love to hear the explanation. We could actually have a debate, and I can see the other side is eager to respond. Finally, we are going to get them the other side of the aisle to discuss why they took out the small saver.

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I agree at least in part with the gentleman from Washington (Mr. MCDERMOTT). I think we should be doing more for low-income workers, and we need to improve, not only extend, the low-income credit for workers, but it is going to take some more hearings and some more work. We have 5 years to get that into place.

But let me just disagree with the numbers of the gentleman from Washington (Mr. MCDERMOTT). This is both in the underlying bill and in the Democratic substitute which deals with increasing the amount of money that individuals can put in their IRAs and 401(k)s. More than 69 percent of those people contributing to traditional IRAs contribute the full $2,000, and 61 percent of those have incomes under $50,000. Over half the cost of the bill is in the IRAs. The gentleman's numbers do not add up. The underlying bill helps the average worker. It does not help the individuals the gentleman is referring to. This is a good bill, and I urge Members to support it.

Mr. PORTMAN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I agree with what the gentleman from Maryland just said, that the numbers of the gentleman from Washington (Mr. MCDERMOTT) are simply wrong. I do not know where he comes up with them. He does not cite where the numbers are from. We discussed this earlier, 77 percent of those involved in pension plans make less than $50,000 a year. Those who benefit the most make between $15,000 and $50,000. They pay one-third of all Federal income taxes. They get about two-thirds of the benefits under pensions. That is the reality, and that is what we are dealing with.

In terms of the so-called small savers provision, the low-income saver provision, the gentleman wants an answer why we took it out. We are not taking anything out. That was not in the bill that was passed by over 400 votes here in the House. It was added by the Senate. Those of us in the House accepted that issue. We believe we ought to try this on an experimental basis to see if we can get more low-income people in through what will be a relatively complicated, but an interesting experiment to see if it works. We set it for 5 years. We keep it in the underlying bill. We do not take it out. It stays in the legislation exactly as it was passed in the House after coming over from the Senate.

The gentleman used the phrase ''take out.'' Nothing is taken out here. We put this in the bill for 5 years for a specific reason. Look at the legislative history in the House and Senate. We want to see how it works. We do not have the history on it yet.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT) to respond.

Mr. MCDERMOTT. Mr. Speaker, I am glad to hear that they have an answer, although it seems inadequate to me that we ought to have more hearings on the poor folks, but we do not need any more hearings on the people on the top. No, that is perfect.

The gentleman questions my number. The Institute for Taxation and Economic Policy says 66.9 percent goes to the top 20 percent, 42 percent goes to the top 5 percent. That comes out in the Joint Tax Committee the same. The Joint Tax Committee has talked about income distribution over and over again. They are saying that 75 or more percent goes to the top of the scale.

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

Mr. MCDERMOTT. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I respond to the gentleman regarding where that data comes from for two reasons: One, as the gentleman from Maryland (Mr. CARDIN) and the other side of the aisle has just said, most of the money in this bill actually goes in the IRAs. People on average make less than $30,000 a year, so the numbers could not be right.

Second, the gentleman does not understand the purpose of this bill if the gentleman thinks it is all about doing an income distribution. This is about expanding pension savings for low- and moderate-income Americans.

Mr. PORTMAN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the whole purpose of this legislation is to try to expand for those 76 million Americans who have no retirement savings at all right now, including those who work in small businesses where fewer than 20 percent of businesses offer a plan, to get them to offer plans. How do we do it? Yes, by increasing limits; but, very importantly, by simplifying the plans, taking out some of the costs and taking out some of the burdens. That is what is going to expand coverage for low- and moderate-income Americans. That is the point of the bill. None of the income analysis of the gentleman is taking that into account.

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

Mr. PORTMAN. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I think the gentleman is misstating what the point of the bill is. The point of the bill is to give people at the top more ways to save more money.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I should know what the point of the bill is since on a bipartisan basis we have spent 5 years putting it together, fully vetted by all committees of Congress, including the Committee on Ways and Means that had jurisdiction.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, under current law, Ken Lay and 109 others from Enron Corporation were able to give themselves pension benefits of $330 million. This is under current law. Basically what this legislation does is loosens it. Obviously, the high-income people are going to get more money. The top 5 percent are going to get 42 percent, and the top 20 percent are going to get 77 percent.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, it is said that a rising tide lifts all boats. Certainly this tide lifts some boats. The yachts do pretty well. Over three-fourths of the tax reductions in this bill go to the wealthiest 20 percent of Americans. Almost half of the tax breaks go to the wealthiest 5 percent. The other 95 percent, most of whom are in rowboats, they remain anchored at the bottom.

The ''Savers' Credit,'' targeted at low-income workers and the working poor who earned $30,000 or less, is the only provision that will not be permanently extended. It expires on New Year's Eve of 2006, sooner than the provisions that are being extended. But for some unknown reason, we are told we need to study the working poor who lack retirement security now and do not have adequate retirement savings. We are going to study that and not extend it, but the yachts at the top, they get their benefits made permanent.

Under this bill, companies even get a tax incentive. That is right. Uncle Sam helps them with their taxes if they stuff their retirement plans with more company stock, the kind of problem that capsized the Enron employees. As if there were not already enough incentives for companies to put their stock into company plans, they get more in this bill.

What happens to the 95 percent who are anchored in the rowboats in a rising tide? Well, they get swamped; and it is the richest who already have some retirement plans who get to bailout. There is a word for this, and it has multiple meanings in this context. It is ''dinghy,'' and this is ''dinghy'' to extend this program on a permanent basis.

There are good provisions in this bill. There are so many such provisions in the bill that I voted for it when it was up for consideration in the last Congress. Some of the provisions that were less publicized and never noted in debate in the fine print of this extended bill, like the tax incentive for companies to put more of their own company stock into the company plan, were not publicized and were not well known, and a vote in favor of them is certainly not a vote to be proud of.

□ 1215

But I do not know many people that are now planning their New Year's Eve party for this coming year. Yet the sponsors of this legislation, they are already thinking about New Year's Eve in 2010, because if we take no action today, on New Year's Eve of 2010, all of these benefits will be gone.

Of course there are a few Congresses that meet between now and 2010. And there are some problems that exist right now that cannot wait until 2010. There is the Enron problem where the people at the top are selling their stock through their stock options while at the same time they are telling the employees to keep the company stock and put more of it into the plan. That is what happened at Enron. What does this bill, or anything else this Congress has done, do to remedy that? Absolutely nothing. There is the problem of three out of four people in this country who earn less than $25,000 according to the Consumer Federation who do not have an adequate retirement. Yet this bill refuses to continue permanently their benefits.

Today is the longest day of summer, and the lobbyists are here telling us that they want to ensure that the sun never sets on the privileges they gained in this bill, but they do not care, about extending benefits to the people earning under $30,000. Do not be fooled. This is not about sunshine. The Members have been left in the dark about many features of this bill. It ought to be rejected.

Mr. PORTMAN. Mr. Speaker, I just want to remind my colleague that he voted for this legislation three times without any low-income saver provision in it.

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

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding me this time. I am one of the people who voted for the underlying bill. I think it is excellent in many ways. I agree with the gentleman from Maryland's analysis and the gentleman from Ohio's analysis of the underlying bill. But I am not going to vote for this extension today, and I would adopt the reasoning that the gentleman from Texas (Mr. STENHOLM) put forward just a few minutes ago.

Right now for every $100 that we are spending to run our government, we are bringing in $80 worth of revenue. We are borrowing the other $20. We are borrowing about half of it from the Social Security trust fund, and we are going to borrow the other half from the private capital markets. I have come to the floor in the last several weeks and voted against a lot of things which I would like to see happen. I would like to see more aid to our exporters, but I voted against the Export-Import Bank reauthorization. I would like to see the marriage penalty permanently done

away with, but I voted against the permanent cessation of it. I am one who favors the permanent repeal of the estate tax, but I did not vote for the permanent repeal of the estate tax. And as strongly as I feel about the merits of this underlying bill, and they are very meritorious, I think the principle of doing anything that reduces revenue by borrowing from the Social Security trust fund and from the private capital markets that fuel our economy is a mistake.

It is painful to oppose things that one embraces, and I embrace these; and I certainly do not mean to imply that the supporters of this bill are fiscally irresponsible. They are not. But it is my judgment that the highest priority of this country at this time is to get back into the black. The highest priority, therefore, will lead me to oppose the bill.

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

Mr. Speaker, as we have been getting into this debate, a lot of the issues that have been talked about on corporate governance will be debated when we get to the Democratic substitute. I appreciate the fact we may have different views on that. I am somewhat perplexed, as I have said before, on the underlying bill because there is not much difference between the Democratic substitute and the underlying bill on almost all of the provisions in the underlying bill. There is good reason for that. This bill was developed in a very bipartisan way. We had hearings. We in Congress initiated these changes. It did not come from the President. We made modifications as the bill worked its way through Congress on several occasions. We worked with Senators in the other body, both Democrats and Republicans. It was truly a bipartisan effort.

As a result, we have done some things that I think are important for this Nation. We have increased the amount of money individuals can put away in their IRA accounts. We have increased the amount of money that people can put away in their 401(k) plans. We have dealt with portability, knowing full well that people change jobs regularly. Now individuals will be able to combine those accounts and keep them in retirement. That is an important provision. These provisions should be permanent. They should be permanent. We may have different views as to how we should handle Social Security and the protection of Social Security, but there should be no disagreement about the need to strengthen private retirement and savings.

The savings ratio in this country is deplorable. Just 10 years ago, it was approximately 9 percent. We have actually had negative quarters. We are the lowest industrial nation in the world in the money that we put away for savings. We need to do a better job. We need to encourage, not discourage, employers to put money into retirement plans for their employees.

I have heard arguments about, well, there are differences in the underlying bill. None of those differences go to the cost issue, though. We talk about the simplification provisions. I am going to talk about one, because I may not have a chance later, that deals with a subject that may seem controversial, highly compensated employees. But look at the underlying provision and why it was not controversial in this body, because it took away a penalty that employers suffered if they provided a match to their employees. We should be encouraging employers to provide matches to their employees. So we took away a penalty that was in the bill that will encourage more employers to get involved in matches for their employees. That is why we put that provision in the bill. That is why it was not controversial. It was never raised in controversy as it was considered.

We have heard who benefits from the bill. Most of the money goes into the IRAs. IRAs are used by modest-income people. We keep hearing the 20 percent figure. You know, 20 percent is $68,000. I do not happen to think that someone who makes $68,000 is particularly wealthy. It is not the Ken Lays of the world. They are not the people who benefit from the 401(k)s and from the IRAs that we make more available under the bill before us.

Mr. Speaker, there may be disagreements among our parties on some of the underlying issues concerning what happened in Enron, but there should be no disagreement as to the need to make permanent the pension provisions. I want to thank my friends on the other side, the gentleman from Ohio (Mr. PORTMAN), the gentleman from California (Mr. THOMAS), and others who gave us an opportunity, Democrats and Republicans, many of us, to work on ways that we could help Americans save for their retirement. This bill is one part of that. The reason it enjoyed such an overwhelming vote was because the process was fair.

We are going to certainly get into a debate on the substitute, but I would hope after we debate the substitute that we come back together and proudly support the underlying bill that will help Americans save for their future.

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

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), my colleague on the Committee on Ways and Means and also chairman of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the pension legislation enacted last year needs to be permanent. That will help Americans plan and save for a more secure retirement.

One year has barely passed since enactment, and our dear colleagues on the other side of the aisle are ready to regulate and strangulate pension plans. The people who oppose making these provisions permanent only want to play politics, and they are doing so to the detriment of the retirement system.

Yesterday at the House Committee on Ways and Means, we held a hearing on defined benefit pension plans. We heard the testimony about the decline of these pension plans which provide retirees guaranteed income. The number of plans peaked in 1985 at 114,000. At that point, Congress began tinkering with the pension plans. Congress so loved defined benefit plans and made them so safe that by 2001 the number of plans dropped from 114,000 to 35,000, a decline of almost 70 percent.

Congress has legislated pension plans to death. Last year by a vote of 407–24, we took some important steps to begin to roll back some of this red tape. What do the proponents of Big Government red tape want to do? Roll back these reforms. They cannot stand the fact that we took a hedge trimmer and began to cut away at the kudzu they had grown. They actually want to go back in time and put more regulations on these plans which have been pushed nearly to extinction.

By trying to pick apart this bill today, opponents are asking to undermine the whole law and undermine confidence in the portability and vesting rules that we tried so hard to achieve. Those who oppose making these provisions of law permanent do not seem to understand that pension plans require stability. It is all just a game to them and for the people who originally required these provisions to sunset in the first place. What a shame.

I want to see this law made permanent so all Americans can know their retirement is safe and secure.

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

Mr. Speaker, for closing debate on general debate at this particular time, I just have to say that many of my colleagues have said, well, many of the Members, 400 Members, voted for this when it was up 2 years ago. One of the problems with pension legislation is it is extremely complex. I think we all know that. The gentleman from Maryland said that 90 percent of the bill, or more perhaps, is the same as our substitute. That is correct as well. We support the IRAs, we support the 401(k)s, we want to make sure we have an extension of the 415 multiemployer program to allow portability. All these things we support. That is in our substitute.

But the real dangerous part of this piece of legislation, that is, the Portman-Cardin legislation, is the fine print. Many of us did not spend time understanding the fine print. It deals with the top-heavy rules. As the gentleman from Maryland said, it basically eliminates the penalty, because if you put it in a match, then you get credit for it. That basically means that

top-management employees, who today could get 60 percent of the benefits and the workers only 40 percent of the benefits, that is under current law, they can get 70, 80, 90 percent and not pay a penalty as long as they paid the match.

So you could have a situation where top management gets 90 percent of the benefits, average workers get 10 percent of the benefits, it could be 15 of the top management people and 200 of the workers getting 15 percent to 85 percent, or 90 percent to 10 percent. That is what is really dangerous about this legislation. It does not cost the government any money, but I can sure assure you it will cost the American workers their retirement benefits. That is what is dangerous about this bill.

What is really odd, Mr. Speaker, is the fact that it is in effect. It has only been in effect a year. What we really ought to do is not extend it and make it in perpetuity. What we ought to do is make sure that we correct some of the flaws in it. We will find flaws in this legislation. A GAO report will be done. We are going to do a lot of things to find out about this bill. We do not want to be embarrassed. We should not put ourselves in a position where we do not have to do something and we do extend it from 2010 onwards. We do not need to do this now. We need to vote ''no'' on the underlying bill, and we need to vote ''yes'' on the substitute when we have an opportunity.

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

Mr. Speaker, closing out the first part of this, which is talking about the underlying bill, I would encourage my friend from California to read the fine print again because he is inaccurate with regard to how the top-heavy rules work in this legislation. It keeps the top-heavy rules in place. It does encourage more matching contributions, which is a good thing.

Look, this was done over a 5-year period on a bipartisan basis from the start, fully vetted by the committees of Congress. It allows people to save more for their own retirement. It allows for portability. It allows us to simplify the rules so that people can offer more pension plans, particularly small businesses. It is supported by a broad spectrum, including the United States Chamber of Commerce, which will key vote this today, including by the Brotherhood of Carpenters, including by the Building and Trades Council of the AFL–CIO.

I encourage all my colleagues to support final passage and extend this good law.

Mrs. JOHNSON of Connecticut. Mr. Speaker, as a result of our arcane and complicated pension laws, 70 million workers have no pension plan. Unfortunately, Americans who work in small businesses are much less likely to have pension coverage than those who work for larger companies. Among companies with fewer than 100 employees, as many as 80% of the workforce have no retirement savings plan available to them.

The primary cause: small business owners find the cost and complexity of setting up and maintaining retirement plans to be overwhelming.

So last year, Congress passed the Portman-Cardin pension reforms to help workers save for their future and enable small businesses to offer pension plans to their employees. The changes we made streamline and simplify the complex rules governing our pension system to ensure meaningful coverage of small business employees. They will reduce the administrative burden on small businesses and provide incentives to help them establish plans for their workers, including cutting the IRS user fee small businesses have to pay to establish a pension plan and lowering premiums small businesses pay for their defined benefit plans to make that option more attractive.

Several years ago we adopted ''SIMPLE'' pension plans. That has enabled numerous small companies in my district to offer plans to their employees. This modernization of our basic pension law will expand and improve retirement options dramatically, which in the long run, means more working Americans will enjoy financial security in their retirement years. I urge passage of this legislation.

Mr. BLUMENAUER. Mr. Speaker, it is getting harder to vote for tax legislation, even provisions that I actually strongly support. This bill misses the mark because it eliminates provisions for small savers and it continues an incremental approach to making permanent the massive tax cut of last year despite the changed economic and national security situation. Most troubling, is that we continue to ignore the major issues that demand our attention in reforming the tax structure.

This bill does not speak to the highest priorities of the American public. It does not move us towards a fiscal framework that is necessarily sustainable and it is certainly not done in a context of long-term consequence. Congress must begin to address the most critical unresolved tax issues that will create fairness and fiscal stability.

Alternative Minimum Tax—Increasingly burdensome, this tax now affects millions of taxpayers to whom it was never intended to apply. In a few short years tens of millions of taxpayers will be penalized by additional taxes and more burdensome tax preparation.

Estate Tax—It is time to stop playing politics. The estate tax can be reformed to be fair and equitable by removing family-owned farms and businesses from its scope, raising exemption levels, changing the marginal rates, and indexing for inflation.

State Tax Consequences—Future changes should be in the form of specific credits that will not penalize state tax systems that are tied to the federal code.

Payroll Taxes for Medicare—Currently the Medicare system is dramatically shortchanging Oregon and other states billions of dollars a year. Until the federal government stops penalizing Oregon and other low-cost states for being efficient, the tax should be reduced.

It will be increasingly difficult to vote for any tax adjustment that does not speak to these larger needs. I reluctantly vote yes because this is something I have long supported, is not particularly expensive, and is an important signal in times of economic uncertainty.

Mr. KIND, Mr. Speaker, I rise today to support the Retirement Savings Security Act (H.R. 4931) to ensure that working Americans will continue to have the opportunity to save for a financially secure retirement. Retirement benefits are critical to ensuring that older Americans have the income to live out their Golden Years.

According to the Social Security Administration, many retirees received 19 percent of their income from employer provided pensions. However, half of private sector workers have no pension coverage at all. Further, only 20 percent of small businesses offer pension plans.

My colleagues, Representatives ROB PORTMAN and BEN CARDIN, have worked tirelessly to correct these problems and assist more worker is in saving for their retirement. Provisions from the original Portman-Cardin pension reform bill, which I supported, were included in the large tax bill last year. I am pleased that the House has the opportunity today to make these provisions permanent.

H.R. 4931 permanently expands pension coverage and will encourage companies to provide retirement plans for those workers who are currently without coverage. It also increases the amount an individual can contribute to an Individual Retirement Account form the current limit of $2000 to $5000 and allows individuals 50 and older to make ''catch-up'' contributions to ensure they have a secure retirement.

In addition to H.R. 4931, I also support the Democratic alternative. Not only does the Democratic alternative repeal the sunset provision, but it also includes corporate governance measures that will ensure that executives are held accountable and live by the same rules as rank-in-file workers. Specifically, executives should not be rewarded for moving their company overseas to avoid paying taxes when the nation is engaged in a war against terrorism. The Democratic substitute would ensure that corporate executives of expatriate companies pay their fair share.

In addition, the Democratic substitute provides pension security for all workers. In specific, the substitute permanently extends the tax credit for low- and moderate-income individuals in order to help them make contributions to their own retirement savings.

In the next 15 years, 76 million Boomers will retire. It is time that Congress repeal the sunset and pass permanent legislation that will encourage retirement and pension savings for all workers. With the Social Security Trust Fund expected to be exhausted by 2037, we must act now to ensure the financial security of our future generations. H.R. 4931 is a step in the right direction.

Mr. GREEN of Texas. Mr. Speaker, I have been in a Medicare and prescription drug markup for the last two days trying to give our nation's seniors a meaningful health coverage. Every Democratic amendment to improve seniors access to cheaper prescription drugs has been blocked by the Majority. The reason they give is that it costs too much.

I find it amazing than that we are here today once again giving the richest people in this country another break. Over the next 10 years, millions of Americans will benefit from the increased pension contribution allowances this body passed last year.

I support all Americans saving for their retirement and believe over the next ten years they should do just that. However, by permanently extending these pension reforms so early, these same people may be devastated

by astronomical health care costs when they retire. We do not have to make the decision on this legislation today. Ten years from now our elderly population is going to explode and we will have no wiggle room to ease their financial burden.

In addition, the huge budget deficit being run up by the federal government will only compound the problem.

Mr. Speaker, for upper-income Americans, this legislation will be a real bonanza and over the next ten years I hope everyone is able to enjoy the benefits, but we all know everyone will not. We have once again pulled out the government credit card and are back to the ''buy now pay later'' approach. I just want everyone here today to know that we will not feel the effects of this bill for ten years, but when we do it is going to be very bad.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4931, the Retirement Savings Security Act of 2002. I urge my colleagues to join in backing this appropriate measure.

Last year, the House passed sweeping tax reduction legislation. In addition to various tax repeal provisions, that bill also contained a number of improvements designed to strengthen both pensions and individual retirement accounts.

Those provisions included: Increasing the $2,000 IRA contribution limit, for both traditional and Roth IRA, to $5,000 by 2008, increasing annual individual contributions to 401(k) plans to $15,000 by 2006. The inclusion of ''catch-up'' contributions for workers aged 50 and over for certain types of 401(k)s and IRA, and a number of provisions to facilitate faster vesting of pensions and pension portability between jobs.

Those provisions in the tax reduction legislation were intended to make it easier for more Americans to save for retirement. It has been estimated that almost 70 million workers, which is nearly half the nation's workforce, have no pension plan. Many of these people work for small businesses, which frequently have found the cost and red tape involved in setting up such a plan prohibitive. In acting last year, Congress sought to reduce some of those barriers and subsequently encouraged more companies to set up pension plans and 401(k)s.

Regrettably, an arcane budgetary rule in the Senate required that all of these beneficial provisions sunset after ten years. The House has moved this year to repeal the sunset provisions on the estate tax, marriage penalty and reduction in marginal rates.

This legislation follows the same line of reasoning as its predecessors which repealed the aforementioned sunset provisions. It provides stability and helps individuals and companies better plan for the future. For these reasons I support its passage.

Mr. KIRK. Mr. Speaker, I rise in support of the permanent extension of the retirement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001. Within the next 15 years, more than 76 million baby boomers will retire. Studies have shown that older baby boomers have less than 40 percent of the savings they will need to maintain their standard of living in retirement. Last year, Congress took action to remedy this situation by including the provisions of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001, in the tax relief bill. I supported this action and believe that the increase in personal retirement savings it will bring about in the coming years will benefit millions of Americans.

The Department of Labor estimates that less than one in every three women are covered by a retirement pension plan. These plans are proven to pay out greater benefits than Social Security, yet they are not readily available to most women and employees of small businesses. Last year's bill addressed this concern by providing an immediate benefit—the ''catch up'' provisions—for working women and individuals age 50 and above. These provisions allow women reentering the workforce, presumably after raising children, to contribute an additional $5,000 to their IRA. This will allow those approaching retirement age to save the extra money they need, while also allowing women who work intermittently to ''catch up'' for money not contributed because of time off. This is particularly helpful for working mothers who need to raise children and put them through college.

With the unfunded liability of many government retirement systems the need for increased personal retirement savings is greater than ever. By increasing the contribution limits for and portability of qualified 401(k) plans and pensions, the Portman-Cardin legislation will help Americans build assets to supplement their Social Security income in retirement. This will improve the quality of life for retirees and ensure that they have the financial resources needed to address any challenge that may emerge.

Congress would do the nation a great disservice by allowing these important reforms to expire. The need for greater personal retirement savings will not expire, and future generations should enjoy the same opportunity to save that the Portman-Cardin bill envisioned. Permanently extending these provisions is the responsible thing to do.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEAL of massachusetts

Mr. NEAL of Massachusetts. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. SIMPSON). Is the gentleman from Massachusetts the designee of the gentleman from California (Mr. MATSUI)?

Mr. NEAL of Massachusetts. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Retirement Savings Security Act of 2002''.

TITLE I—PENSION PLAN PROVISIONS

SEC. 101. PENSIONS AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsections (a) and (b) shall not apply to the provisions of, and amendments made by, subtitles (A) through (F) of title VI (relating to pension and individual retirement arrangement provisions).''.

(b) CONFORMING AMENDMENTS.—Section 901(b) of such Act is amended—

(1) by striking ''and the Employee Retirement Income Security Act of 1974'' in the text, and

(2) by striking ''OF CERTAIN LAWS'' in the heading.

SEC. 102. CREDIT FOR RETIREMENT SAVINGS OF CERTAIN INDIVIDUALS MADE PERMANENT.

Section 25B of the Internal Revenue Code of 1986 (relating to elective deferrals and IRA contributions of certain individuals) is amended by striking subsection (h).

SEC. 103. INCREASED COMPENSATION LIMIT NOT TO RESULT IN REDUCED BENEFITS FOR THE NONHIGHLY COMPENSATED.

(a) IN GENERAL.—Paragraph (17) of section 401(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) BENEFITS MAY NOT DECREASE.—Subparagraphs (A) and (B) shall be applied by substituting '$150,000' for '$200,000' with respect to a plan for any year if any employee's benefit under the plan would decrease were the $200,000 amount used by the plan instead of the $150,000 amount.''

(b) DEDUCTION LIMITATION.—Subsection (l) of section 404 of such Code is amended by adding at the end the following new sentence: ''The preceding sentences of this subsection shall be applied by substituting '$150,000' for '$200,000' with respect to a plan for any year if any employee's benefit under the plan would decrease were the $200,000 amount used by the plan instead of the $150,000 amount.''

(c) SIMPLIFIED EMPLOYEE PENSIONS.—Subsection (k) of section 408 of such Code is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) LOWER COMPENSATION LIMITATION IF BENEFITS DECREASE.—Paragraphs (3)(C) and (6)(D) shall be applied by substituting '$150,000' for '$200,000' with respect to a plan for any year if any employee's benefit under the plan would decrease were the $200,000 amount used by the plan instead of the $150,000 amount.''

(d) CERTAIN TAX-EXEMPT ORGANIZATIONS.—Paragraph (7) of section 505(b) of such Code is amended by adding at the end the following new sentence: ''The preceding sentences of this subsection shall be applied by substituting '$150,000' for '$200,000' with respect to a plan for any year if any employee's benefit under the plan would decrease were the $200,000 amount used by the plan instead of the $150,000 amount.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after the date of the enactment of this Act.

SEC. 104. MATCHING CONTRIBUTIONS NOT TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS UNDER TOP-HEAVY PLAN RULES.

(a) IN GENERAL.—Subparagraph (A) of section 416(c)(2) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after the date of the enactment of this Act.

TITLE II—RESPONSIBLE CORPORATE GOVERNANCE

SEC. 201. PERFORMANCE-BASED COMPENSATION EXCEPTION TO $1,000,000 LIMITATION ON DEDUCTIBLE COMPENSATION NOT TO APPLY IN CERTAIN CASES.

(a) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) CERTAIN FACTORS NOT PERMITTED TO BE TAKEN INTO ACCOUNT IN DETERMINING WHETHER PERFORMANCE GOALS ARE MET.—Subparagraph (C) shall not apply if, in determining whether the performance goals are met, any of the following are taken into account:

''(i) Cost savings as a result of changes to any qualified employer plan (as defined in section 4972(d)).

''(ii) Excess assets of such a plan or earnings thereon.

''(iii) Any excess of the amount assumed to be the return on the assets of such a plan over the actual return on such assets.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 202. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS IF CORPORATION FUNDS DEFINED CONTRIBUTION PLAN WITH EMPLOYER STOCK.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 409A. DENIAL OF DEFERRAL FOR FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS IF CORPORATION FUNDS DEFINED CONTRIBUTION PLAN WITH EMPLOYER STOCK.

''(a) IN GENERAL.—If an employer maintains a defined contribution plan to which employer contributions are made in the form of employer stock and such employer maintains a funded deferred compensation plan—

''(1) compensation of any corporate insider which is deferred under such funded deferred compensation plan shall be included in the gross income of the insider or beneficiary for the 1st taxable year in which there is no substantial risk of forfeiture of the rights to such compensation, and

''(2) the tax treatment of any amount made available under the plan to a corporate insider or beneficiary shall be determined under section 72 (relating to annuities, etc.).

''(b) FUNDED DEFERRED COMPENSATION PLAN.—For purposes of this section—

''(1) IN GENERAL.—The term 'funded deferred compensation plan' means any plan providing for the deferral of compensation unless—

''(A) the employee's rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the employer, and

''(B) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation, and all income attributable to such amounts, remain (until made available to the participant or other beneficiary) solely the property of the employer (without being restricted to the provision of benefits under the plan), and

''(C) the amounts referred to in subparagraph (B) are available to satisfy the claims of the employer's general creditors at all times (not merely after bankruptcy or insolvency).

Such term shall not include a qualified employer plan.

''(2) SPECIAL RULES.—

''(A) EMPLOYEE'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(A) unless—

''(i) the compensation deferred under the plan is paid only upon separation from service, death, or at a specified time (or pursuant to a fixed schedule), and

''(ii) the plan does not permit the acceleration of the time such deferred compensation is paid by reason of any event.

If the employer and employee agree to a modification of the plan that accelerates the time for payment of any deferred compensation, then all compensation previously deferred under the plan shall be includible in gross income for the taxable year during which such modification takes effect and the taxpayer shall pay interest at the underpayment rate on the underpayments that would have occurred had the deferred compensation been includible in gross income when deferred.

''(B) CREDITOR'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(B) with respect to amounts set aside in a trust unless—

''(i) the employee has no beneficial interest in the trust,

''(ii) assets in the trust are available to satisfy claims of general creditors at all times (not merely after bankruptcy or insolvency), and

''(iii) there is no factor (such as the location of the trust outside the United States) that would make it more difficult for general creditors to reach the assets in the trust than it would be if the trust assets were held directly by the employer in the United States.

''(c) CORPORATE INSIDER.—For purposes of this section, the term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) PLAN INCLUDES ARRANGEMENTS, ETC.—The term 'plan' includes any agreement or arrangement.

''(2) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation are subject to a substantial risk of forfeiture if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.''

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by adding at the end the following new item:

''Sec. 409A. Denial of deferral for funded deferred compensation of corporate insiders if corporation funds defined contribution plan with employer stock.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts deferred after the date of the enactment of this Act.

SEC. 203. INCLUSION IN INCOME OF CERTAIN DEFERRED AMOUNTS OF INSIDERS OF CORPORATIONS WHICH EXPATRIATE TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. UNREALIZED GAIN ON STOCK OPTIONS OF INSIDERS OF CORPORATIONS WHICH EXPATRIATE TO AVOID UNITED STATES INCOME TAX.

''(a) IN GENERAL.—In the case of a corporate insider of any expatriate corporation, the gross income of such insider (for the taxable year during which such corporation becomes an expatriate corporation) shall include as ordinary income the net unrealized built-in gain on options held by such insider to acquire stock in such corporation or in any member of the expanded affiliated group which includes such corporation. Proper adjustments shall be made in the amount of any gain or loss subsequently realized with respect to such options for any amount included in gross income under the preceding sentence.

''(b) DEFINITIONS.—For purposes of this section—

''(1) CORPORATE INSIDER.—The term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.

''(2) EXPATRIATE CORPORATION.—

''(A) IN GENERAL.—The term 'expatriate corporation' means the acquiring corporation in a corporate expatriation transaction.

''(B) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(ii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (i) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iii) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this paragraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (ii).

''(iv) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(v) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(3) NET REALIZED BUILT-IN GAIN.—The term 'net unrealized built-in gain' means, with respect to options to acquire stock in any corporation, the amount which would be required to be included in gross income were such options exercised.

''(4) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).''

(b) CLERICAL AMENDMENT.—The table of sections for such part II is amended by adding at the end the following new item:

''Sec. 91. Certain deferred amounts of insiders of corporations which expatriate to avoid United States income tax.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to corporate expatriation transactions completed after September 11, 2001, and to taxable years ending after such date.

SEC. 204. GOLDEN PARACHUTE EXCISE TAX TO APPLY TO DEFERRED COMPENSATION PAID BY CORPORATION AFTER MAJOR DECLINE IN STOCK VALUE OR CORPORATION DECLARES BANKRUPTCY.

(a) IN GENERAL.—Section 4999 of the Internal Revenue Code of 1986 (relating to golden parachute payments) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) TAX TO APPLY TO DEFERRED COMPENSATION PAID AFTER MAJOR STOCK VALUE DECLINE OR BANKRUPTCY.—

''(1) IN GENERAL.—For purposes of this section, the term 'excess parachute payment' includes severance pay, and any other payment of deferred compensation, which is received by a corporate insider after the date that the insider ceases to be employed by the corporation if—

''(A) there is at least a 75-percent decline in the value of the stock in such corporation during the 1-year period ending on such date, or

''(B) such corporation becomes a debtor in a title 11 or similar case (as defined in section 368(a)(3)(A)) during the 180-day period beginning 90 days before such date.

Such term shall not include any payment from a qualified employer plan.

''(2) CORPORATE INSIDER.—For purposes of paragraph (1), the term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to cessations of employment after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 451, the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Ohio (Mr. PORTMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. NEAL).

□ 1230

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of our Democratic substitute and in opposition to H.R. 4931. This Congress should and can do more to help those workers who were practically left out of the pension bill last year. The gentleman from Ohio knows that my objections really have been fairly narrow largely based upon who is in and who is out of their proposal.

While we are providing these important retirement incentives for the rank and file, we should also try to clean up some of the abuses that have come to light since the demise of Enron and other fallen corporate giants. That is why this Democratic substitute makes significant strides forward for corporate responsibility, which, in the end, by the way, only helps corporations, provisions that are absent in the Republican bill.

Regarding our corporate governance provisions, we must address the issue of corporate expatriates who relocate offshore to avoid paying U.S. taxes. Currently when a company moves to Bermuda, shareholders are subject to a capital gains tax when they trade their U.S. shares for foreign shares. Corporate executives, such as Stanley's John Trani and Tyco's Dennis Koslowki, on the other hand, are not required to recognize accrued gain on their stock options. What our substitute does is to require that executives of corporate expatriates are taxed on the accrued gains on their stock options. It is only fair for these executives, who are picking the pockets of the American taxpayer to the tune of $4 billion, to feel some of the pinch.

And what are the reasons that these changes have occurred for people at the low end of the spectrum, and why they do not receive the same benefits as the people at the top end are receiving? It is elementary. After the people at the top exhaust all of the money and set up loans for themselves, by the way, interest-free loans of millions and millions of dollars, there is no money left for the people at the bottom.

How many more abuses can we read of, how many more times do we have to be witness to what is happening to the people at the bottom end of the pension rung? The reason we are trying to change, I am not saying we are trying to change, but the other side is trying to change these pension rules, is to give more to the people at the top. I ask, as I have repeatedly on this floor, can we, can we, can we in this Congress do anything more to help the wealthy? I tell you that when the closing days of this Congress occur, the slogan of this Congress is going to be ''We are rich, and we are not going to take it anymore.''

How many times can we come to the assistance of those at the top, even in the face of the headlines we read day after day after day? Homes on Nantucket the shareholders had no idea of, loans of $20 million and $25 million that are interest free, and the boards of directors of these corporations respond by saying, ''I had no idea. I had no idea this was happening.'' Then the company goes under, the shareholders lose everything, and the board of directors have insurance to cover their problems.

We look at Enron. We look at Enron in this institution, where employees are encouraged to buy stock, told by company rules they cannot unload the stock that they have, at the same time the heads of the corporation to the person sell off the stock. It is astounding what we witness here. It is as though it is amnesia when we move down the road on these topical challenges.

What this substitute does today is to require that executives of corporate expatriates are taxed on the accrued gains of their stock options. It is only fair, and I know that is a word that we do not use around here, because who wants to be fair to these folks when we can be favorable to them? They are picking the pockets again of the American taxpayer to the tune of $4 billion. Is it not okay that they feel some of the pinch?

Second, the substitute closes the loophole surrounding executives' nonqualified deferred compensation plans. These plans are specifically designed to be out of the reach of creditors during bankruptcy. During bankruptcy.

What do we say to those people at Enron? Who covered them during bankruptcy, when they lost everything? But there is never any money left to take care of those people.

One of the things I pride myself on, Mr. Speaker, is where I grew up. We were not into stock options, and we were not into pension plans and sophisticated tax planning. But you know what, Mr. Speaker? There is not one guy I grew up with that would have stood by and watched what happened at Enron. They had far too much honor. And we should not be defending those practices in this wonderful old House.

Now, third, there are some executives who manipulate pension plans in order to create illusory cost savings. Well, we have all read about what these cost savings mean and how they are done. These phantom savings allow executives to meet performance goals which, by the way, they quickly retreat from, and then they receive large tax deductible bonuses. Tax deductible bonuses.

Well, the Democratic substitute demands today accountability from these companies and their executives by ensuring that tax deductible bonus pay is not, not, based on pension plan manipulation.

Finally, and I hope we can all listen to this, finally this week it was revealed that 100 Enron executives reaped $330 million in severance pay at the same time the employees saw their retirement plans, their job security, their investment plans wiped out. Their retirement plans are gone. And what do we want to do here today? More for the people at the top by this proposal that the Republicans are offering.

These executives were rewarded for sinking the company and bad behavior. Well, the substitute that we offer today addresses this issue by applying an excise tax on the executives' golden parachutes when they have steered the company and the employees down with the Hindenburg.

Now, let me, if I can, and the gentleman from California (Mr. MATSUI) or anybody else may if they would like to say something, let me turn to some of the changes we have made to improve and reform the pension provisions in the underlying bill. That is really what we are trying to do, to improve the bill.

First, the original bill included a saver's credit, which is a nonrefundable

tax credit, of up to $1,000 for lower-wage workers. For no apparent reason, this is the only provision, and, let me repeat, this is the only provision that will not be extended by the Republican bill. Why would we want to kill the only incentive for lower-wage workers before it even gets off the ground? The Democratic substitute today will make this essential provision for low- and moderate-income workers permanent, along with the rest of the bill.

Second, the Republican bill, unfortunately, raised the compensation limit for pension contributions from $170,000 to $200,000. This allowed highly paid executives to secure their pensions while they were granting smaller company contributions to their employees.

There has been some discussion over the last few years as to whether this provision and the next one harms average workers. I and many others believe they do. Because of that, the Democratic substitute today attempts to protect workers by preventing the higher compensation limit from lowering the benefits to rank and file workers.

Third, the underlying legislation weakened the top-heavy rules. These commonsense rules ensure that a minimum benefit is contributed on behalf of the rank and file workers in order for executives to participate in their tax deferred plans.

Why would we want to weaken these fairness rules? Our substitute reinstates these rules and closes loopholes by preventing companies from double counting contributions.

Now, Mr. Speaker, when we get on a bit more in this debate this afternoon, I am going to provide an opportunity, the first of many, but I guarantee an opportunity, before this session closes, to have Members of this Congress vote on these companies that are moving to Bermuda so they can avoid paying American income taxes.

We are going to have a chance once and for all to follow the lead of the Senate, when it is the House, by the way, that is supposed to lead on those issues, to take on the issue and put our fingerprints on the Bermuda question.

We are going to sponsor a Bermuda Day here in the near future. We are going to get a vote on that issue before this session closes. In all the time, words and stories that we have generated on the issue of Bermuda, I wish to tell you I have received one letter against my position. One letter.

I would lay down the same gauntlet that I have done in the past. Put our Bermuda bill on the floor, put a Bermuda bill on the floor, and I guarantee you 300 votes to do something about these companies moving to Bermuda to escape American taxes.

At the same time that President Bush is rightly asking for a $38 billion homeland security program, at the same time we are prepared to debate $48 billion more of defense spending, who is going to pay for it? We do not want to help these people with their pensions, but we want them to pay their taxes so they can support the defense buildup.

The motion to recommit we are going to entertain later on, Mr. Speaker, is going to include the first vote on Bermuda. We are going to set aside ample opportunity during the course of the remaining days of this session for this House to be recorded on how people feel about Bermuda.

I must tell you that in this debate, in this debate today, this is not an effort at any sort of class warfare as much as it is the essential argument over what constitutes fairness in American life, how we come to the aid of those kids that are over in Afghanistan, how we come to the assistance of those who sacrifice every day. If we are in a war, it is a question of national purpose, and we all rally around the challenge that is in front of us. My fondest hope is that wisdom will prevail in this institution and we will have an opportunity to vote on Bermuda.

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

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

Mr. Speaker, I guess I rise primarily in opposition to it because it is not a substitute. The underlying bill has to do with extending these provisions of law that were passed by over 400 votes here in the U.S. Congress to allow people to save more for their retirement.

The substitute strays far afield from pension policy. We just heard about it. It has to do with Bermuda, it has to do with executive compensation, it has to do with corporate governance. I would hope that we could stick to a debate over the pension issues, but I guess because that is not as partisan an issue as some of these other ones during an election year, we are going to get into this other stuff, and that is fine. But it is not a substitute to the underlying bill.

Also it is important to note that the House has considered many of these issues already. I have heard three or four times now again that we have never considered this. We just passed a corporate governance bill on the floor of the House. Recently we passed a post-Enron pension bill, correcting many of the problems that were uncovered in the Enron situation and other situations, again on a bipartisan basis, in this House.

Finally, these provisions that the gentleman just talked about are very far-reaching. Talk about complex, we spent 5 years, had a lot of hearings, a lot of vetting of the pension provisions that the gentleman and many Members are just now deciding they now understand and they are changing their minds on, but these have not been vetted. These have not been subject to hearings. These have not had the kind of time and effort into them that are very important to be sure we are not going to increase the number of companies that leave our shores, increase the number of companies that are leaving their workers behind, increase the number of companies removing good white collar jobs out of this country.

That could happen with some of this if we are not careful about that, because under our international tax laws as they are currently constructed, there is a disadvantage to being a U.S. company. We need to change that to be sure these companies stay in the United States. We do not want to do something, although well intended and inadvertent, that could encourage more companies to go offshore, particularly to get bought out by foreign companies, as was the case with DaimlerChrysler.

Now, there are a few provisions, three that I have been able to identify in looking at the substitute, that do relate to the underlying pension bill.

□ 1245

I will tell you this afternoon I believe that these provisions that relate to the complexity and to the burdens which have been discussed earlier will harm the very workers you say you want to help. Why do I say that? Because what we do in a very rational way, a very moderate way, is go into these rules and complexities and try to deal with some of the incredible burdens that small companies face when they are trying to put together a pension policy.

The top-heavy rules are in addition to the nondiscrimination testing rules. Again, President Clinton's advisory group said repeal them. The small business community said repeal them. We said, no, we want to make sure that this bill is fair.

Fairness is about providing retirement security to low-income workers. That is what this bill is all about. You want to go in here and add those burdens and regulations back on. You want to discourage matching contributions, which I do not get. Why would you not want workers to be able to get matching contributions from their own employer rather than just putting their own money into 401(k)s? I do not understand why you would want to go back to the bad old days.

We talked about it earlier. For 20 years this Congress did all it could to discourage pensions by increasing burdens, costs and liabilities, and decreasing the benefits and the contribution levels. All we do in our legislation is go back to where we were in the 1980s when the Democrats controlled this House, where we had higher contribution levels, and we begin to give people some relief because what has happened is pension coverage, particularly defined benefit coverage, has been reduced dramatically through this combination of adding more burdens and decreasing the benefits in pension plans. I thought last year with a vote of more than 400 from this House we had finally decided to reverse this trend. Now you want to go back to the bad old days.

So I encourage strongly my colleagues on both sides of the aisle to reject this substitute not because it is

not well-meaning, not because there are not very important issues being discussed here on corporate governance, on executive compensation, and so on, but because they are not related to this underlying bill, they have not been vetted as the underlying bill has been vetted.

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

Mr. NEAL of Massachusetts. Mr. Speaker, I believe that the gentlewoman from California (Ms. PELOSI), the Democratic leader, is here, and I yield 2 minutes to her.

Ms. PELOSI. Mr. Speaker, I rise in support of the substitute and commend the gentleman from California (Mr. MATSUI) for his leadership on this very important issue.

Mr. Speaker, if we have learned anything from Enron, Arthur Andersen and others, it is that some corporations do not act in the best interest of investors, consumers, and even of their own employees. We certainly do not paint all businesses with the same brush, but we must act to restore confidence in our financial system and in the stock market.

The Republican leadership has ignored the issue of corporate malfeasance. What little they have done to address the Enron crisis has actually weakened current law protecting employee pensions. The Democratic substitute on the floor today offers common-sense protections and reforms. It ends the practice of giving executives golden parachutes while workers in the companies they helped bankrupt are left to crash to the ground. The Democratic legislation would keep tax dollars from disappearing into the Bermuda Triangle by barring corporations from creating shell corporations in Bermuda or other offshore locations.

Under the Democratic bill corporate executives could no longer be able to protect their retirement benefits while leaving employees with worthless stock, and the Democratic bill would help moderate and low-income individuals plan for their futures by extending a tax credit that encourages retirement savings.

Mr. Speaker, those who oppose reform claim that in reigning in corporate excess, we will stamp out the entrepreneurial spirit that makes this country great. Coming from California where the entrepreneurial spirit is in the air and in the water, I see that the spirit to innovate, originate, and invent will not be crushed by a ban on lying, cheating, and stealing.

One of our Founding Fathers, James Madison, once noted that ''if all men were angels, no government would be necessary.'' Every day we see in the headlines that we are not angels. We in Congress have a responsibility to protect hard-working Americans. The Democratic substitute does just that, and I urge my colleagues on both sides of the aisle to support this common-sense substitute and oppose the underlying bill.

Mr. PORTMAN. Mr. Speaker, I yield 3½ minutes to the gentleman from Louisiana (Mr. MCCRERY), who is chairman of the Subcommittee on Select Revenue Measures of the Committee on Ways and Means.

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

Mr. Speaker, the bill that is on the floor today has everything to do with retirement planning, with the average employee of a company, whether it is a big company or a small company in this country, being able to plan with some certainty his retirement benefits. It has nothing, nothing to do with Enron, corporate inversions, companies moving to Bermuda; nothing.

This bill that we are debating today and that we are trying to make permanent in the Tax Code is for the average worker in this country. We have heard the statistics today: Two-thirds of IRAs are held by people with incomes averaging less than $50,000 a year. We are not talking about fat cats, we are not talking about rich executives, we are talking about common people who are struggling to put aside something so that they will have some security in retirement.

The underlying bill gives those average people some added tools to use to supply that security. That is what we should be really, frankly, not even debating; that is what we should be confirming with our votes today, just as this House did on a bipartisan basis several months ago with votes from this House of over 400 of our 435 Members. Really, this should be a rubber stamp today. We should just meet and say, gosh, that Senate rule that created this 10-year sunset is nuts, and we ought to say, Senate, use your 60 votes to overcome that silly rule, and let us make this good legislation that we passed on a bipartisan basis permanent.

That is what we should be doing today, but instead, some are taking advantage of the generosity of the Committee on Rules in giving 60 minutes of debate time to a substitute by the other side and then a motion to recommit. They are taking advantage of that generosity to highlight issues that they think are going to have some value from a political sense. That is fine. We are all in politics; we are in government, we are all politicians. But the audience, the public, whoever might be listening to this ought to know that is what is going on. It has nothing to do with the underlying bill. The underlying bill is good. Over 400 of us agree with that, and probably today, a lot of us, maybe not 400, but a lot on both sides, are going to vote to confirm that.

But I am the chairman of the Subcommittee on Select Revenue Measures of the Committee on Ways and Means. The chairman of the full committee, the gentleman from California (Mr. THOMAS), has asked me to work with the gentleman from Massachusetts (Mr. NEAL) and to work with the gentleman from New York (Mr. MCNULTY), who is the ranking member of my subcommittee, to address some of the issues that the gentleman from Massachusetts (Mr. NEAL) has brought up in the substitute of the gentleman from California (Mr. MATSUI), and I agree with the gentleman.

I agree with the gentleman that there are problems in the Tax Code and in other parts of our Nation's laws with respect to those issues that he brought up. I want to work with him and others to solve some of those problems. We are going to have our first hearing on corporate inversions next week in my subcommittee. The gentleman is on my subcommittee, and I am glad he is on there. He has introduced some legislation which I think has some merit; it has also some problems, and those are the kinds of things we are going to discuss at a hearing setting, which is where we should do it, not on the floor of the House on an unrelated bill.

Mr. Speaker, I urge adoption of the underlying bill and rejection of the substitute.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members to refrain from inappropriate references to the Senate or its procedures.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I have great regard for the gentleman from Louisiana (Mr. MCCRERY). He is a bright guy and a very capable guy here. But I must tell my colleagues this: In 14 years here I have not heard a substitute referred to as the ''generous spirit'' of the majority toward the minority. This is an elementary legislative courtesy that we are supposed to extend to each other. That is why the House is constructed the way it is, unlike the European system where they face each other. This is done so that we can look at each other and at the same time listen to each other. I hope that we are not at the point of in this session where getting a substitute is generosity.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

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

Mr. Speaker, I was an original cosponsor of the underlying bill, and I support the underlying bill. I think it makes a lot of sense. I think it is a bill about investment rather than consumption. While I have very deep concerns and opposed the 2001 tax cut, and I think it is undeniable that the reason we are back in deficits now and not paying down the national debt is because, in large part, of that tax cut. I happen to think that it is good public policy to extend it.

But I am going to support the substitute that the gentleman from Massachusetts offers for one reason in particular. I want to reference what the gentleman from Louisiana just said.

As a lot of Members know, I am not going to be on the ballot in November, so I do not have a political issue that I am particularly concerned about. I am concerned about good public policy. I am deeply concerned about what is going on in corporate America today and its impact on our general economy. Today in Bloomberg's Financial News, there is a story about global fund managers who are moving out of U.S. stocks and bonds and into European and Asian stocks and bonds. The principal reason for doing that is because they are concerned about the continuing crisis in corporate governance in America. I will read a quote from one of the bond managers who says, ''Post-Enron, investors are searching for simple businesses they can understand without aggressive accounting policies.''

Now, Mr. Speaker, I have been involved in some of the corporate governance bills, and I hope to be involved with them as we move forward, and I think there is a lot to do. I think the Congress is still playing catch-up to where the exchanges are, to where the New York Stock Exchange went the other week with the proposal that they put out, and I think we have to do a lot more to restore confidence in our markets.

America has the most efficient, transparent, dynamic markets of anywhere in the world, but they are in trouble today, and, as a result, they are creating a malaise over our general economy, which means our recovery will be weak, which means our unemployment will stay high, and it means that shareholders, the American people, will be the ones that suffer.

That is why I support the substitute of the gentleman from Massachusetts. It is the right thing for the Congress to make a statement on that today, and I hope that the House will follow suit and pass it.

Mr. Speaker, the bill before us today, H.R. 4931, deserves consideration by the House because of its potential benefit to the long term health of the economy. While I remain deeply concerned about the overall direction of the nation's fiscal policy and return of deficits, due in large part to the 2001 tax cut, the underlying bill, originally known as Portman-Cardin of which I was an original cosponsor, is aimed toward increasing savings which would have both fiscal and monetary benefits in the long run. Furthermore, while there is merit in the argument that the provisions contained in this bill will not be repealed for nine years providing ample time to consider an extension in conjunction with our complete fiscal policy, these provisions are about savings, not consumption and long term in nature. Retirement planning is planning for the long term and thus we should establish long term policy. That was our intent when the House adopted this legislation in 2000, long before the 2001 tax cut. Additionally, compared to the exorbitant costs of previous permanent extensions of the 2001 tax cut, this bill's long term cost is a mere $6 billion.

The underlying focus of the Portman-Cardin bill was to increase incentives for Americans to save. For the past several years, our nation has had a net negative savings rate which curtails our ability to have long term economic growth. In addition, a low or negative savings rate means that most Americans are not fully prepared for retirement at the same time that we know Social Security is facing financial and demographic pressures. I truly believe we should establish policies which encourage increased long term savings by individuals. In particular, we should work to encourage such savings among middle and lower middle income Americans, who are less likely to do so because of less disposable income. Providing monetary incentives can result in greater savings among these groups. The bill as enacted dramatically increases the amounts individuals and families can save tax free in individual retirement accounts and thrift savings plans like 401(k) accounts. It eases transfers among public sector thrift savings plans to private sector plans and corrects deficiencies in labor union sponsored 415 plans.

Portman-Cardin also included a provision authored by Representative BLUNT and myself to increase the availability of thrift savings plans to small businesses employing 100 or less people and self employed individuals. Historically, employees of small businesses are less likely to have the benefit of an employer sponsored thrift savings plan. In fact, only 21 percent of all individuals employed by small businesses are likely to have an employee matching plan compared to 64 percent of larger employers. Our bill, which was incorporated into Portman-Cardin, streamlined regulation and eased the creation of employer matching plans for employees. The bill allowed such employers to establish qualified small employer pension plans and requires employers to match employee contributions. While much has been said about the bill's repeal of ''top heavy'' rules limiting benefits to senior management, it remains our intent to ensure that such rules while well intentioned did not serve as an impediment for small employers to set up any plan at all. Furthermore, we should remember that under such qualified plans, the employer must match employee contributions.

I also understand the concern posed by my colleagues that the bill before us today does not extend the small saver tax credit, which I strongly support. This provision was originally designed as a five year pilot and was not subject to sunset due to Senate rules as other provision of the 2001 tax cut were. So, while that was not the intent of the original bill, I am pleased that the Democratic substitute would extend this provision because I believe it will also yield increased savings among lower income Americans.

Mr. Speaker, while I support the underlying bill, I intend to support the Democratic substitute offered by Mr. NEAL because I believe the Congress needs to make a stronger statement on the conduct of corporate executives who have abused the trust of their employees and shareholders at the expense of market confidence. I don't think anyone doubts that our equity markets and economy are suffering in part from a malaise associated to the excesses of a number of high profile corporations and their leaders, be they Enron, Xerox, Tyco or Adelphia. Not a day goes by that another accounting restatement is issued or an SEC investigation commenced. As corporate executives are shown the door by their boards of directors, all too often they are leaving with a hefty sum, while stockholders and employees are left paying the till. Market confidence has been damaged in this country, and now we are beginning to see the signs that foreign investors too are becoming skeptical of investing in our public companies. Just this morning, Bloomberg Financial News reported that foreign investors are moving out investments in U.S. companies because of concern over corporate governance and accounting accuracy. Given the size of our current account deficit, a decline in foreign investment will have detrimental effects on our long term growth. As the world's strongest, most transparent and dynamic economy, we must not allow the acts of a few to wreak damage on us all. Yet if we fail to act, we will continue to suffer a loss of confidence which will be felt not just in the corporate board rooms but in pension plans and the general economy. I think that the substitute includes important provisions which hold corporate executives accountable, if not putting them on par with other shareholders and their employees. Given that the exchanges and major investors have already begun to take such steps, so too should the Congress.

Therefore, Mr. Speaker, I support the substitute because of its statement on the need for improved corporate accountability. But, let me be clear to my colleagues, whereas I remain concerned about the budget busting effects of the 2001 tax cut and attempts to extend some of the more expensive items contained within it, without any real plan to bring the budget back into balance, I support the underlying bill because rather than increase deficits and consumption, it will have the effect of increasing savings, and ultimately growth in the economy.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a Member of the Committee on Ways and Means.

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

Mr. WELLER. Mr. Speaker, I rise in strong support of the base bill, the Portman legislation, to make permanent the retirement savings provisions in what we call or label the Bush tax cut.

I am proud to say, Mr. Speaker, that there are good things in the Bush tax cut to help working middle-class families save for retirement. We are going to hear some partisan rhetoric on the other side, but the bottom line is, the question before us is, do we make permanent the opportunity to set aside more in a voluntary way for retirement, particularly in your 401(k) and in your IRA, and, if you are a building trades person, to be able to get more in your pension fund.

I would note in the legislation before us today that we increased the Bush tax cut from $2,000 to $5,000, the amount that one can set aside in an IRA. When this provision expires, we go back to $2,000. Also in the 401(k)s,

we increase from $11,000 to $15,000 the amount that can be set aside in the 401(k). If we fail to make it permanent, that is gone as well. Something that benefits those who I call the working moms or the empty-nesters is that we allow those age 50 and older to make an extra contribution to their IRA or 401(k). Someone in a 401(k) can add an additional $5,000. So if one is returning to the workforce when the kids are out of college, and you have a little extra money, you can make up those missed contributions when your income was a little less and you had a lot of expenses.

I also want to note that the building trades support making permanent the Bush tax cuts retirement savings provisions. They stand in support of this legislation. They have sent a letter to the gentleman from Ohio (Mr. PORTMAN) endorsing making permanent the Bush tax cuts provisions on retirement savings. The reason is because there is a provision there which helps millions, almost 9 million working middle-class building trades people, members of building trade unions, carpenters and laborers and operating engineers, cement finishers and others, electricians, who, because of the leadership of the House Republican majority, saw an artificial cap removed that essentially, in many cases, in the case of a constituent of mine, cut in half the pension that they receive.

□ 1300

We remove that cap, and they get the full pension they qualify for. In the case of Lori and Larry Kohr, their pension goes from $20,000 to almost $40,000, doubling the amount they have; and it is what they deserve because of the hours they work.

Let us make the Bush tax cuts and the retirement savings permanent, and set aside the partisan rhetoric. Let us vote in a bipartisan way.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 1¾ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, H.R. 4931 is made to help the rich get richer. Seventy-seven percent of the tax reductions in the bill will go to the wealthiest 20 percent of Americans. H.R. 4931 allows executives to be rewarded for cutting rank-and-file pension benefits. It continues to allow executives to evade taxes on stock options when the company moves overseas in order to avoid taxes. It permanently extends benefits for the well-to-do, but selectively allows the only provision that applies to low-income workers to expire. So much for helping average workers.

Have the sponsors of H.R. 4931 learned nothing from the biggest bankruptcy in U.S. history that happened less than a year ago? Enron paid senior executives more than $744 million in cash and stock in the year up to the bankruptcy filing on September 2. Insider payments went to 140 top Enron managers. Enron set up a deferred compensation plan that allowed executives to contribute more, get guaranteed returns on their money, and get legal guarantees that these monies would be safe even if the company went bankrupt.

The CEO of Enron has a pension that will pay $475,000 each year for the rest of his life, and a prepaid $12 million life insurance policy. What about the employees? No special benefits, and 6,000 Enron employees lost their jobs and pensions. They had to go to court to claim $4,600, their minimal severance pay, which is capped by law.

The lack of a consistent set of rules between employees and executives is unfair, it is unjust, and it should be illegal. If executives faced the same risk as employees in their pension plan, they would have a vested interest in ensuring the plans are not empty during bankruptcy.

Our substitute would encourage parity between executives and employees by taxing deferred compensation benefits if deferred compensation plans have special legal protections in the case of financial distress. H.R. 4931 does nothing for the average American. H.R. 4931 represents a massive transfer of wealth from the hardworking rank and file employees to self-serving executives. Vote for the Matsui substitute.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Florida (Mr. FOLEY), a member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, today is an interesting day on the House floor, as the Democrats ladle hypocrisy from the caldron of cynicism and political rhetoric.

They are talking about a lot of issues other than the underlying issue. They are bringing up names like Tyco and Enron. I notice an absence of any mention of union pension funds that have been looted fraudulently by their own leaders. Do not accuse their advocates and allies of those kinds of crimes. Do not bring them up. Let us deflect the issue of the importance of this bill.

This bill is important, important to millions of Americans. It is about portability. H.R. 4931 will ensure that these reforms remain in place and that the barriers to pension portability do not return.

Under the bipartisan provisions of this bill, which were developed by my colleague, the gentleman from North Dakota (Mr. POMEROY), workers for the first time will be able to move retirement benefits between the different varieties of retirement plans offered by for-profit, not-for-profit, and State and local government employees.

In a provision especially important to public school teachers and other State and local employees who move between different States and districts, the tax law allows these workers to use the savings in their 403(b) and 457 plans to accrue greater pension benefits in the States in which they conclude their careers.

Mr. Speaker, provisions that this bill make today will make permanent to allow millions of Americans to keep more of their retirement savings in one place by allowing them to roll their tax-deductible IRA funds into the workplace retirement plan. The portability reforms also allow any after-tax contributions to the workplace plan to be rolled into an IRA.

The provisions we want to make permanent also help workers build meaningful retirement benefits more quickly in today's mobile economy by reducing the period of time it takes for workers to take possession of the matching contributions their employers make to the 401(k) accounts. Under the 2001 tax law voted on by some 400-plus Members, employer-matching contributions will be vested either 100 percent after 3 years or in increments over 6 years.

For the sake of millions of American workers whose retirements will depend on the pensions they have worked hard to create, I urge my colleagues to support H.R. 4931 and reject the substitute.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to guarantee the gentleman from Florida (Mr. FOLEY), who is my friend, that I will verbally lacerate any union official or any union that steals any money from employees. But I hope we are not suggesting that what happened at Enron is akin to what has happened with unions here or there, where somebody has siphoned off money. At Enron, everybody at the lower end lost their pension benefits.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, there have probably been enough explanations of what is in this bill. The question really remains: Why should we deal with the gentleman from Massachusetts' proposal for some corporate governance changes?

I was reading the Bible recently, and I read in the second chapter of Luke about the fact that in the days of Caesar Augustus, everybody went to their home village to be taxed. That is how come Jesus' mother was riding on a donkey up the road 100 miles. The Roman Empire got unfair. It became unfair, and they had to tax everybody out in the bushes. Nobody was paying anything in Rome.

Well, we say, what does that have to do with us? Santayana said that if we do not learn from history, we are going to repeat it. We had the 1890s in this country, where the economy got way out of sight and we had a collapse. In the 1920s, we had the Roaring Twenties, and what did we get? We came right to the edge of going with the Soviet Union in communism. There was a lot of fear in this country. That is why when Franklin Delano Roosevelt, who was no great liberal, came into the Presidency, he said, hey, look, we have to make this place fair.

What we have done in the 1990s is go back to what we did in the 1890s and in the 1920s, and we are spreading out this country so that the people on the top have got all of it, or are getting more of it, I should say, and the people on the bottom are scraping to make it.

When somebody from the other side stands out here and says the fact that we dropped a little provision for people making $30,000 out of here is no big deal, they are talking about 50 percent of the people in this country. How can Members not want to be fair?

What is going on in Enron is not fair. If I cannot sell my stock because I work there, and the boss can sell his, that is not fair. That is why we are here. Members ought to vote for this proposal.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding time to me. I would like to speak in support of H.R. 4931 and against the substitute.

One of the key features of the bill, as far as I am concerned, is portability of pension benefits. In my previous occupation, the average term that anyone had at one school was usually 3 years. Sometimes they left because they wanted to; most of the time they left because people did not want them around anymore. So, as a result, we had a lot of people at the end of their coaching careers that had absolutely no retirement benefits left. These were not necessarily wealthy people. These were usually assistant coaches, sometimes high school coaches. So since their population was more mobile, I think this really applies to a large percentage of our population.

Secondly, I would like to mention the fact that I think this bill is particularly critical for our young people. Both parties, whether they are Democrat or Republican, are certainly going to see to it that the Social Security retirement benefits are there for those who are now retirees or those who are near retirement; but the future is not nearly as bright for those young people who are in their teens, in their twenties, or their thirties.

I think everyone can recognize over the next 30 years the proportion of retirees rises and the proportion of those paying Social Security taxes declines. Eventually we have a train wreck that is on the way. It is a pay-as-you-go system, so permanently increasing 401(k) and IRA limits is critical, particularly for our young people, because the main hope these young people have for any type of retirement security has to do with their long-term strategy, and 401(k)s and IRAs. So one cannot plan if the rules change in 8 or 9 or 10 years, particularly if one is a young person.

This is not a tax break for the rich. It is critical for our young people, it is good for the country, and I urge passage of H.R. 4931.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, several of our Republican colleagues have said quite forthrightly this morning that this bill has nothing to do with Enron, that it has nothing to do with those corporations that renounce America and move off to Bermuda. They are absolutely right in those statements. That is what is wrong with this bill. That is why we have a substitute, and every reason to vote for this substitute is a reason to vote against the underlying bill.

It is strange that Congress would meet today to solve a problem that is alleged to exist for people on New Year's Eve of 2010, instead of dealing with the problems that American families face today in 2002. But I think there is a friend of mine down in Austin, Texas, who understands why this is true. His name is Willy Nelson. He sang a song that goes, ''If you've got the money, honey, I've got the time.''

Let me tell you something: the people that ''got the money,'' they are the people who are running this Congress. They keep setting an agenda to help the privileged few at the top and ignore the corporate misconduct that has occurred in this country, much of which would never have happened had they not enabled it to happen with the bills they passed and the bills they held up in committee.

This Democratic substitute addresses a real 2002 problem, not some mythical concern out in 2010. It deals with those companies like Stanley Works, that my neighbor says ought to be called ''Stanley Flees.'' It deals with Fruit of the Loom, that runs off to the south, and we lose more than our shorts out of the deal, because they are dodging their taxes.

And yes, it provides this Congress and every Member in it the first opportunity to have a referendum on the words of the Republican majority leader this very week when he compared those corporations that renounce America to the ordinary taxpayer, and said, ''it is akin to punishing a taxpayer for choosing to itemize instead of taking the standard deduction.''

It is that kind of callous attitude that we need a referendum on today—whether we are going to defend those corporations that renounce America and refuse to hold up their responsibilities at a time of national need or whether we are going to protect employees.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California (Mr. GALLEGLY), a real champion of IRA expansion.

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

Mr. GALLEGLY. Mr. Speaker, I am pleased to have the opportunity to speak today in support of the underlying legislation and in opposition to the substitute.

I want to thank the gentleman from Ohio (Mr. PORTMAN), the gentleman from Maryland (Mr. CARDIN), and the gentleman from California (Mr. THOMAS) for reporting a bill that provides permanent retirement security for all Americans by allowing people to put more money into a 401(k) plan or a traditional pension plan beyond 2011.

In addition, this important legislation will make permanent the provision of the Bush tax cut that increases IRA contributions. I have worked hard to enact legislation to increase IRA contributions for many years, which is so critical to retirement savings.

Mr. Speaker, middle-class Americans depend on traditional IRAs to supplement their retirement income. Seventy-two percent of people contributing to an IRA make less than $50,000 per year, and the average contributor earns approximately $30,000 per year. Many of these Americans do not have generous 401(k) plans or stock options to help them build a nest egg.

Prior to the enactment of last year's tax cut, inflation had cut the value of IRAs sharply since 1981, the last time IRA contributions were increased. Saving for retirement requires long-term planning. Individuals and families need to save for many years in advance of leaving the workforce.

Although the tax cut enacted last year will now gradually increase the IRA contributions to $5,000 by 2007, without further action by Congress, this increase will expire in 2011, and the amount people can contribute to their IRAs will revert back to $2,000.

□ 1315

After taking into account inflation, this amount will fall well short of what is needed to save for retirement. By increasing the IRA contribution limit and making it permanent, we provide families with a certainty needed for their long-term retirement planning.

I strongly urge my colleagues to pass this measure.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, let me try to be clear what disturbs so many of us. First of all, my colleagues are making all of this permanent. There is a kind of rush to rashness, and therefore, they are really doing something that is illusionary. They are digging this fiscal hole so deep that what they have made permanent will have to become temporary. The fiscal situation simply will not, in the end, allow this.

Secondly, it is so one-sided. They are making permanent the provisions that relate not only to the higher income, the predominantly higher-income people, but when it is comes to the saver credit, they do not want to do that. They say it needs further study. So for those provisions that benefit lower-

and middle-income families predominantly, they want something that is temporary, something that needs further study, but when it comes to a tax break that will benefit mostly the wealthy and the very wealthy, like the estate tax, or, in this case, predominantly to those who are better off, they say they want to make it permanent.

So, therefore, there is a natural question raised: Whose side are my colleagues on? That is why the issue of Enron, that is why all of these issues come up, because when it comes to breaks for the very, very wealthy, they say they are either silent or permanent. When it comes to helping the typical family, they say, well, we better study it more.

That is the essence of our objection, our vehement objection, to what they are doing and why we support the substitute and so many people are going to vote no on final passage.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. RYAN), my distinguished colleague on the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentleman from Ohio for all his hard work on this issue.

We have heard a lot of different issues being brought to the floor today. We have heard the issues surrounding Enron. Well, I would like to inform my colleagues that we passed two pieces of comprehensive legislation dealing with Enron already in this Congress on the floor of the House.

We have heard about a very valid issue of inversions, a new issue of inversions, which we are working on hopefully in a bipartisan way on the Committee on Ways and Means to address.

What this issue is about today is about retirement, and I think in a valid point that has not been made, it is about our current economy. Mr. Speaker, the real economy is growing quite well right now. New housing starts are doing really well. Manufacturing is getting back on its feet. The real economy is growing except for the equity markets. Our stock market is very shaky right now, and if our stock market continues to be shaky going on for another 6 months, that is going to hit consumer confidence, and that is going to take a real pound of flesh out of our economy. So we have a problem in this economy, and that is that the equity markets are not responding well, and we may have some real problems that are going to hit consumer confidence in this economy if we do not respond.

This issue that we are dealing with today speaks directly to our equity markets. Twenty-six percent of our equity markets are held by pension assets. Twelve percent of our taxable bond markets are held by pension assets. This issue speaks to the whole entire issue of retirement security, of pensions, of letting people save for their retirement, and the uncertainty in the tax law is creating uncertainty in our equity markets.

When the vast majority of bondholders and stockholders do not know what the tax laws are going to be 8 years from now, that is producing a lot of uncertainty in our equity markets. For example, IRAs in 8 years, if this legislation does not pass, are going to be cut by 50 percent; 401(k) plans which we are trying to encourage, are going to have to be cut back by a third in 8 years if this legislation does not pass. So it really is a matter of life or death for a lot of retirees. It is really a matter of whether we are going to get our economy on its feet and revive our struggling equity markets or not.

So I urge that we focus on the issue at hand, that we pass this issue before us, and, Mr. Speaker, that we deal with these other issues that we need to be dealing with when that legislation comes to the floor.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I just have to say that it is almost like Alice in Wonderland on the floor of the House, or perhaps it is like the Ringling Brothers Circus where we are in the well here, and the audience is all watching us and the animals and the elephants and donkeys and everyone else.

What we are really talking about here, this is not going to have any impact on the stock market. This legislation does not even take effect until 2011, 2011. That is what is so ironic, and our substitute, which is the same thing, would handle everything that the gentleman from Wisconsin, the previous speaker, was talking about. We take care of IRAs, we take care of 401(k)s, we do something on the 415. All that is in our bill. So vote for our bill, and we could take care of all kinds of things, but they did not want to do that. What is really ironic, it will not have any impact until 2011.

On the other hand, when we talk about Enron Corporation and the fact that 100 Enron executives took $330 million just before they filed bankruptcy, when we talk about companies going offshore to Bermuda, setting up a post office box, still having all of their work in the United States, but saving hundreds of millions of dollars in taxes, we want to close that loophole, they say we are being political. They say, well, we are being political.

I have to say that I think we are trying to address the real problems of America. What I think is absolutely astonishing is that after the Enron crisis last December, 7 months ago, we have three problems: One is corporate governance, one is pensions, and one is accounting standards. We have not touched any of them in this body. We have not done anything to deal with the Enron Corporation. Instead, we want to pass a pension bill that will not take effect until 2011.

I wonder what the American public thinks of us. No wonder the American public believes that Congress is somewhat irrelevant today.

I have to say, Mr. Speaker, in closing, that unless we come to grips with the real problems facing America, the market is going to be sluggish. The economy is not going to revive itself because there is no transparency in corporate America today. We do not know in corporate America today whether or not companies are solvent or not solvent. That is why there is a lack of confidence, but this bill, 2011 does not even come close to addressing that issue.

We just spent 3½ hours on this bill that will not take effect until half the Members of this institution are totally gone. This is unbelievable. It is Alice in Wonderland. Vote for the Neal substitute and vote against final massage to show the American public that we are not going to stand here and take this kind of nonsense.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Visitors in the gallery are reminded they are here as guests of the House and are not to show favor or disfavor.

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

I strongly urge my colleagues to vote no on this substitute and yes on the underlying bill. First of all, the substitute, as we said earlier, really has very little to do with what we are talking about here today, which is the retirement security. It deals with corporate governance, it deals with executive compensation, it deals with inversions. It deals with a lot of other issues, but it strays far afield from pension policy and does not relate to the underlying bill that we are trying to make permanent.

Second, the House has already considered a number of bills in this regard. I do not know where the gentleman was a month ago when we passed the post-Enron reforms with regard to pensions. It was done on a bipartisan basis. I do not know where he was a month ago when we voted in this House on legislation regarding corporate governance. The Senate has not voted yet, that is correct, but the House has acted.

Could we do more? Quite possibly. Maybe we should subject some of these issues to some hearings and some vetting from the public, try to hear from people who, as we did with the pension reforms on the underlying bill, we spent 5 years getting good testimony from all around the country.

So we have considered legislation. The one that has worked its way in the substitute are very complex, very far-reaching. Although well-intended, they may have inadvertent consequences that would be just the opposite impact of what we hoped, which is to keep

American companies here on our shores.

Finally, with regard to the pension provisions, and I think there are three of them as I look at the substitute, two of them relate to reducing the burdens and liabilities that we have in the underlying bill. It takes us back to the bad old days where we were adding more burdens and liabilities. It actually decreases one of the compensation levels to below the amount it was during the 1980s when the Democrats put the limit up. We do not even increase it up to where it was in the 1980s when the Democrats were in control of this House and the Committee on Ways and Means.

The other one discourages matching contributions. Why would my colleagues want to do that? We want people who are involved in pensions to have more contributions from the employer into their pension plan. People put money in their 401(k)s, that is great, but the real magic of them is to get that employer contribution so people can actually build up a nest egg for their retirement.

Finally, I have heard today that we cannot vote for the underlying bill when we have to vote for the substitute because, as my colleague from Michigan said, we have a fiscal hole that is so deep that we cannot extend this underlying bill and make it permanent. Well, here are the facts. The underlying bill would result in the next 10 years, which is how we judge these things, with $6 billion in additional spending, $6 billion. The substitute would result in $20 billion in additional spending. The substitute is five times as expensive as the underlying bill.

So as my colleagues on the other side who have come up time and time again and said my colleagues have got to support the substitute because we are in such a deep fiscal hole, if that is the reason they are concerned about it, vote no on the substitute; vote yes on the underlying bill.

The underlying bill again just passed this House on many occasions by strong bipartisan margins, over 400 votes three times; five years of vetting on a totally bipartisan basis. It is not a Republican proposal. It is a bipartisan proposal.

It increases the limits, lets everybody save more for their retirement. It lets people move from job to job and take their pension with them. It reduces those costs and burdens and liabilities, and lets small businesses get out there and offer these plans to workers who do not have them now, and those who are where the low-income workers are and the middle-income workers are, we are all trying to help.

It is supported across the board by groups from the United States Chamber of Commerce to the Building and Trades Council of the AFL–CIO. They are all watching this vote today. Do my colleagues know why? Because they know this is incredibly important to the retirement security of the American people, and because they know the House has already had this vote. We have already voted to make these underlying retirement security provisions permanent. We have voted a number of times to do that. Every time it has been on a large bipartisan margin, over 400 votes. So anybody who votes no on the underlying bill today will be reversing himself or herself for a vote taken just last year and the year before.

My colleagues, the substitute, while well intended, is not the issue before us today. It is retirement security. Let us vote yes on the underlying bill. Let us make it permanent for working Americans who need the help badly, and vote no on this substitute.

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

Mr. NEAL of Massachusetts. Mr. Speaker, I yield the balance of our time to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader here in the House.

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

Mr. GEPHARDT. Mr. Speaker, I rise to urge Members to vote yes on the Matsui amendment.

In our country today, we face a crisis of confidence in corporate responsibility and accountability. Last year we witnessed the biggest bankruptcy in history that caused devastating financial losses for thousands of innocent employees. A few weeks ago I heard from some of these employees when I met them in Houston. In a meeting filled with emotion, employees of Enron explained that their pensions had disappeared, their health coverage was gone, their careers had been destroyed.

This week, I read our Nation's papers and magazine headlines with regard to the crisis of confidence in corporate accountability, headlines that all of us should find deeply disturbing. One of them said, Restoring Trust in Corporate America. That was Business Week. Another said, Corporate America, We Have a Crisis, in Fortune.

□ 1330

Another was: ''Officials Got a Windfall Before Enron's Collapse.'' That was in The New York Times, which reported that about 100 executives and energy traders received more than $300 million in cash payments from the company in the year before the company's collapse.

Make no mistake about it, this is not the behavior of all the corporations. In fact, I am happy to say that a majority, a great majority of corporations are law-abiding, responsible people serving their employees, their shareholders, and consumers effectively. But the United States Congress has a responsibility to enact safeguards that will ferret out the bad actors and actresses and hold those bad actors and actresses accountable.

It is time for our House of Representatives to begin finally taking the steps to restore people's faith in the integrity of our corporations, the bedrock of our capitalistic system. We must set sound standards for the accounting industry. We need to protect people's pensions.

Unfortunately, our friends on the other side of the aisle have failed to understand these needs. This year, despite all the scandal, despite all of the abuse, the Republican majority has blocked legislation that would have established these tough accounting industry standards, that would have imposed tough criminal penalties on corporate lawbreakers, that would have closed the unpatriotic Bermuda loophole to prevent corporations from going overseas to avoid paying taxes.

Their continued opposition to sensible reforms, their continued allegiance to corporate special interests that have gone wrong strongly suggests that this majority is guilty of enabling corporate excesses that have done so much harm.

Today, we, together, have an opportunity to follow the lead in restoring faith and trust in free markets. Today, our alternative to the Republican repeal of the sunset on pension provisions that passed last year seeks to make permanent almost all of the pension and IRA tax cuts. But unlike the Republican bill, our alternative seeks to close the loopholes that executives have used to give themselves sweetheart deals on their own pensions at employee expense.

Our alternative prevents firms from deducting more than $1 million in executive compensation if it is obtained through manipulations of company pension funds. It enforces CEOs of companies that reincorporate overseas to avoid paying taxes to pay capital gains on their stock options, as other investors from Main Street are required to do.

Earlier this year, Democrats sought to pass provisions attacking these problems. Republicans voted all of these measures down. So today we have another chance, a good chance, to do the right thing for capitalism, for well-run corporations, for Main Street Economic America. We have a responsibility to help restore confidence in our system and in our economy.

So let us give investors, employees, and consumers the protections they deserve. Let us pass together the Democratic alternative, and let us meet our responsibility today and for the future of this great country.

Mr. PORTMAN. Mr. Speaker, it is my pleasure to yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader and a long-time advocate of enhancing retirement savings for workers.

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Ohio (Mr. PORTMAN) for yielding me this time; and, Mr. Speaker, as I have

done so many times, let me pay my respects to the gentleman from Ohio (Mr. PORTMAN) and to the gentleman from Maryland (Mr. CARDIN) for their creative, responsible, responsive, thoughtful, and compassionate understanding of the needs and desires and hopes and prayers and dreams of America's saving working men and women. This is, as it has been for all this time, such good legislation, so deserving of our respect, our admiration and our support.

I would also like to thank the gentleman from Ohio and the gentleman from Maryland for their persistence. There is nothing more reassuring than seeing two good people get one good idea and be willing to stick with it no matter how many times people try to change the subject.

And if I might thirdly thank the two of them for their patience. How much they must have looked forward to coming to the floor of the House of Representatives today to talk about their legislation; how much patience it must have required of them to sit here today and listen to so much impassioned discussion about something else. My compliments to the both of them.

Mr. Speaker, I often caution myself not to listen to floor debate because there is a tendency when one does to want to have to answer everything one hears. It is a far better thing to be consoled by that wonderful expression, ''The world will little note nor long remember what is said in this body.'' But this floor debate today has been particularly entertaining, in that we have tried again, bless our little old hearts, to squeeze that last little drop of political blood out of Enron. We have surely squeezed on Enron.

Now, there is a lot of harping and whining and moaning that this bill does not address that. This bill was not written for that purpose. This, by the way, is not a political instrument. It is a legislative instrument and, therefore, quite rightly, we should have ignored most of what we have heard about the evils of Enron today.

And I guess I would not be particularly annoyed by all this Enron political discourse if indeed this Congress had not responsibly addressed the issues that were raised by Enron. We have, from this very committee, legislation that has passed this House that addresses the question of retirement security as it might have been affected in the Enron case. We had from the Committee on Financial Services legislation that addressed the whole question of management that might have been raised in the Enron debacle.

So it is not as if we have not addressed it and, in fact, acted upon it. It is just that we have not squeezed that last little mean-spirited, nasty little drop of political diatribe from the subject. Well, we should have gotten it today. I would think the gentleman from Texas (Mr. DOGGETT) would have gotten a last squirmy little drop of political malarkey out of the subject of Enron. But I console myself in the belief that somebody other than myself will hear more sometime in the future as I turn my deaf ear to any further discourse on the subject.

Now, the other thing that amused me today was this desire to validate all the world's rumors about the Bermuda Triangle. Yes, it is true, weird and strange things are going on in the Bermuda Triangle. This bill was not designed to deal with that, to talk about that. We are looking for opportunities for real people who work really hard, have real hopes and dreams about their own real retirement, to have their real savings enhanced and preserved for a longer period of time.

The fact of the matter that we have some American firms that, quite rightly, legally take whatever opportunity they can to maintain their ability to stay in business and keep their people employed in the face of a double taxation of their overseas taxes might be distressing to a lot of us, and we should have legislation that would be directed to that, and we will have legislation that removes the irrational tax that prompts this rational behavior that gives rise to so much irrational discourse. But that is political diatribe. We should not have been bothered with it today. But we will continue to squeeze the last little dirty drop of political noise out of poor little old Bermuda.

That is not the fault of this bill. This bill was directed at America's savers to enhance, encourage, support, reward America's savers for doing the right thing for themselves and their family, their future, the right thing for themselves that turns out to be a good thing for economic growth in America; and it is, as it has always been, a decent, thoughtful, honorable legislative effort by two decent, thoughtful, honorable Members of this body. It is just too bad that the debate did not live up to what should have been the decent, thoughtful expectations of these two gentlemen.

Let us vote down this thoughtless substitute and vote for the bill, and let us really show ourselves in the final analysis when we match our actions to the legislation options before us on the side of the American people.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 451, the previous question is ordered on the bill and on the amendment in the nature of a substitute by the gentleman from Massachusetts (Mr. NEAL).

The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. NEAL).

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

Mr. NEAL of Massachusetts. 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 182, nays 204, not voting 48, as follows:

[Roll No. 246]

YEAS—182

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bentsen
Berkley
Bishop
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey
Wu
Wynn

NAYS—204

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood

Grucci	Miller, Gary	Shuster
Gutknecht	Miller, Jeff	Simmons
Hart	Moran (KS)	Simpson
Hastings (WA)	Morella	Skeen
Hayes	Myrick	Smith (MI)
Hayworth	Nethercutt	Smith (NJ)
Hefley	Ney	Smith (TX)
Herger	Nussle	Souder
Hilleary	Osborne	Stearns
Hobson	Ose	Stenholm
Hoekstra	Otter	Stump
Horn	Oxley	Sullivan
Hostettler	Paul	Sununu
Hulshof	Peterson (PA)	Sweeney
Hunter	Petri	Tancredo
Hyde	Pickering	Tauzin
Isakson	Pitts	Taylor (MS)
Issa	Platts	Taylor (NC)
Istook	Pombo	Terry
Jenkins	Portman	Thomas
Johnson (IL)	Pryce (OH)	Thornberry
Johnson, Sam	Putnam	Thune
Jones (NC)	Radanovich	Tiahrt
Kelly	Ramstad	Tiberi
Kennedy (MN)	Regula	Toomey
Kerns	Rehberg	Turner
King (NY)	Reynolds	Upton
Kingston	Rogers (KY)	Vitter
Kirk	Rogers (MI)	Walden
Knollenberg	Rohrabacher	Walsh
Kolbe	Ros-Lehtinen	Wamp
Latham	Royce	Watkins (OK)
LaTourette	Ryan (WI)	Watts (OK)
Lewis (CA)	Saxton	Weldon (FL)
Lewis (KY)	Schaffer	Weldon (PA)
Linder	Schrock	Weller
LoBiondo	Sensenbrenner	Whitfield
Lucas (KY)	Sessions	Wicker
Lucas (OK)	Shadegg	Wilson (NM)
McCrery	Shaw	Wilson (SC)
McHugh	Shays	Wolf
McKeon	Sherwood	Young (AK)
Mica	Shimkus	Young (FL)

NOT VOTING—48

Ackerman	Dingell	McKinney
Baker	Everett	Miller, Dan
Barcia	Ganske	Murtha
Becerra	Gillmor	Northup
Berman	Gilman	Norwood
Bilirakis	Gutierrez	Ortiz
Blagojevich	Hansen	Pence
Bonior	Hilliard	Quinn
Borski	Houghton	Reyes
Brown (FL)	Keller	Riley
Burton	LaFalce	Roukema
Buyer	LaHood	Ryun (KS)
Callahan	Lewis (GA)	Smith (WA)
Carson (IN)	Lipinski	Traficant
Cox	Manzullo	Waters
Coyne	McInnis	Weiner

□ 1402

Messrs. REGULA, TAYLOR of Mississippi and BARR of Georgia changed their vote from ''yea'' to ''nay.''

Mr. JOHN changed his vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). 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.

MOTION TO RECOMMIT OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NEAL of Massachusetts. I am opposed to this bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NEAL of Massachusetts moves to recommit the bill H.R. 4931 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill insert the following new section:

SEC. 3. PREVENTION OF AVOIDANCE OF QUALIFIED PLAN RULES THROUGH CORPORATE EXPATRIATION.

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

(1) Federal tax law provides that a deduction is allowed for pension and other deferred compensation benefits only in the context of contributions to a qualified plan.

(2) Federal tax law provides that assets set aside to fund pension and other deferred compensation can accumulate on a tax-free basis only in the context of a qualified plan.

(3) The qualified plan rules are structured to ensure that rank and file employees receive substantial retirement benefits as a condition for providing retirement benefits to highly compensated employees.

(4) Corporations reincorporating overseas (and their subsidiaries) can in effect receive both of the benefits described in paragraphs (1) and (2) outside the context of a qualified plan.

(b) PURPOSE.—The purpose of the amendment made by this section is to protect the retirement benefits of rank and file employees by preventing the avoidance of the qualified plan rules through corporate expatriation.

(c) PREVENTION OF CORPORATE EXPATRIATION.—

(1) IN GENERAL.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—For purposes of chapter 1—

''(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

''(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

''(v) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

''(vii) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if—

''(I) they are under common control (within the meaning of section 482), or

''(II) they shared the same trademark or tradename.

''(C) APPLICATION WITH CHAPTER 1.—Subparagraph (B) shall apply only for so much of chapter 1 as is necessary or appropriate—

''(i) to maintain tax incentives for qualified plans that are of a type whose tax treatment was modified by the provisions of title VI of the Economic Growth and Tax Relief Reconciliation Act of 2001, as made permanent by section 2 of the Retirement Savings Security Act of 2002, and

''(ii) to prevent tax benefits for pension or other deferred compensation benefits without complying with the qualified plan rules.''

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by this subsection shall apply to corporate expatriation transactions completed after September 11, 2001.

(B) SPECIAL RULE.—The amendment made by this subsection shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

Mr. NEAL of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts is recognized for 5 minutes in support of his motion.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, this proposal states that the retirement savings of all workers, including those who have had the misfortune of being employed by a corporate expatriate, that those savings should be protected and preserved. This motion would build in important protections for workers of companies who have decided to flee the country in order to avoid U.S. income taxes, many who snuck out in the dark of night even as the Nation pulled together after September 11.

My friends on the other side are going to say, ''We're holding hearings,'' and I appreciate that. ''We're discussing legislation.'' Then they are going to say, ''Well, maybe we should stop the expatriates temporarily.'' Then they are going to say, ''Well, maybe we should enact a flat tax or a sales tax'' or however else we reform the Code and pay for the war on terrorism.

The problem with that, Mr. Speaker, is that is what we were going to do 8 years ago. Once down in Bermuda, a country which has no developed or tested corporate common law, executives have the flexibility to no longer care about these irritating qualified plan requirements. For U.S. companies, these requirements and pension protections are the only way that the rank and file gain access to tax-deferred retirement accounts. Without these pension requirements, or sticks, it will be carrots aplenty in Bermuda for the CEOs.

I urge the Members of the House to vote against this corporate excess. I just want to say this, if I can, for one second, Mr. Speaker. I read in the paper yesterday where somebody in this body said that this was nothing more than deciding to move, I believe, to North Carolina or to Florida. Mr. Speaker, I do not think there is anybody in this Chamber who believes that Bermuda is part of the United States of America.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in support of the gentleman from Massachusetts' motion.

Simply, this motion is consistent with the Neal/Maloney legislation which is pending in this House to stop corporate expatriates such as the one being attempted by Stanley Works of Connecticut. The specific purpose of this motion is to protect the retirement benefits of rank-and-file employees by preventing the avoidance of the qualified plan rules through such corporate expatriations.

We have learned that employees of 401(k) plans will be treated differently from executive plans in the circumstances of these corporate expatriates. The executives will be protected. The rank-and-file employees under the 401(k) plans will not be protected. This is just a further example of the outrage that is being perpetrated on the American taxpayer and on the American Government by these corporate expatriates. We have an opportunity today to say that that should not continue. We have an opportunity to say today that that should stop. I urge the House to take that opportunity.

Let me be clear as to what is involved here. The New York Times reported on the scope of this outrage, saying that even if the shares of the company rose 11.5 percent, the shareholders, the small ones in particular, would barely break even after taxes. Of course that does not apply to the executives. The CEO at Stanley Works stands to pocket an amount equal to 58 percent of every dollar the company would save in corporate taxes in the first year. That is $17.4 million out of an estimated $30 million in savings. And that CEO, in addition, if he exercised his options, would gain an additional $385 million. So while we have the executives of these corporations literally taking money out of the United States Treasury and putting it in their pocket, the rank-and-file workers are going to be paying capital gains tax and greatly diminishing the value of their 401(k) plans and their opportunity to retire.

Mr. Speaker, this is outrageous. This needs to be stopped, and it needs to be stopped today. I urge support for the gentleman from Massachusetts' motion.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, this is a simple addition to the underlying bill to protect workers. I would urge my colleagues to support the motion and to support final passage.

Mr. NEAL of Massachusetts. Mr. Speaker, I think a concern that we have tried repeatedly to express, and I in particular have tried to express, is that this issue demands action in this institution. I would suggest today, based upon the headlines that we have all seen for weeks and weeks and weeks now across the country, we are headed toward a gilded age. There is an opportunity for this Chamber to act responsibly, to shut down this outrageous loophole that we should be acting on immediately.

We have tried very hard, and I want to say to the Members of this body, I guarantee you this is the first of many votes until we succeed in shutting down the ability of these companies to move to Bermuda in a time, as the President has said, of war.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, the gentleman from Massachusetts has been literally jumping up and down through this entire debate saying, ''Wait until the motion to recommit. Wait until the motion to recommit. We are going to make you vote on Bermuda.'' If you do not know what that means, we are talking about corporate inversions. In a couple of weeks you are going to get a real solution from the Committee on Ways and Means taking the tax structure change away from these corporations.

But what you have in front of you on the motion to recommit is a political dirty bomb. It is an attempt to raise this issue in a way that operates like this.

Mr. ABERCROMBIE. Mr. Speaker I demand that the gentleman's words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1419

PARLIAMENTARY INQUIRY

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state it.

Mr. ABERCROMBIE. Mr. Speaker, on reflection, I would like to withdraw my request. And the inquiry is, can I withdraw my request with an observation as to why I would like to withdraw it?

The SPEAKER pro tempore. The gentleman may withdraw his request.

Mr. ABERCROMBIE. Mr. Speaker, I withdraw my request in the hopes that we can take a little consideration when we are discussing with each other our judgment, not just as to political philosophy, but as to the motivations and reasons that we consider the implications of what we say when we draw rather, to my mind, offensive analogies as to the consequences of what another Member's actions might be.

The SPEAKER pro tempore. The gentleman withdraws his demand to have the words taken down.

The Chair agrees with the gentleman that civility is always desired. The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, now let me explain why, based upon their desire to offer this motion as a motion to recommit, they hope it is a political dirty bomb. The reason is they want this to be a vote on inversions. They want it to be a vote on Bermuda.

What in the world do corporate inversions have to do with the underlying pension bill? When you listen to their arguments, never once did they say union pension funds. Never once did they say union pension funds. Why? Because this has nothing to do with that.

Let me explain something: if a foreign company owns a U.S. subsidiary, the U.S. subsidiary has to follow U.S. laws. They are talking about corporate inversions. What are those? U.S. companies that want to have a package of foreign ownership. If you are a U.S. company, you have got to follow U.S. pension laws.

So do you know what this motion to recommit really says? It says you have to follow U.S. pension law. If you are a foreign corporation with a U.S. subsidiary, you have to follow it. If you are a U.S. corporation and you want to make yourself a foreign corporation with a U.S. subsidiary, you have to follow it.

This motion to recommit does nothing. Why in the world is it in front of us? Because on page 6 there is one little tax hook, and that is all this is about. As a matter of fact, I apologize; this is not a political dirty bomb, it is political hot air.

I ask for a ''no'' vote on the motion to recommit and a ''yes'' vote on the underlying bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. NEAL of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9, rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 186, noes 192, not voting 57, as follows:

[Roll No. 247]

AYES—186

Abercrombie	Frost	Matheson
Allen	Gephardt	Matsui
Andrews	Gonzalez	McCarthy (MO)
Baird	Gordon	McCarthy (NY)
Baldacci	Green (TX)	McCollum
Baldwin	Hall (OH)	McDermott
Barrett	Hall (TX)	McGovern
Bentsen	Harman	McIntyre
Berkley	Hastings (FL)	McNulty
Berry	Hill	Meehan
Bishop	Hinchey	Meek (FL)
Blumenauer	Hinojosa	Meeks (NY)
Boswell	Hoeffel	Millender-McDonald
Boucher	Holden	Miller, George
Boyd	Holt	Mink
Brady (PA)	Honda	Mollohan
Brown (OH)	Hooley	Moore
Capps	Hoyer	Nadler
Capuano	Inslee	Neal
Cardin	Israel	Oberstar
Carson (OK)	Jackson (IL)	Obey
Clay	Jackson-Lee (TX)	Olver
Clayton	Jefferson	Owens
Clement	John	Pallone
Clyburn	Johnson (CT)	Pascrell
Condit	Johnson, E. B.	Pastor
Conyers	Jones (OH)	Payne
Costello	Kanjorski	Pelosi
Cramer	Kaptur	Peterson (MN)
Crowley	Kennedy (RI)	Phelps
Cummings	Kildee	Pomeroy
Davis (CA)	Kilpatrick	Price (NC)
Davis (FL)	Kind (WI)	Rahall
Davis (IL)	Kleczka	Rangel
DeFazio	Kucinich	Rivers
DeGette	Lampson	Rodriguez
Delahunt	Langevin	Roemer
DeLauro	Lantos	Ross
Deutsch	Larsen (WA)	Rothman
Dicks	Larson (CT)	Roybal-Allard
Doggett	Leach	Rush
Dooley	Lee	Sabo
Doyle	Levin	Sanchez
Edwards	Lofgren	Sanders
Engel	Lowey	Sandlin
Eshoo	Lucas (KY)	Sawyer
Etheridge	Luther	Schakowsky
Evans	Lynch	Schiff
Farr	Maloney (CT)	Scott
Fattah	Maloney (NY)	Serrano
Filner	Markey	Sherman
Ford	Mascara	Shows
Frank		

Skelton	Tauscher	Visclosky
Slaughter	Taylor (MS)	Waters
Snyder	Thompson (CA)	Watson (CA)
Solis	Thompson (MS)	Watt (NC)
Spratt	Thurman	Waxman
Stark	Towns	Wexler
Stenholm	Turner	Woolsey
Strickland	Udall (CO)	Wu
Stupak	Udall (NM)	Wynn
Tanner	Velazquez	

NOES—192

Aderholt	Goodlatte	Pombo
Akin	Goss	Portman
Armey	Graham	Pryce (OH)
Bachus	Granger	Putnam
Ballenger	Graves	Radanovich
Barr	Green (WI)	Ramstad
Bartlett	Greenwood	Regula
Barton	Grucci	Rehberg
Bereuter	Gutknecht	Reynolds
Biggert	Hart	Rogers (KY)
Blunt	Hastert	Rogers (MI)
Boehlert	Hastings (WA)	Rohrabacher
Boehner	Hayes	Ros-Lehtinen
Bonilla	Hayworth	Royce
Bono	Hefley	Ryan (WI)
Boozman	Herger	Ryun (KS)
Brady (TX)	Hobson	Saxton
Brown (SC)	Hoekstra	Schaffer
Bryant	Horn	Schrock
Burr	Hostettler	Sensenbrenner
Calvert	Hulshof	Sessions
Camp	Hunter	Shadegg
Cantor	Hyde	Shaw
Capito	Isakson	Shays
Castle	Issa	Sherwood
Chabot	Istook	Shimkus
Chambliss	Johnson (IL)	Shuster
Coble	Johnson, Sam	Simmons
Collins	Jones (NC)	Simpson
Combest	Kelly	Skeen
Cooksey	Kennedy (MN)	Smith (MI)
Cox	Kerns	Smith (NJ)
Crane	King (NY)	Smith (TX)
Crenshaw	Kingston	Souder
Cubin	Kirk	Stearns
Culberson	Knollenberg	Stump
Cunningham	Kolbe	Sullivan
Davis, Jo Ann	Latham	Sununu
Davis, Tom	LaTourette	Sweeney
Deal	Lewis (CA)	Tancredo
DeLay	Lewis (KY)	Tauzin
DeMint	Linder	Taylor (NC)
Diaz-Balart	LoBiondo	Terry
Doolittle	Lucas (OK)	Thomas
Dreier	McCrery	Thornberry
Duncan	McHugh	Thune
Dunn	McKeon	Tiahrt
Ehlers	Miller, Gary	Tiberi
Ehrlich	Miller, Jeff	Toomey
Emerson	Moran (KS)	Upton
English	Morella	Vitter
Ferguson	Myrick	Walden
Flake	Nethercutt	Wamp
Fletcher	Ney	Watkins (OK)
Foley	Nussle	Watts (OK)
Forbes	Osborne	Weldon (FL)
Fossella	Ose	Weldon (PA)
Frelinghuysen	Otter	Weller
Gallegly	Oxley	Wicker
Gekas	Paul	Wilson (NM)
Gibbons	Peterson (PA)	Wilson (SC)
Gilchrest	Petri	Wolf
Gilman	Pickering	Young (AK)
Goode	Pitts	Young (FL)

NOT VOTING—57

Ackerman	Everett	Miller, Dan
Baca	Ganske	Moran (VA)
Baker	Gillmor	Murtha
Barcia	Gutierrez	Napolitano
Bass	Hansen	Northup
Becerra	Hilleary	Norwood
Berman	Hilliard	Ortiz
Bilirakis	Houghton	Pence
Blagojevich	Jenkins	Platts
Bonior	Keller	Quinn
Borski	LaFalce	Reyes
Brown (FL)	LaHood	Riley
Burton	Lewis (GA)	Roukema
Buyer	Lipinski	Smith (WA)
Callahan	Manzullo	Tierney
Cannon	McInnis	Traficant
Carson (IN)	McKinney	Walsh
Coyne	Menendez	Weiner
Dingell	Mica	Whitfield

□ 1438

Mr. TERRY and Mr. SMITH of Michigan changed their vote from ''aye'' to ''no.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WATERS. Mr. Speaker, on rollcall No. 247, I was unavoidably detained and could not reach the chambers to cast my vote. Had I been present, I would have voted ''aye.''

Stated against:

Mr. BASS. Mr. Speaker, I was regrettably absent on Friday, June 21, 2002, and consequently missed a recorded vote on H.R. 4931. Had I been present, I would have voted ''no'' on rollcall vote No. 247.

The SPEAKER pro tempore (Mr. SIMPSON). 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.

RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 308, noes 70, not voting 57, as follows:

[Roll No. 248]

AYES—308

Abercrombie	Cramer	Green (WI)
Aderholt	Crane	Greenwood
Akin	Crenshaw	Grucci
Allen	Crowley	Gutknecht
Armey	Cubin	Hall (OH)
Bachus	Culberson	Hall (TX)
Baird	Cummings	Harman
Baldacci	Davis (CA)	Hart
Ballenger	Davis (FL)	Hastert
Barr	Davis, Jo Ann	Hastings (WA)
Barrett	Davis, Tom	Hayes
Bartlett	Deal	Hayworth
Barton	DeFazio	Hefley
Bass	DeGette	Herger
Bentsen	DeLay	Hill
Bereuter	DeMint	Hobson
Berkley	Diaz-Balart	Hoeffel
Biggert	Dooley	Hoekstra
Bishop	Doolittle	Holden
Blumenauer	Doyle	Holt
Blunt	Dreier	Honda
Boehlert	Duncan	Hooley
Boehner	Dunn	Horn
Bonilla	Edwards	Hostettler
Bono	Ehlers	Hoyer
Boozman	Ehrlich	Hulshof
Boswell	Emerson	Hunter
Boucher	Engel	Hyde
Brady (PA)	English	Isakson
Brady (TX)	Eshoo	Israel
Brown (SC)	Etheridge	Issa
Bryant	Evans	Istook
Burr	Farr	Jackson-Lee (TX)
Calvert	Ferguson	Jefferson
Camp	Flake	John
Cannon	Fletcher	Johnson (CT)
Cantor	Foley	Johnson (IL)
Capito	Forbes	Johnson, Sam
Capps	Fossella	Jones (NC)
Cardin	Frelinghuysen	Jones (OH)
Carson (OK)	Frost	Kanjorski
Castle	Gallegly	Kelly
Chabot	Gekas	Kennedy (MN)
Chambliss	Gibbons	Kennedy (RI)
Clayton	Gilchrest	Kerns
Clement	Gilman	Kilpatrick
Clyburn	Gonzalez	Kind (WI)
Coble	Goode	King (NY)
Collins	Goodlatte	Kingston
Combest	Gordon	Kirk
Condit	Goss	Kleczka
Cooksey	Graham	Knollenberg
Costello	Granger	Kolbe
Cox	Graves	

Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McIntyre
McKeon
Meehan
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Ney
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Snyder
Souder
Spratt
Stearns
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Udall (CO)
Upton
Velazquez
Vitter
Walden
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—70

Andrews
Baldwin
Berry
Boyd
Brown (OH)
Capuano
Clay
Conyers
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Fattah
Filner
Ford
Frank
Gephardt
Green (TX)
Hastings (FL)
Hinchey
Hinojosa
Inslee
Jackson (IL)
Johnson, E. B.
Kaptur
Kildee
Kucinich
Lantos
Lee
Levin
Markey
Matsui
McDermott
McGovern
McNulty
Meek (FL)
Miller, George
Mollohan
Nadler
Neal
Oberstar
Obey
Owens
Pastor
Payne
Pelosi
Rahall
Rangel
Rivers
Roybal-Allard
Sabo
Sanders
Schakowsky
Scott
Sherman
Slaughter
Solis
Stark
Stenholm
Strickland
Taylor (MS)
Turner
Udall (NM)
Visclosky
Waters
Watson (CA)
Waxman
Wexler

NOT VOTING—57

Ackerman
Baca
Baker
Barcia
Becerra
Berman
Bilirakis
Blagojevich
Bonior
Borski
Brown (FL)
Burton
Buyer
Callahan
Carson (IN)
Coyne
Cunningham
Dingell
Everett
Ganske
Gillmor
Gutierrez
Hansen
Hilleary
Hilliard
Houghton
Jenkins
Keller
LaFalce
LaHood
Lewis (GA)
Lipinski
Manzullo
McCrery
McInnis
McKinney
Menendez
Mica
Miller, Dan
Murtha
Northup
Norwood
Olver
Ortiz
Pence
Quinn
Radanovich
Reyes
Riley
Roukema
Smith (TX)
Smith (WA)
Tierney
Traficant
Walsh
Weiner
Whitfield

□ 1446

Mr. DEFAZIO and Mrs. CLAYTON changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Speaker, I missed rollcall votes numbered 246, 247, and 248 because I was traveling with the President of the United States and other members of the Florida delegation. Had I been present, I would have voted ''nay'' on rollcall No. 246, ''no'' on rollcall No. 247, and ''aye'' on rollcall No. 248.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes Nos. 246–248 I was unavoidably detained. Had I been here I would have voted ''no'' on rollcall votes Nos. 246 and 247, ''aye'' on rollcall vote No. 248.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of H.R. 4931, the bill just passed.

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

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Williams, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4645

Ms. LOFGREN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 4645.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Ms. PELOSI. Mr. Speaker, I rise for the purpose of inquiring about next week's schedule.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman from California for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Monday, June 24, at 12:30 p.m. for morning hour, and 2 o'clock p.m. for legislative business.

I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. Recorded votes on Monday will be postponed until 6:30 p.m.

On Tuesday and the balance of the week, I have scheduled the following measures for consideration of the House: H.R. 4954, the Medicare Modernization and Prescription Drug Act of 2002; the Department of Defense Appropriations Act for Fiscal Year 2003; and the Military Construction Appropriations Act for Fiscal Year 2003.

Mr. Speaker, conferees are also working hard to complete work on the President's emergency defense and homeland security supplemental, and I hope to schedule that conference report next week, as well.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for the schedule. I am just seeking a little more precision. On what day will H.R. 4954, the Prescription Drug Act of 2002, be scheduled?

Mr. ARMEY. I thank the gentlewoman for her inquiry. I know the Committee on Energy and Commerce worked long and hard on that last night and early this morning; and we believe that that being the case, we should have the bill on the floor Wednesday of next week.

Ms. PELOSI. Wednesday of next week. In relationship to fast track, will the House appoint conferees next week on the trade promotion act?

Mr. ARMEY. I thank the gentlewoman again for her inquiry. If the gentlewoman will continue to yield, we are hopeful that we will be able to do that next week. Obviously, we want to make sure that we have a parity in the House and Senate position with respect to the full scope of trade issues; and if we can have a rule passed that makes that possible, then we ought to be able to get to work on that in conference next week.

Ms. PELOSI. Mr. Speaker, I ask the gentleman, will the rule be the same one as reported from the Committee on Rules this week?

Mr. ARMEY. I thank the gentlewoman for the inquiry. I must say that that is under consideration. I will be in touch with the chairman of the Committee on Rules and make sure that if he has any news to share with us, we all get it as soon as possible.

Ms. PELOSI. I thank the gentleman. Continuing, Mr. Speaker, the leader said that the conferees are working hard to complete the President's emergency defense and homeland security supplemental. I had some questions on that conference.

As the gentleman may recall, Democrats were united in opposing another increase in our Nation's borrowing

limit when this bill was considered in the House. We believe it is time to sit down and work in a bipartisan way to fix our Nation's budget.

Is the gentleman's leadership planning another increase in the debt limit without a separate vote on the House floor?

Mr. ARMEY. Again, I thank the gentlewoman for her inquiry. If the gentlewoman will continue to yield, obviously, the emergency supplemental is very important to the Nation's ability to respond to the threat of terrorism across the globe. We want to move that as soon as possible.

There is a relationship between our ability to actually acquire the funds for the purpose of the emergency supplemental and the necessary increase in the debt limit. We have the two connected and are prepared to resolve that.

By the same token, the Senate, the other body, has passed an increase in the debt limit of $450 billion as a freestanding piece of legislation. Should we have the votes to pass that, we would be more than happy to bring their freestanding bill to the floor. It is my estimation it is of utmost importance that we move that as quickly as possible; and indeed, even while I myself have grave hopes and ambitions regarding how we might reform the budget process, but that is not something that I can see being done effectively in the short run, while both the emergency supplemental and the debt limit increase are imperatives in the immediate short run.

Ms. PELOSI. This issue is of such grave importance to our country that I would hope that we would have an open debate on the subject and not have it treated the way the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), treated it when he said, Do you expect us to have a vote on every single item that we deal with in the Congress? And yes, when it comes to raising the debt limit, that would be the case, especially when it raids Social Security.

Mr. STENHOLM. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I ask my friend, the gentleman from Texas, for clarification to see if I understood what I think I heard him say, that he meant to say regarding the debt ceiling: that we do have a crisis that has been ascertained by the Secretary of the Treasury; that June 28 seems to be the last day that they can juggle the books without us doing what we are supposed to do, and that is, raise the debt ceiling, June 28.

I believe I heard the gentleman say that it would be his hope that he could add it to the supplemental so that there would not be an up-and-down clean vote on it; but if that were not able to be done, then he would entertain the possibility of bringing the Senate clean bill of $450 billion to the floor for an up-and-down vote.

Mr. ARMEY. If the gentlewoman will continue to yield, it seems to me at this point most expeditious for us to hope to have the debt limit increase in the emergency supplemental. In this instance, we would be able to pass it.

My concern is not over in what venue the vote is taken. My concern is in what venue the vote will pass. I believe it would be an unnecessary and undesirable impact on the confidence of the American financial markets for us to in any way bring a debt limit increase to the floor and not pass it, and I am reluctant to do so.

If, on the other hand, I have heard the gentleman from Texas (Mr. STENHOLM) correctly, it seems to me that I may have found a new ray of hope. Because we have a certain number of Members of our own conference who are not willing to vote for the freestanding $450 billion increase in the debt limit, we would need some votes from the other side of the aisle.

The gentleman from Texas (Mr. STENHOLM) has an association with a fairly large number of Members on his side of the aisle who perhaps might be rallied to that vote, in which case we could combine our electoral resources and bring the resolution of the Senate to the floor, pass it, and have this matter resolved, which would, I think, be a favorable resolution for all of the Nation.

If the gentleman would give me that assurance, I would certainly feel encouraged to take the Senate-passed measure to the floor.

Mr. STENHOLM. Mr. Speaker, I like the spirit of optimism that my friend, the gentleman from Texas, has taken. I would encourage him to look at the letter that a large number of Democrats have sent to the Speaker offering a considerable number of votes for a clean debt ceiling next week in order that we might avert a crisis and send unnecessary signals to the marketplace.

What we ask in return is not a blank check, but that we have a debt ceiling, and we revisit our budget in September when we come back after we have seen the reestimates.

As the gentleman knows, we are now currently estimating that the deficit this year is going to go over $200 billion. That is after we have used all the Social Security trust fund, all the Medicare, all the civil service, all the military retirement fund.

I would hope the gentleman would agree and would accept the hand that is coming from this side of the aisle from the minority leader as well as the Blue Dogs of saying that we are ready to work with the gentleman in that endeavor, and I hope he puts that as a third option.

Mr. ARMEY. If the gentlewoman from California would continue to yield, I will look for every avenue possible to make a reasonable increase in the debt ceiling that allows us to conduct the Nation's business with as little political consideration and interference as possible; and in that regard, I will reconsider the gentleman's letter. I thank the gentleman for his kind offer.

Ms. PELOSI. Reclaiming my time, Mr. Speaker, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, if I heard correctly, the gentleman is the majority leader of this body. Am I correct on that?

Mr. ARMEY. If the gentlewoman from California will continue to yield, I am more than happy to remind the gentleman that that is the case.

Mr. FILNER. The majority means that the gentleman has the responsibility of setting the agenda and running this floor. As I understood what the gentleman just said, he does not have a majority on his side to raise the debt limit.

I want to know, where is the responsibility for the governing party to do what is necessary for this Nation?

Mr. ARMEY. Mr. Speaker, if the gentlewoman will continue to yield, I thank the gentleman for his inquiry, and promise the gentleman that I will give his inquiry every bit of consideration that it deserves.

Mr. FILNER. I know the gentleman always does.

Ms. PELOSI. Mr. Speaker, I have concern about another bill, the AmeriCorps bill.

Mr. ROEMER. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentlewoman from California, for yielding to me.

In the distinguished majority leader's comments about outlining the calendar for next week, he did not mention this bipartisan initiative that has been reported out of the Committee on Education and the Workforce with overwhelming bipartisan support to support the increase of the President of the United States in both volunteers and resources for AmeriCorps.

We know that we have been very busy the last couple of weeks naming post offices, but we would hope that maybe next week we could get to AmeriCorps and do one of the bipartisan priorities and one of the President's priorities.

Mr. ARMEY. Mr. Speaker, if the gentlewoman will continue to yield, I thank the gentleman for his inquiry. Let me just say parenthetically, it is my fond hope that there may be a time in the near future when I observe the behavior of this House as it names a post office after the gentleman himself. So this is, of course, we believe, an important business.

But the bill with respect to which the gentleman raises his inquiry is an important bill. The committee of jurisdiction has just reported the bill just the past few days. I will be speaking with the chairman about it; and I am sorry to report I have no scheduling announcement to make at this time, but

I do appreciate the gentleman's interest and inquiry.

Mr. ROEMER. Mr. Speaker, does the majority leader think this is a priority for the House, since it is a priority of the President of the United States, to report this bipartisan bill to the entire House?

Mr. ARMEY. Again, I appreciate the gentleman's inquiry. I would remind the gentleman that this majority leader has routinely, over the past several years, scheduled things for consideration in the House that he himself did not believe were a priority.

Mr. ROEMER. I thank the majority leader. I appreciate his comment about getting a post office named after me. I would rather have the AmeriCorps bill on the floor. I hope the gentleman from Texas gets a post office or two named after him, since he is bowing out this year.

Ms. PELOSI. Mr. Speaker, I just have one final question of the majority leader about the schedule. I understand for Members' benefit that we will be coming in and voting after 6:30 p.m. on Monday and that we will be going through the week. Are there definitely going to be votes next Friday?

Mr. ARMEY. Again, I want to thank the gentlewoman for her inquiry. If she will continue to yield, I think it is prudent for all Members to be prepared to work through Friday.

At this time I have no expectation of any work in the ensuing weekend; but certainly, we should be prepared to be here working Friday. There are two very important appropriations bills, defense and military construction, to be begun on Thursday and to be completed before we complete business on Friday.

Ms. PELOSI. Mr. Speaker, can we assure Members that adjournment will be 2 o'clock on Friday, or will continue later than that?

Mr. ARMEY. Again, I thank the gentlewoman for the inquiry. I am, unfortunately, not able to give Members that assurance at this time.

Ms. PELOSI. Did I hear an assurance in the gentleman's voice that we would not go through the weekend? Is our schedule contingent upon completion of the work, or the calendar?

Mr. ARMEY. Mr. Speaker, I do appreciate what the gentlewoman's inquiry is. At this time, I have no reason to anticipate any work beyond Friday of next week.

□ 1500

Ms. PELOSI. Mr. Speaker, even if the agenda that the gentleman set forth is not finished?

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's inquiry. We all have our July 4 district work periods. We are all anxious to have time with our constituents, and we will work with our committee and floor managers to expedite everybody's ability to get home to do that important work and spend that important time with their families.

Ms. PELOSI. Yes, indeed, very important time, the birth of our country, Independence Day.

So I thank the gentleman very much for responding to these questions.

ADJOURNMENT TO MONDAY, JUNE 24, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 25, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 24, 2002, it adjourn to meet at 10:30 a.m. on Tuesday, June 25, 2002, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–231)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 21, 2002.*

CONTINUATION OF NATIONAL EMERGENCY IN WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–232)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a Notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed Notice, stating that the Western Balkans emergency is to continue in effect beyond June 25, 2002, to the *Federal Register* for publication.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. These actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 21, 2002.*

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.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

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

Mr. NUSSLE. Mr. Speaker, Pursuant to Section 314 of the Congressional Budget Act, Section 221 of H. Con. Res. 83, and Section 231 of H. Con. Res. 353, I submit for printing in the CONGRESSIONAL RECORD revisions to

the 302(a) allocations and budgetary aggregates established by the Concurrent Resolution on the Budget for Fiscal Year 2003, and Section 221 of H. Con. Res. 83.

As passed by the House, H.R. 4775, a bill making supplemental appropriations for fiscal year 2002, includes emergency-designated appropriations. The fiscal year 2002 allocations to the Appropriations Committee were previously increased by $29,432,000,000 in new budget authority and $8,466,000,000 in outlays to reflect the amounts in the House-reported bill. I am adjusting the budgetary aggregates and the allocation to the House Committee on Appropriations for the difference between the House-reported and House-passed measures. This adjustment equals—$5,000,000 in new budget authority. (There was no change in outlays.) Accordingly, the 302(a) allocation for fiscal year 2002 for the House Committee on Appropriations becomes $735,427,000,000 in new budget authority and $736,420,000,000 in outlays. The budgetary aggregates for fiscal year 2002 become $1,708,599,000,000 in new budget authority and $1,653,073,000,000 in outlays.

Outlays flowing from fiscal year 2002 emergency appropriations increase the 302(a) allocation for fiscal year 2003 outlays. Under the procedures set forth in section 314 of the Budget Act, adjustments may be made for emergency-designated budget authority through fiscal year 2002 and for the outlays flowing from such budget authority in all fiscal years. The outlays flowing in fiscal year 2003 from H.R. 4775, as passed by the House, total $10,715,000,000. The 302(a) allocation for outlays to the House Committee on Appropriations and the budgetary aggregate for outlays are increased by this amount. Accordingly, the 302(a) allocation for fiscal year 2003 for the House Committee on Appropriations becomes $748,096,000,000 in new budget authority and $785,190,000,000 in outlays. The budgetary aggregates for fiscal year 2003 becomes $1,784,073,000,000 in new budget authority and $1,767,146,000,000 in outlays.

Questions may be directed to Dan Kowalski at 6–7270.

FERC HAS NOT AND CANNOT DO ITS JOB

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

Mr. FILNER. Mr. Speaker, I rise today to briefly discuss this week's release by the General Accounting Office, the GAO, its study on actions needed by the Federal Energy Regulatory Commission, that is, FERC, to confront challenges that impede effective oversight. That was the title of this GAO report. This report vindicates those of us who have been standing up for 2 years now to tell this body that FERC was simply not doing its job protecting California and the rest of the country, and this report vilifies those who doubted us for the last 2 years.

In the conclusion of the report, we read that ''FERC is not adequately performing the oversight that is needed to ensure that prices produced by these markets are just and reasonable.'' Let me repeat that, ''FERC is not adequately performing the oversight that is needed to ensure that prices produced by these markets are just and reasonable.'' That means that illegal prices have been charged to electricity consumers all over this country, but specifically in California, and the report goes on to say, FERC has been simply not fulfilling its regulatory mandate.

The GAO report says that FERC does not even know how to carry out its mandate to ensure that interstate wholesale natural gas and electricity prices are, as the law states, just and reasonable. If FERC does not know how to regulate power markets, who does?

We need a change because we do not need a repeat of the inaction we saw from FERC in 2000 that has drained the California Treasury of almost $50 billion and has created a severe deficit in our State's budget this year.

Two years ago, California and the hands-off treatment it received from FERC was the canary in the gold mine, if I may say so, that is exposing the glaring fissures in our so-called energy policy. The lack of action by FERC, or as it should be called the Federal Enron Rubber-Stamping Commission, hurt many everyday Americans in our State and throughout our Nation.

FERC did not do its job in 2000. It did not do its job in 2001, and the GAO report says that FERC cannot do its job even now. My constituents in San Diego, California, and millions of other Californians lost billions during this crisis, and FERC reported no evidence of price-fixing.

Now FERC says it is waiting for the regional transmission organizations, the RTOs, to provide front-line monitoring for new, unregulated power markets. The problem is, Mr. Speaker, that it may take several more years for these RTOs to form, and in a gross understatement the GAO report says, ''As the California crisis has made adequately clear, FERC simply cannot let the markets go unmonitored for this length of time.''

It is abundantly clear, Mr. Speaker, that there has been a lot of damage, and we need a fresh look, farther away from this administration, farther away from the FERC Commissioner, farther away from people tainted with association with Enron.

We need to know how Enron and other members of the electricity cartel robbed California and eluded the oversight of the Federal Enron Rubber-Stamping Commission. This should lead, by the way, to every State in this country and other countries around the world to really questioning whether they should deregulate to the so-called private market electricity and other basic commodities that are necessary for our economic life.

There is no public oversight, as the GAO report shows, of what the so-called private market will do. They will rob us blind as they did to us in California. That is why I continue to call for the Attorney General to name a special prosecutor to look into this whole case.

My bill, H. Con. Res. 333, would make this request on behalf of our entire Congress. We must not have even the perception that the fox, that is, FERC, is guarding the hen house, that is, our electricity market.

This Congress must demand that this situation end and appoint a special prosecutor and figure out what happened and how we are going to proceed from here.

HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. OTTER). 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 today to talk about the high cost of prescription drugs and, more importantly, the difference between what we in America pay for those same drugs and what they pay in other parts of the industrialized world.

I have a chart here, and again, I want to remind my colleagues, these are not my numbers. I did not invent this chart. This chart was developed by some people who have been studying this issue for decades, and disparities get worse by the year. And here we see some of the most commonly prescribed drugs in America. Let me point out a couple of them.

Cipro, a drug that we became very familiar with last year when we had the scare over the anthrax, and let me say that Tommy Thompson did a very good job in negotiating with the German maker Bayer, we sometimes call it Bayer, and we got a very good price for the Federal Government, but if someone is a normal individual and they need Cipro, they need that antibiotic Cipro, in the United States average price for a 30-day supply of Cipro is $87.99. That same drug in Europe sells for half that price, less than half, $40.75.

Let us look at another drug that is important to diabetics, one of the most commonly prescribed drugs in the United States or in the world, Glucophage. The average price in the United States $124.65. That same drug made in the same plant under the same FDA approval in Europe sells for an average of $22.

I think we should pay our fair share for prescription drugs. We ought to pay our fair share of the cost of developing those drugs, but I do not think we ought to have to subsidize the starving Swiss, and that is what is happening today. It is not shame on the pharmaceutical industry, it is shame on the FDA, and it is shame on us.

It has been said that consistency is the hobgoblin of little minds. Next week we are going to have two very interesting debates on the floor of this House, one about trade promotion authority. We are going to have people

come to the well of this House, and they are going to talk about how important it is that we have free trade, that we ought to have open markets, that we ought to allow our markets to work. In fact, some of them may even quote the former President Ronald Reagan when he said that markets are more powerful than armies.

Some of those same people are going to come to the floor of the House the next day, and they are going to say, well, we need open markets, but not when it comes to pharmaceuticals, not where it can really save Americans billions of dollars. And it really is billions of dollars, because according to the estimates by the Congressional Budget Office, seniors over the next 10 years in the United States of America, that is, people 65 and over, are going to spend $1.8 trillion on prescription drugs. They cannot afford that, and neither can the taxpayers.

It is time to open the markets and allow Americans to have access to these world drugs at world market prices and let us talk about the savings.

The estimates that we have from independent experts is that Americans could save 35 percent minimum simply by opening up the markets and allowing Americans to have access to those drugs at world market prices. What does that mean? If we take $1.8 trillion, divide it evenly over the next 10 years, that is $180 billion a year. If we could save 35 percent, how much is that? That is over $50 billion a year, $50 billion a year, and we have arguments here on the floor about tax cuts.

How much good would we do if we gave Americans a $50-billion-per-year tax cut? That is what we are talking about if we simply open the markets. There is something wrong when we allow our own FDA to stand between American seniors and lower prescription drug prices. We ought to pay our fair share, but we should not be held hostage to the big drug cartels that are exploiting their market opportunities here in the United States at the expense of seniors, at the expense of taxpayers, and incidentally, I had a meeting this morning, at the expense of the big corporations.

One of the largest corporations in the United States, one of the representatives told me today they spend $1 billion a year on prescription drugs. They are spending $1 million a month on just one name-brand pharmaceutical each month, $1 million a month just on one drug. Even they are starting to say, wait a second.

We believe in open markets. We believe in free markets. We believe in competition. It is time to open the markets, create some competition so that we do not have these huge disparities between what Americans are required to pay for the same drugs, made in the same FDA-approved facilities.

Let us have that debate next week about free markets. I believe in free markets. Let us have that debate about making it easier for all Americans, not just seniors, to pay for the drugs they need. No senior should have to choose between food and prescription drugs. We can go a long way simply by opening markets, allowing world markets to work, allowing that thing that we talk about and will talk about next week, free trade, to work to the advantage of American consumers. We could save American consumers $50 billion a year.

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 gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SCHOOL FEEDING PROGRAMS DESERVE SUPPORT

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

Mr. MCGOVERN. Mr. Speaker, it has been my honor to support global school feeding programs as part of a strategy to reduce hunger among the world's children and to increase their ability to go to school. Along with the gentlewoman from Missouri (Mrs. EMERSON), I have introduced H.R. 1700, the George McGovern-Robert Dole International Food for Education and Child Nutrition Act of 2001.

That bill, which has 116 bipartisan cosponsors, was established as a permanent program in the farm bill reauthorization which the President recently signed into law. If adequately funded, this program will purchase and allocate U.S. commodities and other resources to provide millions of hungry children around the world with a healthy, nutritious meal in a school setting.

□ 1515

Mr. Speaker, over 300 million of the world's children are hungry. About 130 million of these children do not even go to school. School feeding programs clearly demonstrate that more families send their children to school when a meal is provided. U.S.-supported school feeding programs have documented significant increases in student enrollment, especially among girls. The children become more alert and more capable of learning when better nourished. More children advance to the next levels, and they acquire skills that help them to be productive members of society.

U.S. Private Voluntary Organizations have long been involved in this effort, working on the front lines, delivering nutritious food to needy children around the world. Two members of my staff recently attended a conference in Indonesia on school feeding programs. The conference sponsors included the U.S. Department of Agriculture and Land O'Lakes. My staff were able to review the Land O'Lakes school feeding model firsthand and to meet other U.S. PVOs involved in the school feeding effort in Indonesia, like Mercy Corps International, ACDI/VOCA, and International Relief and Development. Together, these organizations are feeding over 900,000 schoolchildren.

Land O'Lakes' school feeding endeavor in Indonesia began in November of 2000, with USDA 416(b) commodity donations. Indonesia is the fourth most populace nation in the world, following China, India and the United States. It is also the world's largest Muslim nation. As a result of the economic slowdown and decreasing resources provided to the national government for school feeding initiatives, the nutritional status of Indonesian elementary schoolchildren has deteriorated. The economic situation in the country has encouraged children to leave school early, with young girls being the first to go.

The Land O'Lakes Indonesia program is presently reaching over 450,000 schoolchildren in more than 2,900 schools on the islands of Java. It focuses on local capacity building, making sure all the products used in this program are processed locally. Land O'Lakes works with the three local processors who produce the fortified milk and wheat biscuits that are distributed to schools. This partnership exemplifies how this program can also be a catalyst for strengthening the local food industry.

Land O'Lakes works with Indonesian NGOs in the communities where targeted schools are located. Involving local participation stimulates community empowerment and helps build sustainability and ownership in the implementation and oversight of these programs.

The Land O'Lakes model has been so successful it will be replicated in Vietnam and Bangladesh as part of the Global Food for Education pilot program.

Mr. Speaker, the benefits of these programs are enormous, starting with the positive nutritional impact on children's lives and helping them obtain the education necessary to improve their standard of living. There are also all the auxiliary benefits: facilitating economic development, strengthening social institutions, empowering women, and promoting stable democratic societies throughout the world. Clearly, these programs play a critical role in any strategy to provide education and improve children's health.

Mr. Speaker, ending hunger among the world's children is achievable. For

the first time, we have the instruments at hand to defeat this cruel enemy at a very reasonable cost. All we lack is the political will to do so.

In the weeks ahead, as we debate funding priorities for fiscal years 2003 and 2004, I urge my colleagues to provide the necessary funding for the George McGovern- Robert Dole International Food for Education program.

Mr. Speaker, I submit for the RECORD a memorandum on the recent school feeding conference in Indonesia:

INDONESIA SCHOOL FEEDING CONFERENCE TRIP REPORT—MAY 13TH–17TH

May 13th–17th 2002, The Indonesia School Feeding Conference was held in Jakarta and Bandung, Indonesia. It was an opportunity for participants to observe USDA funded school feeding programs and to meet other U.S. program sponsors, local NGO's, private processors, government representatives and USDA officials involved in the school feeding effort.

U.S. Private Voluntary Organizations have been involved in this effort, working on the front lines, delivering nutritious food to children in needy areas around the world. In Indonesia alone, Land O'Lakes, ACDII/VOCA and Mercy Corps and IRD are feeding over 900,000 school children.

Also present at the conference were those directly involved in Indonesian school feeding such as local government officials, US government officials, The Yayasan Bina Putra Sejahtera, Tetra Pak and local processors such as Indolakto, Ultrajaya Milk Industry and Trading Company and Prima Japfa Jaya. Additionally, those that collaborate and provide support to the school feeding movement were in attendance such as the American Soybean Association, The US Pea and Lentil Council, and Cindy Bulh and Keith Stern of Congressman Jim McGovern's staff.

The first day of the conference was spent in Jakarta where participants familiarized themselves with the various participants involved in school feeding.

The Land O'Lakes Indonesia program is presently reaching over 490,000 school children in more than 2,900 schools in Java, Jakarta, Bali and Lombok. Land O'Lakes program methodology focuses on local capacity building by having all the school feeding products processed locally. Land O'Lakes works with three local processors who produce fortified UHT milk packages and wheat biscuits that are then distributed to schools and consumed by the children. This partnership exemplifies how this program can be a catalyst for food industry improvement and growth.

Identifying established and viable community-based non-governmental organizations and community based organizations is an important and necessary step to promote ownership of the program in communities where targeted schools are located. On Java, the partnering NGO Yayasan Bina Putra Sejahtera is Land O'Lakes lead partner working with schools, government at the provincial level, and other organizations to help program implementation go smoothly. Also they are responsible for compiling attendance and enrollment data.

This demonstrates how this program can stimulate community empowerment and by involving local participation builds sustainability and ownership in the implementation and oversight of these programs.

The ACDI/VOCA/Mercy Corps program is working to produce and distribute a soy beverage to 220,000 school children in 900 schools in Sumatra; Padang, Bekulu and Lampung. The impacts of this program include improved attendance and nutrition of children in schools, opportunity for health and nutrition educational lessons for participants and enhanced local capacity.

The International Relief and Development Program is currently implementing a pilot program that is targeting over 14,500 children in 122 primary schools. IRD produces and distributes noodles to children using USDA provided wheat and defatted soy flour. IRD works with American Soybean Association, US Wheat, Land O'Lakes and YBPS and local NGOs.

Tuesday was a special day as the Yayasan Bina Putra Sejahtera hosted a School Feeding Media Event at the National Museum in Jakarta. Program highlights were recounted for the media and Dennis Volbroil, agriculture attaché for the US Department of Agriculture in Jakarta was recognized for his dedication to school feeding. Students picked as winners in the Yayasan Poster Conference were given school scholarships.

Tuesday evening the participants boarded a train for Bandung, the second largest city in Indonesia. While in Bandung, participants witnessed students consuming their milk in a local school and were able to meet with school officials to discuss roles, responsibilities and results. Next, Participants toured the Ultrajaya Processing Plant where they observed product manufacturing.

On Thursday of the conference, Rolf Campbell of Land O'Lakes International Division presented on the importance of applying food technology and specifically highlighted the role private sector plays to develop, promote, and distribute high nutritional value foods specifically positioned for nutritionally deficient populations, especially low income and at risk groups including those living with HIV/AIDS;

Mr. Campbell then facilitated a panel discussion of private food industry representatives to highlight new products from dairy, soybean, wheat, and pea/lentil/rice. Each panel member covered the nutritional benefit and versatility of dairy products; the criteria used to develop products including costs; an introduction to two or three new products; and the vision of product ''sustainability'' in feeding and commercial markets.

The panel discussion ended with Rolf Campbell summarizing the impacts the private food industry can accomplish when industry resources are mobilized around food aid innovation and acting collectively.

On Friday of the conference, the day focused on how school feeding program stakeholders can strengthen the impacts of local capacity building and long-term school feeding sustainability during the implementation and support from U.S. and other international donations are available.

The first speaker was Dr. Maknuri Muchlas, Secretary General, Department of National Education for the Government of Indonesia. He stated his appreciation to the Government of the U.S. for providing commodity to support school feeding of some 900,000 primary school children on four islands of Indonesia. The fact that U.S. donations will continue and allow the expansion of feeding programs to more islands is enthusiastic news to not only the Ministry of National Education, but also to the entire nation of Indonesia.

The Ministry of National Education, through Tim Pembina Usaha Kesehatan Sekolah plays the lead role in supporting the U.S. funded programs by identifying schools to be recipients of feeding activities, coordinating all agencies with school feeding, and preparing the schools for administering and reporting results of the program.

Recently, the Ministry of Education started a school-feeding program with the focus of improving the level of primary school and Madrasah Ibtidaiyah children living in poor remote areas. This program is administered by the local government and has been quite successful. In a national level, it will be important for PVOs and NGOs to learn from the governments experience on how to successful reach schools in very remote areas. These communities have the greatest need of school feeding support.

The next presenter on the subject of local capacity building was Salvacion Bulatao, Director, National Dairy Authority (NDA), Department of Agriculture, Government of the Philippines. Ms. Bulatao's main message is that ''Milk does not only build strong bones, it also helps build a strong nation. Through the Philippine School Milk Feeding Program, government support seeks to improve the nutritional well being of school children and preschoolers while at the same time create additional sources of income for rural families. Clearly stated by Ms. Bulatao, school milk feeding accomplishes two objectives: provides healthy food for the children; and jobs and daily cash flows to farm families. Today, the Government of the Philippines is providing funding to feed more than 200,000 primary school and pre-school children. The milk products to be distributed are purchased locally from processors and dairy cooperatives. In 2001, the volume of milk purchased from the dairy industry was 1.08 million liters which had a value of $US 1.55 million. This translates to the individual farmer who is providing milk to the program as significant additional income. It has been calculated by NDA that total income of a farmer (2 milking cows that produce 8 liters of milk per day can generate the equivalent of US$ 636.20 during two school feeding cycles. Ms. Bulatao strongly recommended that future U.S.-funded feeding efforts in Philippines strongly consider the NDA model. She looks forward to a strong working partnership with Land O'Lakes and Tetra Pak in the years to come.

Edgar Collins is President of Prima Japfa Jaya, a supplier of finished school milk feeding products distributed in the southwest of Java and soon to the island of Bali and Lombok through the Land O'Lakes program. Mr. Collins spoke about the role played by the private sector to develop products that meet the tastes and nutritional demands of school kids with today's technology and quality control standards. The processor also has the responsibility in creating awareness of product goodness for school and after-school consumption—this is key to continued consumption of nutritional liquid food in and beyond school. The role of processor in promotion and consumer awareness is vitally important if the program is to be sustained with local government support and private sector donations. The immediate, short and long-term impact of school feeding programs on the good foods industry is significant. Mr. Collins stated that as a result of his firm's involvement in school feeding and having his firm's quality product distributed (brand located on side panel of milk package) to more than 200,000 children, the brand recognition has translated into a stronger commercial position for his dairy products in Indonesia.

The Pakistan delegation presented next the current school milk feeding situation in their country. A major problem in Pakistan is that only 2.8 percent of all milk is hygienically packed and made available to the consumer public. Loose milk, or unpasteurized and packaged milk, can be a major source of digestive health problems and a vector of diseases in the country. There are over 165,755 primary schools and 7,000 Madrassa schools in Pakistan providing education to 18.9 million children. At least 40 percent of school-going children are malnourished. 35 percent of these children are living below the

poverty line. Just recently, the government of Pakistan announced new school meal program to target at least 500,000 schoolgirls ages 5 to 12. The amount of funding allocated for the new program is US$50 million. The Pakistan delegation encouraged U.S. school feeding implementers to work with the government's new programs, expand feeding to the Madrassa schools and combine efforts with a strong focus on local capacity building of the dairy production sector with aims to increase the percentage of milk that is being hygienically package. Everyone wins in this situation: farmers receive a more fair price per liter of milk that is clean; processors are able to fully utilize processing capacity and consumers are guaranteed a safe; nutritious and affordable milk product.

Cindy Buhl from the office of Congressman Jim McGovern provided an overview of the current status of food community programs, the Executive Branch review of U.S. food aid programs and recommendations made by the Bush Administration on adjustments and their impacts of U.S. government food commodity programs. Many questions were presented to Ms. Buhl by participants of which most revolved around what can the international development community (PVOs and private sector) do to ensure congressional and Executive Branch support for the Global Food for Education Initiative. Ms. Buhl stated that first and for most, school feeding implementers must continue their excellence in the field, improve monitoring and evaluation of program impacts and provide quantitative results in reports back to donors and congressional offices. She also strongly encouraged local governments to state their interest and support directly to the Bush Administration, Congress and USDA/USAID for continuing and receiving U.S. government school feeding programs in their country. Ms. Buhl commented on the power of observing a school feeding program in action and seeing the exuberance and passion for learning and contributing to helping hundreds of thousands of school children reach their full potential and maximizing their contribution to society is an overwhelming experience. She highly recommended to the group to seek ways to get more congressional representatives to see these programs in action. The presentation was concluded with a strong statement of the importance of partnerships and commitment by governments, private sector and non-government organizations to work together to constantly enhance the effectiveness and sustainability of feeding our future leaders.

Beth Sheehy and Kristin Penn from Land O'Lakes International Division presented the multiple benefits generated from a school feeding program—especially programs supported by the private sector in close partnerships with local government and community of whom all have their unique capacities that make school feeding programs a LONG-TERM success.

The conference ended on a high note with participants armed with a comprehensive education on how a school-feeding program is implemented in the field and what needs to be done to expand these programs and create momentum for the global school feeding effort.

THANK YOU, JUAN LUCERO

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

Mr. UDALL of New Mexico. Mr. Speaker, I want to take time today to recognize and express my deep appreciation to a gentleman who has worked for me since I came to Congress.

Professional staff, for the most part, work in the back stage of history, but their work is fundamental to our duties as representatives of the people. They are dedicated and professional public servants, and I commend them for their service to their country and their contributions to the House of Representatives.

Juan Lucero, who serves as my casework manager in my Santa Fe office, is retiring this year at the age of 63 after a remarkable career. He spent over 3 decades of his life serving the people of New Mexico in some capacity. I stand here today not only to recognize him but to also thank him on behalf of thousands of people that he has helped over the years.

Juan has had jobs ranging from being a fruit picker in California to being a DJ at a Spanish radio station in Albuquerque and in serving in the Nation's military as a paratrooper in the U.S. Army. This diversity has given him a unique perspective on people and their personal situations.

His career as a civil servant in New Mexico began in 1969, when he worked at the State Welfare Department. For 10 years, Juan worked tirelessly to help people with their claims for food stamps and Medicaid. From 1979 to 1983, he worked for Lieutenant Governor Roberto Mondragon. He remembers many successes as a caseworker in this progression, for example, helping clear up a $10,000 hospital bill for a destitute woman.

Juan stayed in this position from 1983 to 1987, while working for the next Lieutenant Governor, Mike Rybbeks. Juan then found himself working for the New Mexico State Senate Chief Clerk's Office, where he worked on cases on behalf of State senators.

Juan continued his governmental service when he came to work for my Democratic predecessor in 1991, Congressman Bill Richardson. It was in this position where Juan began helping his fellow New Mexicans resolve their problems with the Federal Government. He had his first experiences with Social Security, the Veterans Administration, the Internal Revenue Service, and other agencies that make our government work. At any given time, he handled over 250 cases. He stayed in this position until Bill Richardson left the Congress in 1997.

Before he came to my office in 1999, Juan worked for the Social Security Administration Teleservice Center in Albuquerque. He assisted hundreds of callers each day, often utilizing his outstanding Spanish skills, taking calls from Puerto Rico and all over the country. He also worked as a prison chaplain at the Estancia jail in New Mexico.

Juan has a natural gift for helping people during hard times. Our constituents that come to our offices for help are usually at the end of their rope and frustrated by miles of red tape and bureaucracy that they have had to endure. Wherever Juan absorbed his passion for service, it has been a fulfilling aspect of his life. As he once explained: ''This is one place where you can really help people, and the most desperate person can come here and at the very least they can find an ear to let out their frustrations. To be able to make someone's life more meaningful is a special privilege. People come to their Congressman with life-changing events. Their problems are serious. To me, all cases are important because they mean so much to the individual. The reward in this type of work is so much greater than money.''

For about 15 years, Juan has been commuting to Santa Fe from his home in Torreon, 4 hours round trip. Neither rain nor snow nor hail nor heat nor the gloom of night has kept him from faithfully doing his job.

I cannot begin to describe the casework successes that we have shared together. Juan has also earned several letters to the editor in various newspapers in New Mexico thanking him for his diligent work. Those examples speak volumes about Juan's work ethic.

Juan is a veteran, a husband of 40 years, a father to 13 children, and a grandfather to 26. I know that more than anything he ever did in his professional career he is most proud of his loving family. He has a true passion for his Spanish heritage.

He enjoys explaining to those of different backgrounds the traditions and the history of his people. He has helped me in my quest to provide justice to Hispanic land grant heirs of the Southwest.

He is a talented musician and takes great pride in performing with his family throughout New Mexico. He loves music and has written many corridos, Mexican ballads, during his life. Some of these songs are archived at the University of New Mexico Department of Music.

I applaud Juan for his great public service.

CONGRATULATIONS TO U.S. WORLD CUP SOCCER TEAM

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

Mr. DREIER. Mr. Speaker, I do not know if any of my colleagues have done this, but I simply wanted to rise and extend congratulations to the U.S. World Cup soccer team. Over the last weeks, we have had the chance to watch a phenomenal group of individuals under the leadership of Coach Arena move all the way to the quarter finals. We saw the spectacular win earlier this week over our dear friends from Mexico.

Today, unfortunately, we saw them lose 1–0 to Germany. There is little doubt that the game that was played

today probably saw the best performance through the entire World Cup by the U.S. team.

So, Mr. Speaker, I just want to say from Friedel to Donovan to McBride, and all of the wonderful players on the U.S. soccer team, congratulations on a job well done. You represented the United States extraordinarily well.

PHARMACEUTICAL INDUSTRY AND AMTRAK

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

Mr. DEFAZIO. Mr. Speaker, I have come to address the issue of Amtrak, but I just cannot resist making some comments regarding one of the most bizarre and tortured speeches I have ever heard given by a Member who preceded me in the well.

Yes, it is true Americans pay more than twice as much as most people who live in industrialized nations around the world for our pharmaceuticals, many of those pharmaceuticals manufactured in the United States by United States-owned drug manufacturing firms and somehow exported from the United States and sold for half or 30 percent of the price overseas where they still make money. He said all we need is a bigger dose of the free market in the Republican approach to this bill.

We certainly do not want a government program like Medicare, that would actually rein in the price of drugs by negotiating it down using the market power of the 40 million people in Medicare, just like Blue Cross/Blue Shield does with their patients, just like the Veterans Administration does with their clients. Why? Because the pharmaceutical industry, who hosted the Republican fundraiser, the most successful in history, earlier this week, is bitterly opposed to that. They do not want the free market to work here in the United States.

But what he was really commenting on was the fact that overseas they control the outrageous price of these drugs and the companies still make a profit. So it was one of the more bizarre and tortured speeches I have ever heard trying to get around the fact their bill will do nothing about the outrageous price of pharmaceuticals, and that in fact they are introducing and passing legislation written by the insurance and pharmaceutical industry.

Now, on to Amtrak, another looming disaster. On Monday, the administration has a critical decision to make: Will they guarantee a loan for Amtrak to continue its operation, or will they kill Amtrak and kill our national rail system once and forever?

Will we become the only major industrialized Nation on Earth without a national rail system? What happens the next time there is a 9–11 when there is no rail alternative? Where are those people going to go? What are our alternatives?

This administration is rehashing again there another free market mantra. My God, Amtrak should not get subsidies. Well, yes, the trucking industry gets subsidies; automobiles get huge Federal subsidies; and, yes, the aviation industry got more subsidies in one day than Amtrak has gotten in 15 years. But Amtrak, no, they should not get a penny, because they compete with the regional airlines, and they are not liked by the freight companies.

So the administration is falling back on this: let us make it like the British rail system. That is as credible as the idea of modeling our electricity on the British system, which we have done. Deregulation, the disaster in California, was modeled on what they have done in Great Britain. And, in fact, what they are proposing for Amtrak is modeled on what they have done in Great Britain.

When I was over there earlier this year for aviation security issues, the paper was filled day after day after day with disasters, capacity problems, safety problems, crashes, dissatisfaction of the public. Divide off the rails from the actual providers of service. Yes, the Brits did that. It is a disaster.

No, this is plain and simple an excuse to kill the system. And if the administration does not sign this loan on Monday, they have just signed the death warrant of the national rail system in this country, which would be a horrible tragedy.

In my region, we have grown, with minuscule investment, rail passengers by 600 percent in 8 years. If we can turn it into a truly high-speed system, of course then it might compete with the aviation industry, we could get people to Seattle just about as quickly as they could get there and deal with the traffic problems coming to and from the airport in Oregon and the airline schedules.

□ 1530

But they do not want to have that kind of a system. They do not want that alternative. They do not want it to be successful. They want to kill it.

I challenged the administration on Monday, give them that loan guarantee and let Congress work its will in terms of reforming Amtrak, making it work better. We can do that, but do not just kill it with the lame excuse you want to make it like the failed British system.

Why should we emulate the failures of governments overseas when they are well known and well publicized? And if you want to kill it, just be honest about it and say you want to kill Amtrak, in particular because a few airlines are concerned about their routes in the east coast and other quarters where rail is actually carrying almost as many passengers, and in Europe where, in fact, on less than 400-mile flights they do carry more passengers. It is a more efficient way to get there. If that is what the agenda is, at least be honest about it.

CORRECTION TO THE CONGRESSIONAL RECORD OF THE FIRST SESSION, ONE HUNDRED SEVENTH CONGRESS

PROCEEDINGS OF THE HOUSE SUBSEQUENT TO SINE DIE ADJOURNMENT

FIRST SESSION, ONE HUNDRED SEVENTH CONGRESS

APPOINTMENTS BY THE SPEAKER SUBSEQUENT TO SINE DIE ADJOURNMENT

Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of Thursday, December 20, 2001, authorizing appointments and waiving clause 11(a)(1) of rule X, the Speaker on Tuesday, January 22, 2002, appointed the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. EVERETT of Alabama.

MESSAGES AND COMMUNICATIONS RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

COMMUNICATION FROM THE CLERK OF THE HOUSE

The text of the communication from the Honorable Jeff Trandahl, Clerk of the House, dated December 21, 2001, is as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2001 at 7:30 p.m.

That the Senate agreed to conference report H.R. 2506.

That the Senate passed without amendment H.J. Res. 79.

That the Senate passed without amendment H.J. Res. 80.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The text of the communication from the Honorable Jeff Trandahl, Clerk of the House, dated December 21, 2001, is as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2001 at 12:04 p.m.:

That the Senate passed without amendment H.R. 2277.

That the Senate passed without amendment H.R. 2278.

That the Senate passed without amendment H.R. 2251.

That the Senate passed without amendment H.R. 2869.

That the Senate passed without amendment H.R. 3030.

That the Senate passed without amendment H.R. 3248.

That the Senate passed without amendment H.R. 3334.

That the Senate passed without amendment H.R. 3346.

That the Senate passed without amendment H.R. 3392.

That the Senate passed without amendment H.R. 3447.

That the Senate passed without amendment H.R. 3348.

That the Senate passed without amendment H. Con. Res. 292.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATIONS FROM THE MINORITY LEADER

The text of the communication from the Minority Leader, the Honorable RICHARD A. GEPHARDT, dated January 4, 2002, is as follows:

HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 4, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 955(b)(1)(B) of Public Law 105–83, I hereby appoint the following Member to the National Council on the Arts:

Ms. Betty McCollum, MN

Yours Very Truly,

RICHARD A. GEPHARDT.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President, prior to the sine die adjournment of the 1st Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On November 17, 2001:

H.J. Res. 74. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

On November 20, 2001:

H.J. Res. 768. An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

On November 26, 2001:

H.R. 2620. An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

On November 28, 2001:

H.R. 1042. An Act to prevent the elimination of certain reports.

H.R. 1552. An Act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2330. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2500. An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2924. An Act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

On December 7, 2001:

H.J. Res. 76. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

On December 14, 2001:

H.R. 2291. An Act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

On December 15, 2001:

H.J. Res. 78. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

On December 18, 2001:

H.J. Res. 71. Joint Resolution amending title 36, United States Code, to designate September 11, as Patriot Day.

H.R. 717. An Act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

H.R. 1766. An Act to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the ''Stan Parris Post Office Building''.

H.R. 2261. An Act to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the ''Earl T. Shinhoster Post Office''.

H.R. 2299. An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2454. An Act to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the ''Congressman Julian C. Dixon Post Office''.

SENATE BILLS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President, prior to the sine die adjournment of the 1st Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On November 19, 2001:

S. 1447. An Act to improve aviation security, and for other purposes.

On December 12, 2001.

S. 1459. An Act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse''.

S. 1573. An Act to authorize the provision of educational and health care assistance to the women and children of Afghanistan

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED BY THE SPEAKER SUBSEQUENT TO SINE DIE ADJOURNMENT

The SPEAKER, subsequent to sine die adjournment of the 1st Session, 107th Congress, and pursuant to clause 4 of rule I, signed the enrolled bills and joint resolutions of the House of the following titles:

On December 21, 2001:

H.R. 1. An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

H.R. 2873. An Act to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living Program under title IV–E of that act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

H.J. Res. 79. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H.J. Res. 80. Joint resolution appointing the day for the convening of the second session of the 107th Congress.

ENROLLED BILLS SIGNED BY THE SPEAKER PRO TEMPORE SUBSEQUENT TO SINE DIE ADJOURNMENT

The Speaker pro tempore, Mr. GILCHREST, subsequent to sine die adjournment of the 1st Session, 107th Congress, signed the enrolled bills of the House of the following titles:

On January 3, 2002:

H.R. 1088. An Act to amend the Securities Exchange Act of 1934 to reduce fees collected

by the Securities and Exchange Commission, and for other purposes.

H.R. 2277. An Act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An Act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2336. An Act to extend for 4 years through December 31, 2005, the authority to redact financial disclosure statements of judicial employees and judicial officers.

H.R. 2506. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2751. An Act to authorize the President to award a Gold Medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public.

H.R. 2869. An Act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

H.R. 2884. An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.

H.R. 3030. An Act to extend the basic pilot program for employment eligibility verification, and for other purposes.

H.R. 3061. An Act making appropriations for the Department of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3248. An Act to designate the facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the ''Todd Beamer Post Office Building''.

H.R. 3334. An Act to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California.

H.R. 3338. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3346. An Act to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

H.R. 3348. An Act to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

H.R. 3392. An Act to name the National Cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.

H.R. 3447. An Act to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes.

SENATE ENROLLED BILLS SIGNED BY THE SPEAKER PRO TEMPORE SUBSEQUENT TO SINE DIE ADJOURNMENT

The Speaker pro tempore, Mr. TOM DAVIS of Virginia, subsequent to the sine die adjournment of the 1st Session, 107th Congress, signed the enrolled bills of the Senate of the following titles:

On January 2, 2002:

S. 1202. An act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

S. 1714. An act to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building.

S. 1741. An act to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 1789. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 1793. An act to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

Honorable Jeff Trandahl, Clerk of the House, subsequent to sine die adjournment of the 1st Session, 107th Congress, reported that on the following dates, he presented to the President of the United States, for his approval, the bills and joint resolutions of the following titles:

On December 21, 2001:

H.J. Res. 79. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H.J. Res. 80. Joint resolution appointing the day for the reconvening of the second session of the One Hundred Seventh Congress.

December 27, 2001:

H.R. 643. An Act to reauthorize the African Elephant Conservation Act.

H.R. 645. An Act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 2199. An Act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

H.R. 2657. An Act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

On January 4, 2002:

H.R. 1. An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

H.R. 1088. An Act to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes.

H.R. 2277. An Act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An Act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2336. An Act to extend for 4 years, through December 31, 2005, the authority to redact financial disclosure statements of judicial employees and judicial officers.

H.R. 2506. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2751. An Act to authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public.

H.R. 3030. An Act to extend the basic pilot program for employment eligibility verification, and for other purposes.

H.R. 3061. An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3248. An Act to designate the facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the ''Todd Beamer Post Office Building''.

H.R. 3334. An Act to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California.

H.R. 3346. An Act to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

H.R. 3348. An Act to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

On January 7, 2002:

H.R. 2869. An Act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such Act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

H.R. 3338. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

On January 11, 2002:

H.R. 2873. An Act to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarceration parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

H.R. 2884. An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.

H.R. 3447. An Act to amend title 38, United States Code, to enhance the authority of the

Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes.

On January 18, 2002:

H.R. 3392. An Act to name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 1st Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On December 21, 2001:

H.R. 10. An Act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

H.R. 1230. An Act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

H.R. 1761. An Act to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the ''Herb Harris Post Office Building''.

H.R. 2061. An Act to amend the charter of Southeastern University of the District of Columbia.

H.R. 2540. An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.R. 2716. An Act to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

H.R. 2944. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

H.J. Res. 79. Joint Resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H.J. Res. 80. Joint Resolution appointing the day for the convening of the second session of the One Hundred Seventh Congress.

On December 27, 2001:

H.R. 483. An Act regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.

H.R. 1291. An Act to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, to modify certain authorities relating to the United States Court of Appeals for Veterans Claims, and for other purposes.

H.R. 2559. An Act to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

H.R. 3323. An Act to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.

On December 28, 2001:

H.R. 2883. An Act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3442. An Act to establish the National Museum of African American History and Culture Plan for Action Presidential Commission to develop a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, D.C., and for other purposes.

On January 8, 2002:

H.R. 1. An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

H.R. 643. An Act to reauthorize the African Elephant Conservation Act.

H.R. 645, An Act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 2199. An act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

H.R. 2657, An act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

On January 20, 2002:

H.R. 2506. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3061. An Act making appropriations for the Departments of Labor, Health and Human services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 3338. An Act making appropriations for the Departments of Defense for the fiscal year ending September 30, 2002, and for other purposes.

On January 11, 2002:

H.R. 2869. An Act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such Act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

On January 16, 2002:

H.R. 1088. An Act to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for the purposes.

H.R. 2277. An Act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An Act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2336. An Act to extend for 4 years through December 31, 2005, the authority to redact financial disclosure statements of judicial employees and judicial offerers.

H.R. 2651. An Act to authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public.

H.R. 3030. An Act to extend the basic pilot program for employment eligibility verification, and for other purposes.

H.R. 3248. An Act to designate the facility of the Untied States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the ''Todd Beamer Post Office Building''.

H.R. 3334. An Act to designate the Richard J. Guadagno Headquarters and Visitors Center of Humboldt Bay National Wildlife Refuge, California.

H.R. 3346. An Act to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

H.R. 3348. An Act to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center.

On January 17, 2002:

H.R. 2873. An Act to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 1st Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolution of the Senate of the following titles:

On December 21, 2001

S. 494. An act to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

S. 1196. An Act to amend the Small Business Investment Act of 1958, and for other purposes.

S.J. Res. 26. Joint Resolution providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

On December 28, 2001

S. 1438. An Act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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.

On January 4, 2002

S. 1789. An Act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

On January 15, 2002

S. 1202. An Act to amend the Ethics in Goverment Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics though fiscal year 2006.

S. 1714. An Act to provide for the installation of a plague to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building.

S. 1741. An Act to amend title XIX of the Social Security Act to Clarify that Indian Women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 1793. An Act to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today after 1:00 p.m. on account of business in the district.

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of business in the district.

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. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, 7for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

The following Members (at the request of Mr. Gutknecht) to revise and extend their remarks and include extraneous material:

Mr. NUSSLE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 20, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 327. Small Business Paperwork Relief Act of 2002.

ADJOURNMENT

Mr. DEFAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Monday, June 24, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7544. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Vinclozolin; Tolerance Revocations and Notice of Channels of Trade Provision Guidance [OPP-2002-0036; FRL-6835-6] (RIN: 2070-AB78) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7545. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7546. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting report of a violation of the Antideficiency act which occurred in the Department of the Army, Case Number 98-02, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7547. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule — Corporate Governance (RIN: 2550-AA20) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7548. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Removal of Superseded Regulations Relating to Plan Descriptions and Summary Plan Descriptions, and other Technical Conforming Amendments (RIN: 1210-AA66) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7549. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Reformulated Gasoline Covered Area Provisions [FRL-7222-5] (RIN: 2060-AK07) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7550. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Orthopedic Devices: Reclassification of the Hip Joint Metal/Polymer Constrained Cemented or Uncemented Prosthesis [Docket No. 99P-1864] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7551. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permit Program; State of Nebraska [NE 156-1156a; FRL-7218-2] received May 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7552. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production [FRL-7222-4] (RIN: 2060-AJ34) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7553. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards [FRL-7222-3] (RIN: 2060-A691) received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7554. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to Regulations Implementing the Federal Permits Program in Areas for which the Indian Country Status is in Question [FRL-7221-6] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7555. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 264-0346a; FRL-7219-2] received May 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7556. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules for Certain Reserves (Rev. Rul. 2002-12) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7557. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, ''Imposition of Foreign Policy Controls on Certain Dual-Use Chemical and Biological Items; to the Committee on International Relations.

7558. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 6C for Fiscal Years 1999, 2000, and 2001 (10/1/1998 through 9/30/2001),'' pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

7559. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 8A for Fiscal Years 2000, 2001, and 2002 through December 31, 2001 (10/1/1999 through 12/31/2001),'' pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

7560. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 7C for Fiscal Years 1999, 2000, 2001, and 2002 through December 31, 2001 (10/1/1998 through 12/31/2001),'' pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

7561. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-235-FOR] received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7562. A letter from the Director, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's biennial Federal Funding Report 1999-2000; to the Committee on Resources.

7563. A letter from the Assistant Director, Office of General Counsel, Department of Justice, transmitting the Department's final rule — National Security; Prevention of Acts of Violence and Terrorism [BOP-1116] (RIN: 1120-AB08) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7564. A letter from the Deputy Secretary, Department of State, transmitting notification expressing the Administration's commitment to working with Congress to ensure

that victims of terrorism receive appropriate financial assistance following a terrorist attack and to provide our views on legislation pending in Congress on this issue; to the Committee on the Judiciary.

7565. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Gulf Intracoastal Waterway, Boca Grande, Charlotte County, Florida [CGD07-00-129] (RIN: 2115-AE47) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Darby Creek, Pennsylvania [CGD05-01-052] (RIN: 2115-AE47) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA [CGD05-01-070] (RIN: 2115-AE46) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Marine Events & Regattas; Annual Marine Events in the Eighth Coast Guard District [CGD08-01-012] (RIN: 2115-AE46) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels [USCG 1999-6094] (RIN: 2115-AF87) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7570. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Anchorages, Regulated Navigation Areas, Safety and Security Zones; Boston Marine Inspection Zone and Captain of the Port Zone [CGD01-01-162] (RIN: 2115-AA97, 2115-AA97, and 2115-AA98) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7571. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area; Cape Fear River and Northeast Cape Fear River, Wilmington, North Carolina [CGD05-01-006] (RIN: 2115-AE84) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7572. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters [CGD05-01-046] (RIN: 2115-AE84) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7573. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels [USCG-2000-8589] (RIN: 2115-AG04) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7574. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule — Importation of Distilled Spirits, Wines, and Beer; Recodification of Regulations (2000R-247P) [T.D. ATF-479] (RIN: 1512-AC47) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7575. A letter from the Deputy Chief, Regulations Division, ATF, Department of Transportation, transmitting the Department's final rule — Distribution and Use of Denatured Alcohol and Rum (2000R-291P) [T.D. ATF-476; Notice No. 923] (RIN: 1512-AB57) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7576. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definition of Disqualified Person [TD 8982] (RIN: 1545-AY19) received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7577. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2001 — received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7578. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural and Miscellaneous [Rev. Proc. 2002-24] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7579. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Industry Issue Resolution Program [Notice 2002-20] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7580. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Suspension of Requirement to File Form 8390 (Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809) [Notice 2002-23] received May 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7581. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information by Other Agencies [REG-105344-01] (RIN: 1545-AY77) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7582. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2001-66) received June 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SANDLIN:

H.R. 4983. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide for prompt payment for health benefits claims; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4984. A bill to amend title XVIII of the Social Security Act to provide for a Medicare prescription drug benefit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4985. A bill to amend title XVIII of the Social Security Act to revitalize the MedicareChoice Program, establish a MedicareChoice competition program, and to improve payments to hospitals and other providers under part A of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4986. A bill to amend part B of title XVIII of the Social Security Act to improve payments for physicians' services and other outpatient services furnished under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4987. A bill to amend title XVIII of the Social Security Act to improve payments for home health services and for direct graduate medical education, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4988. A bill to amend title XVIII of the Social Security Act to establish the Medicare Benefits Administration within the Department of Health and Human Services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 4989. A bill to amend the Public Health Service Act to provide for grants to health care providers to implement electronic prescription drug programs; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 4990. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish requirements with respect to the sale of, or the offer to sell, prescription drugs through the Internet, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 4991. A bill to amend title XIX of the Social Security Act to revise disproportionate share hospital payments under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 4992. A bill to amend the Public Health Service Act to establish health professions programs regarding practice of pharmacy; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mrs. THURMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BARRETT, Ms. BERKLEY, Mr. BERRY, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CLAY, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. ENGEL, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. FRANK, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLT, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAMPSON, Mr. LARSON of Connecticut, Mr. LYNCH, Mr. MARKEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOORE, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. RIVERS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT, Ms. SLAUGHTER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Mr. TURNER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 4993. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from exploiting tax treaties to evade taxation of United States income; to the Committee on Ways and Means.

By Mr. BALDACCI (for himself, Mr. MCGOVERN, Mr. GREEN of Texas, Mr. LIPINSKI, Mr. FRANK, Mr. STUPAK, and Mr. DAVIS of Illinois):

H.R. 4994. A bill to provide for the payment or reimbursement by the Federal Government of special unemployment assistance paid by States to individuals participating in qualified worker training programs, and for other purposes; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 4995. A bill to ensure that members of the uniformed services receive annual pay raises at least equal to increases in the Employment Cost Index; to the Committee on Armed Services.

By Mr. DUNCAN:

H.R. 4996. A bill to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; to the Committee on Resources.

By Mr. FRANK:

H.R. 4997. A bill to amend chapter 89 of title 5, United States Code, to allow the spouse of a Federal employee or annuitant to obtain health benefits coverage for self alone, and for other purposes; to the Committee on Government Reform.

By Mrs. MCCARTHY of New York:

H.R. 4998. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow certain applicants for approval of a generic drug to be eligible for a 180-day period of protection from competition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PASTOR (for himself and Mr. GUTIERREZ):

H.R. 4999. A bill to adjust the status of certain aliens with longstanding ties to the United States to that of an alien lawfully admitted to permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. PASTOR:

H.R. 5000. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes; to the Committee on Resources.

By Mr. STARK:

H.R. 5001. A bill to amend the Individuals with Disabilities Education Act to establish a method to provide outcome-based funding increases to States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H. Con. Res. 422. Concurrent resolution expressing concern about continuing serious violations of human rights and fundamental freedoms in Kazakhstan, including substantial noncompliance with the Organization for Security and Cooperation in Europe (OSCE) commitments on human rights and democratization, and for other purposes; to the Committee on International Relations.

By Mr. TOOMEY (for himself, Mr. BALDACCI, Mr. HOLDEN, Ms. BALDWIN, Mr. OWENS, Mr. HOEKSTRA, Mr. OTTER, and Mr. SCHIFF):

H. Con. Res. 423. Concurrent resolution recognizing the inherent worth of children in the United States and expressing support for the goals and ideals of National Kids Day; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 228: Mr. MOORE.

H.R. 285: Ms. SLAUGHTER and Ms. WOOLSEY.

H.R. 397: Mr. CARDIN, Mr. WU, and Mrs. MCCARTHY of New York.

H.R. 439: Mr. GEKAS.

H.R. 440: Mr. GEKAS.

H.R. 488: Ms. ROYBAL-ALLARD, Ms. HARMAN, and Mr. MATSUI.

H.R. 548: Mr. WILSON of South Carolina and Mr. KIRK.

H.R. 600: Mr. PETERSON of Minnesota.

H.R. 632: Mr. GILLMOR and Mr. MICA.

H.R. 792: Mr. RANGEL.

H.R. 826: Mr. HOLDEN.

H.R. 831: Mr. MCINNIS, Mr. HOUGHTON, Mr. WHITFIELD, and Mr. TRAFICANT.

H.R. 840: Mr. CASTLE, Ms. ROYBAL-ALLARD, Mr. WOLF, Mr. JENKINS, Mr. RUSH, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. EHRLICH, Mr. MATHESON, and Mr. ROTHMAN.

H.R. 877: Mr. CALLAHAN.

H.R. 882: Mr. FLETCHER.

H.R. 912: Mr. BORSKI, Mr. HILL, and Mr. THOMPSON of California.

H.R. 914: Mr. SOUDER and Mr. HOLDEN.

H.R. 945: Mr. SOUDER.

H.R. 951: Mr. RAHALL and Mrs. BONO.

H.R. 1078: Mr. EVANS.

H.R. 1143: Mr. HOEFFEL.

H.R. 1167: Mr. LIPINSKI.

H.R. 1168: Mr. LIPINSKI.

H.R. 1202: Mr. GANSKE, Mr. DINGELL, and Mr. ACKERMAN.

H.R. 1232: Ms. KAPTUR and Mr. GEKAS.

H.R. 1305: Mr. HUNTER.

H.R. 1434: Mr. KING.

H.R. 1517: Mr. WILSON of South Carolina.

H.R. 1596: Mr. UDALL of Colorado and Mr. GEKAS.

H.R. 1600: Mr. LEVIN.

H.R. 1624: Mr. HOSTETTLER, Mr. REYNOLDS, Mr. OSE, and Mr. ROTHMAN.

H.R. 1724: Mr. KILDEE.

H.R. 1774: Mr. MASCARA, Mr. SMITH of Texas, Ms. MILLENDER-MCDONALD, Mr. GILLMOR, Mr. RODRIGUEZ, Mr. CUMMINGS, Mr. KENNEDY of Massachusetts, Mr. SULLIVAN, and Mrs. CHRISTENSEN.

H.R. 1859: Mr. UDALL of Colorado.

H.R. 1968: Ms. KAPTUR.

H.R. 2282: Mr. LANGEVIN and Ms. BALDWIN.

H.R. 2347: Mr. SHIMKUS.

H.R. 2373: Mr. JEFF MILLER of Florida and Mr. NETHERCUTT.

H.R. 2419: Mr. NEAL of Massachusetts.

H.R. 2629: Mr. REYES and Mrs. JO ANN DAVIS of Virginia.

H.R. 2638: Mr. TIERNEY.

H.R. 2675: Mr. GEKAS.

H.R. 2735: Mr. BILIRAKIS.

H.R. 2966: Ms. DEGETTE.

H.R. 3034: Mr. WEINER.

H.R. 3177: Mr. GEKAS.

H.R. 3192: Mr. MEEKS of New York.

H.R. 3270: Mr. BRYANT.

H.R. 3324: Mr. POMEROY, Mr. UDALL of New Mexico, and Mr. SUNUNU.

H.R. 3332: Ms. BROWN of Florida, Mr. ADERHOLT, and Mr. STARK.

H.R. 3363: Mr. CLEMENT and Mr. DIAZ-BALART.

H.R. 3449: Mr. MORAN of Virginia and Mr. SCHROCK.

H.R. 3497: Mr. BROWN of South Carolina.

H.R. 3569: Mr. NUSSLE.

H.R. 3612: Mr. MOLLOHAN, Mr. CARSON of Oklahoma, Mr. MATHESON, and Mrs. CLAYTON.

H.R. 3686: Mr. WATTS of Oklahoma.

H.R. 3794: Ms. KILPATRICK, Mr. CONYERS, Mr. STEARNS, Mr. CAMP, and Mr. LUTHER.

H.R. 3882: Mrs. JO ANN DAVIS of Virginia and Mr. SIMMONS.

H.R. 3916: Mr. SANDERS, Mr. BLAGOJEVICH, and Mr. FROST.

H.R. 3961: Mr. WILSON of South Carolina.

H.R. 3973: Mr. DAN MILLER of Florida.

H.R. 4001: Mr. SIMMONS, Mr. TANCREDO, Mr. HERGER, Mr. FOLEY, and Mr. SOUDER.

H.R. 4003: Mr. HONDA and Ms. MCCARTHY of Missouri.

H.R. 4011: Mr. SANDLIN.

H.R. 4026: Mr. KERNS.

H.R. 4070: Mr. CUMMINGS.

H.R. 4170: Mr. ISAKSON.

H.R. 4582: Mr. CUMMINGS, Mr. HONDA, Ms. SOLIS, and Mr. DAVIS of Illinois.

H.R. 4598: Mr. UPTON.

H.R. 4604: Mr. DAVIS of Illinois.

H.R. 4614: Mr. TIERNEY, Mr. COSTELLO, Ms. SLAUGHTER, and Ms. WOOLSEY.

H.R. 4623: Mr. SOUDER and Mr. VISCLOSKY.

H.R. 4635: Mr. LUCAS of Kentucky.

H.R. 4643: Mr. KILDEE.

H.R. 4672: Mr. OWENS.

H.R. 4676: Mr. SCHIFF, Mr. CUMMINGS, Ms. BALDWIN, Ms. LOFGREN, Mr. HASTINGS of Florida, Mr. PICKERING, Ms. RIVERS, and Mr. HOLT.

H.R. 4683: Mr. LEACH, Mr. ALLEN, and Mr. LAMPSON.

H.R. 4693: Mr. GUTIERREZ, Mr. CROWLEY, Mr. REYES, Mr. HILL, Mr. SHAW, Mr. WEINER, and Mrs. MALONEY of New York.

H.R. 4699: Mr. PETRI.

H.R. 4728: Mr. HOLDEN, Mr. DAVIS of Illinois, and Mrs. MINK of Hawaii.

H.R. 4743: Mr. SCOTT.

H.R. 4749: Mr. COOKSEY.

H.R. 4754: Mr. JACKSON of Illinois.

H.R. 4756: Mr. ENGLISH.

H.R. 4789: Mr. KERNS.

H.R. 4793: Mr. MCCRERY.

H.R. 4803: Ms. CARSON of Indiana, Mr. MCNULTY, Mr. DAVIS of Illinois, and Mrs. MINK of Hawaii.

H.R. 4831: Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, Mr. SHERMAN, Mr. LYNCH, Mr. GORDON, Mr. BENTSEN, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. LUTHER, Mr. ETHERIDGE, Mr. ANDREWS, Mr. HINOJOSA, Mr. LAMPSON, Mr. ROTHMAN, Mr. KUCINICH, Mr. FILNER, Ms. HOOLEY of Oregon.

H.R. 4833: Mr. SANDERS.

H.R. 4843: Mr. WILSON of South Carolina, Mr. JONES of North Carolina, and Ms. MCCARTHY of Missouri.

H.R. 4858: Mr. OSBORNE.

H.R. 4881: Mr. SESSIONS.

H.R. 4888: Mr. WALDEN of Oregon, Ms. DELAURO, Mr. BILIRAKIS, Mr. WHITFIELD, Mr. FOSSELLA, and Ms. CARSON of Indiana.

H.R. 4889: Mr. HERGER.

H.R. 4904: Ms. ROYBAL-ALLARD, Mr. ABERCROMBIE, and Mr. BACA.

H.R. 4907: Mr. BALLENGER.

H.R. 4939: Mr. MCGOVERN, Mr. OWENS, Mr. PETERSON of Minnesota, and Ms. HOOLEY of Oregon.

H.R. 4957: Mrs. DAVIS of California, Mr. LAMPSON, and Mr. LUCAS of Kentucky.

H.R. 4959: Mr. BERRY.

H.R. 4964: Mr. WOLF, Mrs. JONES of Ohio, and Mr. OWENS.

H.R. 4965: Mr. GUTKNECHT, Mr. WELDON of Florida, Mr. TIAHRT, Mr. COLLINS, Mr. HULSHOF, and Mr. BARTLETT of Maryland.

H.R. 4980: Mr. KERNS.

H.J. Res. 6: Mr. BALDACCI and Mr. ALLEN.

H.J. Res. 89: Ms. BALDWIN.

H.J. Res. 98: Mr. LIPINSKI and Mr. PASTOR.

H. Con. Res. 99: Mr. CROWLEY and Mrs. CLAYTON.

H. Con. Res. 238: Mr. LYNCH.

H. Con. Res. 349: Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. FATTAH, Mrs. CLAYTON, Mr. DAVIS of Illinois, Mr. WYNN, Mrs. CHRISTENSEN, Ms. MCKINNEY, Ms. KILPATRICK, Mr. OWENS, Mr. RUSH, Ms. LEE, Mr. TOWNS, Mr. RANGEL, Mr. CLAY, Mr. PAYNE, Mr. MEEKS of New York, Mrs. MEEK of Florida, Mr. LEWIS of Georgia, Mr. CONYERS, and Mr. ABERCROMBIE.

H. Con. Res. 355: Mr. LOBIONDO.

H. Con. Res. 362: Mr. ENGLISH, Mr. HASTINGS of Florida, Mr. HOLDEN, and Mr. REHBERG.

H. Con. Res. 380: Mr. DAVIS of Illinois.

H. Con. Res. 408: Mr. LUTHER.

H. Res. 445: Mr. DOYLE and Mr. BOEHLERT.

H. Res. 453: Mr. ROTHMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rules XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4645: Ms. LOFGREN.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7, June 19, 2002, by Ms. KAREN L. THURMAN, on House Resolution 425, was signed by the following Members: Karen L. Thurman, Peter A. DeFazio, Steven R. Rothman, Hilda L. Solis, Jim McDermott, Lucille Roybal-Allard, Diane E. Watson, Shelley Berkley, John W. Olver, John B. Larson, Frank Mascara, Lynn C. Woolsey, Barney Frank, Charles B. Rangel, James R. Langevin, Carolyn McCarthy, Steve Israel, Rick Larsen, Robert T. Matsui, Janice D. Schakowsky, Max Sandlin, John F. Tierney, Tom Udall, James P. McGovern, Mike Thompson, Robert A. Brady, Michael E. Capuano, Nick J. Rahall II, Gary L. Ackerman, Ron Kind, Sheila Jackson-Lee, Carolyn B. Maloney, Stephen F. Lynch, Julia Carson, Stephanie Tubbs Jones, Mark Udall, Joseph Crowley, Loretta Sanchez, Thomas H. Allen, Alcee L. Hastings, Patsy T. Mink, Gene Green, Martin T. Meehan, Joe Baca, Bart Gordon, Lloyd Doggett, Nick Lampson, Ciro D. Rodriguez, Adam B. Schiff, Major R. Owens, Zoe Lofgren, Bill Pascrell, Jr., Lois Capps, Joseph M. Hoeffel, Robert A. Borski, Chaka Fattah, Donald M. Payne, Patrick J. Kennedy, Rosa L. DeLauro, Maxine Waters, Mike McIntyre, Jose E. Serrano, Ken Lucas, Eddie Bernice Johnson, Benjamin L. Cardin, Tammy Baldwin, Lane Evans, Martin Frost, Ted Strickland, Diana DeGette, Karen McCarthy, Jim Turner, Ruben Hinojosa. Juanita Millender-McDonald, Harold E. Ford, Jr., Frank Pallone, Jr., Michael M. Honda, Brad Sherman, Bobby L. Rush, Eva M. Clayton, Carrie P. Meek, Marcy Kaptur, David Wu, Earl Blumenauer, Ellen O. Tauscher, David E. Price, Ken Bentsen, Elijah E. Cummings, James P. Moran, Dennis J. Kucinich, Fortney Pete Stark, Carolyn C. Kilpatrick, Grace F. Napolitano, Richard A. Gephardt, Steny H. Hoyer, Nancy Pelosi, Earl Pomeroy, Danny K. Davis, Ed Pastor, Jim Matheson, Rod R. Blagojevich, Sanford D. Bishop, Jr., Sander M. Levin, Charles A. Gonzalez, Xavier Becerra, Corrine Brown, William D. Delahunt, Rush D. Holt, Robert E. Andrews, Jerrold Nadler, Edolphus Towns, Bernard Sanders, Solomon P. Ortiz, Henry A. Waxman, George Miller, Mike Ross, James H. Maloney, Robert Menendez, Tom Sawyer, Albert Russell Wynn, Bob Etheridge, Nydia M. Velazquez, Silvestre Reyes, Nita M. Lowey, Jesse L. Jackson, Jr., Bennie G. Thomspon, Christopher John, Sam Farr, Chet Edwards, Michael F. Doyle, Gregory W. Meeks, Alan B. Mollohan, Susan A. Davis, Sherrod Brown, Louis McIntosh Slaughter, David D. Phelps, Neil Abercrombie, Jerry F. Costello, Wm. Lacy Clay, Bob Clement, Thomas M. Barrett, Anna G. Eshoo, Ronnie Shows, John Conyers, Jr., Gary A. Condit, Ralph M. Hall, and Ike Skelton.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Mr. CUNNINGHAM on House Resolution 271: Walter B. Jones and Collin C. Peterson.

The following Member's name was withdrawn from the following discharge petition:

Petition 7 by Ms. THURMAN on House Resolution 425: Patsy T. Mink.

United States
of America

Congressional Record

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

Vol. 148 WASHINGTON, FRIDAY, JUNE 21, 2002 *No. 84*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord, we read the Bible and there it is: the persistently repeated admonition to give thanks. We know You well enough to know that You do not need the assurance of our gratitude. Surely, the need for thanksgiving must have something to do with our spiritual health. The psalmist said, ''O Lord my God, I will give thanks to You forever.''—Psalm 30:12. In this life and in heaven, forever is a long time. Paul said, ''In everything give thanks; for this is the will of God for you.''—1 Thess. 5:18.

In everything, Lord? Suddenly we know the secret. Thanksgiving is the memory of the heart. We have great memories of Your faithfulness. They become cherished memories as we tell You how grateful we are, not only for Your blessings, but, for You. We say with Joyce Kilmer, ''Thank God for God!''

Most important of all, we know that when we thank You for all Your good gifts, the growth of false pride is stunted. And when we can thank You even for the rough and tough things in life, we really can let go of our control and trust You to bring good out of the most distressing things. And so, we give thanks! And we praise You for the Senators here who will be casting their votes today. Thank You for the privilege of living in this democracy. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW 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 21, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, we have a vote that will occur immediately on the Murray amendment. The managers and leaders hope others will offer amendments today. We will have the opportunity to do that. This will be the last vote of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The 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:

Murray/Snowe amendment No. 3927, to restore a previous policy regarding restrictions on use of Department of Defense facilities.

Mr. WARNER. Mr. President, Senator SANTORUM consulted with me yesterday at great length about his desire not to have this vote today. He wished to be present. He had to be absent for valid reasons.

I want to state for the record that were the Senator from Pennsylvania, Mr. SANTORUM, present, he would vote in the negative.

VOTE ON AMENDMENT NO. 3927

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) and the Senator from Pennsylvania (Mr. SANTORUM) would each vote ''no.''

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

Printed on recycled paper.

The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—52

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Reed
Byrd	Graham	Rockefeller
Cantwell	Harkin	Sarbanes
Carnahan	Hollings	Schumer
Carper	Inouye	Snowe
Chafee	Jeffords	Specter
Cleland	Johnson	Stabenow
Clinton	Kennedy	Stevens
Collins	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—40

Allard	Fitzgerald	Nelson (NE)
Allen	Frist	Nickles
Bennett	Grassley	Reid
Bond	Gregg	Roberts
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Inhofe	Smith (OR)
Cochran	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCain	Warner
Ensign	McConnell	
Enzi	Murkowski	

NOT VOTING—8

Breaux	Helms	Santorum
Craig	Hutchison	Thomas
Gramm	Miller	

The amendment (No. 3927) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I am sure everybody is aware that this is the last vote of the day. I know our colleagues, both Senator LEVIN and Senator WARNER, are interested, however, in continuing debate on the bill throughout the day and on Monday. We will be in session. We will be in a position to entertain amendments and to bring them to closure.

My hope is we can use these 2 days. I am inclined to press for a finite list, but we will not do that today. Senators should be aware that next week is going to be a very busy week. Those who want to wait until Tuesday or Wednesday should not count on having a lot of time to debate their amendments. We have 2 great days—today and Monday—to offer amendments. I hope Senators will do so.

There will be a vote Monday night—at least one and maybe more. So Senators should be prepared to vote on Monday after 5 o'clock. We will announce a time certain after consultation with the Republican leader, and Senators should be prepared to come back and vote on Monday so that we can begin a full day of work on the bill on Tuesday and, hopefully, complete our work Wednesday or Thursday.

I know the distinguished Republican leader has some comments and questions. I will yield the floor to him at this time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments and yielding so I can engage in a colloquy with him.

First, regarding the schedule and the majority leader's intent to move forward, I certainly support what he is trying to do. I think good progress has been made this week on the Defense authorization bill. I think we have disposed of two or three issues that could have been very contentious. It took a little time, but we got them done without much difficulty. I assume that next week we will have not more than 4½ days to finish this bill and maybe some other actions in addition to that.

I join the majority leader in urging Members, if they have a serious amendment, to identify it to the managers. This is aimed at both sides. Let's not make up this fictitious list of grand designs where Senators say ''I have 10 amendments'' when everybody knows he or she has one or none.

Also, it seems to me, as I recall from studying the list, that there are about four other amendments that could take some time and could be somewhat controversial and require some votes. But there should not be a long list. I hope our managers will not have to sit here all day Monday begging Senators to offer amendments and nobody showing up, and then whine on Thursday if the majority leader has to file a cloture and say: I got cut out.

These managers are excellent and experienced and they are going to try to move forward. There has been good cooperation and we need to continue that. Hopefully, we can do effective work on Monday and get a list that we are really going to have to do, and avoid forcing the majority leader to have to file cloture, as he clearly will have to do Tuesday afternoon if we don't have some idea of how we are going to proceed. I used to get into that position, too. It is not always the majority leader's choice.

I want to press the point that this is serious legislation. The country needs it, our military men and women need it. The majority leader did the right thing in moving to it. He has a right to expect us to work in good faith in bringing up amendments that are serious and need to be debated.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I was going to advise the leadership that the distinguished Senator from New Hampshire, Mr. SMITH, is prepared to address the Senate on his amendment. That could start between 4 and 4:30 and perhaps meet the hour designated with the leadership for a vote.

I also wish to request, respectfully, of the leaders to repeat the statements made yesterday by both leaders to the effect that the criteria to be established by the distinguished chairman and myself is that the amendments must be relevant. Would the leader be kind enough to repeat that for the record so all can hear.

Mr. DASCHLE. Mr. President, let me reiterate what we did say yesterday for the record. Under the agreement we have now entered into, amendments have to be relevant—not necessarily germane, in the definition of Senate parlance, but certainly relevant. We leave it to the two managers to determine that—not the Parliamentarians but the managers. They will be the arbiters of relevancy. They are fair and they are respected on both sides of the aisle. I respect their judgment and will stand behind the decisions they make.

Having said that, I hope we are limiting ourselves to relevant amendments, that Senators at least come forward with some understanding of what the amendments—relevant amendments—are. While we don't need a finite list today, it would be helpful to know what relevant amendments Senators are intending to offer so that we have some ability to schedule for the remainder of the week.

Mr. LEVIN. Mr. President, will the Republican leader yield?

Mr. LOTT. I will be glad to yield.

Mr. LEVIN. First, I thank the majority leader and the Republican leader for their continuing efforts to move this bill along. Senator WARNER pointed out that Senator SMITH will be ready on Monday afternoon with his amendment. I understand Senator DAYTON, who is a cosponsor of that amendment, will also be available. We think we have confirmed that as well. We could proceed perhaps at 4 o'clock. We expect a rollcall vote on that amendment. Perhaps we can get a time agreement on that amendment today, which will also help facilitate this matter.

Both Senator WARNER and I will be here this morning at least, we will be here on Monday, and we hope Senators who have relevant amendments will inform us of that. We also are going to be able to clear some amendments in the next few hours, we hope, and either take care of those today or Monday.

NOMINATIONS

Mr. LOTT. Mr. President, I would like to make a couple of other points. We also need to move some nominations in the next week. Senator DASCHLE and I are trying to find a way to get that process moving. A lot of these are not controversial. They are Republican and Democrat, people such as Congressman TONY HALL, who is awaiting confirmation to be Ambassador for the United Nations Agency for Food and Agriculture. A number of these are U.S. attorneys and U.S. marshals.

I urge the majority leader to consider beginning to do packages as we go along so we do not have them all stacked up at the end on Thursday or Friday where one objection, unrelated to the nominations, could deny all these people who have been waiting, some of them a good while, an opportunity to be considered.

Also, I am concerned that—I don't know—11 or 12 judges are on the calendar. I think most of them are noncontroversial. But if we have to have a recorded vote, that could run into a lot of time and could really delay some of our work next week.

I wanted to make that point to the majority leader and urge him to see if we can begin work together to develop a list, large or small, along the way, rather than just one huge package at the end next week.

I yield the floor so Senator DASCHLE can respond.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I share the concern for the growing list of executive nominations. I say to my colleagues that the distinguished Republican leader and I and our staffs have been discussing this matter at length over the course of the last couple of weeks.

There have been meetings as late as yesterday with the White House with regard to an understanding about how we might go forward. I have not had the opportunity to talk with my staff this morning as to the progress made on those discussions, but I have every reason to believe we have made substantial progress and that we ought to be in a position to begin moving all of those nominations on the calendar next week. I also share his view that when that happens, we do not want to leave them to the end.

We may dual track next week to the extent that it is possible with the Defense bill so we can complete work on the Defense bill on schedule but chip away at that Executive Calendar list throughout the week. Certainly, if negotiations have been completed and we have all come to some agreement, it would be my intention to do it perhaps as early as Monday.

Mr. LOTT. Mr. President, if I can get the floor back.

The PRESIDING OFFICER. The Republican Leader.

YUCCA MOUNTAIN RESOLUTION

Mr. LOTT. Mr. President, I wish to raise one other issue. By law, the Senate must consider a joint resolution regarding the Yucca Mountain facility which has passed the House and has been reported out of the Senate Energy and Natural Resources Committee. We are quickly approaching a deadline for that legislation, which is also written in the law. It is my hope we can get an indication as to when that resolution will be scheduled as provided under the statute.

I remind my colleagues that the law provides an expedited process for that measure, and it will only take 10 hours or less if Members decide not to use all the time, of course. We have offered—in fact, I think both sides have offered—suggestions as to how we might proceed. We do have a suggestion for consent that I have sent over to Senator DASCHLE as to how to proceed on the resolution so Members will know exactly how we will go forward and what time, when we might actually get to it.

It is unclear if that will be accepted, but I just want our colleagues to know we are trying to get some clarification of exactly when we will go to this very important joint resolution dealing with the Yucca Mountain site for nuclear waste disposal.

I add that the majority leader had previously stated his intent to proceed to a number of other important issues in July. We have a lot of important work that needs to be done and only 4 weeks in that time. Given the busy schedule, including the prospect of appropriations bills, it would be my hope that the Senate could consider this resolution even next week. I realize that would be contingent upon completing the Defense authorization bill, but I have a good feeling about how the Defense authorization bill may proceed next week. Maybe I am dreaming on this first day of summer to think we could actually finish it a little early, but I am hoping for the very best, and this resolution could possibly even be brought up next week.

If not then, we do need to get some indication of when we will proceed. It is governed by law. I ask the leader to consider scheduling this measure and giving advice to colleagues as to when he anticipates this matter will be considered.

I yield the floor to Senator DASCHLE for a response he wants to give.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I have no intention at this point to bring it up certainly this coming week. As the distinguished Republican leader knows, I have made no secret of my opposition to the resolution, and I know that sentiment is shared by a large percentage of our colleagues on this side of the aisle.

It is, of course, within the right of any Senator without debate to move to the resolution under the law. This is not a Senate rule. This is a law promulgated in 1982. Any Senator can move to it, and when that occurs, the motion to proceed is voted upon, and then a 10-hour debate, wherein no amendments are authorized to ensue, with a vote to follow at the expiration of that 10 hours.

Every Senator has the confidence that if he or she chooses to make that position, it supplants whatever is on the floor at the time. That is the prerogative, unfortunately in my view, of any Senator given the law. It supersedes all Senate rules. I hope we will not avail ourselves of these expeditious moves in the future. Senate procedure ought to be respected, but I can do nothing about the current circumstances.

As the Senator knows, clearly that is within his right or the rights of other colleagues interested in moving legislation. I would oppose it when or if it is offered, but that is certainly the right of a colleague to consider.

Mr. LOTT. I thank Senator DASCHLE for his comments. I understand this issue is privileged. It is like conference reports. It does not displace anything; it just temporarily interrupts it, and we can go right back to the pending business. That is why I raise the subject.

I want everybody to understand that nobody is trying to shove this in an unfair way. There is a lot of consultation involved on both sides. We want to make sure Members understand how it can proceed and what the issue is and also give Senators who have concerns in opposition full knowledge of what time and how this will come up. That is why I bring it up at this point.

I understand and appreciate Senator DASCHLE's position and the statement he just gave our colleagues.

CONGRESSIONAL BASEBALL GAME

Mr. LOTT. Mr. President, on a final happy note, I observe there was a baseball game last night, really outstanding game to retire the trophy. I am pleased to say the Romping Elephants were able to bring home the victory and retire the trophy. The score was 9 to 2.

Why would I bring that up in the Senate since usually it is the younger and more inexperienced House Members who play on these baseball teams? In fact, one of the stars of the game was the Senator from Nevada, JOHN ENSIGN, who played a sterling game at shortstop and actually got a walk, a hit, scored a run, and I think snagged about eight balls.

So it just goes to show that Senators not only are older and more experienced but also perhaps more talented.

Mr. REID. Will the Senator yield?

Mr. LOTT. With that glowing conclusion, I yield the floor.

Mr. REID. If the Senator will yield before he leaves, I will say a word in response.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On a less serious note, the Senator from Mississippi got about as many hits as I did last night; right?

Mr. LOTT. Yes.

Mr. REID. The Senator did about as well as I did in the baseball game, which is not very well. We did not play.

I have sat silently listening to the colloquy between the two leaders on an issue of importance to me, and that is the nuclear waste issue. There are many of us—and I have spoken at great length with the majority leader—who believe the law that was passed stands Senate precedent on its head and there will be a concerted effort by a number of Republicans and a significant number of Democrats, with the majority leader, saying it sets such a bad precedent that the motion to proceed should not, of course, go forward.

While the two leaders are present, I wanted to make sure everyone understood this is not a slam dunk, that the motion to proceed or whatever we want to call this unique aspect of law that passed is certainly not assured of going forward.

Whenever a Republican decides to bring it up, there will be a vote on this so-called motion to proceed, and I am hopeful and cautiously optimistic that it will not prevail. I wanted to make sure everyone understood that.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I am sorry the Republican leader had to bring up the score of the game last night. He could have quietly and graciously noted that the Republicans won, but it is his right to notice publicly that we got trounced last night. But there is another day. I graciously admit defeat in this case. We did have some star players, and I congratulate Senator ENSIGN on his valiant performance. But there is another day, another game, and we are going to try to level the playing field next year. In the meantime, we will try to do the best we can to win our victories on the Senate floor.

Mr. REID. If the leader will allow me to say this: We do appreciate very much that the Republicans did not bring on Hall of Famer JIM BUNNING to pitch against the Democrats.

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. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

AMENDMENT NO. 3953

Mr. LEVIN. Mr. President, on behalf of Senator WARNER and myself, I offer an amendment which would extend the authority for the Secretary of Defense to engage in commercial activities as security for intelligence collection activities. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3953.

The amendment is as follows:

(Purpose: To extend the authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities)

On page 90, between lines 19 and 20, and insert the following:

SEC. 346. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking ''December 31, 2002'' in the second sentence and inserting ''December 31, 2004''.

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3953) 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. 3954

Mr. LEVIN. Mr. President, on behalf of Senator NELSON of Florida and Senator ALLARD, I offer an amendment which sets forth the sense of the Senate that maintaining assured access to space is in the national security interest and that the Under Secretary of the Air Force should evaluate all options to maintain such access. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, for himself and Mr ALLARD, proposes an amendment numbered 3954.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding assured access to space)

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.

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. 3954) 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. 3955

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON of Texas, I offer an amendment which would authorize a land conveyance at Fort Hood, TX, for the purpose of establishing a veterans cemetery.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 3955.

The amendment is as follows:

(Purpose: To authorize a land conveyance at Fort Hood, Texas)

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.

Mr. WARNER. Mr. President, I understand this amendment has been cleared.

Mr. LEVIN. It has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3955) 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. 3956

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I offer an amendment which would authorize, as a force protection measure, the replacement of a public road at Aviano Air Base, Italy.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3956.

The amendment is as follows:

(Purpose: To provide authority to use military construction funds for construction of a public road to replace a public road adjacent to Aviano Air Base, Italy, closed for force protection purposes)

At the end of title XXIII, add the following:

SEC. 2305. AUTHORITY FOR USE OF MILITARY CONSTRUCTION FUNDS FOR CONSTRUCTION OF PUBLIC ROAD NEAR AVIANO AIR BASE, ITALY, CLOSED FOR FORCE PROTECTION PURPOSES.

(a) AUTHORITY TO USE FUNDS.—The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2301(b), carry out a project to provide a public road, and associated improvements, to replace a public road adjacent to Aviano Air Base, Italy, that has been closed for force protection purposes.

(b) SCOPE OF AUTHORITY.—(1) The authority of the Secretary to carry out the project referred to in subsection (a) shall include authority as follows:

(A) To acquire property for the project for transfer to a host nation authority.

(B) To provide funds to a host nation authority to acquire property for the project.

(C) To make a contribution to a host nation authority for purposes of carrying out the project.

(D) To provide vehicle and pedestrian access to landowners effected by the project.

(2) The acquisition of property using authority in subparagraph (A) or (B) of paragraph (1) may be made regardless of whether or not ownership of such property will vest in the United States.

(c) INAPPLICABILITY OF CERTAIN REAL PROPERTY MANAGEMENT REQUIREMENT.—Section 2672(a)(1)(B) of title 10, United States Code, shall not apply with respect to any acquisition of interests in land for purposes of the project authorized by subsection (a).

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. 3956) 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. 3957

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senators AKAKA and INHOFE, which would extend the authorization for a fiscal year 2000 military construction project at Lackland Air Force Base, TX.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3957.

The amendment is as follows:

(Purpose: To authorize the extension of a fiscal year 2000 military construction project for a dormitory at Lackland Air Force Base, Texas)

In the first table in section 2702(b), insert after the item relating to Tinker Air Force Base, Oklahoma, the following:

Texas	Lackland Air Force Base	Dormitory	$5,300,000

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. 3957) 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. 3958

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I send an amendment to the desk which would make a technical correction to the land conveyance at Westover Air Reserve Base, MA, in section 2824 of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3958.

The amendment is as follows:

(Purpose: To make a technical correction regarding the land conveyance, Westover Air Reserve Base, Massachusetts)

On page 336, beginning on line 10, strike ''188 housing units'' and insert ''133 housing units''.

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. 3958) 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. 3959

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I send an amendment to the desk which would make a technical correction to a fiscal year 2003 military construction project authorization in Korea and to the amount authorized for a military construction project in Germany.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA and Mr. INHOFE, proposes an amendment numbered 3959.

The amendment is as follows:

(Purpose: To make technical corrections to authorizations for certain military construction projects for the Army)

In the table in section 2101(b), strike the item relating to Landsthul, Germany, and insert the following new item:

	Landstuhl	$2,400,000

In the table in section 2101(b), strike the item relating to Camp Walker, Korea, and insert the following new item:

	Camp Henry ...	$10,200,000

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3959) 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. 3960

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I offer an amendment to make a correction to a fiscal year 2001 military construction project authorization in Korea. This is a different amendment. I send that to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA and Mr. INHOFE, proposes an amendment numbered 3960.

The amendment is as follows:

(Purpose: To modify the authority to carry out a certain fiscal year 2001 military construction project for the Army)

At the end of title XXI, add the following:

SEC. 2109. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2001 (division B 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–390) is amended by striking ''Camp Page'' in the installation or location column and inserting ''Camp Stanley''.

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3960) 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. 3961

Mr. LEVIN. Mr. President, on behalf of Senators CLINTON and SCHUMER, I offer an amendment which would modify leasing authorities under the alternative authority for acquisition and

improvement of family housing. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. CLINTON and Mr. SCHUMER, proposes an amendment numbered 3961.

The amendment is as follows:

(Purpose: To modify leasing authorities under the alternative authority for acquisition and improvement of military housing)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) LEASING OF HOUSING.—Subsection (a) of section 2874 of title 10, United States Code, is amended to read as follows:

''(a) LEASE AUTHORIZED.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

''(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.''.

(b) REPEAL OF INTERIM LEASE AUTHORITY.—Section 2879 of such title is repealed.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for section 2874 of such title is amended to read as follows:

''§ 2874. Leasing of housing''.

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

''2874. Leasing of housing.''; and

(B) by striking the item relating to section 2879.

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. 3961) 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.

Mr. WARNER. Mr. President, I intend to remain for a period of time in case any Senator comes to the floor. Then we will consult on such time as we recommend to the leadership if this bill is laid aside, and such morning business time as may be, in the leader's judgment, appropriate.

In a few minutes I hope to address the Senate with regard to the NATO forthcoming enlargement issue, as well as those issues relating to other matters which are important. I have some visitors at this moment, so I will have to absent myself from the floor.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia. I will also be available in the event someone with an amendment does come to the floor. I have to leave also for a few minutes, but I will be available for some time to join you and welcome anybody who does come to the floor with an amendment.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that we go into a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska, Mr. MURKOWSKI, is recognized.

YUCCA MOUNTAIN RESOLUTION

Mr. MURKOWSKI. Mr. President, I want to bring to the attention of my colleagues the development on the Yucca Mountain resolution, specifically what it means, and share a few realistic observations on just what we are talking about as we reflect on our obligation to address the waste in this country.

In the past 2 days, I have come to the Senate floor to speak in morning business on S.J. Res. 34. I have spoken generally on the need to move this resolution and the procedure under which the resolution will move. I was pleased to see that the two leaders had an opportunity to discuss this earlier in the day. I think it is fair to say that, clearly, we are left with the appropriate procedure, which simply mandates that any Member may bring this up upon recognition of the Chair at any time. So it is quite appropriate that the leaders related the parliamentary procedure.

I want to speak specifically about what the resolution does and does not do. This seems to be a point of contention in the minds of some. The resolution merely reaffirms the present recommendation of Yucca Mountain as a suitable site for this Nation's permanent geologic repository. That is simply all there is to it. It does not license the repository. It does not build a repository. It does not start the transportation of spent fuel from reactors tomorrow or the next day. It does not start transportation of high-level nuclear waste from the Department of Energy weapon sites. It does none of those things.

The resolution gives the Department of Energy the go ahead to begin the licensing process with the Nuclear Regulatory Commission and that is simply all there is to it.

Now, I have already given, in a series of presentations, a little background of the fact that we have collected some $17 billion from ratepayers in this country, and that the Federal Government signed a solemn contractual commitment to take the waste in 1998. The Federal Government has breached the sanctity of that contract. It is estimated that the damages and suits against the Federal Government are somewhere in the area of $40 billion to $70 billion. That is an obligation to the U.S. taxpayers because the Congress of the United States has not forced, if you will, compliance of that contractual commitment.

A lot of people simply dismiss this as something we can put off. You can put it off all right, but you are going to do it at the expense of the taxpayers. This was a contract. The ratepayers that use nuclear energy paid into a fund. The Federal Government has held that money to take the waste in 1998. The Federal Government is in violation of that contract. It is just that simple.

We have an opportunity and obligation to move. The House has moved, the Senate has not because the licensing process is a first of its kind. No one anticipates it is going to move quickly or smoothly. Both the DOE and the Nuclear Regulatory Commission indicated a great deal of work needs to be done before any repository is licensed to construct. The resolution is no real guarantee that Yucca will be built, but it certainly moves the process along. I know that is what some don't want to hear. I certainly hope it is not the case, but the reality is that we have no guarantee that the Department of Energy will be able to meet the licensing requirements imposed by the NRC.

We have an obligation to move this process along under the structure that was agreed to many years ago. Now, it is true the NRC has issued a sufficiency letter that indicates the Commission believes the DOE will, at the appropriate time, have sufficient information to apply for and receive the license, but only time and additional work will tell. Opponents of Yucca Mountain have indicated, for instance, that we should not pass this resolution because there are a number of unresolved technical issues. As a matter of fact, there are issues that both DOE and NRC have agreed will be resolved in the licensing process.

There are a number of other issues that should have been raised, such as transportation, that cannot and should not be resolved prior to making the decision regarding licensing of Yucca Mountain. Transportation to and from Yucca will be resolved in the licensing process. To use it now is as a scare tactic—which some have suggested—or a reason to vote no on the resolution is irresponsible.

I want to point out that, for the past 30 years, the United States has seen close to 3,000 shipments of spent fuel and high-level waste go across the surface of our country—the railroads and the highways—and not one of these shipments has resulted in a harmful release of radiation. We are doing this now and we are doing it safely. These are the existing transportation routes on this chart—the interstate highways from the State of Washington through Idaho. It goes from Hanford, and you pick up the National Laboratories, you pick up Rocky Flats, Los Alamos, and the Livermore Lab in San Francisco. This is the route of movement of waste. It moves over to South Carolina and up and down the east coast. It

moves to Savannah. It moves to the Waste Isolation Plant, WIPP, where most of this is concentrated, but certainly not all of them.

The point is, the waste has been moving around the country—military waste—for a long period of time. There are no demonstrations, there are no particularly extraordinary methods.

In this photo, you can see the truck hauling the waste. It is in canisters that can withstand fire. At one time, we had the capability of designing a cask that could stand a free fall of 30,000 feet and it would not penetrate the interior. So we have built these casks adequately and safely.

Some have indicated that these waste shipments are only a few. I think it is to the contrary. This chart shows spent fuel shipments regulated by the NRC from 1964 through the year 2000. We have had almost 3,000 shipments. We shipped over 1.7 million miles and we have had zero radiation releases. For low-level radiant waste shipments to WIPP from 1997 to 2001, we have had 896 shipments, and we shipped about 900,000 miles. So we have a total of 3,800 shipments total, 2.6 million miles, with no harmful radiation releases.

We have the technology and, obviously, if we can build reactors to generate power, we certainly have the capability to transfer and transport the energy, the rods that go in the reactors. Nobody seems to say anything or have any great concern about the reactor fueling process itself or how the fuel is shipped across the country. But we have this hue and cry that somehow it is dangerous to move this waste on our highways and railroads. We have that capability. We have responsible people—scientists, engineers—who are competent to move this. Some suggest we should resolve this in a town hall meeting atmosphere. We need experts, engineers, technicians. They are staking their reputation—just as those who develop the nuclear energy industry in this country—on their capability to move this safely.

My point is that it has been done. It is proven. This is military waste, but now we are talking about private waste from our reactors. Some have also said this is a decision being made in haste; that we ought to put it off for more resolve. Nothing could be further from the truth. We have spent 20 years in this process. We have expended over $4 billion at Yucca drilling into the mountain—I have been there; I have gone in—to determine whether the site is scientifically and technically suitable for development of the repository. This is not a decision that was made in haste. This is a decision that has been made actually over 24 years of extensive study by the world's best scientists.

As a consequence, I am confident in the work done to date by the Department of Energy. But this work will not cease with this recommendation on the resolution. On the contrary, scientific investigation and analysis will continue for the life of the repository. In sum, I cannot think of any reason except perhaps plain old opposition, which we have a little bit of here, to the fact of the repository itself and the realization of putting off a vote on the resolution, which is the business at hand.

The science is going to continue through the licensing process and well beyond. Transportation matters will be addressed thoroughly in the licensing process by the appropriate agencies. Plus, we already have an excellent record in that area upon which to build. The decision is not being rushed. It is something that has been in the works for over two decades.

As we look at the competence of our nuclear program development, whether it be military, whether it be nuclear submarines that are on patrol constantly, whether it be under our agreement to reduce our nuclear capability by cutting up some of the old submarines, by removing, if you will, the reactors, we have competent people in charge of this operation. Anything less that would suggest we cannot move this waste is simply an excuse for inaction.

Every Member has to reflect on an obligation that after we set up a procedure to take the waste in 1998, certainly the Federal Government should honor the terms and conditions of that contract, and Members should not look for an excuse to simply punt on this issue.

The bottom line is, let's face it, I say to my colleagues, and the simple reality is, nobody wants this waste. Politically, it is dynamite. We have waste stored in Hanford, the State of Washington, Savannah, we have waste stored up and down the east coast. Do we want to leave it there, where it is unprotected, or do we want to move it to one place on which we can agree? Let's recognize the reality. We have expended the funds. We made the commitments. Now it is time to move. We cannot dodge this for another Congress.

I thank the Presiding Officer for recognition and wish him a good day. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

AMTRAK

Mr. CARPER. Mr. President, it is Friday. The weekend starts for most people today. It looks as if it is going to be a great weekend whether at the Delaware beaches or the New Jersey shore. Next weekend might start a little early for a lot of people in this country, for hundreds of thousands, maybe millions of commuters from Trenton, NJ, to New York, Connecticut, Philadelphia, Wilmington, Baltimore, Washington, Chicago, and out on the west coast, L.A., and a lot of other places as well because right now it looks as if, starting in the latter part of next week, Amtrak will begin an orderly shutdown of its operations, and there will be a cascading effect that will also lead to disruption of commuter operations in all those cities and many others I did not mention.

Amtrak is running out of operating funds for this fiscal year. They expect to run out of operating funds sometime in early July. The new president of Amtrak has announced his intention to try to negotiate a loan for Amtrak from a consortium of commercial banks, which Amtrak has done any number of times in the past, for operating moneys to bridge a period of time until the new Federal grant comes through or to negotiate money for capital improvements to Amtrak.

Those negotiations were underway in earnest early this week. I understand the auditors for Amtrak were not able to say with conviction that Amtrak was a going concern because, in part, of the announcement of the administration yesterday for the Amtrak restructuring plan, which is really, in my judgment, an Amtrak dismantling plan.

Rather than Amtrak being able to negotiate the bridge loan with private lenders to carry them through the end of the year when our new appropriation might be available, Amtrak faces a cutoff of its operations, again, the impending effect on commuters throughout this country late next week.

The Presiding Officer and I have discussed this situation any number of times in the year and a half we have been here, and we have discussed it more earnestly in the last week or two. I am mindful of the efforts he is making to avert what could be a disaster. They are efforts that are supported by any number of our colleagues.

A week or so ago, 52 of us finished putting our signatures on a letter to the ranking members of the Senate Appropriations Committee voicing our support for a $1.2 billion appropriation for Amtrak in the next fiscal year. A week or so prior to that, the Senate voted to accept a provision included in the Senate appropriations bill for another $55 million as part of an emergency supplemental to enable repair work to begin on Amtrak locomotives, passenger cars, and sleeping cars that had been damaged in wrecks around the country, wrecks, frankly, not caused by Amtrak or Amtrak's neglect, but because of trucks that were on the tracks in some places and because of problems with track bed outside the Northeast corridor that led to a derailing.

That money is in the emergency appropriations bill passed by the Senate and is one of the items at issue in the conference. I have been led to believe the President has threatened to veto even those moneys as part of the emergency supplemental if they remain in the bill.

We are looking at a train wreck. It seems to me we look at a train wreck about every year close to this time.

I wish to take a moment this morning to look back over time. I would like for us to go back to 1970. That was when Amtrak was created. Amtrak was created because our Nation's private railroads did not want to continue to carry passengers. They could not make money doing that. They wanted out of the business. Then-President Richard Nixon signed into law legislation creating Amtrak.

The deal was the private railroads would pony up some money to buy Amtrak stock. They agreed to turn over all of their old locomotives, their old passenger cars, their old dining cars, their old sleeper cars. They agreed to turn over their old track bed in the Northeast corridor between Washington and Boston, old overhead wires, old signaling systems, old repair shops around the country, old train stations, and give all that to Amtrak.

Somehow Amtrak, with a little seed money, was to make a go of, and begin turning a profit from, operations that the private sector could not make profitable. It did not happen. We should not be surprised that it did not happen because it has not happened in other countries either.

For those Americans who this summer are going to be traveling to places in Europe—England, France, Spain, Italy, Germany, up into Scandinavia—throughout Europe, they are going to ride on trains that will almost take their breath away, beautiful trains, trains that run at speeds of close to 200 miles an hour, trains where one can sit with a cup of coffee or a cup of tea on the table and it does not even rattle or vibrate.

Americans are going to be traveling to places in Asia this summer, and they will ride trains in Japan and other countries that provide a similar high-quality, fast, dependable service. In those countries, the private sector does not operate that train service. The national governments of those nations have decided it is in their naked self-interest to invest their taxpayers' dollars in national passenger rail service. They do not do it out of some sense of altruism. They do it because they realize that in order to relieve congestion on their highways and in their airports, passenger rail can make a big contribution toward reducing that congestion.

Those countries, those governments, realize that in order to reduce their dependence on foreign oil and to reduce their trade deficits, passenger rail service can make a real contribution.

They have problems with clean air in those countries as well, and they realize, compared to the emissions that come out of their cars, trucks, and vans, that the emissions emitted by passenger trains are far less.

We have similar kinds of concerns in this country. We have congestion around our airports and on our Nation's highways worse by far than we did in 1970. We have problems with air pollution that are as bad, or maybe worse, than the problems we faced in 1970, certainly with respect to global warming and carbon dioxide in our atmosphere. We have a trade deficit in this country that makes our trade deficit woes of 1970 pale by comparison. Over half of our oil is imported, and that number is growing. In the 1970s, not even a third of our oil was imported.

National passenger rail service will not solve all of these problems for the United States, but it will help us to reduce the size of those problems. We can take a lesson from our neighbors, our sister nations in Europe and in Asia, and we ought to do that.

There are a whole series of things that need to happen this year and next. I want to mention those, and then I will close. We need to pass an emergency appropriations bill that includes at least $55 million so the work can begin on repairing wrecked trains in order to provide service to people, especially the Auto Train south of Washington to Orlando, FL, where Amtrak actually makes money. We need to keep that money in the supplemental appropriation. It would be great to grow it, but we at least need to keep that money.

The White House has, in my judgment, a moral responsibility. Having acted this week in a way that I believe disrupts Amtrak's ability to negotiate a private sector loan from a consortium of banks for $200 million to carry them through the end of this fiscal year, the administration should use their discretion, authorized under law, as I understand, through the FRA, to provide a loan guarantee so that Amtrak can obtain the money it needs to avoid the kind of disruption we are going to begin witnessing by next weekend if nothing is done.

We need to take up in the Senate the Amtrak reauthorization bill, which has cleared the Committee on Energy and Commerce by a vote, I think, of 21 to 3. Senator HOLLINGS has been a champion for passenger rail service. He has authored very good legislation. Many of us have cosponsored it. We need to take it up, and we need to pass a motion to proceed and debate it.

If people want to offer amendments to it, that is all well and good. We debate amendments, vote them up or down, and then move on to the bill. Fifty-two of our colleagues in the Senate have said: We believe Amtrak ought to be funded at $1.2 billion next fiscal year, and we need to go forward. As we take up the appropriations bill, we need to provide that money through the appropriations process in the Senate and work with our colleagues in the House and in the administration.

Finally, we need a good, healthy debate on what the future of passenger rail service should be in this country. I realize that the heydays of passenger rail of the 1800s and the early 1900s are behind us, but there is still a huge need for the good that passenger rail service can provide us with respect to congestion, air congestion, highway congestion, with respect to reducing the emissions into our air, and with respect to reducing our reliance on foreign oil and trying to curtail, at least a little, our trade deficit.

What should the future passenger rail service be in this country? In my judgment, it ought to include making the Northeast corridor world class. As to the beautiful Acela Express train service that is now available, we are not able to harness the full potential of those trains from Washington to Boston because of the work that can and should be done to the track bed, to the overhead wires, to the signaling system, to enable the trains to go 150 or 160 miles an hour, which is faster than in many places they can now go.

We need to begin developing high-speed rail corridors in other parts of this country, the southeastern United States and Florida, in and out of Atlanta. The Northeast corridor finally should be extended at least into Virginia, maybe as far as Richmond. I know there are people in North Carolina who would like to see the Northeast corridor extended into North Carolina where they are investing in passenger rail service on their own.

There are any number of densely populated corridors such as out of Chicago, Chicago/St. Louis, Chicago/Milwaukee, Chicago/Indianapolis, Chicago/Detroit, where it makes a lot more sense for people to travel on high-speed trains instead of on commuter airlines that are going less than 300 miles.

On the west coast, whether it is L.A. to San Diego or maybe L.A. to Las Vegas, L.A. to San Francisco, Portland, Spokane, Seattle, Portland-Seattle, Seattle-Vancouver, those are areas that are just ripe for high-speed passenger rail. The challenge for us is how to raise the money to put in place the infrastructure, the high-speed rail capability, the track bed, the overhead wires, the signaling, to be able to provide the service where it would be used.

The former chairman of the Amtrak board of directors who succeeded me on the Amtrak board, and preceded me on the Amtrak board, is former Wisconsin Governor Tommy Thompson, now Secretary of Health and Human Services. He and I believe, as do many others, including many in this body, there needs to be a dedicated source of capital for passenger rail service in this country to make world class the Northeast corridor, to begin developing, in conjunction and coordination with the right-of-way of freight railroads, the high-speed corridors in these densely populated areas of America.

I was struck to learn a couple of years ago that 75 percent of the people in America today live within 50 miles of one of our coasts. Think about that. As time goes by, the density of our population, especially in those coastal

areas, will not diminish, it will increase. The potential good that passenger rail service can provide for us will increase as well.

Not everybody wants to ride a train from one end of the country to the other. Some people do, but a lot of people could benefit by riding a train in a densely populated corridor. A lot of people every day ride the longest train in the world, and that is the Auto Train that leaves just south of Washington, DC, down to near Orlando, FL, and back every day.

There are people who ride trains that go through spectacular parts of America. They go along the northern part of America, the Northwest, and the Coast Starlight from the west coast from one end of California up to the Canadian border. People are willing to pay good money to ride those trains.

I think one of the big questions we face is, What do we do with the other long-distance trains where Amtrak is unable to provide service and out of the farebox pay for the full cost of the service? I was always frustrated as Governor that when Delaware received Federal transportation monies, we did not have the discretion to use any of that money to help pay for passenger rail service in our State, which did not make sense.

For example, we could use our Federal congestion mitigation money in my State—other Governors could in their States —for freight railroads. We could use it for roads and highways. We could use that Federal congestion mitigation money for bicycle paths. We could not use it for passenger rail service, even if it made sense for our States. That is foolish. That ought to change. This Senate has tried to change it any number of times. We have not gotten the support we need from the other body. Sometimes we have not gotten the support we need from the administration. We should give Governors and mayors the discretion to use a portion of their money to help underwrite the cost of long-distance trains that are not fully sustainable.

A number of years ago when I was on the Amtrak board, we started an experiment to see if Amtrak might partner with the freight railroads, when operating outside the Northeast corridor, to carry things other than people, such as mail, express packages, but also to carry other commodities, even perishable commodities, that are highly time sensitive in terms of getting where they are needed.

A lot of times, shippers will use trucks because they believe there is a greater reliance in terms of on-time performance, and especially in shorter distances, but a greater ability than trucking to provide on-time performance, and we started an experiment to see if maybe we could carry not only people but commodities as well, and specially designed cars attached to Amtrak trains. If Amtrak were able to make money carrying these commodities on the track bed of a freight railroad, Amtrak would share the profits with the freight railroads. Amtrak would have a way to supplement its costs and to underwrite its costs of the long-distance trains which, frankly, do not make money.

Amtrak has entered into an agreement with, I believe it is the Burlington Northern-Santa Fe Railroad, to be able to do that kind of thing, and it has attempted to negotiate with other freight railroads. That could be part of a solution as well. I am not sure there is consensus in this body as to what the long-term passenger rail system should be in this country. I am not sure we know.

We do know if we do not do something, if the administration does not do something, by next weekend we are going to have a train wreck. Not a literal train wreck but a figurative train wreck. A lot of people who will want to go to work next Thursday or Friday are not going to get to work or they will end up in traffic jams in and around their cities and communities, the likes of which they have not seen for a long time. Maybe on the brighter side, some people who didn't want to go to work next Thursday or Friday will get a long weekend. For them, maybe that is good. For our Nation, this is not good.

We need to address this issue. We need to address it today. The administration has that capability of addressing it today. The administration should use discretion as provided to the Federal Railroad Administration to use the loan guarantee to enable Amtrak to go forward for us to have an orderly debate over this fiscal year to determine the long-term course for passenger rail service in America.

Mr. KERRY. Mr. President, I would like to respond to the comments made yesterday morning by the Secretary of Transportation in regards to Amtrak.

Frankly, I am puzzled by his remarks yesterday, puzzled because many of us in this body have been calling for the administration to take a position on Amtrak's future since last July, when a group of us met with Secretary Mineta and Federal Railroad Administrator Rutter. Earlier this year, when the Commerce Committee prepared to mark-up the National Defense Rail Act, we again sought the administration's input. The administration did not raise any significant objection, and the bill was reported favorably by the committee by an overwhelming margin.

Indeed, the only thing we knew of the administration's feelings toward Amtrak was that the Office of Management and Budget refused to release the $100 million in funding that the Congress appropriated late last year for improved security on trains and in stations.

After a full year of being AWOL on this issue, the administration suddenly announced that it would like to see massive, but vaguely defined, structural changes at Amtrak. And Secretary Mineta has said that without these big changes, whatever they may be, the administration will oppose Congressional attempts to increase funding for Amtrak. The Senate should not be cowed by this kind of bullying. The administration could have been a full partner in this process by raising these concerns last year, or even before the committee considered the National Rail Defense Act.

Instead, the administration has chosen to take a position that is diametrically opposed to the goals of the National Defense Rail Act, which now has 35 cosponsors. Rather than give Amtrak the resources it needs to run a forward-looking, national rail system, it seeks to tear down our national rail system and replace it with a model similar to the failed British model of rail privatization. The administration would like to have a regional passenger rail system, based on a model that is universally derided for its inefficiency and its lack of safety. The British experience has shown us that safe, efficient, reliable service cannot be done on the cheap. But that kind of short-sighted penny-pinching is exactly what the President has in mind. This strategy could strip countless communities, including several in Massachusetts, of train service, further reducing transportation alternatives in those parts of our country.

Much as the administration would like to score philosophical points with conservative think tanks, the issue here is not who actually runs the trains and maintains the tracks. The fact is that the most important issue for Amtrak is funding, and whether we want to dedicate the sort of funds that will be necessary to maintain and enhance a national passenger rail network, and whether we want to try to build high-speed rail corridors into that network.

In his remarks yesterday, Secretary Mineta said ''The country can ill afford to throw billions of Federal dollars at Amtrak and just hope its problems disappear.'' He is right about one thing: We cannot wish away Amtrak's problems. But Amtrak's biggest problem is that, for 30 years, we have given it just enough funding to get by, but never enough to be truly viable. In his most recent review of the company's finances, the Department of Transportation's Inspector General mused, ''It's amazing that Amtrak has gotten this far.'' While Amtrak has limped along on insufficient funding, our highways have become choked and our skyways will soon be once again strained beyond their capacity.

Now we hear that Amtrak is prepared to shut down as soon as next week unless it receives immediate financial assistance. This will leave 22.5 million riders without train transportation. Let's be clear: The administration, by virtue of its non-involvement in this issue, will bear the responsibility for this unprecedented blow to our national transportation network. I would

like to know how the administration will handle the immediate extra burden placed on other transportation modes. Rather than put $200 million into Amtrak, it appears they would prefer to continue to spend billions more on already-clogged highways and skyways.

We must remember that this Nation has spent less than 4 percent of our Nation's transportation budget on inter-city passenger rail over the life of Amtrak. We've spent more than $300 billion spent on highways, nearly $200 billion on airports and just $35 billion on inter-city passenger rail in 32 years.

As Amtrak's ridership has increased despite its financial condition, that is not good enough anymore.

I would also add that Amtrak's place in the $2-trillion Federal budget is tiny. We spend $150 billion per year on debt service alone, but just $521 million on inter-city passenger rail. The Commerce Committee's bill, authorizes full funding for Amtrak's security, operating and capital needs. For the first time in its 30-year history, we would appropriately fund passenger rail.

I think a lot of criticisms frequently raised about Amtrak are indeed warranted. Its management structure is top-heavy and unwieldy. The company's new president has already announced plans to restructure management. That is a positive step, but we can and should reserve judgment on the success of that restructuring until it is fully implemented.

Amtrak is not sufficiently insulated from political pressures. That is also a legitimate concern, and one that must be addressed. Language inserted in the National Rail Defense Act would take a step toward ensuring that decisions about route terminations are made based on objective financial criteria. Still, we must do more to ensure that Congress provides oversight of the company, without unduly burdening it.

Clearly, the company's fiscal problems have been exacerbated by the Congress's unrealistic requirement that Amtrak meet an ''operational self-sufficiency.'' As a result, Amtrak explored a wide variety of revenue options, with varying degrees of success. The new CEO, David Gunn, has expressed a desire to return Amtrak to its fundamental mission of moving people.

As these changes in the company are implemented, I believe it would be a grave mistake to allow the termination of Amtrak. And make no mistake, that is the road we are headed down. So I urge my colleagues to work toward an appropriation that will allow Amtrak to stand on solid financial ground in the short term, and toward passage of reauthorization legislation that allows our country to develop high-speed rail corridors without sacrificing traditional rail service. Unfortunately, the administration's plan does neither of those things.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENTIAL INITIATIVE TO REDUCE AIDS TRANSMISSION

Mr. DASCHLE. Mr. President, Wednesday I was asked by a member of the press about the President's announcement of an initiative to spend $500 million, including $200 million Congress has already approved for the current fiscal year, to fight the global AIDS pandemic by targeting the transmission of the disease from mothers to infants.

I applauded the President and his decision. His participation in the bipartisan campaign to combat this international health crisis is welcome and significant.

It is important to understand, however, that the President does not pledge any new resources until 2004. And the overall amount of resources he does commit to, while important, isn't enough.

The human toll this health crisis has already inflicted on this country and the world is staggering.

Every twelve seconds, one person dies due to complications from AIDS. Every minute, one of those people is an infant.

Each day brings 14,000 new infections, with half of those infected under the age of 25.

There are currently 30 million people with HIV in Africa, and the National Intelligence Council estimates that number could double in the next five years.

And, as if these numbers are not tragic enough, there is one more staggering statistic: by the end of this decade forty-four million children will have lost their parents to AIDS.

It is also important to understand that, as these statistics demonstrate, the international community doesn't have the luxury of time in reversing the spread of AIDS worldwide. Good intentions must be matched by commensurate resources if we are to reverse current trends.

Earlier this month, against the backdrop of those horrific—and mounting—numbers, the Senate debated its version of the FY2002 emergency supplemental appropriations bill. Prior to the Senate's consideration of this important legislation, a bipartisan group of Senators urged the Appropriations Committee to provide additional resources in this bill to combat AIDS so that funds to address this problem could be released right away.

The committee responded by including $100 million to fight AIDS and other diseases in the supplemental. And before the Senate could take up the committee's work, a group of senators—Democratic and Republican—proposed that this bill not leave the Senate floor with less than $500 million for this purpose.

Regrettably, according to news stories, the White House feels $500 million is too much for AIDS this year.

Under pressure from the White House, several Republican Senators withdrew their support for adding $500 million for AIDS this year, and the effort failed. The Senate was forced to settle for $200 million.

Just $200 million to fight a deadly disease that already infects 40 million people and is projected to infect millions more.

So, while I find Wednesday's announcement an encouraging indication of a growing awareness within the administration of the need to engage in the battle against the international AIDS crisis, the resources it is willing to commit to this challenge still fall far short of what is needed. And far short of what I believe this great nation is capable of and should be doing.

As for availability, the President's initiative sets aside $300 million in fiscal year 2004, 16 months from now.

Based on UN estimates, over those next 16 months, more than 1.1 million babies could contract HIV. The President's plan aims to prevent just 146,000 infections in 5 years.

Again, these resources are welcome, but I cannot help but feel that we have just missed a tremendous opportunity. When we wait to dedicate the resources necessary to fight this battle, we make our eventual victory against this threat harder—and more costly.

Does the administration truly believe that this $300 million could not be spent wisely and well now? If not, why?

So I come to the floor this afternoon to offer to work with the President and my colleagues to do two things with regard to the new initiative.

First, because the transmission of HIV from mother to child is an area where we know we can reduce the spread of HIV, it is vital that we increase funding in the area of mother-to-child transmission. But it is not enough to keep children from being infected with HIV *in utero*. We should commit to a major effort to treat the mothers and other family members already infected with the deadly virus so that children, free from the virus at birth, will grow up not as orphans, but with the support of their families.

Second, I do not believe we should wait until 2004 to put this initiative fully into action. We should include the full $200 million in this year's supplemental, and we must find significant, additional resources in the next fiscal year.

On a bipartisan basis during the last two years, Congress has significantly increased the amount of resources the President has sought for the global HIV/AIDS battle. And we must do so again.

In announcing Wednesday's initiative, President Bush said, ''The wasted

human lives that lie behind the numbers are a call to action for every person on the planet and for every government.''

He is right.

Our nation has begun to heed that call, but our commitment to beating back this disease and our compassion for the millions who now suffer—compel us to do much, much more.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Virginia.

Mr. WARNER. Madam President, I thank the distinguished leader for the assistance he has given, together with the Republican leader, in moving this bill forward. I am going to address the Senate momentarily on an aspect of this bill, I say to the majority leader, and then he can give us guidance as to when this bill can be set aside.

Parliamentary inquiry: It is this Senator's understanding the Senate is in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent we return to consideration of the bill so I may address certain sections of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. At the conclusion of my remarks, I request we again lay aside the bill and return to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Continued

Mr. WARNER. Madam President, periodically I have addressed the Senate on my concerns regarding the tragic strife in the Middle East. I did so on May 2 of this year and in the RECORD of that day are my comments with regard to the situation as of that date. Regrettably, the situation has continued to worsen.

Our President is actively engaged with the Secretary of State and the Secretary of Defense. I have had the opportunity to speak to all of them about this situation and express my views.

I know of no conflict of recent times that is more serious, in terms of how its tentacles are far reaching throughout the world. It is affecting, in some way, our ability to pursue terrorism worldwide. It is affecting our ability to take further actions to bring about our goals in Afghanistan. It is affecting the planning that this Nation must make from time to time—not referring to war plans, but just planning—as to how we deal with Iraq. Iraq is continuing, under the leadership of Saddam Hussein, to manufacture and warehouse weapons of mass destruction. I think the facts are irrefutable.

At the core of all of this decision making is this continuing conflict in the Middle East. I have said and I will say again today that I urge those in positions of authority—whether in this country, in Israel, or in the Palestinian Authority—to look at this daily loss of life on both sides and do all they can to bring about a cessation of this tragic conflict.

Eventually the two sides will sit down and try to work out some agreement for a lasting and permanent peace. A number of us had the opportunity to visit with President Mubarak when he came to Washington a few weeks ago. Likewise, a number of us had the opportunity to visit with President Sharon when he recently visited. I recognize the Presiding Officer was involved in those consultations. However, it seems to this Senator that President Mubarak and President Sharon are miles apart in their views as to how to bring about a resolution of this conflict.

I read today that certain persons in our Government are trying to impress upon several nations, which have been actively involved in trying to bring about peace in the Middle East, to become more active—specifically with Arafat, to impress upon him the need to exercise his authority to stop this tragic killing.

At the same time, there are certain elements within the Israeli Government that want nothing to do with Arafat. So on the one hand, people are going to Arafat to try to get him to do something and, on the other hand, people are saying we would not deal with him even if he were to do something.

Much of his infrastructure has been eroded in this conflict. We know not, at least this country does not, what exactly is the political structure among the Palestinian people and their ability to convey through Arafat, or another leader, their views towards a cessation of hostilities.

But this brings me to the question regarding NATO and the admission of new countries. Yesterday I had the distinct privilege, along with other Senators, to welcome in the Senate all 19 Ambassadors from the NATO nations who have convened here in Washington for a series of meetings with our Government. It is a very interesting group.

I said to them, in all candor: I am now in my 24th year in the Senate and I am a strong supporter of NATO. I said that they are the trustees of the NATO of the future. That alliance has been the most successful military alliance in the contemporary history of mankind. It has achieved its goals.

On the 50th anniversary of NATO, the leaders of NATO convened here in Washington. At that time they added a provision to their charter which clarifies any doubt that NATO has the authority, subject to the concurrence of the member nations, to engage in this war on terrorism and to selectively go into areas of dispute to perform crisis response operations.

I said to them, quite candidly, that they should entertain the thought that, should NATO be invited by the Government of Israel, and such spokesmen or government as may exist amongst the Palestinians, to come in and provide a peacekeeping force, that they should seriously entertain whether or not NATO could carry out that mission.

NATO has done it with professional excellence in the Balkans, both in Bosnia and Kosovo. It is quite interesting that among the beneficiaries of those peacekeeping operations have been a significant proportion of the Muslim population. So NATO has clearly established in Kosovo and Bosnia, an opportunity for the people in those countries to come together and begin to form a government that will improve their quality of life, certainly an improvement from what I witnessed when I first went there in the fall of 1991 and saw of the ravages of war.

I explained this yesterday to those Ambassadors. I also said the following.

I can remember the days right in this Chamber when there were heated debates, particularly after the dramatic fall of the Berlin Wall. That wall came down. Ronald Reagan is to be credited in history for being instrumental in getting that wall to come down, ending the cold war and hastening the demise of the Soviet Union.

I can remember the people of the United States through their elected representatives saying, Should we not now lessen our contributions to NATO? And they are very significant dollar contributions, and leadership, manpower, and equipment.

In this bill that we are on right now is $200 million and a fraction of new taxpayer money—$205 million for the military budget of NATO. That follows approximately $50 million in assistance authorized and appropriated by this Chamber several months ago in the context of the Freedom Consolidation Act.

In this one fiscal year alone—it may be two, and I will have to check that—roughly $255 million. That is a significant contribution by our taxpayers. And, that doesn't even begin to capture the costs the American taxpayers bear in keeping over 100,000 military personnel permanently stationed in the European theater.

I said to those Ambassadors that this year there will be strong support for the NATO budget, as there should be. NATO is doing a remarkable job in the Balkans and elsewhere. We are strong supporters.

But also in the Senate yesterday, history was made. The Senate is roughly 214 years old. It was the first time that in one hearing room—the Armed Services Committee where I was present—under the advise and consent procedure, we were hearing from a prominent four-star officer nominated to become commander in chief of the Northern Command—a new command established primarily for the purpose of protecting the citizens of our 50 States, and coordinating the use of our U.S. military to protect our States. Stop to

think. This Nation has felt itself secure behind two great oceans for those 214 years of our Senate—secure because of the strong relationships we have to the north with Canada, and to the south with Mexico and our Central and South American neighbors. But our President has wisely concluded—and I commend and support him—we must set up a separate military command for the purposes of protecting the citizens of our 50 States.

In another hearing room was a distinguished civilian witness—Governor Tom Ridge, the President's Homeland Security Adviser—introducing a proposed Department of Homeland Security, the head of which will have the responsibility of marshaling the assets of this Nation's military, intelligence, police, National Guard, and all types of coordination required, again to protect citizens in their homes, in their towns, in their villages, and in the cities of the United States of America.

That was a profound day yesterday—a very profound crossroads in the history of this country.

As I talked with the NATO Ambassadors, I felt compelled to make the point that our country is placing additional burdens upon its taxpayers to protect us here at home with this new military command and this new Cabinet position, an entirely new entity of the Federal Government.

It is to be an amalgamation of some 150 different entities, and that will change as we debate its ultimate composition. But the bottom line is, our people are properly looking to this Government under our able President to begin in earnest to marshal all of our assets, as we have been doing for some months now since 9–11—but begin in earnest to establish a military command and a Cabinet position, adding great expenditures to our national defense needs.

Our President, the Congress and the American people know homeland security is our most urgent priority. We pray that the steps we are taking to prevent further attacks will be successful. But, if there are further attacks, our people will look inward more and more to their defensive needs here at home.

What are these threats that are requiring establishment of a new military command, and a new Cabinet department? These threats are the manifestation of a centuries-old ethnic and religious differences, including small elements of radical, fundamentalist Muslims whose message of hatred and intolerance for the United States and the West has found resonance amongst discouraged Middle Eastern youth. The unending cycle of violence in the Middle East fuels this sense of despair.

We should leave no stone untouched to determine the roots of this hatred. Are there steps we can take to demonstrate to the discouraged residents of the Middle East that we are a peaceful nation that fights for democracy, freedom and individual rights? Never in the history since the formation of our Republic have our troops marched beyond the shores of this Nation to acquire and take the lands of others. To the contrary, each and every time they have marched, they have marched in the cause of freedom to end tyranny and aggression and restore rights to oppressed peoples.

That is what this Nation stands for. We respect those who pursue the Muslim faith, as we respect the right of all to pursue their faith without fear of persecution. We are fortunate in this Nation to have hundreds and hundreds of thousands of persons who have emigrated from the Muslim nations of the world to follow the Muslim faith, to come to our United States and take up citizenship and to participate with equal vigor and enthusiasm in our way of life and the goals of this Nation. We are very proud to have them here.

I think we have to begin to send a message to that part of the world in every way we possibly can. There exists a very skillfully set up means of communication, primarily through one television station that is followed every day by many in the Arab world which portrays and misrepresents this Nation to the Arab world. It exploits the sense of discouragement that exists in the region and engenders more and more ferment, which is then directed at Israel and the West, but most specifically, at our Nation.

The conflict in the Middle East between Israel and the Palestinian people generates—I cannot quantify it, but that seemingly unending conflict generates hatred that grows and multiplies in the Arab world and is ultimately directed towards this country. That is why I think we should look at every single resource available to us to try to bring about the cessation of those hostilities, while simultaneously encouraging governments in the region to bring truth, democracy and opportunity to their nations. I believe it would lessen some measure of the hatred being directed to this country—hatred which results in daily and weekly threats and warnings to the American people.

I believe NATO should examine for itself whether or not it could play a role, if it were invited by both sides to come in, and provide a peacekeeping role to enable the two warring factions to sit down over a period of time—in relative peace, secured by capable NATO peacekeepers who are credible to both sides and engender cooperation—and, hopefully, resolve their differences and have a lasting peace agreement.

I said that very clearly to these Ambassadors yesterday. I have said it on the floor of this Senate. I will continue to say it on the floor of the Senate. Because as we approach this issue of the new nations joining NATO—and I have been active in the past, and I will be active in the future—those nations I think primarily are focused on what NATO can do for them to give them protection within their own specific geographic areas.

I am not entirely sure what the threats are that most concern these nations aspiring to NATO membership. Europe basically is peaceful today, but they look to NATO to ensure their protection as sovereign nations. That they should do. But, are they equally prepared to contribute to the military organizations in NATO.

The Senate, for that purpose, authorized $55 million to help the aspirant nations improve their militaries to meet the standards established by NATO for new members. That is a very important process.

I have always believed in the past that perhaps we moved too quickly in inviting new nations to join NATO, but I will put that aside for the moment. But I do ask those aspirant nations to begin to focus on the trouble spots in Europe, the trouble spots in the Middle East, and say to themselves, if NATO were to become involved: Are we willing to shoulder our proportionate part of the responsibilities which could involve our troops becoming peacekeepers in the Middle East? Stop to think about that.

I believe, in the course of the deliberations on NATO enlargement, those questions should be put specifically to the aspirant nations desiring to join. I commend our Ambassador, Ambassador Burns, U.S. Ambassador to NATO. He is extraordinarily well schooled, a highly principled professional, devoting his life to diplomacy. He is the right man at the right time in that particular job.

So, Mr. President, I feel very strongly about this. I know my views are not shared at the moment. Perhaps the President will take cognizance of this proposal as he is preparing his very important message on the Middle East. However, I just think there is no corner of this problem that should not be fully explored before it is summarily rejected.

We are making a very significant contribution to NATO. It is important. Hopefully, we will do it again next year. But in the ensuing year, as we begin to prepare ourselves here at home, all of the dollars of our budget then become under greater scrutiny.

I think it would be important for NATO to at least consider—on the assumption that it is invited—a peacekeeping role in the Middle East. However, it cannot be forced upon the people of Israel; they are very proud of their ability to defend themselves. However, I think it is important that this proposal be considered by NATO and that the nations indicating a desire to join NATO are likewise consulted as to their views.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will now return to morning business.

YUCCA MOUNTAIN

Mr. REID. Madam President, I have been sparing in my comments the last several months about the Yucca Mountain situation. Everyone acknowledges that a Republican will bring this up in the next several weeks. We have had a series of people coming to the floor talking about nuclear waste. The Republican leader talked about it today. We have had Senator CRAIG and Senator MURKOWSKI speak about it several times this week.

My colleague from Alaska, for example, this morning discussed the issue of nuclear waste and transportation. I can remember Senator Bryan and I, when we had the pleasure of serving together in the Senate, traveled to St. Louis. The whole purpose of our trip was to meet with local officials about the transportation of nuclear waste. We did.

We went to the governing body of St. Louis. We talked to them. We had a very nice visit. We visited an editorial board. We were on a radio station or two there.

As a result, the people who run the city of St. Louis passed a resolution saying: We don't want nuclear waste transported through St. Louis.

If you can explain the issue to people, they recognize quickly it is not a good idea. So that is why I want to respond to some of the points raised by my friend from Alaska. He discussed, for example, the shipments of waste to the WIPP facility, the waste isolation project in New Mexico. Comparing those shipments to the proposed spent fuel shipment at Yucca is like comparing a squirt gun to the most modern tank in America. They are just completely different substances. The items being shipped to WIPP are things such as rags, tools, and laboratory equipment. These are not spent fuel rods, which would give you a lethal dose of radiation in less than 3 minutes if you stood near them. You could be exposed to it for a matter of seconds and get sick.

With the news of terrorists pursuing radioactive materials and weapons of mass destruction, now more than ever we need to be vigilant in protecting the welfare of the American people. The decision to approve or reject the Yucca Mountain site is the most important transportation decision of this new century. This decision could bring as much as 100,000 shipments of high-level nuclear waste by truck through our towns and communities, as many as 20,000 train loads. This year we learned they may ship some of it by barge - the most poisonous substance known to man — traveling by our schools, our homes, our churches, our places of business.

It doesn't make sense to ship this waste and allow terrorists to use any one of these shipments as the ultimate ''dirty'' bomb. A successful attack on a spent nuclear fuel shipping cask would be extremely dangerous. Each truck cask would contain up to 2 tons of deadly material and each rail cask up to 11 tons.

These casks are packed full of the most dangerous high-level nuclear waste known to man. They contain Cesium-137, Strontium-90, and Plutonium-239. A release of less than 1 percent will affect tens of thousands of citizens, resulting in hundreds of long-term cancer deaths. This could shut down an entire city.

My friend, Senator CONRAD, was told by an expert that a ''dirty'' bomb would make Washington, DC, uninhabitable for 400 years.

Spent fuel shipments to Yucca Mountain would create a target-rich environment. DOE would make daily shipments by barge, truck, and train, all going to the same place. There would be as many as six to eight shipments each day. There are very few targets now. There would be hundreds of targets, thousands of targets if we go forward. According to the NRC, there have only been at most one or two shipments per week in the entire country over the past 10 years. Current shipments are harder to attack because they go to many different destinations.

For the DOE to say ''we have never had an accident'' isn't true. If you pin them down, they will say we have had no ''reported'' releases. Again, DOE has proposed putting tens of thousands of these casks out on the roads, waterways, and railways without a transportation plan. It would not be as bad if they had a plan they had let the Congress and the American people scrub, and if they had done an environmental impact statement, but they have not even done that. They have not done an environmental assessment.

Don't take my word for it; look at what the Secretary of Energy said on the subject:

> The DOE is just beginning to formulate its preliminary thoughts about a transportation plan.

After 9–11, proceeding with Yucca Mountain without a transportation plan is reckless and irresponsible. The Congress has the responsibility to hold the Department accountable. That can only come from rejecting this reckless resolution.

I mentioned on the floor recently that there is a Web site which was started to educate the American people about these shipments. It is www.mapscience.org. Anybody within the sound of my voice, go to your computer and try this out. All you have to do is put in your address. It doesn't matter where it is in the United States. You put your address in and it will tell you where the nearest nuclear reactor is and where they are going to ship the waste—how close it will come to your home. We know that in at least 43 States, more than 60 million people will be within a mile of the possible routes. Everyone should try this Web site.

This Web site is telling the American people what the Department of Energy doesn't want them to know: These proposed shipments will go right by their homes, right by the places they work, right by the places where their kids go to school. There has been a big response from the American people. This Web site has been up for 10 days, and there have been well over 100,000 hits.

There is no rush to move forward. The Nuclear Regulatory Commission Chairman has stated that if this Yucca Mountain project did not go forward today, it would be no big deal. He said it can be kept safely on site for decades.

More important, Yucca Mountain will never eliminate the waste that is stored around the country. Everybody within the sound of my voice should understand the big lie the DOE and the nuclear power industry is projecting. The big lie is that the 131 sites where we have waste now will be reduced to one site. Well, the fact is, that will never happen. It will never happen because there are 46,000 tons there now. They can move 3,000 tons a year, but they produce 2,000 tons a year. So do the math. You will fill Yucca Mountain before it ever opens.

Remember, when you take out a spent fuel rod, 95 percent of the heat, the radioactivity is still in it. It is so hot the only thing they can do with it is stick it in water for 5 years to cool it off. After 5 years, they can put it into a dry cask storage container. So this statement that they will only have one site is not true. It is a big lie. There will always be 131 sites, plus Yucca Mountain, plus all the trucks and trains. So instead of having one site, we are going to have hundreds of thousands of sites.

So when my friends march down here and say this is nothing, it is like moving the stuff to New Mexico, I repeat my analogy of a squirt gun compared to the most modern tank in America; that is the comparison. The American people need to understand that the millions and millions of dollars spent by the nuclear power industry is money that has been spent to deceive and mislead the American people.

I hope my friends on the other side of the aisle will do the right thing and vote for the good of their constituents, not for the good of the big lobbying effort that has been conducted in Washington over the last 20 years, and not go the way of the many fundraisers or the way of the vacations that have been paid for by the Nuclear Energy Institute, where they send people to Las Vegas for a week so they can look at the hole in the mountain. I hope they will vote in their constituents' best interests.

Jim Hall is a member of the National Academy of Engineering Committee on Combating Terrorism and was Chairman of the National Transportation

Safety Board from 1994 to 2001. This article appeared in the New York Times the day before yesterday. Among other things, he said:

Secretary Abraham has said there is plenty of time to create a transportation plan before Yucca Mountain begins receiving nuclear waste eight years from now. But safety issues will almost certainly get short shrift if they are not addressed before the repository site is approved. Congress needs to force the Department of Energy to reassess the dangers of transporting high-level nuclear waste and develop a secure plan before proceeding with the Yucca Mountain project.

RUSSIAN URANIUM AGREEMENT

Mr. BINGAMAN. Mr. President, both the Department of Energy and the Department of State have made important announcements this week relating to the so-called ''Russian HEU Agreement.'' This agreement is not widely known, but it is enormously important to our national security, and I would like to take this opportunity to call it to the attention of the Senate.

Under the HEU Agreement, the Russian Federation is converting 500 metric tons of highly enriched uranium from dismantled nuclear weapons into low-enriched uranium fuel for nuclear power plants. The United States then buys the low-enriched uranium for nuclear power plants in this country to use to generate electricity.

The benefits of this program, which is sometimes called the ''megatons to megawatts program,'' are obvious. Nuclear weapons scrapped under the program can never be used against us. Weapons-grade uranium blended down and consumed in power plants can never fall into the hands of terrorists or rogue states.

The United States and Russia entered into the HEU Agreement in 1993. The program will neutralize the equivalent of 20,000 nuclear warheads over its 20-year life. More than 150 metric tons of highly enriched uranium, the equivalent of nearly 6,000 nuclear warheads, have already been converted into low-enriched reactor fuel. Another 350 metric tons, the equivalent of 14,000 more warheads, are slated to be converted over the remaining 12 years.

Although the Russian HEU Agreement is a government-to-government agreement, it is being implemented for the Russian Federation by Tenex and for the United States by USEC Inc. USEC was originally established by the Energy Policy Act of 1992 to run the Department of Energy's uranium enrichment plants as a business. When the Russian HEU Agreement was first executed, USEC was wholly owned by the United States Government and it was tapped to implement the agreement as the Government's ''executive agent.'' In 1998, the Government sold USEC to private investors pursuant to the USEC Privatization Act, but retained the private company as its executive agent for the Russian HEU program.

Remarkably, USEC is able to conduct the Russian HEU program without cost to the Government. USEC pays the Russians for the uranium, and recovers its costs when it resells the uranium to nuclear utilities. The price paid by USEC was originally set in the HEU Agreement and has since been subject to negotiation between the parties.

Some time ago, USEC and Tenex reached an agreement on a new market-based mechanism for determining the price USEC will pay Russia for future deliveries. Yesterday, the State Department announced that the Governments of the United States and the Russian Federation have approved the new pricing mechanism.

The new pricing mechanism puts the program on a more commercial basis. It does away with the need for the two governments to renegotiate the price periodically. By basing the price on market conditions, the new mechanism provides a more stable and predictable procedure for determining future prices and should help ensure the long-term success of the program.

In addition, this past Tuesday, the Department of Energy announced that it had signed an agreement with USEC that resolves a number of issues between them. Earlier, there had been talk of the Government replacing USEC as its executive agent under the Russian HEU deal or appointing multiple agents. Under the accord announced on Tuesday, the Department of Energy agreed to recommend that USEC continue to serve as the Government's sole executive agent, and USEC committed to meeting the annual delivery schedules in the Russian HEU agreement over the remaining years of the agreement.

The Russian HEU Agreement serves us well. Each Russian warhead that is dismantled and each ton of weapons-grade uranium that is converted to commercial reactor fuel reduces the risk of nuclear proliferation and enhances our security. USEC has made great progress implementing the program over the past 8 years. The two announcements made this week give us hope for further progress in the years ahead.

THE PRESIDENTIAL ELECTIONS IN COLOMBIA

Mr. FEINGOLD. Madam President, I wish to take this opportunity to express my support for the Colombian people following the Presidential election in Colombia on May 26. I was pleased to cosponsor a resolution last week welcoming the successful completion of democratic elections in Colombia. It is a tribute to the Colombian people that despite significant threats and violence, both international and national election observers found the elections to be free and fair.

I am also pleased that the President-elect of Colombia, Alvaro Uribe Velez, has been in Washington this week to discuss U.S. support for counter-narcotics operations. The United States has already invested heavily in a unified effort to reduce the flow of drugs from Colombia, while simultaneously promoting human rights and economic development throughout the country. It is essential that we build on that investment during the new administration of President-elect Uribe. Indeed, I am pleased that President-elect Uribe has said that he looks forward to the day when Colombia is not sending a single kilogram of cocaine to the United States. To make that a reality, we must ensure that coca growers in the poor regions of Colombia have access to alternative economic opportunities, and that they take advantage of those opportunities to get out of the coca business for good. We must also promote human rights and the rule of law in Colombia; otherwise, the cycle of violence and narco-trafficking that is draining the livelihood of the country will ultimately lead to total state collapse, and to even more narco-trafficking and perhaps support for terrorism in the ruins of such a failed state.

With the visit to Washington this week of a new President-elect, this is an opportune time to reflect on some of the new directions in our bilateral relationship with Colombia. In particular, this provides an appropriate opportunity to step back and evaluate the effectiveness to date of our various policy objectives in Colombia. We must consider, for example, whether our initiatives have been effective in reducing the levels of violence in the country, in seeking accountability for grave human rights violations, and in cutting off the narco-traffickers who provide both financing and incentives for insurgent forces. We must also ask whether our policy in Colombia provides an effective balance of military assistance and well-managed development support. And we have an obligation to the people of Colombia to consider the human and environmental effects of our ongoing fumigation campaign.

In reflecting on the situation in Colombia today, one thing remains absolutely clear: The status quo in Colombia cannot be justified. The prolonged civil war, which is fueled by lucrative narco-trafficking, has created a volatile society, with untold suffering and a seemingly endless cycle of grave human rights abuses. The narco-traffickers have prospered, the guerrillas, and increasingly the paramilitaries, have offered the narco-traffickers hired protection, and they, too, are prospering from this deadly relationship. It is the people of Colombia, the average farmers and the honest citizens, who must pay the price of the war. That price can be counted in the number of lives lost or displaced in Colombia. But we must also count the lives lost to drugs and violence on our own streets in the United States. Such vast costs are wholly unacceptable.

So, where do we go from here? First and foremost, we must continue to scrutinize the relationship between the

Colombian military and the paramilitary forces in the country. The Colombian military has been taking steps to sever its ties with the paramilitaries, but I am worried that those steps have not translated into meaningful progress on the ground. As the United States considers supporting the counter-insurgency operations of the Colombian military, we must guarantee that Colombia takes seriously its obligation to seek out and prosecute the paramilitaries. And we must remember that by most accounts, the paramilitaries today are more responsible than any other terrorist group for the massive war crimes committed in the country.

We must also ensure that the Colombian government commits its resources to a more robust investment in its own institutions. We must never substitute our own assets or personnel for an appropriate level of investment by Colombia in its own future. This must include domestic support to institutions of justice, and for the protection of civilians, as well as responsible military support to defend the civilian population from rebel and paramilitary attacks.

Finally, we must do more to ensure that communities that have already been so hard-hit by the conflict have access to development opportunities to rebuild their lives. Alternative development must be a cornerstone of any effective counter-narcotics campaign. Without alternative development, displaced communities will have only one rational economic option: to turn to the lucrative but illegal cultivation of the coca that drug lords are so eager to buy and protect. Quite simply, we must give battered rural communities a viable economic alternative to coca or poppy cultivation if we are ever to bring the wars in Colombia to an end. To date, our investment in such development has been insufficient. And perhaps as a result, we have also made little progress in stemming the flow of drugs. Without more of a social investment in alternative development, I fear that the coca fumigation program that is being supported by the United States will merely shift drug cultivation into even more remote and ecologically sensitive areas of the country.

So I rise today to congratulate the people of Colombia on their successful Presidential election in May. That democratic institutions continue to function in the midst of such violence and intimidation is an impressive tribute to the Colombian people. But as the United States moves to support our new colleagues in the incoming government in Colombia, we must continually ask ourselves whether our intervention is achieving our policy goals, and whether it is making a difference to the lives of average Colombians.

Carefully crafted U.S. support for Colombia can make a difference. Indeed, it must make a difference. But we must monitor the effects of that support very closely, because neither the U.S. taxpayer nor the vast communities in Colombia that have already been devastated by the war can afford to see such a significant U.S. investment in Colombia fail. We cannot and must not abandon Colombia. But at the same time, we cannot delude ourselves about the efficacy of our policy thus far. Critics of U.S. policy in Colombia, and in many cases I have been among them, raise valid questions about the commitment of the military to the rule of law and to protecting civilians. They raise important questions about the consequences of fumigation and the economic prospects for farmers who agree not to plant coca. It is our responsibility to weigh these points and to answer these questions, and where necessary, to adjust our policy so that we get it right. For Americans and for Colombians, the stakes are too high to do otherwise.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of 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 in January 1998 in Springfield, IL. A gay man was abducted, tortured, and robbed. The attacker, Thomas Goacher, 27, was charged with a hate crime, aggravated kidnapping, armed robbery and aggravated battery 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.

NATIONAL ASKING SAVES KIDS DAY

Mr. LEVIN. Madam President, yesterday was the second annual National Asking Saves Kids Day or ASK Day. ASK is a national public health campaign that urges parents to ask their neighbors and community members if they have a gun in the home before sending their child over to play. The ASK campaign helps to enable parents to protect their children from the danger of a gun that is not safety stored. This is a sensible step toward preventing gun violence. According to PAX, a non-political organization that promotes solutions to the problem of gun violence and sponsors the ASK campaign, over 40 percent of American homes with children have guns. Many of these weapons are kept unlocked and loaded. Child access to these firearms is one reason why children in the U.S. are more likely to die of gun violence than from all natural causes combined. In recognition of National ASK Day, parents, children, community leaders, and neighbors across the nation planted flowers as a symbol of the more than 3,000 children that PAX estimates could be saved through the simple message of the ASK campaign.

It is critical that we do all we can to keep children from gaining unsupervised access to firearms. That is why I cosponsored Senator DURBAN's Child Access Prevention Act. Under this bill, adults who fail to lock up loaded firearms or an unloaded firearm with ammunition could be held liable if a weapon is taken by a child and used to kill or injure him or herself or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to legislation President Bush signed into law as Governor of Texas. I support this bill and hope the Senate will act on it.

I know my colleagues will join me in recognizing National ASK Day, and I urge them to support Senator DURBAN's common sense gun safety legislation.

RATIFICATION OF NEW YORK TREATIES AGAINST THE SALE, TRAFFICKING, AND PROSTITUTION OF CHILDREN AND AGAINST THE USE OF CHILDREN IN COMBAT

Mr. HARKIN. Madam President, it gives me great pleasure to hail the ratification of the Optional Protocol Against the Sale of Children, Child Prostitution, and Child Pornography by the U.S. Senate this week. I applaud the strong leadership of Senator BIDEN, Chairman of the Senate Foreign Relations Committee, and Senator HELMS, the Ranking Member of that Committee, as well as Senator BOXER in bringing this new treaty to fruition.

The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic purposes is included in the universal definition of the worst forms of child labor in the International Labor Organization's Convention 182 which this Senate ratified in 1999 on a 96–0 vote. Therefore, it is altogether fitting and proper that we now follow through and adopt this new instrument of international law to crackdown worldwide against the despicable acts of trafficking and prostituting of children.

This Optional Protocol gives special emphasis to the criminalization of the sale and trafficking of children as well as child prostitution and pornography. It also stresses the importance of improved international cooperation and coordination to combat the sexual exploitation of children everywhere in the world, while also promoting heightened awareness, more information

gathering, and public education campaigns to enhance the protection of children trapped in one of the worst forms of child labor.

For nearly a decade, I have been working hard to end the scourge of abusive child labor. It is a tragic and disturbing fact that millions of children under 18 years of age currently endure slave-like conditions in brothels, back alleys, and hideaways that jeopardize their basic health, safety and well-being. These children are being tricked, lured, and sold outright for purposes of forced labor and exploitation in the commercial sex trade of prostitution and pornography.

In the European Union, the International Organization for Migration reports a marked increase in the number of unaccompanied minors trafficked for sexual purposes from Central and Eastern Europe, Africa and Asia.

In India alone, hundreds of thousands of children exist in slavery-like conditions for purposes of forced labor or prostitution, according to the U.S. Department of State Country Reports on Human Rights Practices.

UNICEF estimates that at least 200,000 children every year are trafficked into the Central and West African slave trade for purposes of forced labor.

In Mexico, a UNICEF study estimates that 16,000 children are victims of sexual exploitation—many of them are prostituted in tourist destinations such as Cancun and Acapulco.

In the United States, experts within the Department of Justice estimate that at least 100,000 children are involved in the sex trade in any given year. Approximately 400 cases of Internet child pornography are prosecuted each year in the Federal courts alone. I am pleased to report, for example, that a crackdown on Internet child pornography was launched last year in Des Moines, the capital city of my own home state.

A 1999 report issued by the Central Intelligence Agency estimated that up to 50,000 women and children are trafficked into the United States each year.

We must not stand by while millions of children are sold for purposes of forced labor and consigned to prostitution and pornography in order to satisfy adults who profit from their abuse. When presented with the dimensions of human trafficking in 2000, I joined 94 of my colleagues in the U.S. Senate to express both our outrage over the criminal behavior of child traffickers and our support for the victims of trafficking by passing the Trafficking Victims Protection Act.

This week we are taking more effective action through ratification of the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. It is an important victory in our effort to protect children everywhere. I look forward to continuing this effort with my colleagues in the weeks, months, and years to come. In approving this new standalone treaty, we are affirming that the American people believe that all children, given their vulnerability to adult coercion and greed, deserve special protection in international law and practice against sexual predators and exploiters.

I also want to take a moment to say how pleased I am that the Senate this week has ratified the Optional Protocol Against the Use of Children in Armed Conflict.

As you know, I worked very hard with Senator HELMS, in particular, to secure ratification of the International Labor Organization's (ILO) Convention #182 to Prohibit the Worst Forms of Child Labor. Our bipartisan efforts paid off when the Senate in November, 1999 ratified that important new human rights treaty on a 96–0 vote.

Now included in the universal definition of the worst forms of child labor within ILO Convention #182 is the prohibition of forced or compulsory recruitment of children for use in armed conflict. Therefore, the Senate's action this week on this Optional Protocol means the U.S. has followed through on our international commitment at the time that ILO Convention #182 was under negotiation and joined the world community in universally condemning and outlawing the recruitment and use of child soldiers.

It probably seems unthinkable to most Americans that young children have been recruited, trained, and turned into soldiers who are actively engaged in combat. The latest research estimates that more than 300,000 children under 18 years of age are participating in armed conflicts around the world. For example, there are an estimated 50,000 child soldiers in Burma alone. Hundreds of thousands more are members of armed forces who could be sent into combat at any moment. Although most child recruits are over fifteen years of age, significant recruitment starts at ten years, and the use of even younger children is not uncommon.

Robbed of their childhood, child combatants are subjected to a cycle of violence that they are too young to understand or resist. While many of these young recruits may start out as porters or messengers, too often they end up on the front lines of combat. Some are used for especially hazardous duty, such as entering mine fields ahead of older troops, or undertaking suicide missions. Some have been forced to commit atrocities against family members or relatives. Inexperienced and immature, these children suffer far higher casualty rates than their adult counterparts. Those who survive are often physically or psychologically scarred for life. Typically lacking an education or civilian job skills, their futures are often very bleak.

Ninety-three percent of Americans believe that combatants should be at least 18 years of age, according to a recent poll conducted by the International Committee of the Red Cross. Accordingly, I want to particularly salute the leadership of my colleagues, Senator BIDEN, Chairman of the Senate Foreign Relations Committee, and Senator HELMS, the Ranking Member of that Committee, as well as Senator WELLSTONE and thank them for their tireless work to see this treaty through to ratification. There is absolutely no justification for the forced or compulsory recruitment of children under 18 for deployment into combat anywhere in this world and I am proud that America is doing our part to end this egregious abuse of human rights and affront to common decency.

FIRST RESPONDER TERRORISM PREPAREDNESS ACT OF 2002

Mr. SMITH of New Hampshire. Madam President, I rise to urge my colleagues to support the First Responder Terrorism Preparedness Act of 2002 that I introduced along with the committee chairman, Senator JEFFORDS. This legislation is a huge step forward in providing the necessary tools for local and state first responders to prepare to respond to any act of terrorism.

We recognize that it is the local emergency responders who are on the scene first to rescue and help those who have been caught in a disaster. I visited the Pentagon and Ground Zero less than a week after the attacks and can tell you that these first responders are true patriots, and they live and serve us in every town and city across this great Nation. These local heros, the type of first responders who made the ultimate sacrifice on September 11, are the embodiment of the American spirit—brave, selfless, and caring. They save lives and we should focus our resources to help them with their mission.

Prior to his confirmation to be the head of FEMA, nearly 9 months before the terrorists attacks on this Nation, I met with Joe Allbaugh to discuss FEMA priorities. Chief among the priorities we discussed was that of terrorism preparedness of our Nation's first responders. Little did we know what this Nation would be facing less than 9 months down the road.

Since September 11, I have met with Director Allbaugh and his staff on several occasions, and the Environment and Public Works Committee, of which I am the ranking member, has held a number of hearings on this issue.

In January, I enthusiastically endorsed President Bush's announcement of his first responder plan to be run by FEMA. This bill, the First Responder Terrorism Preparedness Act, mirrors the President's proposal and represents months of work by the Environment and Public Works Committee flushing the President's proposal with the aid of the administration.

In brief, this bill will authorize a first responder grant program for 4 years at $3.5 billion per year. Each

State will receive a minimum of $15 million with the remaining being distributed to States based on criteria set by FEMA but will include population, vital infrastructure, military installations and proximity to international borders. The money will be used for preparedness efforts including to purchase equipment, train, develop response plans, conduct exercises and provide for communication needs. We ensure that the money does not get tied up in bureaucracy and gets to the first responders.

The bill also requires that all the efforts at the State and local level be part of a broader national preparedness strategy as determined by the Office of National Preparedness (ONP). The ONP was put in place by the President over a year ago, a move I have been advocating for some time, and the President deserves a great deal of credit for that action.

This bill takes the additional step of establishing the ONP in statute. The ONP will help to coordinate preparedness efforts at the Federal level and be the point Federal office for the State and local responders. It is vital that we do not have thousands of independent preparedness plans and efforts—we need a local, state, regional and national strategy.

The bill will also enhance the capabilities of FEMA designated Urban Search and Rescue teams. Many of those teams were activated on September 11, but have had serious financial difficulties in maintaining adequate levels of preparedness. That certainly should not be the case and we address those needs.

We all entered a new world and a new reality on September 11, and we must be prepared for whatever may come our way. The President has done a tremendous job to dramatically reduce the vulnerabilities of this Nation and I, once again, applaud his effort to establish a new Department of Homeland Security. However, regardless of how much we work to prevent further attacks, we must be prepared if the unthinkable were to happen again. This will be an ongoing effort and this bill takes a very large step in providing the resources and direction to ensure that the effort is productive.

I thank the chairman of the EPW Committee for his leadership and for working closely with me on this important and bipartisan issue. It is my hope that our bill will make it to the President's desk in short order.

ADDITIONAL STATEMENTS

TRIBUTE TO COL. DAVID R. CHAFFEE

• Mr. THOMPSON. Madam President, today I pay tribute to a U.S. Air Force officer, Colonel David R. Chaffee. Colonel Chaffee currently serves as the Program Director of the Combat Air Forces Command and Control Systems Program office at the Electronic Systems Center on Hanscom Air Force Base. He will soon retire from the Air Force after 25 years of service. Today, it is my privilege to recognize some of Colonel Chaffee's accomplishments, and to commend his service to the Air Force and our Nation.

Colonel Chaffee was born in Rockwood, TN, and began his Air Force career as a cadet at the U.S. Air Force Academy. Early in his career, he was an Aeronautical Developmental Engineer at Wright Patterson Air Force Base, OH, and later returned there as the Program Manager for the F100–PW–220 engine. After multiple, high-level acquisition positions at Headquarters in Washington, DC, he spent 2 years at the Ogden Air Logistics Center at Hill Air Force Base, UT as a Program Director before arriving in May 2000 at Hanscom Air Force Base for his current assignment.

Throughout his career, Colonel Chaffee won numerous awards for performance in the Acquisitions career field, including the General O'Malley Memorial Leadership Award in 1987 and the Clements Award in 1985. Additionally, he was a Distinguished Graduate from Squadron Officers School and Air Command and Staff College. He holds two master's degrees, one in Aeronautical Engineering from the Air Force Institute of Technology and one in National Resource Strategy from the Industrial College of the Armed Forces.

At Hanscom Air Force Base, Colonel Chaffee's leadership contributed to the Combat Air Forces Command and Control Systems Program Office being regarded as a center of excellence for command and control and air battle management. This office provides integrated mission critical command and control tools that help create air tasking orders, plan combat sortie missions, and analyze weather information for planned targets. Colonel Chaffee's support for improved processes and innovation led to significant increases in program office performance.

Colonel David Chaffee has made a difference during his service to the Air Force and our Nation. He displayed a commitment to the men and women in his charge and was well known for mentoring junior officers. In addition, throughout his demanding career, Colonel Chaffee has been a family man, as he and his wife, Ann, raised three daughters, Lauren, Katelyn, and Jillian. I urge my colleagues to join me in commending Colonel Chaffee and thanking him for his years of service.•

JERRY BLOCKER: IN HONOR OF HIS ''LIFETIME ACHIEVEMENT AWARD'' PRESENTED BY THE SOCIETY OF PROFESSIONAL JOURNALISTS

• Mr. LEVIN. Madam President, during the turbulent social unrest of the 1960s in the U.S. and particularly Detroit, Jerry Blocker—a ''skinny little kid with the big voice''—often dominated the radio and television news business. His rise and success in the industry has been attributed to an imagination fueled by a strong sense of drama, and his ability to craft a calm, orderly objectivity out of news ripe with disorder, rawness, and uncertainty.

Born on the west side of Detroit on February 14, 1931, Jerry Blocker's arrival on Valentine's Day was unheralded during the height of the Great Depression. Because of the Depression, Jerry's parents and family bestowed upon him the only gifts they could afford: an abundance of love and pride. Those generous gifts carried dividends the remainder of his life.

During his early years at Columbian and Sampson elementary schools, Jerry Blocker thrived while participating in school plays. Later, while attending McMichael Intermediate he became interested in all activities associated with radio. By the time he reached Northwestern High School, it was recognized that the ''skinny little kid with the big voice'' was destined for a future in the media. At Wayne State University in the mid-1950s, Jerry honed his broadcast skills but discovered that minorities were not to be found working in the broadcast business. His dream would have to wait. In the late 1950s Jerry became a teacher, first serving at Hampton Institute in Virginia, then with the Detroit Board of Education. His flair for the dramatic became evident as he staged plays, pageants, and festivals to the delight of hundreds of children.

In 1961, Jerry Blocker finally found employment in the radio industry when WCHD entered the general-format radio market as the first of many stations. In 1967, Jerry became the first black television news anchorman in the state of Michigan, working for WWJ–TV Channel 4, now known as WDIV–TV. He was hired by Channel 4 after the 1967 Detroit riots and anchored weekend newscasts until 1975. After his departure from WWJ, Jerry Blocker was hired as the television news director of Channel 62, the first television station to actively recruit from and program for Detroit's African-American community. Jerry Blocker won several awards for his distinguished and accurate broadcast professionalism.

During his 10-year career in television, Jerry Blocker witnessed and reported the events which helped shape Detroit and the nation in the years immediately following the advent of U.S. Civil Rights legislation: the assassination of Reverend Martin Luther King, Jr., the challenge of the Detroit NAACP and the Detroit Board of Education, which was eventually settled by the U.S. Supreme Court, and the tremendous effect on the tri-county area and on all of Michigan by the election of Coleman A. Young, Detroit's first black mayor.

In 1977, Blocker was named executive director of the Detroit branch of the

NAACP while at the same time hosting a popular music show on radio station WQBH. During his spare time, Jerry served as a mentor for Blacks in Advertising, Radio, and Television. Blocker was also employed as the media spokesperson for the U.S. Census Bureau in Michigan, Ohio, and West Virginia.

In the 1980s, Jerry Blocker founded a political campaign management firm, Jerry Blocker Enterprises, the oldest minority-owned political-consulting and advertising agency in the Detroit metropolitan area. Later, that agency folded into Blocker and Associates, Inc., so that Jerry could work with and mentor his young daughters, Nicole and Shannon. Until the time of Jerry Blocker's death on October 31, 2001, he and his beloved daughters worked for public officeholders and candidates in their quests for victory at the polls.

The Detroit Metropolitan Chapter of the Society of Professional Journalists, SPJ, is honoring Jerry Blocker by presenting him a posthumous Lifetime Achievement award to his family and friends. Said SPJ Chapter President Jack Kresnak, ''I wish we had honored Jerry before he died. He did a great job at our banquet a couple of years ago speaking on behalf of Bob Bennett who was getting a lifetime achievement award.''

I know my Senate colleagues will join me in congratulating Jerry Blocker for his tremendous accomplishments and encouraging others to follow his distinguished example.●

OREGON HERO OF THE WEEK

● Mr. SMITH of Oregon. Madam President, I am pleased to rise today to honor an outstanding organization located in my home State of Oregon. I would like to congratulate Guide Dogs for the Blind on its 60th anniversary of providing exemplary service to the blind and visually impaired community in Oregon and across the country.

Guide Dogs for the Blind is a nonprofit, charitable organization that provides guide dogs and training to the visually impaired community throughout the United States and Canada. With approximately 10 million Americans categorized as blind or visually impaired, Guide Dogs for the Blind performs an essential service that deserves to be recognized in this body on its 60th anniversary.

The services provided by Guide Dogs for the Blind, and organizations like it, will only become more important in the coming decades. Statistics show that people 65 years and older are at high risk of suffering from poor vision. On average, 144 Oregonians benefit from guide dogs trained by Guide Dogs for the Blind every year, and as our population continues to grey, the need for guide dogs and organizations that train them will almost certainly grow.

The use of guide dogs has been increasingly accepted over the course of the last century. Although guide dogs existed prior to World War II, most visually impaired people could not take full advantage of such services due to existing federal and state laws restricting animals from entering buildings. But only three days after the most devastating attack in American history, December 10, 1941, President Franklin D. Roosevelt signed a law finally requiring government buildings to admit seeing-eye dogs. Today, during these trying times, it is important for all of us to note that despite the turbulent political situation he faced after Pearl Harbor, President Roosevelt still prioritized the needs of the visually impaired community by signing that law.

Sixty years later, the program instituted by Guide Dogs for the Blind served the nation on its darkest day since Pearl Harbor. During the horrific attacks against the United States on September 11, a blind man working on the 78th floor of the World Trade Center was led to safety by a guide dog that had graduated from the Guide Dogs for the Blind program. Guide dogs, now an essential part of so many lives, can be remembered along with the selfless firefighters, police officers, and rescue workers who sacrificed so much to help others that day.

Each and every staff member and volunteer at Guide Dogs for the Blind is a hero to their communities and to the people who benefit from their services. I rise to salute those associated with the Guide Dogs for the Blind for their dedication and continued service to visually impaired people throughout the country. Even in this era of innovation, the blind and visually impaired would not have the same opportunities afforded to the rest of us without the commitment of citizens like those associated with Guide Dogs for the Blind.●

HONORING JACK JURDEN'S TALENT AND WIT

● Mr. BIDEN. Madam President, I rise today to salute a man who has lampooned me more than anyone else in Delaware throughout my 30 years as a U.S. Senator. He has stuck me in the mud, dirtied by political campaigns. He has sketched me swimming in an inner tube fighting for NATO's involvement in Bosnia. He has put me in my place in, an over-sized Chair to characterize my position on the Senate Foreign Relations Committee. He has donned me in a wizard's robe next to a giant cooking pot simmering over a fire.

Yes, today I rise to salute a man whose signature is a talking frog.

Today I rise to salute a man who has made me laugh nearly every morning that I have opened my local newspaper for nearly the past 40 years and flipped to the editorial page.

Today I rise to salute long-time News Journal editorial cartoonist Jack Jurden.

After nearly four decades of his whimsical, witty, thought-provoking, light-hearted, good-natured sketches, Jack Jurden is retiring. He is not quite putting his pencils and paper in a drawer permanently. Fortunately for us in Delaware, he has promised to produce a few editorial cartoons a year. But I and so many daily readers of Delaware's largest newspaper will miss his black and white sketches that have added so much color and laughter to our lives.

Jack joined the News Journal in 1952 as a photo engraver. His real love was drawing, so the News Journal decided to take a chance on him as the editorial Cartoonist. In my opinion, that is the best decision that newspaper ever made.

Jack's start in the newspaper business started long before his career with the News Journal. Like many of us, as a kid growing up, Jack was a newspaper delivery boy. Fresh out of high school in Allentown, PA, he put his artistic talents on hold to serve his country in World War II. As an army soldier, he was stationed in the Philippines and in occupied Japan.

Over the years, I am very fortunate to have gotten to know Jack well. His love for his craft, his country and his community are surpassed only by his love and loyalty to his family: his wife of 50 years, Faye; his daughter Jenifer and his daughter Jan, who is a Superior Court Judge in Delaware. These days Jack's true love is his grandchildren.

I realize this is not your typical Senate tribute. But I so admire this man and his talent that I have many of his cartoons lampooning me framed in my office and in my home. So I will miss him. And I think I speak for thousands of others in Delaware who have laughed heartily every morning with their coffee, their coworkers and their family as they scan his take on events in our State and our world, always looking for that little talking frog in the corner to offer some words of wisdom.

My very best wishes to him and his family.●

RECOGNIZING IOWA STUDENTS WHO PARTICIPATED IN THE NATIONAL HISTORY DAY CONTEST

● Mr. GRASSLEY. Madam President, today I would like to recognize several remarkable young Iowans who put in an impressive showing at the recent National History Day contest. I am very pleased to announce that a total of eight entries from the great State of Iowa qualified for the national finals. Each of these talented young people represented their State with distinction and all Iowans can be very proud of these students.

Gabriella Green, who attends Alan Shepard Elementary in Long Grove, took first place with a junior individual documentary entitled ''Solution to Hunger: Dr. Norman E. Borlaug and the Green Revolution.'' Amy Paul and Katie Pauley of Indian Hills Jr. High in West Des Moines took first prize in junior group documentaries for ''Grace

Hopper: Expanding Computer Horizons.'' Stephen Frese of Marshalltown took the second place medal for his junior historical paper, ''Wrestling with Reform: Iowa Coal Communities and the Transformation of Childhood.''

In addition, Alex Cahill and Emily Green from North Scott High School took fifth place in the senior group performance category with ''The Works Progress Administration: Our Business of Relief'' and Elyse Lyons took seventh place in junior individual performances with ''Alice Hamilton: Friend of the Factory Worker.''

Johnston Middle School Student Abigail Bowman, who took eighth place in junior historical papers with ''Mustafa Kemal Ataturk: Reformer of Turkey,'' was invited to present her paper at the Turkish Embassy while she was in the Washington, DC area for the national competition. Laura Westercamp, a student at Kennedy High School in Cedar Rapids, took eighth place in senior individual exhibits with ''Battle of the Bottle: The Woman, the Reaction, the Reform'' and was able to present her project at the Smithsonian Museum of American History.

Lauren Appley, who attends Akron-Westfield School, took the ninth place award in junior individual papers with ''Martha Graham: Revolutionary Genius of Modern Dance.''

I would like to congratulate each of these Iowa students. The number of quality entries by Iowans in this national contest demonstrates the importance Iowans place on education. I would also like to take this opportunity to recognize the State Historical Society of Iowa, which sponsors the National History Day program in Iowa, as well as the American Legion of Iowa Foundation, which provides funding for the program.

Again, congratulations to Gabriella, Amy, Katie, Stephen, Alex, Emily, Elyse, Abigail, Laura, and Lauren. You have done Iowa proud!●

ROSWELL WINS ALL-AMERICA CONTEST

● Mr. BINGAMAN. Madam President, today I recognize the impressive civic achievements of Roswell, NM. These civic achievements have not only bettered this New Mexico community, but have earned Roswell the national honor of receiving an All-American City Award. The All-America City Award is the oldest and most respected community recognition program in the Nation. This award recognizes communities, such as Roswell, whose citizens work together to identify and address community-wide challenges and achieve extraordinary goals. This year Roswell not only met, but exceeded the selection criteria of the contest through its enthusiastic public participation, its involvement of diverse perspectives in decisions, and its city accomplishments which have significantly improved community life. Roswell met the challenge of the All-America contest by identifying its largest community challenges and displaying how the community has worked together to make these challenges areas of success. The people of Roswell identified their biggest challenges as lack of access to health care and unemployment and then demonstrated how, as a community, they had worked to improve these areas over the past 3 years.

The city of Roswell highlighted three admirable projects that impacted their areas of challenge including ''Incidentally Roswell,'' the Youth Dental Initiative and Dress for Success. Through the ''Incidentally Roswell'' project the community has successfully used the historical extraterrestrial phenomenon of Roswell to better its economy. The people of Roswell have worked to use its historical exposure to increase tourism thus creating more jobs and bringing more money into the community. In their presentation the Roswell representatives made light of the situation by cleverly centering their presentation around questions asked by E.T. Holmes, a space alien detective. Along with the economy the people of Roswell also rightly focus on bettering the lives of the children in their community. Through the Youth Dental Initiative Roswell is using Medicaid money to provide children with dental care. The program includes a dental clinic at which patients can be treated as well as a dental van that goes to schools to provide dental services to children. Since 1999 the Youth Dental Initiative the program has serviced a remarkable 4,000 children in Chavez County. Roswell's dedication to the well being of their children is both impressive and commendable. And finally, Roswell presented their Dress for Success program, which aids children and adults to dress in an appropriate manner to achieve success in their schools and work places. This program has shown especially good results in the Roswell school system through providing uniforms to the 86 percent of children who are in poverty in the area. Through eliminating the visual clothing differences among the students, Roswell is experiencing improved behavior, and increases in grade point averages, attendance and self-esteem. Equally impressive is the fact that this program is fueled by the generosity and concern of the community for their children. The Dress for Success program shows Roswell's great support of their children and their determination to help them succeed.

These three projects that strive for civic betterment are only a glimpse of the efforts Roswell is making in order to make their city a noteworthy part of the Nation. It is a great honor for Roswell, as well as for the entire state of New Mexico, for this community to receive the All-America Award. Through their dedication, patriotism, and hard work the people of Roswell have shown that American citizens can indeed make a difference in their communities. Roswell is a community that has taken great strides to overcome its challenges. I commend the citizens of Roswell for striving to achieve a high quality of life and thus helping the State of New Mexico continue to be the land of enchantment. I would like to congratulate the city of Roswell on their great achievements and the well deserved recognition of their efforts.●

JUNETEENTH INDEPENDENCE DAY

● Mr. LEVIN. Madam President, this week people all across the nation are engaging in the oldest known celebration of the ending of slavery. It was in June of 1865, that the Union soldiers landed in Galveston, TX with the news that the war had ended and that slavery finally had come to an end in the United States. This was two and a half years after the Emancipation Proclamation, which had become official January 1, 1863. This week and specifically on June 19, we celebrate what is known as ''Juneteenth Independence Day.'' It was on this date, June 19, that slaves in the Southwest finally learned of the end of slavery. Although passage of the Thirteenth Amendment in January 1863, legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country.

Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

All across America we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction—a people who rendered their achievements for the betterment and advancement of a nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate ''Juneteenth Independence Day.''

Lerone Bennett, editor, writer and lecturer has reflected on the life and times of Dr. Woodson. Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

> At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two

years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

The contributions of Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly etched in the chronicle of not only the history of this nation. Moreover, they are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI on September 25, 1999.

Truth lived in Washington, DC for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this fitting tribute to Rosa Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty seven years ago, in Montgomery, AL, the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people, but the entire world. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

We have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr, and many others, let us rededicate ourselves to continuing the struggle and the struggle for human rights.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A CONTINUATION WITH THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS BEYOND JUNE 25, 2002—PM 96

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a Notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed Notice, stating that the Western Balkans emergency is to continue in effect beyond June 25, 2002, to the *Federal Register* for publication.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. These actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 21, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—PM 97

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 21, 2002.*

MESSAGES FROM THE HOUSE RECEIVED ON THURSDAY, JUNE 20, 2002

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3389. An act to authorize the National Sea Grant College Program Act, and for other purposes.

ENROLLED BILL SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

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.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE

At 10:12 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3389. An act to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers.

The message also announced that pursuant to Executive Order No. 12131,

the Speaker appoints the following Members of the House of Representatives 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.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1979. An act to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 2064: A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes (Rept. No. 107–168).

H.R. 3480: A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin. (Rept. No. 107–169).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 2068: A bill 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.''

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mrs. CLINTON):

S. 2666. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

By Mr. DODD (for himself, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. REED, and Mr. KERRY):

S. 2667. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on Foreign Relations.

By Mrs. HUTCHISON:

S. 2668. A bill to ensure the safety and security of passenger air transportation cargo and all-cargo air transportation; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 677

At the request of Mr. HATCH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 754

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of 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.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1506

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1506, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2010

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2010, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 2067

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2547

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Washington (Mrs. MURRAY), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2547, a bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system.

S. 2572

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) 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.

S. 2608

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2613, 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 cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2625

At the request of Mr. GRAHAM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2625, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2637

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2637, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of

America Combined Benefit Fund and 1992 Benefit Plan by providing additional sources of revenue to the Fund and Plan, and for other purposes.

S. 2648

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2648, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 2648, supra.

S. 2649

At the request of Mr. KENNEDY, the names of the Senator from New York (Mrs. CLINTON), the Senator from Ohio (Mr. DEWINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New Jersey (Mr. CORZINE), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2649, a bill to provide assistance to combat the HIV/AIDS pandemic in developing foreign countries.

S. CON. RES. 121

At the request of Mr. HUTCHINSON, the names of the Senator from Oregon (Mr. SMITH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 121, a concurrent resolution expressing the sense of Congress that there should be established a National Health Center Week for the week beginning on August 18, 2002, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

AMENDMENT NO. 3935

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of amendment No. 3935 intended to be 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 Mr. DODD (for himself, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. REED, and Mr. KERRY):

S. 2667. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Madam President, I rise today to introduce the Peace Corps Charter for the 21st Century Act, a bill which I believe addresses the needs and challenges of the Peace Corps of today, and lays a path toward bringing this celebrated organization into its next 40 years.

It was 41 years ago when President Kennedy laid out his vision for the future of American volunteer service. He spoke of a corps of committed and idealistic young volunteers, the Peace Corps, who would travel all over the world, ''promoting world peace and friendship.'' He saw public service as an ideal to transcend political rhetoric. Volunteers were not to reflect particular Republican or Democratic ideology, but rather their service would be a manifestation of the core American values we all share. Their principal objectives in this endeavor would be to help in the development and betterment of the countries and communities they serve, to foster a greater understanding of American values and culture abroad, and to likewise foster a greater appreciation of other peoples and cultures on the part of Americans. Four decades later, thousands upon thousands of Americans have volunteered for the Peace Corps and worked with diligence and compassion to achieve these aims.

It is always with tremendous fondness and pride that I speak of the Peace Corps, as it gives me occasion to recall my own years as a volunteer in the Dominican Republic. I have often spoken of how these two years changed my life. Indeed, living and working outside of the United States and seeing the way other nations operated for the first time, I grew to appreciate our Nation more and more, and developed a strong sense of what it means to be an American. I was proud to share my experience as an American citizen with the people I was there to help. Those two years were invaluable to me, and truly brought home to me the value of public service.

Of course, my Peace Corps service was from 1966–1968, when it was a relatively new organization. Today, I am proud to note that the peace Corps now sends more than 7,000 volunteers to 76 different countries every year. This means that there are 7,000 important American liaisons scattered around the world helping people, promoting American values, and showing the world the best of America. After all, these volunteers are really the heart and soul of the Peace Corps. They are the ones on the front lines, working hard, making one-on-one connections with the citizens of the countries in which they work. For 41 years, they have brought a wealth of practical experience to communities in Africa, Latin America, Asia, the Middle East, Eastern Europe, and the Pacific. Indeed, the enduring success of the Peace Corps is rooted in each volunteer's commitment to leave behind skills that allow people to take charge of their own futures.

As remarkable as the success of the Peace Corps has been, and as important a symbol and example it is of public service, in the aftermath of the tragic attacks on America of September 11, it has become something more. It has become a necessity. The terrorist attacks of last September have shown us that the world has become a much smaller place. The United States can no longer afford to neglect certain countries, or certain parts of the world. We need to find ways to help developing countries meet their basic needs, and we need to do so now. We especially need to act in places where the citizens are particularly unfamiliar with or unfriendly to American values. Now, more than ever, Peace Corps volunteers play a pivotal role in helping us achieve a greater understanding of America abroad, especially in predominantly Muslim countries.

If we are to expand the aims of the Peace Corps, to broaden its scope, its charter, and to send our volunteers into more countries, then we must provide the Peace Corps with adequate resources to safely and effectively pursue these objectives. I believe that the legislation proposed in the Peace Corps Charter for the 21st Century Act will go a long way to meeting the Peace Corps' funding needs, as well as charting a course toward the future of this valuable organization. I would like to briefly outline the provisions included in ths bill, and explain to my colleagues why I feel its enactment is so important.

First, my bill stresses the importance of maintaining the Peace Corps' independence from any political affiliation, party, government agency, or particular administration. This independence is critical to the continued success, credibility, and acceptance of the volunteers in the countries in which they serve. We must vigilantly preserve this success. Especially if we are to expand the number of countries now being served, and if we plan to send our volunteers into more countries with significant Muslim populations, we must make sure that the Peace Corps goals of friendship, peace, and grassroots development are in no way muddled or compromised by political objectives.

As you may know, Congress has called for an expansion of the Peace Corps to include 10,000 volunteers, and the President has called for a doubling of current numbers over five years. While I applaud the enthusiasm inherent in these requests, we must not allow such an increase in quantity to in any way impinge on the quality of the Peace Corps experience, either for the volunteers themselves or the communities they serve. There are currently 7,000 volunteers abroad working under a budget of $275,000,000. Any expansion in staffing must include a commensurate increase in funding and support resources available to them. In fact, to better address the growing mandate and needs of the Peace Corps, this bill suggests the establishment of an Office of Strategic Planning, as well as a Peace Corps Advisory Council

comprised of returned volunteers to coordinate existing programs and address long-term expansion plans.

One of the most important parts of this bill, which I have already touched on here today, is the need to place a special emphasis on recruiting volunteers for placement in countries whose governments are seeking to foster a greater understanding by and about their citizens. There is to be a special authorization of funds for the purposes of this recruitment, as well as a report due on this subject from the Peace Corps Director within 60 days of the enactment of this legislation. This report will outline a strategy for increasing the Peace Corps presence in countries with substantial Muslim populations. We must find ways to engage with these countries, and to foster a more open interaction and understanding between our citizens.

This bill also sets time line requirements and procedures for new initiatives from the Peace Corps Director. Essentially, this increases Congressional oversight of new projects, programs, or directives. It also requests a description from the Director of current loan forgiveness programs available to volunteers, and a comparison with other government-sponsored loan forgiveness programs.

Another important provision in this legislation is the training mandated for volunteers in the areas of education, prevention, and treatment of infectious diseases such as HIV/AIDS, malaria, and tuberculosis, so that they may better help fight these diseases in the communities in which they serve. This training, in cooperation with the centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local health officials, will prepare volunteers to promote a better grassroots approach to public health, safety, and disease prevention.

I also feel strongly, and this is also included in the bill, that we must utilize the insights and experience of returned volunteers to get them more involved in the promotion and support of Peace Corps programs. One way to do this is to provide federal grant monies to certain non-profits in the District of Columbia. These non-profits would be established for the express purpose of using the knowledge, experience, and expertise of returned volunteers to help carry out the goals of the Peace Corps. Returned volunteers are an amazing resource for the Peace Corps. They continue to make a difference here at home through their enduring community service, and their work to strengthen America's appreciation of other cultures. Together they are building a legacy of service for the next generation, and it is my hope that the appropriations included in this legislation, for non-profit grant monies, will provide them with yet another outlet for continued service.

Finally, let me speak briefly to the funding level increases called for in this legislation. Over the next five years this bill calls for appropriations to be made in the following amounts: $465 million for fiscal year 2004, $500 million for fiscal year 2005, $560 million for fiscal year 2006, and $560 million for fiscal year 2007. In addition, and most importantly, this bill allows for additional appropriations to be made to address the specific funding needs of the Peace Corps as it seeks to increase volunteer strength. Again, we must not allow expansion to infringe on the quality of the Peace Corps experience. We must ensure that we adequately provide for our volunteers and equip them with sufficient resources to best assist the communities in which they serve.

In conclusion, I believe that the Peace Corps Charter for the 21st Century Act will do an excellent job of modifying the Peace Corps Act to better meet the needs of both our volunteers and an expanding and changing organization. The Peace Corps is a truly remarkable institution in America, a symbol of the very best of our ideals of service, sacrifice, and self-reliance. Our volunteers are to be commended again for their enduring commitment to these ideals, and for the way they are able to communicate the message of the Peace Corps throughout the world. They deserve the very best from us. I urge my colleagues to support this legislation and the continued success of the Peace Corps. 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. 2667

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 ''Peace Corps Charter for the 21st Century Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of American volunteers abroad.

(2) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(3) The Peace Corps has operated in 135 countries with 165,000 Peace Corps volunteers since its establishment.

(4) The Peace Corps has sought to fulfill three goals, as follows: to help people in developing nations meet basic needs, to promote understanding of America's values and ideals abroad, and to promote an understanding of other peoples by Americans.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote world peace, friendship, and grassroots development.

(7) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should have any relationship with any United States intelligence agency or be used to accomplish any other goal than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the pool of talent from the returned Peace Corps volunteer community.

(9) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance of those countries.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service in a fiscal year to 15,000 volunteers in service by the end of fiscal year 2007.

(13) Any expansion of the Peace Corps shall not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) It would be extremely useful for the Peace Corps to establish an office of strategic planning to evaluate existing programs and undertake long-term planning in order to facilitate the orderly expansion of the Peace Corps from its current size to the stated objective of 15,000 volunteers in the field by the end of fiscal year 2007.

(15) The Peace Corps would benefit from the advice and council of a streamlined bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the Peace Corps.

(3) PEACE CORPS VOLUNTEER.—The term ''Peace Corps volunteer'' means a volunteer or a volunteer leader under the Peace Corps Act.

(4) RETURNED PEACE CORPS VOLUNTEER.—The term ''returned Peace Corps volunteer'' means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 4. RESTATEMENT OF INDEPENDENCE OF THE PEACE CORPS.

(a) IN GENERAL.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ''As an independent agency, all recruiting of volunteers shall be undertaken solely by the Peace Corps.''.

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after ''*Provided*, That'' the following: ''such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent from foreign policy-making and intelligence collection: *Provided further*, That''.

SEC. 5. REPORTS TO CONGRESS.

(a) CONSULTATIONS AND REPORTS CONCERNING NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended—

(1) by inserting ''(a) ANNUAL REPORTS.—'' immediately before ''The President shall transmit''; and

(2) by adding at the end thereof the following:

''(b) CONSULTATIONS AND REPORTS ON NEW INITIATIVES.—Thirty days prior to implementing any new initiative, the Director shall consult with the Peace Corps National Advisory Council established in section 12 and shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report describing the objectives that such initiative is intended to fulfill, an estimate of any costs that may be incurred as a result of the initiative, and an estimate of any impact on existing programs, including the impact on the safety of volunteers under this Act''.

(b) COUNTRY SECURITY REPORTS.—Section 11 of the Peace Corps Act (22 U.S.C. 2510), as amended by subsection (a), is further amended by adding at the end the following:

''(c) COUNTRY SECURITY REPORTS.—The Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report annually on the status of security procedures in any country in which the Peace Corps operates programs or is considering doing so. Each report shall include recommendations when appropriate as to whether security conditions would be enhanced by colocating volunteers with international or local nongovernmental organizations, or with the placement of multiple volunteers in one location.''.

(c) REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service; and

(2) comparing such programs with other Government-sponsored student loan forgiveness programs.

SEC. 6. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BY AND ABOUT THEIR CITIZENS.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit a report to the appropriate congressional committees describing the initiatives that the Peace Corps intends to pursue in order to solicit requests from eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations and would dispel unfounded fears and suspicion among peoples of diverse cultures and systems of government, including peoples from countries with substantial Muslim populations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

(c) ALLOCATION OF FUNDS.—In addition to amounts authorized to be appropriated to the Peace Corps by section 11 for the fiscal years 2003, 2004, 2005, and 2006, there is authorized to be appropriated for the Peace Corps $5,000,000 each such fiscal year solely for the recruitment, training, and placement of Peace Corps volunteers in countries whose governments are seeking to foster greater understanding by and about their citizens.

SEC. 7. GLOBAL INFECTIOUS DISEASES INITIATIVE.

(a) IN GENERAL.—The Director, in cooperation with the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization and the Pan American Health Organization, local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

(b) DEFINITIONS.—In this section:

(1) AIDS.—The term ''AIDS'' means the acquired immune deficiency syndrome.

(2) HIV.—The term ''HIV'' means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term ''HIV/AIDS'' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term ''infectious diseases'' means HIV/AIDS, tuberculosis, and malaria.

SEC. 8. PEACE CORPS ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) by amending subsection (b)(2)(D) to read as follows:

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.'';

(2) in subsection (c)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(C) in paragraph (1) (as so redesignated)—

(i) in subparagraph (A)—

(I) by striking ''fifteen'' and inserting ''seven'';

(II) by striking the second sentence and inserting the following: ''All of the members shall be former Peace Corps volunteers, and not more than four shall be members of the same political party.'';

(ii) by amending subparagraph (D) to read as follows:

''(D) The members of the Council shall be appointed to 2-year terms.'';

(iii) by striking subparagraphs (B), (E), and (H); and

(iv) by redesignating subparagraphs (C), (D), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(3) by amending subsection (g) to read as follows:

''(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.'';

(4) by amending subsection (h) to read as follows:

''(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council.''; and

(5) by amending subsection (i) to read as follows:

''(i) REPORT.—Not later than July 30, 2003, and annually thereafter, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).''.

SEC. 9. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking ''$125'' and inserting ''$275''; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking ''$125'' and inserting ''$275''.

SEC. 10. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop programs and projects to promote the objectives of the Peace Corps, as set forth in section 2 of the Peace Corps Act.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director of the Corporation for National and Community Service shall award grants on a competitive basis to private nonprofit corporations that are established in the District of Columbia for the purpose of serving as incubators for returned Peace Corps volunteers seeking to use their knowledge and expertise to undertake community-based projects to carry out the goals of the Peace Corps Act.

(2) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation must have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The director of the corporation (who may also be a board member of the nonprofit corporation) shall also be a returned Peace Corps volunteer with demonstrated management expertise in operating a nonprofit corporation. The stated purpose of the nonprofit corporation shall be to act solely as an intermediary between the Corporation for National and Community Service and individual returned Peace Corps volunteers seeking funding for projects consistent with the goals of the Peace Corps. The nonprofit corporation may act as the accountant for individual volunteers for purposes of tax filing and audit responsibilities.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Director and the nonprofit corporation that requires that—

(1) grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation give consideration to funding individual projects or programs by returned Peace Corps volunteers up to $100,000;

(3) not more than 20 percent of funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation; and

(4) the nonprofit corporation will not receive grant funds under this section for more than two years unless the corporation has raised private funds, either in cash or in kind for up to 40 percent of its annual budget.

(d) FUNDING.—Of the funds available to the Corporation for National and Community Service for fiscal year 2003 or any fiscal year thereafter, not to exceed $10,000,000 shall be available for each such fiscal year to carry out the grant program established under this section.

(e) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the United States Government or to make the members of the board of directors or any officer or employee of such corporation an officer or employee of the United States.

(f) FACTORS IN AWARDING GRANTS.—In determining the number of private nonprofit corporations to award grants to in any fiscal years, the Director should balance the number of organizations against the overhead costs that divert resources from project funding.

(g) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking ''2002, and'' and inserting ''2002,''; and

(2) by inserting before the period the following: '', $465,000,000 for fiscal year 2004, $500,000,000 for fiscal year 2005, $560,000,000 for fiscal year 2006, and $560,000,000 for fiscal year 2007''.

(b) INCREASE IN PEACE CORPS VOLUNTEER STRENGTH.—Section 3(c) of the Peace Corps Act (22 U.S.C. 2502(c)) is amended by adding the following new subsection at the end thereof:

''(d) In addition to the amounts authorized to be appropriated in this section, there are authorized to be appropriated such additional sums as may be necessary to achieve a volunteer corps of 15,000 as soon as practicable taking into account the security of volunteers and the effectiveness of country programs.''.

By Mrs. HUTCHISON:

S. 2668. A bill to ensure the safety and security of passenger air transportation cargo and all-cargo air transportation; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Madam President, I rise today to introduce legislation to close a dangerous loophole in our aviation security network. The attacks of September 11 forced us to take a hard look at the way we screen passengers and luggage. Congress responded to the challenge with a comprehensive system to perform these tasks through the new Transportation Security Administration. We have required the TSA to check every passenger and every piece of baggage that is placed onboard a flight.

While I am confident that these measures have improved security, Congress has left the back door open to terrorists with plans to disrupt passenger flights. We did not establish a similar regime to ensure the safety of cargo operations. This issue must be addressed. Twenty-two percent of all air cargo in the U.S. is carried on passenger flights, but only a tiny percentage of this cargo is inspected. There is no point to carefully screening every piece of luggage if the cargo placed aboard the same flight is not inspected.

My legislation would also tighten rules for so-called known shippers. Under current procedures, any manufacturer, middleman, or receiver of goods can be classified as a known shipper, which allows the shipment to proceed without inspection. This is not sufficient to protect the public. We must be sure that companies claiming known shipper status are whom they claim to be and we must improve handling protocols to ensure that terrorists cannot tamper with shipments while they are in transit. My bill would accomplish these goals.

The Air Cargo Security Act would create a comprehensive security process for shipment of cargo, particularly for shipments traveling on passenger flights. It would require that all cargo onboard passenger flights, including foreign-based flights heading for the U.S., be thoroughly inspected. The bill would also direct TSA to establish a ''chain of custody'' for air cargo that ensures that merchandise is never out of the control of a known shipper. Under these restrictions, cargo could be placed aboard aircraft with confidence that no tampering had occurred in transit.

The legislation would direct TSA to formulate a comprehensive system for certifying known shippers and assigning each one a unique encrypted identifier that must be produced to the air carrier before loading the cargo and cannot be counterfeited. All shippers, including haulers and middlemen, must be certified under the new system. If cargo has been handled in any way by an uncertified company, then it will not fly. The TSA would have to regularly inspect shipping facilities. To accomplish these tasks, the bill would provide TSA with additional manpower and equipment as needed.

I know that air cargo security presents a challenge nearly as large as passenger security. Forcing shippers and carriers to submit to inspection of all cargo would allow only 4 percent of the current volume to be processed. I want to ensure that these inspections do not harm airline operations.

However, if we fail to enact these reforms, we will leave aviation security only half-finished. I fear that we will lose our aviation system if we suffer another successful attack on a passenger flight. I call upon my colleagues to take these concrete, measurable steps to ensuring the safety of air passengers and those on the ground.

AMENDMENTS SUBMITTED—JUNE 20, 2002

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:

After title XII, insert the following:

TITLE XIII—COAST GUARD APPROPRIATIONS

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Coast Guard Authorization Act of 2002''.

SEC. 1302. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 1301. Short title.
Sec. 1302. Table of contents.

Subtitle A—Authorization

Sec. 1311. Authorization of appropriations.
Sec. 1312. Authorized levels of military strength and training.
Sec. 1313. LORAN–C.
Sec. 1314. Patrol craft.
Sec. 1315. Caribbean support tender.

Subtitle B—Personnel Management

Sec. 1321. Coast Guard band director rank.
Sec. 1322. Compensatory absence for isolated duty.
Sec. 1323. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.
Sec. 1324. Extension of Coast Guard housing authorities.
Sec. 1325. Accelerated promotion of certain Coast Guard officers.
Sec. 1326. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.
Sec. 1327. Reserve officer promotion.
Sec. 1328. Reserve Student Pre-Commissioning Assistance Program.
Sec. 1329. Continuation on active duty beyond 30 years.
Sec. 1330. Payment of death gratuities on behalf of Coast Guard Auxiliarists.
Sec. 1331. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.

Subtitle C—Marine Safety

Sec. 1341. Modernization of national distress and response system.
Sec. 1342. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
Sec. 1343. Icebreaking services.
Sec. 1344. Modification of various reporting requirements.
Sec. 1345. Oil Spill Liability Trust Fund; emergency fund advancement authority.
Sec. 1346. Merchant mariner documentation requirements.
Sec. 1347. Penalties for negligent operations and interfering with safe operation.
Sec. 1348. Fishing vessel safety training.
Sec. 1349. Extend time for recreational vessel and associated equipment recalls.
Sec. 1350. Safety equipment requirement.
Sec. 1351. Marine casualty investigations involving foreign vessels.
Sec. 1352. Maritime Drug Law Enforcement Act amendments.
Sec. 1353. Temporary certificates of documentation for recreational vessels.

Subtitle D—Renewal of Advisory Groups

Sec. 1361. Commercial Fishing Industry Vessel Advisory Committee.
Sec. 1362. Houston-Galveston Navigation Safety Advisory Committee.
Sec. 1363. Lower Mississippi River Waterway Advisory Committee.
Sec. 1364. Navigation Safety Advisory Council.
Sec. 1365. National Boating Safety Advisory Council.

Sec. 1366. Towing Safety Advisory Committee.

Subtitle E—Miscellaneous

Sec. 1381. Conveyance of Coast Guard property in Portland, Maine.
Sec. 1382. Harbor safety committees.
Sec. 1383. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.
Sec. 1384. Conforming references to the former Merchant Marine and Fisheries Committee.
Sec. 1385. Long-term lease authority for lighthouse property.
Sec. 1386. Electronic filing of commercial instruments for vessels.
Sec. 1387. Radio direction finding apparatus carriage requirement.
Sec. 1388. Wing-in-ground craft.
Sec. 1389. Deletion of thumbprint requirement for merchant mariners' documents.
Sec. 1390. Authorization of payment.
Sec. 1391. Additional Coast Guard funding needs after September 11, 2001.
Sec. 1392. Repeal of special authority to revoke endorsements.
Sec. 1393. Prearrival messages from vessels destined to United States ports.
Sec. 1394. Safety and security of ports and waterways.
Sec. 1395. Administrative waiver.

Subtitle A—Authorization

SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002, as follows:

(1) For the operation and maintenance of the Coast Guard, $4,533,000,000, of which—

(A) $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund; and

(B) $537,000,000 is authorized for activities associated with improving maritime security, including maritime domain awareness and law enforcement operations.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $719,323,000 of which—

(A) $20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) $50,000,000 is authorized to be available for equipment and facilities associated with improving maritime security awareness, crisis prevention, and response; and

(C) $338,000,000 is authorized to be available to implement the Coast Guard's Integrated Deepwater system.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue; aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $876,350,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $13,500,000, to remain available until expended; and

(B) $2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

SEC. 1312. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,050 student years.

SEC. 1313. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $22,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 1314. PATROL CRAFT.

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC–170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in additional to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

SEC. 1315. CARIBBEAN SUPPORT TENDER.

(a) IN GENERAL.—The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

(b) MEDICAL AND DENTAL CARE.—

(1) The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

(A) on an outpatient basis without cost; and

(B) on an outpatient basis if the United States is reimbursed for the costs of providing such care. Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which the charges were made for the provision of such care.

(2) Notwithstanding paragraph (a)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign country.

Subtitle B—Personnel Management

SEC. 1321. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking ''commander'' and inserting ''captain''.

SEC. 1322. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 51 of title 14, United States Code, is amended to read as follows:

''§ 511. Compensatory absence from duty for military personnel at isolated duty stations

''The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following: ''511. Compensatory absence from duty for military personnel at isolated duty stations.''.

SEC. 1323. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PERSECUTION.

Section 633 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) is amended by redesignating subsections (b), (c), and (d) in order as subsections (c), (d), and (e), and by inserting after subsection (a) the following:

''(b) APPLICATION TO COAST GUARD.—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under this section.''.

SEC. 1324. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

(a) IN GENERAL.—Section 689 of title 14, United States Code, is amended by striking ''2001.'' and inserting ''2006.''.

(b) HOUSING DEMONSTRATION PROJECT.—Section 687 of title 14, United States Code, is amended by adding at the end the following:

''(g) DEMONSTRATION PROJECT AUTHORIZED.—To promote efficiencies through the use of alternative procedures for expediting new housing projects, the Secretary—

''(1) may develop and implement a demonstration project for acquisition or construction of military family housing and military unaccompanied housing at the Coast Guard installation at Kodiak, Alaska;

''(2) in implementing the demonstration project shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration's section 8(a) program;

''(3) shall, to the maximum extent possible, acquire or construct such housing through contracts with small business concerns qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) that have their principal place of business in the State of Alaska; and

''(4) shall report to Congress by September 1st of each year on the progress of activities under the demonstration project.''.

SEC. 1325 ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) by adding at the end of section 259 the following:

''(c)(1) After selecting the officers to be recommended for promotion, a selection

board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

''(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date the Secretary publishes a finding that implementation of this subsection will improve Coast Guard officer retention and management.

''(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.'';

(2) by inserting ''and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title'' in section 260(a) after ''promotion''; and

(3) by inserting at the end of section 271(a) the following: ''The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.''.

SEC. 1326. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.

Section 285 of title 14, United States Code, is amended—

(1) by striking ''Each officer'' and inserting ''(a) Each officer''; and

(2) by adding at the end the following new subsections:

''(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

''(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

''(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b), is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.''

SEC. 1327. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of title 14, United States Code is amended by inserting ''on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system,'' after ''grade''.

(b) Section 731 of title 14, United States Code, is amended by striking the period at the end of the sentence in section 731, and inserting '', or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

''(1) 2 years in the grade of lieutenant (junior grade).

''(2) 3 years in the grade of lieutenant.

''(3) 4 years in the grade of lieutenant commander.

''(4) 4 years in the grade of commander.

''(5) 3 years in the grade of captain.''.

(c) Section 736(a) of title 14, United States Code, is amended by inserting ''the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event'' after ''subchapter,'' in the first sentence.

SEC. 1328. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 14, United States Code, is amended by inserting after section 709 the following new section:

''§ 709a. Reserve student pre-commissioning assistance program

''(a) The Secretary may provide financial assistance to an eligible enlisted member of the Coast Guard Reserve, not on active duty, for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a post-baccalaureate degree.

''(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve shall—

''(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

''(B) enter into a written agreement with the Coast Guard described in paragraph (2).

''(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees—

''(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

''(B) to serve on active duty for up to five years; and

''(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Coast Guard Reserve until the eighth anniversary of the date of the appointment.

''(c) Expenses for which financial assistance may be provided under this section are the following:

''(1) Tuition and fees charged by the institution of higher education involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as are deemed appropriate by the Secretary.

''(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $25,000 for any academic year.

''(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

''(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than 4 years, if the member—

''(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

''(2) fails to complete the academic requirements of the institution of higher education involved; or

''(3) fails to maintain eligibility for an original appointment as a commissioned officer.

''(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty.

''(2) The Secretary may waive the service obligated under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct. An obligation to reimburse the United States imposed under this paragraph is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (b) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

''(h) As used in this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (209 U.S.C. 1001).''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:''709A. Reserve student pre-commissioning assistance program.''.

SEC. 1329. CONTINUATION ON ACTIVE DUTY BEYOND 30 YEARS.

Section 289 of title 14, United States Code, is amended by adding at the end the following:

''(h) Notwithstanding subsection (g) and section 288 of this title, the Commandant may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (g) or section 288 of this title. An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain the officer under this subsection.''.

SEC. 1330. PAYMENT OF DEATH GRATUITIES ON BEHALF OF COAST GUARD AUXILIARISTS.

(a) Section 823a(b) of title 14, United States Code, is amended by inserting the following new paragraph following paragraph (8):

''(9) On or after January 1, 2001, the first section 651 contained in the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009–368).''.

SEC. 1331. ALIGN COAST GUARD SEVERANCE PAY AND REVOCATION OF COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended—

(1) in section 281—

(A) by striking ''three'' in the section heading and inserting ''five''; and

(B) by striking ''three'' in the text and inserting ''five'';

(2) in section 283(b)(2)(A), by striking ''severance'' and inserting ''separation'';

(3) in section 286—

(A) by striking ''severance'' in the section heading and inserting ''separation''; and

(B) by striking subsection (b) and inserting the following:

''(b) An officer of the Regular Coast Guard who is discharged under this section or section 282, 283, or 284 of this title who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

''(c) An officer of the Regular Coast Guard who is discharged under section 327 of this title, who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10 as determined under regulations promulgated by the Secretary.

''(d) Notwithstanding subsection (a) or (b), an officer discharged under chapter 11 of this title for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer requested in writing or otherwise sought not to be selected for promotion, or requested removal from the list of selectees.'';

(4) in section 286a—

(A) by striking ''severance'' in the section heading and inserting ''separation'' in its place; and

(B) by striking subsections (a), (b), and (c) and inserting the following:

''(a) A regular warrant officer of the Coast Guard who is discharged under section 580 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

''(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

''(c) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.''; and

(5) in section 327—

(A) by striking ''severance'' in the section heading and inserting ''separation'';

(B) by striking subsection (a)(2) and inserting in its place the following:

''(2) for discharge with separation benefits under section 286(c) of this title.'';

(C) by striking subsection (a)(3);

(D) by striking subsection (b)(2) and inserting in its place the following:

''(2) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged with separation benefits under section 286(c) of this title, unless under regulations promulgated by the Secretary the condition under which the officer is discharged does not warrant an honorable discharge.''; and

(E) by striking subsection (b)(3).

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended—

(1) in the item relating to section 281, by striking ''three'' and inserting ''five'' in its place; and

(2) in the item relating to section 286, by striking ''severance'' and inserting ''separation'' in its place;

(3) in the item relating to section 286a, by striking ''severance'' and inserting ''separation'' in its place; and

(4) in the item relating to section 327, by striking ''severance'' and inserting ''separation'' in its place.

(c) EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) shall take effect four years after the date of enactment of this title, except that subsection (d) of section 286 of title 14, United States Code, as amended by paragraph (3) of subsection (a) of this section shall take effect on enactment of this title and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect four years after the date of enactment of this title.

Subtitle C—Marine Safety

SEC. 1341. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this title, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The report required by subsection (a) shall—

(1) set forth the scope of the modernization, the schedule for completion of the System, and provide information on progress in meeting the schedule and on any anticipated delays;

(2) specify the funding expended to-date on the System, the funding required to complete the system, and the purposes for which the funds were or will be expended;

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF–FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities occurring in areas with existing communications gaps or failures, including incidents associated with gaps in VHF–FM coverage or digital selective calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels during calendar years 1997 forward;

(8) identify existing systems available to close identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF–FM digital selective calling distress signal; and

(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR–99–01.

SEC. 1342. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radio-telephone Act (33 U.S.C. 1203(b)), is amended by striking ''United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.'' and inserting ''United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

SEC. 1343. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 1344. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.

(a) TERMINATION OF OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.—

(1) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101–892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104–66), shall no longer be submitted to the Congress.

(2) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104–66) is amended by—

(A) striking subsection (a); and

(B) in subsection (b) by striking ''(b)''.

(b) PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act

of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

(2) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

(3) USER FEE ACTIVITIES AND AMOUNTS.—Section 664 of title 46, United States Code.

(4) CONDITIONS OF PUBLIC PORTS OF THE UNITED STATES.—Section 308(c) of title 49, United States Code.

(5) ACTIVITIES OF FEDERAL MARITIME COMMISSION.—Section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118).

(6) ACTIVITIES OF INTERAGENCY COORDINATING COMMITTEE ON OIL POLLUTION RESEARCH.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

SEC. 1345. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND ADVANCEMENT AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting ''To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may obtain an advance from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance. Amounts advanced shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.''.

SEC. 1346. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) INTERIM MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking ''A'' in subsection (f) and inserting ''Except as provided in subsection (g), a''; and

(2) by adding at the end the following:

''(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

''(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

''(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

''(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.''.

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and''.

SEC. 1347. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2302(a) of title 46, United States Code, is amended by striking ''$1,000.'' and inserting ''$5,000 in the case of a recreational vessel, or $25,000 in the case of any other vessel.''.

SEC. 1438. FISHING VESSEL SAFETY TRAINING.

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

(4) participation on application fishing vessel safety training advisory panels.

(b) No Interference with Other Functions.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

SEC. 1349. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

Section 4310(c) of title 46, United States Code, is amended—

(1) by striking ''5'' wherever it appears and inserting ''10'' in its place in paragraph (2)(A) and (B).

(2) by inserting ''by first class mail or'' in front of ''by certified mail'' in paragraph (1)(A), (B), and (C).

SEC. 1350. SAFETY EQUIPMENT REQUIREMENT.

The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including survival suits where appropriate, while performing search and rescue missions.

SEC. 1351. MARINE CASUALTY INVESTIGATIONS INVOLVING FOREIGN VESSELS.

Section 6101 of title 46, United States Code, is amended—

(1) 2 redesignating the second subsection (e) as subsection (f); and

(2) by adding at the end the following new subsection:

''(g) To the extend consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating State under the Code.''.

SEC. 1352. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

(a) Section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903) is amended—

(1) in subsection (c)(1)(D) by striking ''and'';

(2) in subsection (c)(1)(E) by striking ''United States.'' and inserting ''United States; and''; and

(3) by inserting after subsection (c)(1)(E) the following:

''(F) a vessel located in the contiguous zone of the United States, as defined in Presidential Proclamation 7219 of September 2, 1999, and (i) is entering the United States, (ii) has departed the United States, or (iii) is a hovering vessel as defined in 19 U.S.C. 1401(k).''.

(b) Section 4 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1904) is amended—

(1) by inserting ''(a)'' before ''Any property''; and

(2) by adding at the end the following:

''(b) Practices commonly recognized as smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, an offense under this chapter, and may support seizure and forfeiture of the vessel, even in the absence of controlled substances aboard the vessel. The following indicia, inter alia, may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of an offense under this chapter:

''(1) The construction or adaptation of the vessel in a manner that facilitates smuggling, including—

''(A) the configuration of the vessel to ride low in the water or present a low hull profile to avoid being detected visually or by radar;

''(B) the presence of any compartment or equipment which is built or fitted out for smuggling, not including items such as a safe or lock-box reasonably used for the storage of personal valuables;

''(C) the presence of an auxiliary tank not installed in accordance with applicable law, or installed in such a manner as to enhance the vessel's smuggling capability;

''(D) the presence of engines that are excessively over-powered in relation to the design and size of the vessel;

''(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel and avoid detection;

''(F) the presence of a camouflaging paint scheme, or of materials used to camouflage the vessel, to avoid detection; or

''(G) the display of false vessel registration numbers, false indicia of vessel nationality, false vessel name, or false vessel homeport.

''(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

''(3) The presence of excessive fuel, lube oil, food, water, or spare parts, inconsistent with legitimate vessel operation, inconsistent with the construction or equipment of the vessel, or inconsistent with the character of the vessel's stated purpose.

''(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation, and in a manner of navigation consistent with smuggling tactics used to avoid detection by law enforcement authorities.

''(5) The failure of the vessel to stop or respond or heave to when hailed by government authority, especially where the vessel conducts evasive maneuvering when hailed.

''(6) The declaration to government authority of apparently false information about the vessel, crew, or voyage, or the failure to identify the vessel by name or country of registration when requested to do so by government authority.

''(7) The presence of controlled substance residue on the vessel, on an item aboard the vessel, or on a person aboard the vessel, of a quantity or other nature which reasonably indicates manufacturing or distribution activity.

''(8) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

''(9) The presence of a controlled substance in the water in the vicinity of the vessel, where given the currents, weather conditions, and course and speed of the vessel, the quantity or other nature is such that it reasonably indicates manufacturing or distribution activity.''.

SEC. 1353. TEMPORARY CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.

(a) Section 12103 (a) of title 46, United States Code, is amended by inserting '', or a temporary certificate of documentation,'' after ''certificate of documentation''.

(b)(1) Chapter 121 of title 46, United States Code, is amended by adding a new section 12103a, as follows:

"§ 12103a. Issuance of temporary certificate of documentation by third parties

''(a) The Secretary of Transportation may delegate, subject to the supervision and control of the Secretary and under terms set out by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel, if the applicant for the certificate of documentation meets the requirements set out in sections 12102 and 12103 of this chapter.

''(b) A temporary certificate of documentation issued under section 12103(a) and subsection (a) of this section is valid for up to 30 days from issuance.''.

(2) The table of sections at the beginning of chapter 121 of title 46, United States Code, is amended by inserting after the item relating to section 12103 the following:

''12103a. Issuance of temporary certificate of documentation by third parties.''.

Subtitle D—Renewal of Advisory Groups

SEC. 1361. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting ''Safety'' in the heading after ''Vessel'';

(2) by inserting ''Safety'' in subsection (a) after ''Vessel'';

(3) by striking ''(5 U.S.C. App. 1 et seq.)'' in subsection (e)(1) and inserting ''(5 U.S.C. App.)''; and

(4) by striking ''September 30, 2000'' and inserting ''September 30, 2005''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

''4508. Commercial Fishing Industry Vessel Safety Advisory Committee.''.

SEC. 1362. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102—241) is amended by striking ''September 30, 2000.'' and inserting ''September 30, 2005.''.

SEC. 1363. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking ''September 30, 2000'' in subsection (g) and inserting ''September 30, 2005''.

SEC. 1364. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''September 30, 2000'' in subsection (d) and inserting ''September 30, 2005''.

SEC. 1365. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended by striking ''September 30, 2000'' in subsection (e) and inserting ''September 30, 2005''.

SEC. 1366. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled ''An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation'' (33 U.S.C. 1231a) is amended by striking ''September 30, 2000.'' in subsection (e) and inserting ''September 30, 2005.''.

Subtitle E—Miscellaneous

SEC. 1381. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this title.

(2) IDENTIFICATION OF LEASED PREMISES.—The Administrator, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

(A) The right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to Coast Guard vessels and performance of Coast Guard missions and other mission-related activities.

(B) The right to berth Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense.

(C) The right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes.

(D) The right to occupy up to 3,000 contiguous gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 contiguous gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) LIMITATION ON SUBLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission related activities.

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this title.

(2) FURTHER IMPROVEMENTS.—In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the leased premises during the lease term, at the United States' sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

(1) UTILITIES.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States' sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this title.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the replacement bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this title.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the leased premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any

aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this title or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this title.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term ''aids to navigation'' means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term ''Corporation'' means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 1382. HARBOR SAFETY COMMITTEES.

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety in existence on the date of enactment of this title;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term ''harbor safety committee'' means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety, mobility, environmental protection, and port security of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

SEC. 1383. LIMITATION OF LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.

(a) IN GENERAL.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

''§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots

''Any pilot, acting in the course and scope of his duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice or communication assistance shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

''2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots''.

SEC. 1384. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.

(a) LAWS CODIFIED IN TITLE 14, UNITED STATES CODE.—

(1) Section 194(b)(2) of title 14, United States Code, is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

(2) Section 663 of title 14, United States Code, is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

(3) Section 664 of title 14, United States Code, is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

(b) LAWS CODIFIED IN TITLE 33, UNITED STATES CODE.—

(1) Section 3(d)(3) of the International Navigational Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended by striking ''Merchant Marine and Fisheries,'' and inserting ''Transportation and Infrastructure,''.

(2) Section 5004(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2734(2)) is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

(c) LAWS CODIFED IN TITLE 46, UNITED STATES CODE.—

(1) Section 6307 of title 46, United States Code, is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

(2) Section 901g(b)(3) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241k(b)(3)) is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

(3) Section 913(b) of the International Maritime and Port Security Act (46 U.S.C. App. 1809(b)) is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

SEC. 1385. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end a new section 672b to read as follows:

''§ 672b. Long-term lease authority for lighthouse property

''(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including, but not limited to, the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) shall not apply to leases issued by the Commandant under this section.

''(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the Treasury.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 672 the following:

''672b. Long-term lease authority for lighthouse property.''.

SEC. 1386. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.

Section 31321(a)(4) of title 46, United States Code, is amended—

(1) by striking ''(A)''; and

(2) by striking subparagraph (B).

SEC. 1387. RADIO DIRECTION FINDING APPARATUS CARRIAGE REQUIREMENT.

The first sentence of section 365 of the Communications Act of 1934 (47 U.S.C. 363) is amended by striking ''operators.'' and inserting ''operators, or with radio direction-finding apparatus.''.

SEC. 1388. WING-IN-GROUND CRAFT.

(a) Section 2101(35) of title 46, United States Code, is amended by inserting ''a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and'' after the phrase '' 'small passenger vessel' means''.

(b) Section 2101 of title 46, United States Code, is amended by adding at the end the following:

''(48) wing-in-ground craft means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.''.

SEC. 1389. DELETION OF THUMBPRINT REQUIREMENT FOR MERCHANT MARINERS' DOCUMENTS.

Section 7303 of title 46, United States Code, is amended by striking ''the thumbprint,''.

SEC. 1390. AUTHORIZATION OF PAYMENT.

(a) IN GENERAL.—The Secretary of the Treasury shall pay the sum of $71,000, out of funds in the Treasury not otherwise appropriated, to the State of Hawaii, such sum being the damages arising out of the June 19, 1997, allision by the United States Coast Guard Cutter RUSH with the ferry pier at Barber's Point Harbor, Hawaii.

(b) FULL SETTLEMENT.—The payment made under subsection (a) is in full settlement of all claims by the State of Hawaii against the United States arising from the June 19, 1997, allision.

SEC. 1391. ADDITIONAL COAST GUARD FUNDING NEEDS AFTER SEPTEMBER 11, 2001.

No later than 90 days after the date of enactment of this title, the Secretary, in consultation with the Director of the Office of

Homeland Security shall submit a report to the Congress that—

(1) compares Coast Guard expenditures by mission area on an annualized basis before and after the terrorist attacks of September 11, 2001;

(2) estimates—

(A) annual funding amounts and personnel levels that would restore all Coast Guard mission areas to the readiness levels that existed before September 11, 2001;

(B) annual funding amounts and personnel levels required to fulfill the Coast Guard's additional responsibilities for port security after September 11, 2001; and

(C) annual funding amounts and personnel levels required to increase law enforcement needs in mission areas other than port security after September 11, 2001;

(3) generally describes the services provided by the Coast Guard to the Department of Defense after September 11, 2001, and states the cost of such services; and

(4) identifies the Federal agency providing funds for those services.

SEC. 1392. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.

Section 503 of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 note) is repealed.

SEC. 1393. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.

(a) PREARRIVAL MESSAGE REQUIREMENTS.—Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223) is amended—

(1) by striking paragraph (5) of subsection (a) and inserting the following:

(5) ''may require the receipt of prearrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States in accordance with subsection (e).''; and

(2) by adding at the end the following:

''(e) PREARRIVAL MESSAGE REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require prearrival messages under subsection (a)(5) to provide any information that the Secretary determines is necessary for the control of the vessel and the safety and security of the port, waterways, facilities, vessels, and marine environment, including—

''(A) the route and name of each port and each place of destination in the United States;

''(B) the estimated date and time of arrival at each port or place;

''(C) the name of the vessel;

''(D) the country of registry of the vessel;

''(E) the call sign of the vessel;

''(F) the International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

''(G) the name of the registered owner of the vessel;

''(H) the name of the operator of the vessel;

''(I) the name of the classification society of the vessel;

''(J) a general description of the cargo on board the vessel;

''(K) in the case of certain dangerous cargo—

''(i) the name and description of the dangerous cargo;

''(ii) the amount of the dangerous cargo carried;

''(iii) the stowage location of the dangerous cargo; and

''(iv) the operational condition of the equipment under section 164.35 of title 33, Code of Federal Regulations;

''(L) the date of departure and name of the port from which the vessel last departed;

''(M) the name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;

''(N) the location or position of the vessel at the time of the report;

''(O) a list of crew members on board the vessel including, with respect to each crew member—

''(i) the full name;

''(ii) the date of birth;

''(iii) the nationality;

''(iv) the passport number or mariners document number; and

''(v) the position or duties;

''(P) a list of persons other than crew members on board the vessel including, with respect to each such person—

''(i) the full name;

''(ii) the date of birth;

''(iii) the nationality; and

''(iv) the passport number; and

''(Q) any other information required by the Secretary.

''(2) FORM AND TIME.—The Secretary may require prearrival messages under subsection (a)(5) to be submitted—

''(A) in electronic or other form; and

''(B) to be submitted not later than 96 hours before the vessel's arrival or at such time, as provided in regulations, as the Secretary deems necessary to permit the Secretary to examine thoroughly all information provided.

''(3) INFORMATION NOT SUBJECT TO FOIA.—Section 552 of title 5, United States Code, does not apply to any information submitted under subsection (a)(5).

''(4) ENFORCEMENT OF REQUIREMENT.—The Secretary may deny entry of a vessel into the territorial sea of the United States if the Secretary has not received notification for the vessel in accordance with subsection (a)(5).''

(b) RELATION OF PREARRIVAL MESSAGE REQUIREMENT TO OTHER PROVISION OF LAW.—Section 5 of the Ports and Waterways Safety Act (33 U.S.C. 1224) is amended by adding at the end the following:

''(c) RELATION TO PREARRIVAL MESSAGE REQUIREMENT.—Nothing in this section interferes with the Secretary's authority to require information under section 4(a)95) before a vessel's arrival in a port or place subject to the jurisdiction of the United States.''.

SEC. 1394. SAFETY AND SECURITY OF PORTS AND WATERWAYS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended—

(1) by striking ''safety and protection of the marine environment'' in section 2(a) (33 U.S.C. 1221(a)) and inserting ''safety, protection of the marine environment, and safety and security of United States ports and waterways''; and

(2) by striking ''safety and protection of the marine environment,'' in section 5(a) (33 U.S.C. 1224(a)) and inserting ''safety, protection of the marine environment, and the safety and security of United States ports and waterways,''.

SEC. 1395. ADMINISTRATIVE WAIVER.

The yacht EXCELLENCE III, hull identification number HQZ00255K101, is deemed to be an eligible vessel within the meaning of section 504(2) of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 nt).

AMENDMENTS SUBMITTED AND PROPOSED—JUNE 21, 2002

SA 3952. Mr. NELSON, of Florida (for himself, Mr. MCCAIN, Mr. CLELAND, 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.

SA 3953. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 2514, supra.

SA 3954. Mr. LEVIN (for Mr. NELSON, of Florida (for himself and Mr. ALLARD)) proposed an amendment to the bill S. 2514, supra.

SA 3955. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 2514, supra.

SA 3956. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3957. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3958. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3959. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3960. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 2514, supra.

SA 3961. Mr. LEVIN (for Mrs. CLINTON (for himself and Mr. SCHUMER)) proposed an amendment to the bill S. 2514, supra.

SA 3962. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3963. Mrs. FEINSTEIN (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3964. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3965. Mr. THOMPSON (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3952. Mr. NELSON of Florida (for himself, Mr. MCCAIN, Mr. CLELAND, 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 E of title X, add the following:

SEC. 1065. DISCLOSURE OF INFORMATION ON SHIPBOARD HAZARD AND DEFENSE PROJECT TO DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN FOR DISCLOSURE OF INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a comprehensive plan for the review, declassification, and submittal to the Department of Veterans Affairs of all medical records and information of the Department of Defense on the Shipboard Hazard and Defense (SHAD) project of the Navy that are relevant to the provision of benefits by the Secretary of Veterans Affairs to members of the Armed Forces who participated in that project.

(b) PLAN REQUIREMENTS.—(1) The records and information covered by the plan under subsection (a) shall be the records and information necessary to permit the identification of members of the Armed Forces who were or may have been exposed to chemical or biological agents as a result of the Shipboard Hazard and Defense project.

(2) The plan shall provide for completion of all activities contemplated by the plan not later than one year after the date of the enactment of this Act.

(c) REPORTS ON IMPLEMENTATION.—(1) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until completion of all activities contemplated by the plan under subsection (a), the Secretary of Defense shall submit to Congress and the Secretary of Veterans Affairs a report on progress in the implementation of the plan during the 90-day period ending on the date of such report.

(2) Each report under paragraph (1) shall include, for the period covered by such report—

(A) the number of records reviewed;

(B) each test, if any, under the Shipboard Hazard and Defense project identified during such review;

(C) for each test so identified—

(i) the test name;

(ii) the test objective;

(iii) the chemical or biological agent or agents involved; and

(iv) the number of members of the Armed Forces, and civilian personnel, potentially effected by such test; and

(D) the extent of submittal of records and information to the Secretary of Veterans Affairs under this section.

SA 3953. 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, and insert the following:

SEC. 346. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking ''December 31, 2002'' in the second sentence and inserting ''December 31, 2004''.

SA 3954. Mr. LEVIN (for Mr. NELSON of Florida (for himself and Mr. ALLARD)) 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 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 3955. Mr. WARNER (for Mrs. HUTCHISON) 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 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 3955. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) 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 title XXIII, add the following:

SEC. 2305. AUTHORITY FOR USE OF MILITARY CONSTRUCTION FUNDS FOR CONSTRUCTION OF PUBLIC ROAD NEAR AVIANO AIR BASE, ITALY, CLOSED FOR FORCE PROTECTION PURPOSES.

(a) AUTHORITY TO USE FUNDS.—The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2301(b), carry out a project to provide a public road, and associated improvements, to replace a public road adjacent to Aviano Air Base, Italy, that has been closed for force protection purposes.

(b) SCOPE OF AUTHORITY.—(1) The authority of the Secretary to carry out the project referred to in subsection (a) shall include authority as follows:

(A) To acquire property for the project for transfer to a host nation authority.

(B) To provide funds to a host nation authority to acquire property for the project.

(C) To make a contribution to a host nation authority for purposes of carrying out the project.

(D) To provide vehicle and pedestrian access to landowners effected by the project.

(2) The acquisition of property using authority in subparagraph (A) or (B) of paragraph (1) may be made regardless of whether or not ownership of such property will vest in the United States.

(c) INAPPLICABILITY OF CERTAIN REAL PROPERTY MANAGEMENT REQUIREMENT.—Section 2672(a)(1)(B) of title 10, United States Code, shall not apply with respect to any acquisition of interests in land for purposes of the project authorized by subsection (a).

SA 3957. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) 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;

In the first table in section 2702(b), insert after the item relating to Tinker Air Force Base, Oklahoma, the following:

Texas	Lackland Air Force Base	Dormitory	$5,300,000

SA 3958. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) 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 336, beginning on line 10, strike ''188 housing units'' and insert ''133 housing units''.

SA 3959. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) 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;

In the table in section 2101(b), strike the item relating to Landsthul, Germany, and insert the following new item:

	Landstuhl	$2,400,000

In the table in section 2101(b), strike the item relating to Camp Walker, Korea, and insert the following new item:

	Camp Henry ...	$10,200,000

SA 3960. Mr. LEVIN (for Mr. AKAKA (for himself and Mr. INHOFE)) 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 title XXI, add the following:

SEC. 2109. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2001 (division B 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–390) is amended by striking ''Camp Page'' in the installation or location column and inserting ''Camp Stanley''.

SA 3961. Mr. LEVIN (for Mrs. CLINTON (for herself and Mr. SCHUMER) 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 A of title XXVIII, add the following:

SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) LEASING OF HOUSING.—Subsection (a) of section 2874 of title 10, United States Code, is amended to read as follows:

''(a) LEASE AUTHORIZED.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

''(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.''.

(b) REPEAL OF INTERIM LEASE AUTHORITY.—Section 2879 of such title is repealed.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for section 2874 of such title is amended to read as follows:

''§ 2874. Leasing of housing''.

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

''2874. Leasing of housing.''; and

(B) by striking the item relating to section 2879.

SA 3962. Mr. SARBANES 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 E of title X, add the following:

SEC. 1065. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

''CHAPTER 1201—[RESERVED]''; and

(2) by inserting the following:

''CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

''Sec.

''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Duty to maintain corporate and tax-exempt status.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.

''§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

''§ 120102. Purposes

''The purposes of the corporation are as provided in its articles of incorporation and include—

''(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

''(2) providing a means of contact and communication among members of the corporation;

''(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

''(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

''§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

''§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

''§ 120105. Powers

''The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

''§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

''§ 120107. Duty to maintain corporate and tax-exempt status

''(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

''(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

''§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

''§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive

service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

''§ 120110. Liability for acts of officers and agents

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

''§ 120111. Annual report

''The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

''1201. Korean War Veterans Association, Incorporated .....120101''.

SA 3963. Mrs. FEINSTEIN (for herself and Mr. STEVENS) 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 34, after line 23, insert the following.

SEC. 226. LIMITATION ON USE OF FUNDS FOR NUCLEAR ARMED INTERCEPTORS.

None of the funds authorized to be appropriated by this or any other Act may be used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

SA 3964. Mrs. FEINSTEIN 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 34, after line 23, insert the following:

SEC. 226. OPERATIONAL TEST AND EVALUATION OF SYSTEMS BEFORE DEPLOYMENT.

It is the sense of Congress that the United States should not deploy a national missile defense system until—

(1) operational tests of a fully integrated version of the system have been conducted utilizing realistic test parameters; and

(2) the operational tests have demonstrated, in a manner consistent with the provisions of section 2399 of title 10, United States Code, that the system, whether part of a fully integrated system or an emergency deployment, is operationally effective and suitable for use in combat.

SA 3965. Mr. THOMPSON (for himself and Mr. WARNER) 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. BIANNUAL REPORTS ON CONTRIBUTIONS TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND DELIVERY SYSTEMS BY COUNTRIES OF PROLIFERATION CONCERN.

(a) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the President shall submit to Congress a report identifying each foreign person that, during the six-month period ending on the date of such report, made a material contribution to the development by a country of proliferation concern of—

(1) nuclear, biological, or chemical weapons; or

(2) ballistic or cruise missile systems.

(b) FORM OF SUBMITTAL.—(1) A report under subsection (a) may be submitted in classified form, whether in whole or in part, if the President determines that submittal in that form is advisable.

(2) Any portion of a report under subsection (a) that is submitted in classified form shall be accompanied by an unclassified summary of such portion.

(c) DEFINITIONS.—In this section:

(1) The term ''foreign person'' means—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) The term ''country of proliferation concern'' means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear, chemical, and biological weapons) and advanced conventional munitions in the most current report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104–293; 50 U.S.C. 2366), or any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Avoiding the Summer Slide: The Importance of Summer School to Student Achievement and Well Being'' during the session of the Senate on Friday, June 21, 2002, at 9:30 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on ''Examining the Plight of Refugees: The Case of North Korea'' on Friday, June 21, 2002, at 10 a.m. in Dirksen 226.

Agenda

Witnesses

Panel 1: The Honorable Arthur Dewey, Assistant Secretary of State for the Bureau of Population, Refugees, and Migration, Department of State, Washington, DC.

Panel 2: Soon Ok Lee, North Korean prison camp survivor, Seoul, South Korea; Helie Lee, West Hollywood, California; and Norbert Vollertsen, M.D., Seoul, South Korea.

Panel 3: Felice D. Gaer, Chairwoman of the Commission on International Religious Freedom, Washington DC; Debra Liang-Fenton, Vice Chairman, U.S. Committee fon Human Rights in North Korea, Minneapolis, Minnesota; Jana Mason, Asian Policy Analyst, U.S. Committee on Refugees, Washington, DC; and Elisa Massimino Lawyers Committee for Human Rights, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Matthew Green, a fellow in Senator FEINSTEIN's office, be granted floor privileges for the duration of the consideration of S. 2514, the fiscal year 2003 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 1:30 TODAY

Mr. REID. Madam President, I ask unanimous consent that the record remain open today until 1:30, notwithstanding the adjournment of the Senate, for the submission of statements and introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT OF AMERICAN EAGLE SILVER BULLION PROGRAM ACT

Mr. REID. Madam President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 2594, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2594) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, Senator CRAPO is not in the Chamber. Circumstances don't allow him to be here. This is something on which he has worked very hard. I want the RECORD to be very clear that this legislation could not have passed without his advocacy. He and I have worked on it for some time. It is important legislation. I want to make sure the RECORD is spread with the fact that Senator CRAPO has been very instrumental in this effort.

I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2594) was read the third time and passed, as follows:

S. 2594

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 ''Support of American Eagle Silver Bullion Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the American Eagle Silver Bullion coin leads the global market, and is the largest and most popular silver coin program in the United States;

(2) established in 1986, the American Eagle Silver Bullion Program is the most successful silver bullion program in the world;

(3) from fiscal year 1995 through fiscal year 2001, the American Eagle Silver Bullion Program generated—

(A) revenues of $264,100,000; and

(B) sufficient profits to significantly reduce the national debt;

(4) with the depletion of silver reserves in the Defense Logistic Agency's Strategic and Critical Materials Stockpile, it is necessary for the Department of the Treasury to acquire silver from other sources in order to preserve the American Eagle Silver Bullion Program;

(5) with the ability to obtain silver from other sources, the United States Mint can continue the highly successful American Eagle Silver Bullion Program, exercising sound business judgment and market acquisition practices in its approach to the silver market, resulting in continuing profitability of the program;

(6) in 2001, silver was commercially produced in 12 States, including, Alaska, Arizona, California, Colorado, Idaho, Missouri, Montana, Nevada, New Mexico, South Dakota, Utah, and Washington;

(7) Nevada is the largest silver producing State in the Nation, producing—

(A) 17,500,000 ounces of silver in 2001; and

(B) 34 percent of United States silver production in 2000;

(8) the mining industry in Idaho is vital to the economy of the State, and the Silver Valley in northern Idaho leads the world in recorded silver production, with over 1,100,000,000 ounces of silver produced between 1884 and 2001;

(9) the largest, active silver producing mine in the Nation is the McCoy/Cove Mine in Nevada, which produced more than 107,000,000 ounces of silver between 1989 and 2001;

(10) the mining industry in Idaho—

(A) employs more than 3,000 people;

(B) contributes more than $900,000,000 to the Idaho economy; and

(C) produces $70,000,000 worth of silver per year;

(11) the silver mines of the Comstock lode, the premier silver producing deposit in Nevada, brought people and wealth to the region, paving the way for statehood in 1864, and giving Nevada its nickname as ''the Silver State'';

(12) mines in the Silver Valley—

(A) represent an important part of the mining history of Idaho and the United States; and

(B) have served in the past as key components of the United States war effort; and

(13) silver has been mined in Nevada throughout its history, with every significant metal mining camp in Nevada producing some silver.

SEC. 3. PURCHASE OF SILVER BY THE SECRETARY OF THE TREASURY.

(a) PURCHASE OF SILVER.—

(1) IN GENERAL.—Section 5116(b)(2) of title 31, United States Code, is amended by inserting after the second sentence the following: ''At such time as the silver stockpile is depleted, the Secretary shall obtain silver as described in paragraph (1) to mint coins authorized under section 5112(e). If it is not economically feasible to obtain such silver, the Secretary may obtain silver for coins authorized under section 5112(e) from other available sources. The Secretary shall not pay more than the average world price for silver under any circumstances. As used in this paragraph, the term 'average world price' means the price determined by a widely recognized commodity exchange at the time the silver is obtained by the Secretary.''.

(2) RULEMAKING AUTHORITY.—The Secretary of the Treasury shall issue regulations to implement the amendments made by paragraph (1).

(b) STUDY REQUIRED.—

(1) STUDY.—The Secretary of the Treasury shall conduct a study of the impact on the United States silver market of the American Eagle Silver Bullion Program, established under section 5112(e) of title 31, United States Code.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report of the study conducted under paragraph (1) to the chairman and ranking minority member of—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of the United States Mint shall prepare and submit to Congress an annual report on the purchases of silver made pursuant to this Act and the amendments made by this Act.

(2) CONCURRENT SUBMISSION.—The report required by paragraph (1) may be incorporated into the annual report of the Director of the United States Mint on the operations of the mint and assay offices, referred to in section 1329 of title 44, United States Code.

ORDERS FOR MONDAY, JUNE 24, 2002

Mr. REID. Madam President, I ask unanimous consent that, when the Senate completes its business today, it adjourn until 3 p.m., Monday, June 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees; that at 4 p.m., the Senate resume consideration of the Department of Defense authorization bill, with Senator SMITH of New Hampshire or his designee recognized to offer his amendment regarding abaya.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, a vote is expected on Monday at 5:45 p.m. Everyone should know that. The leader has indicated he would like to have more than one vote. We will have at least one vote at approximately 5:45 p.m.

ADJOURNMENT UNTIL 3 P.M., MONDAY, JUNE 24, 2002

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:50 p.m., adjourned until Monday, June 24, 2002, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 2002:

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DEBORAH C. RHEA, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JOHN S. LARKIN II, OF TEXAS

DEPARTMENT OF STATE

BRIDGETTE SARAH ANDERSON, OF TEXAS
DICK ANDREWS, OF COLORADO
GEOFFREY ANISMAN, OF NEW YORK
EVE KATHLEEN BAKER, OF CALIFORNIA
WENDY K. BARTON, OF NEVADA
JENNIFER M. BARTSCH, OF GEORGIA
BARBARA ANNE BARTSCH-ALLEN, OF TEXAS
GREGORY D. BATES, OF FLORIDA
ELIAS STEPHEN BAUMANN, OF VERMONT
JONATHAN RECTOR BAYAT, OF THE DISTRICT OF COLUMBIA
THOMAS J. BELNOMI, OF PENNSYLVANIA
JUSTIN DAVID BERG, OF VIRGINIA
MOULIK D. BERKANA, OF NEW YORK
TRACEY BERRY, OF VIRGINIA
THOMAS J. BILLARD, OF MARYLAND
GEORGE W. BIOLSI, OF VIRGINIA
MELISSA A. BISHOP, OF CALIFORNIA
CHERYL BODEK, OF NEW JERSEY
HELGE PHILIPP BOES, OF VIRGINIA

JEFFREY D. BORENSTEIN, OF VIRGINIA
SUSAN P. BOWMAN, OF VIRGINIA
ROBERT J. BRENNAN, OF FLORIDA
ALEXANDER THADDEUS BRYAN, OF GEORGIA
CRAIG E. BUCHANAN, OF VIRGINIA
ALFRED T. CANAHUATE, OF MARYLAND
THOMAS S. CARNEGIE, OF VIRGINIA
JANE H. CARPENTER, OF MARYLAND
ADAM M. CENTER, OF VIRGINIA
MATTHEW A. CENZER, OF ILLINOIS
ANGELA MARIA CERVETTI SAAVEDRA, OF VIRGINIA
DAN CINTRON, OF NEW YORK
MELISSA ROSS CLINE, OF NEW YORK
ANDREW K. COVINGTON, OF VIRGINIA
FLEUR S. COWAN, OF THE DISTRICT OF COLUMBIA
JOSEPH L. CROOK, OF WASHINGTON
BROOKE E. DEMONTLUZIN, OF LOUISIANA
LAURIE R. DORAN, OF VIRGINIA
TOD E. DURAN, OF TEXAS
TODD DAVIS EBITZ, OF MARYLAND
KATHERINE L. ESTES, OF FLORIDA
ERIN K. EUSSEN, OF VIRGINIA
MATTHEW M. EUSSEN, OF VIRGINIA
DEBORAH L. FAYDASH, OF MARYLAND
MARY SUE FIELDS, OF VIRGINIA
SALLY E. FLAGLER, OF VIRGINIA
MATTHEW J. FLANNIGAN, OF KANSAS
COLIN P. FURST, OF VIRGINIA
JEANNE M. GALLO, OF VIRGINIA
ROBIN R. GAUL, OF VIRGINIA
BRENNAN MICHAEL GILMORE, OF VIRGINIA
MARY ELIZABETH GLANTZ, OF PENNSYLVANIA
ROBERT L. GONZALES, OF TEXAS
STEPHANIE C. GOODNIGHT, OF GEORGIA
BRIAN C. GRUBE, OF VIRGINIA
ZACHARY V. HARKENRIDER, OF NEW YORK
ELIZABETH J. HARRIS, OF TEXAS
WINSTEAD E. HARRIS, OF VIRGINIA
JOHN S. HELBIG, OF VIRGINIA
PATRICK F. HENNEBERRY, OF NEW JERSEY
WILLIAM E. HERZOG, OF ILLINOIS
JAMES J. HOGAN III, OF CALIFORNIA
JAMES ARLEN HOLT, OF NORTH CAROLINA
ELIZABETH E. JAFFEE, OF VIRGINIA
MATTHEW RALEIGH JOHNSON, OF ALABAMA
CHRISTOPHER JOSEPH, OF VIRGINIA
DAVID M. JUNG, OF VIRGINIA
YVONNE M. KEELER, OF VIRGINIA
SHERRY C. KENESON-HALL, OF RHODE ISLAND
NICHOLAS G. KIKIS, OF VIRGINIA
JOEL A. KOPP, OF ALASKA
PATRICIA A. KRAVOS, OF VIRGINIA
THOMAS M. KREUTZER, OF WASHINGTON
MICHELLE D. KUNY, OF VIRGINIA
BARBARA M. LAZARD, OF TEXAS
KEVIN D. LEWIS, OF TEXAS
GENEVIEVE LIBONATI, OF MARYLAND
Y.V. LIMAYE, OF PENNSYLVANIA
RICHARD N. LYONS III, OF COLORADO
ELIZABETH M. MACDONALD, OF CONNECTICUT
STACY DEE MACTAGGERT, OF WISCONSIN
LESLIE ANN MALZ, OF ILLINOIS
GREGORY RAGAN MARCUS, OF FLORIDA
NICOLE M. MARTIN, OF FLORIDA
MARISSA MAURER, OF MARYLAND
JEFFREY W. MAZUR, OF WISCONSIN
ROBERT HAYNES MCCUTCHEON III, OF VIRGINIA
DAVID CHRISTIAN MCFARLAND, OF TEXAS
ROBERT AARON MCINTURFF, OF VIRGINIA
LANCE T. MEEKS, OF THE DISTRICT OF COLUMBIA
GARRETT D. MELICH, OF VIRGINIA
JENNIFER TERESE MERGY, OF CALIFORNIA
JAMES W. MOON IV, OF SOUTH CAROLINA
KRISTINA MOORE, OF ARIZONA
MATTHEW JAMES MUCHER, OF VIRGINIA
ELIZABETH ANN MURPHY, OF PENNSYLVANIA
KEVIN MARCUS MURPHY, OF MASSACHUSETTS
JOSEPH MUSCARI, OF VIRGINIA
PAUL FRANCIS NARAIN, OF MARYLAND
ELEFTHERIOS E. NETOS, OF INDIANA
THOMAS ALFRED O'KEEFFE III, OF VIRGINIA
RICHARD PACHECO, PACHECO JR., OF VIRGINIA
CYNTHIA F. PASCALE, OF THE DISTRICT OF COLUMBIA
ELIZABETH A. PELLETREAU, OF MASSACHUSETTS
RAFAEL ANTONIO PEREZ, OF FLORIDA
SUZANNE PICKENS, OF VIRGINIA
JEFFREY L. PILGREEN, OF WASHINGTON
TIMOTHY F. PONCE, OF FLORIDA
ANDREW PRATER, OF MISSOURI
GAUTAM A. RANA, OF NEW JERSEY
TIMOTHY JOE RELK, OF IDAHO
JAMES P. ROSELI, OF MARYLAND
KEITH J. RUSSELL, OF VIRGINIA
JOAN P. SHAKER, OF VIRGINIA
COLIN SHAUGHNESSY, OF THE DISTRICT OF COLUMBIA
J. TIMOTHY SINGER, OF VIRGINIA
SCOTT E. SMITH II, OF VIRGINIA
JENNIFER S.P. SPANDE, OF VIRGINIA
VINCENT D. SPERA, OF MARYLAND
W. BROOKE STALLSMITH, OF VIRGINIA
TERRY STEERS-GONZALEZ, OF TEXAS
RICHARD E. SWART III, OF NEW JERSEY
HOLLY LINDQUIST THOMAS, OF MINNESOTA
BENJAMIN A. THOMSON, OF UTAH
STERLING DAVID TILLEY JR., OF FLORIDA
ROBIN A. WATSON, OF VIRGINIA
SCOTT E. WOODARD, OF VIRGINIA
JOHN A. WOODLAND, OF MARYLAND
RICHARD EUGENE WURTZ, OF VIRGINIA
PATRICIA A. ZAREMBKA, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ASHLEY J. TELLIS, OF VIRGINIA

CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DENIS P. COLEMAN JR., OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DEAN B. WOODEN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

VICTORIA A. COFFINEAU, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LAURA R. ADAME, OF VIRGINIA
WORTH SHIPLEY ANDERSON, OF VIRGINIA
ERIN PATRICIA ANNA, OF COLORADO
THOMAS F. ARDILLO, OF MARYLAND
JOHN M. ASHWORTH, OF TEXAS
KURT W. AUFDERHEIDE, OF CALIFORNIA
NORMAN H. BARTH, OF CALIFORNIA
HEIDI BEYER BARTLETT, OF ALABAMA
MICHAEL JUSTIN BELGRADE, OF MARYLAND
DAVID AARON BENEDETTI, OF VIRGINIA
DAVID B. BERNS, OF THE DISTRICT OF COLUMBIA
GERALD M. BONIFATE, OF VIRGINIA
MARY F. BOSCIA, OF VIRGINIA
THOMAS BOUGHTER, OF PENNSYLVANIA
JEFFERY L. BOURNES, OF VIRGINIA
JASON A. BRENDEN, OF MAINE
MARK C. BUGGY, OF VIRGINIA
JOHN EDWARD CAVENESS, OF GEORGIA
ANITA STROHSCHEIN CHILDS, OF INDIANA
VALERIE JUDITH CHITTENDEN, OF MARYLAND
BRENT T. CHRISTENSEN, OF TEXAS
ANTHONY WAYNE CLARE, OF THE DISTRICT OF COLUMBIA
APRIL C. COHEN, OF THE DISTRICT OF COLUMBIA
PATRICK W. CONNORS, OF VIRGINIA
JULIE A. COOPER, OF THE DISTRICT OF COLUMBIA
JASON L. CRAIG, OF UTAH
CATHY M. CRILEY, OF ARIZONA
ANDREW J. CSONT, OF VIRGINIA
MARTIN A. DALE, OF VIRGINIA
THOMAS CLIFTON DANIELS, OF TEXAS
F. G. DAVENPORT, OF VIRGINIA
PAUL STUART DEVER, OF VIRGINIA
DION SHANNON DORSEY, OF TEXAS
DONNA K. DREWYER, OF VIRGINIA
JEAN C. DUGGAN, OF NEW YORK
JOHN DUNHAM, OF MARYLAND
BRINILLE ELIANE ELLIS, OF VIRGINIA
MICHAEL PATRICK ELLSWORTH, OF CONNECTICUT
JOHN GREGORY ERWIN, OF ILLINOIS
JASON EVANS, OF OKLAHOMA
RALPH W. FALZONE, OF MARYLAND
SCOTT G. FEEKEN, OF KANSAS
THOMAS H. FINE, OF THE DISTRICT OF COLUMBIA
TRESSA RAE FINERTY, OF FLORIDA
JULIA L. FISCHER, OF VIRGINIA
WILLIAM FLENS, OF THE DISTRICT OF COLUMBIA
BRIAN J. FOUSS, OF COLORADO
NATASHA SONYA FRANCESCHI, OF CALIFORNIA
MICHAEL GARCIA, OF THE DISTRICT OF COLUMBIA
PHILIP B. GARTNER, OF VIRGINIA
GEORGE A. GERLICZY, OF VIRGINIA
ELISA BETH GREENE, OF NEVADA
STEPHEN A. GUICE, OF TENNESSEE
THOMAS HAMM, OF MASSACHUSETTS
MAYA HAN, OF VIRGINIA
HEIDI L. HANNEMAN, OF VIRGINIA
WILLIAM C. HENDERSON, OF VIRGINIA
BLAINE E. HENRY, OF VIRGINIA
STEPHEN J. HRICIK, OF THE DISTRICT OF COLUMBIA
PHILIP MATTHEW INGENERI, OF MAINE
BELINDA KAY JACKSON, OF VIRGINIA
MARC C. JACKSON, OF VIRGINIA
ANTHONY J. JOES III, OF VIRGINIA
ILA JURISSON, OF THE DISTRICT OF COLUMBIA
MICHAEL C. KATULA, OF RHODE ISLAND
COLLEEN P. KELLY, OF KENTUCKY
DEE F. KESSINGER, OF VIRGINIA
ROBERT D. KING, OF MASSACHUSETTS
DONNA M. KLING, OF VIRGINIA
KASSANDRA L. KOHLER, OF VIRGINIA
DAVID M. KRAEHENBUEHL, OF FLORIDA
MELISSA J. LAN, OF MICHIGAN
CRAIG C. LEBAMOFF, OF VIRGINIA
RODNEY LEGRAND, OF VIRGINIA
MONICA KAY LEMIEUX, OF COLORADO
JACQUELINE LEVANDOWSKY, OF VIRGINIA
ROBERT M. LIECHTY, OF COLORADO
CASEY K. MACE, OF CALIFORNIA
ELIZABETH A. MADER, OF PENNSYLVANIA
DAVID CHARLES MANESS, OF OREGON
PEDRO JOSE MARTIN, OF FLORIDA
CADE R. MCCOTTER, OF VIRGINIA
KAREN MAUREEN MCCREA, OF CALIFORNIA
JASON P. MEEKS, OF WISCONSIN
ERIC STEIN MEYER, OF CALIFORNIA
TERRY D. MOBLEY, OF ARKANSAS
ELIZABETH KRENTZ MOSHER, OF FLORIDA
SEAN K. O'NEILL, OF NEW YORK
KEVIN R. OPSTRUP, OF MARYLAND
ROBERT A. OSBORNE, OF MICHIGAN
EVAN WILLIAM OWEN, OF VIRGINIA
THOMAS P. PAK, OF CALIFORNIA
REBECCA KIMBRELL PATRICK, OF TENNESSEE
FELICIA M. PEEPLES, OF VIRGINIA
FRANK KASPER PENIRIAN III, OF MICHIGAN
SHANNON L. PHELAN, OF VIRGINIA
EMILY A. PLUMB, OF SOUTH CAROLINA
ANTHONY V. POLIZZI, OF VIRGINIA
ANDREJA POPOV, OF VIRGINIA
CORDELL DANIEL REID, OF VIRGINIA
MARJUT H. ROBINSON, OF TEXAS
JAMES A. RODRIGUEZ, OF VIRGINIA
ELBERT GEORGE ROSS, OF VIRGINIA
LAURA ELIZABETH RUMBLEY, OF FLORIDA
SHANNON E. RUNYON, OF NEVADA
JENNIFER J. SCHAMING, OF SOUTH CAROLINA
AARON P. SCHEIBE, OF SOUTH DAKOTA
CONN J. SCHRADER, OF NEW YORK
DAVID SEMINARA, OF NEW YORK
PRIYADARSHI SEN, OF VIRGINIA
KATHERINE DIANE SHARP, OF VIRGINIA
TIMOTHY J. SHERRY, OF VIRGINIA
BRIAN ANTHONY SHOTT, OF VIRGINIA
JOANNE R. SINGER, OF VIRGINIA
MAUREEN A. SMITH, OF CONNECTICUT
JORDAN STANCIL, OF MICHIGAN
STACY R. STARBUCK, OF VIRGINIA
STEPHEN M. STARK, OF MICHIGAN
MARY STOMA, OF VIRGINIA
RYAN DOUGLAS STONER, OF NEW YORK
JULIE MARIE STUFFT, OF MARYLAND
MELISSA A. SWEENEY, OF ILLINOIS
TARA D. SWITZER, OF VIRGINIA
AMY TACHCO, OF NEW YORK
DANIEL J. TIKVART, OF VIRGINIA
ALEXANDER J. TITOLO, OF NEW YORK
RENATA SYKOROVA TURNIDGE, OF VIRGINIA
TIMOTHY W. TWINAM, OF VIRGINIA
ANDREW M. VEPREK, OF LOUISIANA
JOHN J. VERSOSKY, OF VIRGINIA
CATHERINE VIAL, OF THE DISTRICT OF COLUMBIA
RYAN P. WESLEY, OF NEW JERSEY
STEPHEN J. WILGER, OF MICHIGAN
PENELOPE A. WILKINSON, OF NEW JERSEY
FREDERICK TODD WILSON, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER MICHAEL WURST, OF MINNESOTA
CLAUDIA L. YELLIN, OF VIRGINIA

EXTENSIONS OF REMARKS

INTRODUCING THE REALIZING THE SPIRIT OF IDEA ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. STARK. Mr. Speaker, today I rise to introduce the Realizing the Spirit of IDEA Act.

For twenty-five years the federal government has made hollow promises to fully fund the Individual with Disabilities in Education Act (IDEA). This legislation makes good on that promise; however, it does more than that. By linking funding to better outcomes, it also makes sure that the spirit of IDEA is truly realized for children with disabilities.

IDEA opened the school doors to children with disabilities; yet, more needs to be done in order to make special education work for disabled students. National statistics suggest that there is still a sizable disparity in the outcomes of disabled students when compared to students without disabilities.

When compared to students without disabilities, between 19 and 42 percent fewer disabled students are able to pass state proficiency examinations;

The drop out rate for disabled students is double that of students without disabilities;

Only 55 percent of disabled students receive a regular high school diploma (compared to 75 percent of individuals within the general school population);

Disabled individuals are 50% less likely to attend college than are individuals who are not disabled;

Disabled students often avoid the painful experience of school and their attendance suffers; and

The Census Bureau reports that 50% of individuals with disabilities are employed, compared with 84% of non-disabled individuals.

The under-funding of IDEA could help explain why students with disabilities fare so poorly on these critical outcomes. While Congress has doubled federal appropriations for IDEA over the last decade, federal funding for IDEA is less than half of what Congress originally promised.

Unfortunately, recent increases in federal funding have translated into very modest improvement in the overall outcomes of disabled children. This would suggest that we not only need more federal funding for disabled students, but we need to use our resources more wisely.

The Realizing the Spirit of IDEA Act will dramatically increase the financial support for children with disabilities. However, in order to receive increases, school districts must make sure disabled children are not left behind. In return for mandatory increases in funding for IDEA, school districts must help disabled students:

Increase their attendance;

Increase academic proficiency;

Lower the incidence of drop out;

Increase graduation rate; and

Improve rates of post-secondary employment and education.

The bill will also provide mandatory increases in funding for research and development as well as for programs that help disabled infants, preschoolers and their families.

Linking mandatory funding to accountability will profoundly change the way IDEA works by doing just that—making it work. The Realizing the Spirit of IDEA Act is needed to move away from the status quo. Our children, regardless of their ability or disability, deserve more that a second-class education. We should accept nothing less than the best tools we have to help them succeed. Please join me in supporting the Realizing the Spirit of IDEA Act. It is about time we give meaning to the phrase, Leave No Child Behind.

IN HONOR OF CLAUDETTE MOODY, WHO LEAVES AFTER 17 YEARS OF PUBLIC SERVICE WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Claudette A. Moody, a Glendale, California resident who will be leaving as Director of Government Relations at the Los Angeles County Metropolitan Transportation Authority at the end of June 2002 after an exemplary 17-year career.

Moody joined the former Los Angeles County Transportation Commission (LACTC) in 1985 as the first full-time employee devoted to outreach with the Federal government, and she later assumed responsibility for State issues as well. She provided key support for the former Southern California Rapid Transit District (RTD) in securing the initial funding for the Metro Rail subway, including working on the joint appropriations document with the LACTC, RTD, Southern California Association of Governments, and the Greater Los Angeles Chamber of Commerce.

Claudette has furthered the transportation interests of Los Angeles County by writing and advocating positions on countless pieces of reform legislation aimed at improving transportation throughout Los Angeles County, and was the key staff member to work on Assembly Bill 152, creating the Los Angeles County Metropolitan Transportation Authority (MTA), including conceiving and writing provisions that won the support of smaller cities. In addition to recommending MTA Board positions on thousands of bills, Claudette served as the key staff person in efforts leading to the successful passage of Proposition C, Propositions 111 and 108, and Proposition 42 relating to transportation. Indeed, Claudette has served as a crucial member of a team that has brought billions of dollars to Los Angeles County for transportation purposes.

Claudette was the co-founder and first Chairperson of the African-American Employees Association, and initiated the agency's activities for Juneteenth Day and Black History Month. She also was co-founder and first Chairperson of the MTA Employee Association, was instrumental in developing the child-care center for the MTA and sat on the initial contract review task force. Claudette was a key staff member to liaison with Governor Gray Davis' office in developing projects to be funded through the Governor's Transportation Congestion Relief Program.

Claudette has served with distinction at the Los Angeles County Metropolitan Transportation Authority and I ask all Members of Congress to join me in recognizing her for her years of service to the LACTC, MTA, and to the citizens, residents, and users of transportation services in Los Angeles County, and further wish her success and the best of luck in all her future endeavors.

A TRIBUTE TO SAINT JOHN LUTHERAN CHURCH—AMELITH ON THEIR 150TH ANNIVERSARY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BARCIA. Mr. Speaker, I rise today to sing high praise for Saint John Lutheran Church-Amelith in my hometown of Bay City, Michigan, as the congregation prepares to celebrate the church's 150th anniversary. The church has been a spiritual beacon for Frankenlust Township and the surrounding community since its inception and its long and noteworthy history deserve tribute.

Since the middle of the 19th Century, the church has graced the community with its presence and brought family and friends into the light of Christian love and charity. Church members today share a bond and their faith with the small band of German Lutheran families from Gunzenhausen in Franken who came to Bay County in 1852 at the encouragement of a German businessman and man of faith named Friedrich Koch. When these settlers arrived, they used a large log cabin as a church on Sunday and a school during the week. Shortly thereafter, Saint John-Amelith and Saint Paul-Frankelust three miles to the north were two of the earliest congregations to form the new Lutheran Church Missouri Synod in 1853.

In the beginning, just a few families formed the foundation of the church. These families had such surnames as Link, Stengel, Burk, Daeschlein, Eichinger, Heumann, Lutz, Rueger, Schmidt, Schnell and Stephan. After years of struggle, these settlers built a beautiful house of worship in 1870 to replace their log cabin church. However, by 1912, they also outgrew that church and built the brick church that still serves parishioners needs today. A true temple of God with its exquisite stained-

● 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.

glass windows and Gothic architecture, this church harkens back to the fine old churches of Germany where so many of those early settlers must have worshiped.

Churches, however, are much more than buildings. Over the years, the pastors and parishioners of Saint John Amelith have put their hearts and souls into helping us all lead better lives and move a bit closer to God. Clearly, there is no better evidence of the Christian love and neighborly spirit so abundant at Saint John-Amelith than the fact that just 10 pastors have served its needs in 150 years, including the present pastor, Stephen Starke.

Finally, Mr. Speaker, I ask my colleagues to bestow upon Saint John Lutheran Church-Amelith the congratulations of the United States Congress upon the occasion of the church's 150th anniversary. I have faith that it will continue to minister to the spiritual needs of the community for many years to come.

RUTH ANN STROZINSKY RECOGNITION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. PETRI. Mr. Speaker, on May 1, 2002, Ruth Ann Strozinsky of Tomah, Wisconsin, retired after serving the State of Wisconsin for 21 years as a member of the Board on Aging and Long Term Care. During this time, Ruth Ann worked diligently to protect and preserve the rights of the elderly and disabled consumers as she strived to assure that they have the knowledge and support necessary for them to make informed long term care choices. She has upheld the spirit and intent of the Older Americans Act as well as the public policy of the State of Wisconsin. She has been a leader in contributing to the success of the Long Term Care Ombudsman Program and the Medigap Helpline Program as they continue to meet the ever-increasing public need for information and advocacy services.

Ruth Ann has provided leadership and direction to officials at every level of municipal, county and state government on issues of importance to Wisconsin's senior citizens. She is a member of the Monroe County Services for the Elderly, has served as President of the Western Wisconsin Area Agency on Aging, and is a member of the governing board of the Coalition of Wisconsin Aging Groups. She has assisted in the development of legislative and regulatory proposals to identify and improve important public policy issues. In 1995, she was appointed by Governor Tommy Thompson as a Wisconsin delegate to the White House Conference on Senior Citizens and Aging. This was her second appointment to the Conference, the first being in 1981.

In addition to serving the elderly, she is an active member of her church, a life member of the National Education Association, a member of the Monroe County Teachers Association, a charter member of the Tomah Business and Professional Women's Club, and has served many years on the Tomah Housing Authority and Community Block Grant Committee.

Ruth Ann does not tell her age, although it is believed that she is close to 100 years old. She believes it isn't how old you are but what you accomplish in your life that counts. She has certainly made her life count.

She is a retired high school English teacher who still gives of her time to help students earn their high school diplomas. Ruth Ann has also taught foreign students to improve their communication skills while they are in the United States. She has no children of her own, but has ''adopted'' many over the years—neighborhood children, her students and children from her church. She has shown a great love and concern for all these children.

Ruth Ann Strozinsky is a remarkable lady who is greatly admired by her colleagues and the people she serves. Her energy and caring efforts have been an inspiration to many. I consider it an honor and a privilege to know her. It is fitting that she receives recognition and praise for her achievements and successes and for the service she has rendered to her community and the State of Wisconsin.

IN REMEMBRANCE: TIFFANY TAYLOR OF ROSEVILLE, MICHIGAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BONIOR. Mr. Speaker, I rise today to celebrate the life of Tiffany Taylor. Fifteen-year-old Tiffany was killed by random gunfire as she rode home with her friends after an evening at a Roseville roller skating rink. I am truly saddened and offer my deepest condolences to Tiffany's family and friends.

It is hard to understand why this senseless act of violence has occurred. Even the strongest faith can be shaken when a young life is cut short. But at a recent gathering of Tiffany's family, friends, classmates and neighbors, it was clear that this community has not lost its faith. They came together to honor Tiffany's memory, and pledged to work together to end violent crime in our community so that nothing like this ever happens again.

All of us have to do our part to end violence in our communities. Parents, teachers, clergy, community leaders, students, police officials and counselors are all part of the solution. We need to support the efforts of community groups like Citizens of Macomb Behind All Teens (COMBAT) to stand up for our youth and work with them to offer positive ways for them to be involved in the community. We need more counselors in our schools so that young people have caring adults to turn to in times of distress or crisis, and prevent violence before it occurs. We need more places for our youth to go to stay out of harm's way, like the community center planned for Mount Clemens, and afterschool programs so that they will not become victims or perpetrators of crime.

Our hearts are heavy with loss. But as we look back and remember Tiffany, we must also remember to look forward—and to work toward a community without violence. I stand with Tiffany's community ready to do what is necessary to protect our children and youth from violence.

IN RECOGNITION OF CONGRESSWOMAN PATSY MINK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. STARK. Mr. Speaker, I rise today to acknowledge my great appreciation for the work done in Congress by my colleague from Hawaii, Congresswoman PATSY MINK. Recently, I came across an article published in Outlook magazine in connection with the American Association of University Women, titled Title IX at 30: Making the Grade? written by Patrice Gaines. The article observes Title IX's 30th anniversary as part of the Education Amendments of 1972. As a co-author of this law, Congresswoman MINK desired equal opportunities for women in comparison to their male counterparts in all education programs receiving taxpayer dollars. While there has been significant progress for women in the past thirty years, there are still many obstacles to overcome. Some of the barriers were addressed in the article, provided below.

TITLE IX AT 30: MAKING THE GRADE?

It was just 37 words, attached without fanfare to an education amendment.

''In the dark of night, we stuck in this language,'' recalls U.S. Rep. Patsy Mink (D–Hawaii) (pictured above), who authored the law with the late Rep. Edith Green (D–Oregon). ''I don't think my colleagues had any idea that language hitched to funding could make such a difference.''

The law was Title IX of the Education Amendments of 1972. Its existence illustrates what can happen when women are in positions of power. Of course, Mink and Green needed the support of their male colleagues. At the time, women held just 12 congressional seats. But history was altered because these two women beat the odds to be elected to Congress and then took strong leadership roles.

''I knew of this terrible disparity in education long before [I came to] Congress,'' says Mink, who had applied to 13 law schools and found that only one would accept women. In 1949 the University of Chicago admitted two female law students in Mink's class of 200.

In the last 30 years, Title IX has dramatically changed many aspects of society, most notably the sports arena. Young women who once could only shoot hoops in their driveways now earn sports scholarships to college and have opportunities—though limited—to become professional athletes. And nearly 50 percent of law school students and lawyers are women.

Yet progress under Title IX remains mixed. While we can watch WNBA games on TV, in some less visible aspects progress is slower or has even come to a screeching halt.

PINK VS. BLUE EDUCATION

''There is a lack of progress in career education—vocational training at the high school and postsecondary levels,'' says Leslie Annexstein, senior counsel at the National Women's Law Center and vice chair of the National Coalition for Women and Girls in Education, which is publishing a report (available late June 2002 at www.aauw.org) marking the status of Title IX on its 30th anniversary. ''We still see female students clustered in traditional occupational tracks that lead to jobs that make a lot less money.''

On the high school level, that means females still take cosmetology classes while males fill trade and construction programs.

Statistics show that across the board, blue-collar jobs pay more than pink. While the gender gap has narrowed in math and science, engineering and physics remain male domains, and the gap yawns in technology.

''Technology is the key to the future, but women have been left behind,'' says AAUW Director of Public Policy and Government Relations Nancy Zirkin, who co-chairs the coalition with AAUW Government Relations Manager Jamie Pueschel. According to statistics in Tech-Savvy: Educating Girls in the New Computer Age (AAUW Educational Foundation, 2002), boys take computer advanced placement classes and pursue information technology degrees. Girls tend to use computers for data entry and e-mail. That leaves men with more than 80 percent of high-tech—and high-paying—jobs.

Other post-Title IX hurdles remain: As you move up the career ladder in prestige or rank, you find fewer and fewer women. The coalition report highlights the second-class status of women working in educational institutions. While women account for almost three-fourths of school-teachers, for example, they make up only about 20 percent of high school principals and 12 percent of superintendents. In higher education, women are only 21 percent of full professors and 19 percent of college and university presidents.

And persistently, on all educational levels, the learning environment remains uneven. Male students attract more attention—positive and negative—than do females. ''That means females receive less encouragement and stay in secondary roles throughout their education,'' says Annexstein. This can condition females to accept a back seat in school as well as in career and adult roles.

That's not just bad for girls. Boys hear that they are trouble-makers and problem students and may find the heat of the added attention uncomfortable.

Sexual harassment, too, continues to plague young women and men. Eight in 10 students in grades eight to 11 experience harassment during their student lives, according to Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School (AAUW Educational Foundation, 2001), and more than a quarter say they experience harassment often. Girls are more likely to experience harassment than boys—83 percent versus 79 percent—but boys today are more likely to be harassed than were their counterparts in 1993.

Compared to this backslide, there is a standstill in progress in the treatment of pregnant and parenting students. Before Title IX, high school students were automatically expelled if they became pregnant, and parenting typically signified the end of their formal education. Title IX now prohibits discrimination based on parental status, making automatic expulsion illegal. Yet while these young women may be allowed to stay in school, without more programs and assistance to help them, the results remain the same: A young women is often forced to drop out. Traditional schools encourage pregnant students to leave or to attend one of the newer programs established specifically for young parents. But these newer schools generally lack academic quality.

PUSH FOR CHANGE

Still, Mink remains hopeful. She's seen how far women have come, though progress may be slow. A member of AAUW's Puna, Hawaii, Branch, she began taking a lead role in advancing equity on the House Education and Labor Committee when she and other members summoned publishers to address the lack of female images in schoolbooks. With that congressional nudge, in a few years the texts changed.

Next, Mink recalls, Edith Green wanted to add the category of ''sex'' to Title VII of the Civil Rights Act of 1964, which prohibits discrimination in the workplace.

''The Justice Department kept saying it couldn't [legally] be done,'' says Mink. ''The only thing left was to attach it to the education bill.'' In the end, Congress did outlaw sex discrimination in Title VII, but Mink and Green still pushed the change in Title IX.

Sen. Ted Stevens (R-Alaska) immediately added his support.

''I was a Little League coach in Anchorage,'' he recalls. ''I had three boys and two girls. When it came time to pick a team, I had to tell the girls they couldn't play.''

His oldest daughter suggested the sue, but Stevens didn't have the time or money to invest in a lengthy court case. Yet he never forgot his daughters' disappointment and his feeling that the playing field was not fair. So when he got to Congress, he joined forces with Mink, Green, and others. He remains a staunch supporter of Title IX.

So does Dot ''Doc'' Richardson, captain of the softball team that took home the gold from the 1996 and 2000 Olympics. Richardson says that title IX helped her become not just a world-class athlete but a surgeon, too.

''Through Title IX we got the chance to learn that people appreciate athletic talent no matter the gender,'' she says. ''That's the kind of respect every athlete wants: to just be treated as an athlete—not as a male or female athlete.'' But that's just the beginning. ''Title IX is all about education,'' says Richardson, a surgeon at Ray-Richardson Orthopedic Associates in Clermont, Florida.

''It amazes me that people believe that Title IX means if you have a college football team for men, you have to have a football team for women,'' says Richardson. What it says is that female students must have equal opportunities to participate in educational programs and activities.

In a way, Richardson says, Title IX taught her to dream, creating opportunities she never imagined possible. The young Dot who longed to play Little League baseball with her brothers never dreamed that one day the best-selling Louisville Slugger bat would bear her name.

KEEPING TITLE IX ALIVE

Mink and Green's short amendment has created opportunities while making equity issues a part of the general consciousness of many men and women, especially those who have grown up since the amendment became law.

Consider the children of ABC News reporter and commentator Cokie Roberts: ''My daughter went to Princeton and had a varsity letter in water polo. That would not have been possible without Title IX. But it would never occur to her that she would not have equal education and access to everything. And her brother is appalled at the notion that things would be any different for her than they are for him.''

Yet, warns Mink, people must be vigilant in guarding the law that passed so quietly.

''Most of the young people around today don't understand what it was like in the 1940s and '50s,'' says Mink. ''As the older women pass and the younger ones do not have the knowledge,there may be an attempt to water down Title IX.''

I ask my colleagues to rise today and recognize our colleague, PATSY MINK; a woman who has dedicated much of her time and efforts advocating the significance and achievements that women can and do contribute to this country.

TRIBUTE TO DR. JAMES HOWARD LARE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Dr. James Howard Lare, an outstanding citizen and resident of California's 27th Congressional District, which I am proud to represent.

Dr. Lare, who lives in Pasadena, California, is retiring from the faculty of Occidental College in Los Angeles after 51 years of service. Dr. Lare began at the college as a student, and this year, the school celebrates the entirety of his 51 years of services as an undergraduate, alumnus, and distinguished member of the faculty.

Dr. Lare has been an active faculty member, serving numerous committees, as well as establishing and directing Occidental's Master of Arts in Urban Studies Program. He chaired the Political Science Department, as well as the College Task Force on Relations with the Adjacent Neighborhoods, each for five years.

His expertise includes American National Government, European Comparative Politics, Public Administration, Urban Politics, and Public Policy. As a professor, he sent his students to City Hall, Sacramento, and Washington, D.C. to participate in and absorb the processes of government. His legions of internship students set a standard for community-based learning at Occidental College.

Dr. Lare has been an exemplary citizen by serving as a Colonel in the Civil Affairs Branch of the U.S. Army Reserve from 1957–1989, and as an Administrative and Technical Assistant in the U.S. Civil Service Commission from 1955–1956.

He has also been a committed civic leader participating in a myriad of community-based organizations such as the Pasadena Men's Committee for the Arts, the Los Angeles World Affairs Council, the Sierra Club, the Northeast Chapter of the American Civil Liberties Union, the Town Hall of California, as well as other organizations dealing with urban planning, education, the environment, and the arts.

Dr. Lare has also written, co-authored, and edited numerous books and articles including, ''The Essential Lippmann,'' ''The New Democrat: Reassessment of the Democratic Ideal in American Political Thought,'' ''The Five Public Philosophies of Walter Lippmann,'' ''The Civic Awareness of Five and Six Year Olds,'' and ''The Child's Political World: A Longitudinal Perspective.''

Dr. Lare's hard work and dedication to his community and our country is to be commended, as is his teaching students the value of political action and involvement, thereby helping to nurture hundreds of aware and active citizens.

I would like all the Members of the United States House of Representatives to join me in commending Dr. James Howard Lare for his outstanding leadership as a faculty member of Occidental College and as a community leader.

JACK HARTUPEE, DON ELLIOTT AND KATHI PILARSKI: ON THE JOB FIGHTING FOR LABOR

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor three individuals whose contributions to labor in the Saginaw Bay region of Michigan cannot be overstated. As Jack Hartupee, Don Elliott and Kathi Pilarski prepare to retire after many years of service to the Laborers' International Union of North America, their hard work and dedication to advancing the cause of labor throughout the area deserve recognition.

Beginning in 1966, Jack Hartupee spent thirteen years as a laborer for Local 1098 before becoming the Local's business manager in 1979. For the past 23 years, Jack has handled the business concerns of the Local, while also finding time to lend his time and expertise in other areas, including the board that oversees the Health Care Fund and the Laborers' Political Action Fund. In addition, Jack was a delegate to the District Council. Jack's many contributions and his commitment to his union brothers and sisters have been second to none.

In 1973, Don Elliott also began his career as a laborer for Local 1247, which later merged with Local 1098 in 1985. Don became business agent for the laborers' union in 1996. Like Jack, Don also served as a delegate to the District Council. Don certainly has played a vital role over the years in ensuring the financial interests of his union and of his fellow laborers have been well-tended. His dedication to duty and his admirable work ethic stand as a model of diligence.

Kathi Pilarski has been on the job as secretary for Local 1098 since 1985 when she began work on a part-time basis. For the past 10 years, Kathi has worked fulltime, but those who know the many hours she has put in both on the clock and off understand that she has gone well above and beyond the parameters of her job description. Along with her many and varied duties in the office, Kathi also has been the driving force in making the annual dinner party run so smoothly each year.

Finally, Mr. Speaker, I ask my colleagues to join me in extending the gratitude of the United States Congress to Jack Hartupee, Don Elliott and Kathi Pilarski for their years of work on behalf of laborers. Our laborers are the backbone of the construction industry and these three individuals have fought the good fight by dedicating their lives to improving the working conditions of their union brothers and sisters. I wish Jack, Don and Kathi all the best in their retirements and I am confident they will continue to be strong advocates for labor well into the future.

RE: ONLINE PUBLICATION OF LABOR-MANAGEMENT RECORDS

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. DAN MILLER of Florida. Mr. Speaker, I rise today to recognize Secretary of Labor Elaine Chao and the Department of Labor for their commitment to openness with their plan to use Internet technology to increase the accountability of labor groups.

Beginning on June 13, the Labor Department began posting internal financial documents from hundreds of labor unions on its Web site. Included in these postings is information on union salaries and net assets. Disclosure of these labor-management records has been required of labor groups since 1959, when Congress passed the Landrum-Griffin Act in an effort to improve financial accountability among unions. Yet prior to this measure, those seeking to know more about union finances had to visit a Labor Department field office in person in order to review the paperwork. Now, Americans have all of this information at their disposal with a simple click of the mouse.

This action will empower individual union members to find out, from the comfort of their homes, exactly where their union dues are going. For too long, union members had obstacles to this information. Through this initiative, the Department of Labor has removed these barriers and brought disclosure into the 21st century.

Because these records were already public, this plan reflects the Labor Department's sincere commitment to making more information available to the public. I thank Secretary Chao and her department for remaining vigilant to ensure that money is not being misused for political causes, and I hope that the agency's latest initiative improves transparency of unions.

CONGRATULATING THE STUDENTS OF RURAL POINT ELEMENTARY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. CANTOR. Mr. Speaker, I rise today to congratulate and honor seven outstanding fourth-graders from Rural Point Elementary School's Odyssey of the Mind team on the occasion of winning the World Finals Competition in Boulder, Colorado on May 25, 2002.

These students from Hanover County, Virginia participated in the Odyssey of the Mind program, which promotes problem-solving and team-building skills for students from elementary through high school. The Rural Point team won county and state honors before competing in the World Finals in Boulder, Colorado against 48 other teams. In the World Finals, they performed a skit entitled ''The Ostrich Factor.'' The students creatively designed a farm skit starring Leafy Romaine, Headlock Holmes (Cauliflower), Big Cheese, carrot, potato, broccoli, and corn to answer the unsettling question of why apples are disappearing from the farm trees.

Mr. Speaker, please join me in congratulating the seven students on the team, Ben Davis, Tyler Burnette, James Thompson, Ted Westrick, Jonathan Bennett, Jimmy Thorne and Douglas Tibbett and their head coach, Annie Tibbett. Their creativity and team spirit have earned them this impressive honor and will undoubtedly serve them well in the future.

INTRODUCTION OF H.R. 4980, THE CITIZEN INVOLVEMENT IN CAMPAIGNS (CIVIC) ACT.

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. PETRI. Mr. Speaker, yesterday, I introduced, along with our colleague PAUL KANJORSKI of Pennsylvania, H.R. 4980, the Citizen Involvement in Campaigns Act (or the CIVIC Act). This bill is designed to encourage Americans who ordinarily do not get involved in politics beyond casting a vote every two or four years (that is, if they bother to vote at all) to become more active participants in our political process.

Most would agree that the ideal way to finance political campaigns is through a broad base of donors. But, as we are all painfully aware, the economic realities of modern-day campaigning virtually oblige many candidates to focus most of their efforts toward collecting funds from a few large donors. This reality alienates many Americans from our political system and opens us up to the now-familiar charge that we are ''bought and paid for'' by special interests.

While recent campaign finance reform efforts have focused on limiting the impact of large contributions, past reforms have been designed to enfranchise small donors. For example, from 1972 to 1986, the federal government offered a tax credit for small political contributions. This offered an incentive for average Americans to contribute to campaigns in small amounts while simultaneously encouraging politicians to solicit donations from a larger pool of contributors. Additionally, six geographically and politically diverse states currently offer their own tax credits for political contributions. These state-level credits differ in many respects, but all share the same goal of encouraging average Americans to provide a counterweight against the influence, real or perceived, of big-money special interests.

The CIVIC Act will reestablish and update this old tax credit program. Taxpayers can choose between a 100 percent tax credit for political contributions to federal candidates or parties (limited to $200 per taxable year) or a 100 percent tax deduction (limited to $600 per taxable year). Both limits, of course, are doubled for joint returns. As long as political parties and candidates promote the existence of these credits, the program would have a real impact and aid in making elections at all levels more grassroots affairs than they are now.

This is a limited tax credit for political contributions that can be a cost-efficient method for helping balance the influence of large donors in the American electoral process. Instead of driving away most Americans from participation in political life, we can invite them in. I encourage you to cosponsor my bill and join in this worthwhile effort.

30TH ANNIVERSARY OF AGNES FLOOD COMMEMORATED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 30th anniversary of Hurricane Agnes. I would also like to bring attention to the approaching completion of the landmark Wyoming Valley Levee Raising Project in my district to provide protection to the people of the valley in the event of another flood of that magnitude.

On June 23, 1972, sirens sounded across much of my district in Pennsylvania, warning that the valiant effort to contain the surging Susquehanna River had been lost.

Agnes poured 14 trillion gallons of water onto Northeastern Pennsylvania, causing the Susquehanna River to break from its boundaries and spread a layer of flood water 40 feet deep and 2 miles wide across a densely populated region in the Wyoming Valley. The damage caused by the unyielding rush of water was immense. Twenty-six thousand homes and more than 3,000 small businesses and factories were heavily damaged by flood waters and 3,500 families lost their homes completely. In all, 72,000 people were forced from their homes. Nearly 15,000 Wyoming Valley families lived in trailers provided by the U.S. Department of Housing and Urban Development, many of them for the better part of a year.

Luzerne County, located in the heart of northeastern Pennsylvania, suffered 69 percent of the total damage that Agnes caused in Pennsylvania. Property damage amounted to $1.3 billion, or more than $4 billion in today's dollars, and another $300 million in road and bridge damage was incurred. Communities were faced with the prospect of rebuilding entire commercial and residential areas.

In the wake of this disaster, one of the worst natural disasters in the Nation's history, a determined populace emerged. Residents of this region found courage among the ruins and forged ahead with an undying spirit to rebuild their communities. Agnes may have laid waste to their homes and businesses, but it could not extinguish their desire to live and raise their families in the ''Valley with a Heart.''

The Red Cross and Salvation Army played a crucial role in providing emergency shelter and meals, not just in the first hours of the crisis but for weeks and months afterward. For example, that summer, the Red Cross spent $13 million locally on food, supplies and personnel, and the Salvation Army provided more than 4 million meals.

Meeting the challenge of recovery were several citizen action groups such as the Flood Victims Action Council under the leadership of Min Matheson, and the Flood Recovery Task Force, which was chaired by Judge Max Rosenn. These groups were instrumental in the economic and social resurgence of the areas most damaged by the Agnes flood.

I had the honor of contributing to this effort as the volunteer legal counsel to the Flood Victims Action Council over a period of almost two years. While the hard work and determination of local community groups and area citizens played a role in this historic rebuilding of northeastern Pennsylvania, the recovery assistance provided by the Federal Government was truly phenomenal.

Through the cooperative efforts of Congressman Dan Flood, State Senator Frank O'Connell, Bill Wilcox, Secretary of the state Department of Community Affairs working on behalf of Governor Shapp, and Frank Carlucci acting on behalf of President Nixon, the Government rushed approximately $1 billion in aid to the communities of the Wyoming Valley. When critics disparage the ability of government to do things for citizens, I recall that moment when the Federal Government made an enormous difference for the better for the people of Pennsylvania, and look forward to the completion of the landmark project that will protect the people of the Wyoming Valley in the event of another Agnes-level flood.

In 2002, the people of the valley have something they did not have 30 years ago—the nearly complete $175 million Wyoming Valley Levee Raising Project that includes more than 50 communities and 5 counties along a 60-mile stretch of the river. The structural components of the levee system are scheduled to be completed by the end of this year.

In 1972, the existing levees were overtopped by several feet during the Agnes flood. In 1986, during my first term, Congress authorized the Wyoming Valley Levee Raising Project to modify the existing flood control projects to protect against a new flood of the same magnitude. We had a disturbing reminder of the need for the levee raising project during the January 1996 flood. At that time, the rapidly rising Susquehanna River prompted officials to order the evacuation of approximately 100,000 people living in the City of Wilkes-Barre and its neighboring communities in the Wyoming Valley. While the river peaked at nearly 13 feet above flood stage, it remained within the banks of the levees and caused relatively minor damage.

From my first term in Congress, I have made it one of my top priorities to provide Agnes-level flood protection to the Wyoming Valley, and it is heartening to see that day approaching.

Completion of the levee raising project will be a major step forward in transforming the Susquehanna River from a liability into an asset. One of the steps forward that we have already taken is the 1997 designation of the Upper Susquehanna-Lackawanna watershed as one of just 14 American Heritage Rivers in the nation.

In the years ahead, I hope that we will continue our progress toward a cleaner Susquehanna that will provide recreation and an enhanced quality of life, not only for present-day residents but also for our children and grandchildren.

IN HONOR OF THE COLOMBIAN RALLY IN SUPPORT OF TEMPORARY PROTECTIVE AND STATUS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the historic sacrifices and the noble struggle for peace that the people of Colombia are engaged in today. I rise in strong support of Temporary Protective Status (TPS) for the Colombians who reside in the United States and in the 13th Congressional District.

The Colombians who reside here have made, and continue to make, enormous sacrifices for the safety and well-being of their families. I know this because I know them. We look forward to the day, when their beautiful country, our historic friend and neighbor, Colombia, once again stands as the proud nation we know it to be—a peaceful nation, a nation free of conflict, free of the scourge of narcotics, and free to live in peace.

We admire the great spirit of the Colombian people. They area very generous and hospitable people, they are a gifted people with a great culture, and they are among the very best friends of the United States in this Hemisphere.

On the occasion of the Colombian rally in support of TPS on June 21, 2002 in Elizabeth, New Jersey, I want to say to directly to my Colombian friends: ''Mis queridos amigos Colombianos: Conocemos bien su situación. La persecución, la violencia, los secuestros, el desplazamiento. Ayer, estuvo su presidente-electo, Alvaro Uribe Velezvisitando el Congreso. Juntos con él, apoyamos al TPS para Colombia. Que viva Colombia. Que viva los Estados Unidos. Y que viva la amistad de nuestros pueblos.''

The crisis of violence and economic strife in Colombia has caused tens of thousands of Colombians to flee their homes and seek out a safe haven elsewhere, including in the United States. Most are not so lucky. There are more than one million displaced Colombians inside of Colombia alone. As long as danger and conflict persists in Colombia, Temporary Protective Status would provide Colombians who are here a safe refuge in America.

I want also to congratulate the Colombian people for the free and fair election of President-Elect Alvaro Uribe Velez, and Vice President-Elect, Francisco Santos Calderon. I, along with all Colombians in the United States, expect and hope that President-Elect Uribe will request Temporary Protective Status for Colombians in the US. I have faith that the situation in Colombia will change for the better. In the meantime, let TPS become a reality for Colombians, let us extend to Colombians the American hand of friendship and of humanity so that they may live without fear for their lives and those of their loved ones.

Today, I urge my colleagues to join me in recognizing the need for TPS for Colombians. Let us grant Temporary Protective Service to those in need, and let those fleeing Colombians have refuge in the United States.

CONGRESSIONAL WEB ACCESSIBILITY DAY: CELEBRATING THE ONE YEAR ANNIVERSARY OF SECTION 508

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize the one-year anniversary of Section 508.

Section 508 of the Rehabilitation Act requires federal agencies' electronic and information technology (IT) to be accessible to individuals with disabilities. It specifically requires that when federal agencies develop, procure, maintain, or use electronic and information technology, they ensure that it is accessible, unless it would pose an undue burden to do so.

But the regulations do not apply to the legislative and judicial branches, state and local governments, or the private sector. If we truly are a government of, for and by the people, then every American must have access to it. Today, the Bipartisan Disabilities Caucus and the Congressional Internet Caucus teamed up with the American Foundation for the Blind, HIR, Microsoft, Adobe and Freedom Scientific to demonstrate how easy it is to comply with Section 508 in making websites accessible.

Today's ''Congressional Web Accessibility Day'' educated Members' staff and the American public on Section 508 and the importance of making government accessible. Through one-on-one sessions with HIR web experts and hands-on, interactive learning, this event was an important first step toward making government accessible.

Web accessibility is not just for the 54 million individuals with disabilities or for the millions of elderly Americans with diminished vision, hearing and other senses, but for any one of us who might one day need this technology. It also provides more options for a typical user who may prefer text over fancy graphics. With 68 million American adults using government agency websites, this typical user is evolving into a powerful ''e-citizen.''

I hope that today's event marks the beginning of some exciting, new changes in Congress.

The time has come for us to make our websites accessible to our growing e-citizenry. The progress has begun in the federal agencies, and now Congress needs to follow suit.

CELEBRATING THE 30TH ANNIVERSARY OF TITLE IX

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 30th anniversary of the enactment of Title IX. Prior to the enactment of Title IX, educational and career opportunities were extremely limited for women. In 1971, less than 300,000 girls participated in high school sports compared to 3.6 million male athletes the same year. Today, this number has risen to over 2.4 million female athletes. Women have continued to demonstrate that, when given the opportunity, they, too, are fully qualified to be successful participants in athletics and education.

In the past 30 years, women have gained numerous other advantages from the passage of this historic legislation. Scholarships provided to women in increased numbers since passage of Title IX have opened doors that were otherwise closed to women. In 1971, only 18% of women finished four years of college; today more female students than male successfully complete a four-year college education and go on to obtain a Master's degree. It is because of historic Title IX, which prohibits gender discrimination in federally funded schools, that women have been able to overcome these barriers.

While much has been accomplished since the enactment of this legislation, much still remains to be done. We need to be vigilant in our enforcement of Title IX and provide the funding needed to help our schools fully comply with the law. We need to fight for the passage of legislation that will ensure equality for women once they enter the workforce. Although today the majority of students are women, as is the majority of the U.S. population, women face continued inequalities in the workplace. In my home state of Michigan where pay inequity is at its worst, women make just 67 cents for every dollar men earn. This is inexcusable, and it has to stop. We should view Title IX not as a completed effort, but as a first step in ensuring equality for women.

With the passage of Title IX, our Nation declared that it is in our best interest to allow all men and women an equal chance to excel in any field or activity to which they commit themselves. It was pledged that all individuals should be given the same opportunities to realize their potential throughout their education and professional lives. We need to work harder to ensure that no American suffers discrimination on the basis of gender. We cannot rest until all women, all Americans, receive the opportunities they deserve. In my 26 years in Congress, I have committed myself to working toward the ideals of justice and equality for women, and I will continue to make this effort among my top priorities.

50TH ANNIVERSARY OF UNITED STATES ARMY SPECIAL FORCES

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, today we celebrate the 50th anniversary of the United States Army Special Forces and honor a great American hero and ''Father of the Green Berets,'' Colonel Aaron Bank.

Perhaps more than ever, our generation appreciates the unique and vital mission of the U.S. Special Forces. They are the elite, unconventional warfare arm of the United States military and our Nation is at a place in history where our greatest threat is from the unpredictable foes they are trained to fight.

In a time when many of us have fears and doubts about the vulnerability of our Nation to future attacks, we can continue to have hope in the shield provided to us by the Special Forces. In valor, courage, and fidelity, the Special Forces are the world's finest fighting force and I am thankful that they are in the business of protecting the United States of America and its citizens.

Due to the covert nature of many of their missions, both the measure of their sacrifice and their contribution to freedom here and abroad may never be known. However, today, I hope all Americans will join me in celebrating their 50th anniversary and thanking them for giving more to this country than could ever be repaid and perhaps, could ever be measured.

I wish to especially extend my appreciation to Colonel Aaron Bank, the founder and first commander of the Special Forces. As an operative in the Office of Strategic Services (OSS) during World War II, he led his team on missions to hunt down high-raking Nazi leaders, search for missing allied prisoners in Indochina and lead a counter-intelligence cell in Germany. It was clear there was a place for such operations using highly trained unconventional forces. So, when the OSS was disbanded after World War II, Colonel Bank began working to convince the U.S. Army to adopt a permanent unconventional warfare force. After tireless efforts, the U.S. Army launched its first Special Forces unit, the 10th Special Forces Group (Airborne) with Colonel Bank, appropriately, as its first commander.

Since then, the U.S. Army Special Forces has spawned special operations units from the other military branches such as the Navy SEALS, Air Force Combat Controllers, and the Marines' Force Recon. We have Colonel Bank to thank for emphasizing the strategic and tactical importance of such units, which he modeled in designing, implementing and commanding the Army's first Special Forces unit.

In passing H. Con. Res. 364, Congress not only recognizes the 50th anniversary of the Special Forces, but also acknowledges the invaluable contribution of a great American and outstanding soldier, Colonel Aaron Bank. At age ninety-nine, he is a living legend and I consider it an honor and privilege to participate in recognizing both his contribution and the legacy of his vision and foresight, the United States Special Forces.

My most sincere gratitude goes out to Colonel Bank and his fellow Green Berets as they celebrate the 50th anniversary of the U.S. Army Special Forces.

CONGRATULATIONS TO MISSOURI OFFICERS ASSOCIATION ON 70TH ANNIVERSARY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the outstanding work of The Missouri Officers Association, which represents over 900 Federal, State, and local police officers.

I would like to honor this organization in this, their 70th year, for their charitable work and dedication to scholarship and community. The primary focus of the officer's association is to provide low cost training to police agencies across the State of Missouri. Another very notable deed is the provision of an immediate $1000 death benefit to families of fallen officers.

Beyond their efforts in the law enforcement community, the association organizes two scholarship programs. The first is a yearly college scholarship that awards $1000 to five Missouri students and the second is an essay contest for eighth grade students, which awards six students cash awards totaling $1200.

The philanthropic work of this organization also extends to the community through a variety of donations to groups such as Concern of Police Survivors, Ronald McDonald House,

Special Olympics, The Missouri Law Enforcement Memorial, The National Law Enforcement Memorial, The Missouri Police Chiefs Foundation and many others.

The law enforcement community is of paramount importance to our cities, our states and our Nation. This organization represents some of Missouri's finest members of the law enforcement community and is worthy of the esteem of this body. Mr. Speaker, please join me in recognizing the great work of The Missouri Officers Association on their 70th anniversary.

HONORING THE RETIREMENT OF DEZIE WOODS-JONES, PERALTA COMMUNITY COLLEGE DISTRICT VICE-CHANCELLOR FOR EXTERNAL AFFAIRS, FORMER CITY COUNCILWOMAN AND VICE MAYOR OF THE CITY OF OAKLAND

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. STARK. Mr. Speaker, I rise today to recognize Dezie Woods-Jones for her 40 extraordinary years of educational leadership and public service to the City of Oakland. She will retire on July 14, 2002 from her position as Vice-Chancellor for External Affairs for the Peralta Community College District, leaving behind a legacy of excellence in education and community activism.

Dezie Woods-Jones has served the community as a committed activist, working diligently on behalf of the underprivileged, the underserved, the disenfranchised, youth, and for women's rights.

Born in Ruston, Louisiana, and raised in Fresno and Oakland, California, Dezie Woods-Jones began her civic involvement as a high school student, serving as president of the Fresno Youth Chapter of the National Association for the Advancement of Colored People (NAACP). Heavily involved in the Civil Rights Movement, she also worked with the Congress of Racial Equality (CORE), the Black Conference Planning Committee (BCPC), and the Student Non-violent Coordinating Committee (SNCC). She earned her Bachelor of Arts degree from California State University, Hayward.

In 1968, Dezie Woods-Jones accepted her first position with Peralta Community College District, as Director of the Community Outreach Center in North Oakland. Before being promoted to Vice-Chancellor for External Affairs, she held a number of management positions in the District, including Director of Governmental Affairs, where she served as the District's lobbyist for almost eight years. She also served as an instructor, and she still considers herself first and foremost an educator and teacher.

In 1991, Dezie Woods-Jones was elected to the Oakland City Council, and she served as the city's Vice Mayor from 1996–1997. She was also the first woman to run for mayor of the city of Oakland. During her tenure on the council, she served as chair of the Council's Rules Committee, and as a member of the Finance and Legislation Committee and the Public Safety/Health and Human Services Committee.

A dedicated advocate for women's rights, Dezie Woods-Jones was a founding member of the pioneering organization Black Women Organized for Political Action (BWOPA), and has served as the organization's statewide president for over 30 years.

Dezie Woods-Jones was named one of the ''21 Leaders for the 21st Century'' by Women's Enews in 2002, and she received a nomination as one of the ''Bay Area's 10 Most Influential Leaders,'' in City Flight Magazine in 2001. She was also included in ''Women of Courage,'' a book published by Nestle, Inc. that featured stories of 35 women from across the country. She is a frequent guest on Bay Area radio and television shows, and has been invited as a guest speaker in South Korea, West Africa, South America, and Mexico.

She has held membership in over 50 community, state, and national organizations, chaired over 20 commissions, committees and boards, received hundreds of awards and recognitions, and has been appointed to special task force projects by the governor of California and several Oakland mayors.

I am honored to congratulate Dezie Woods-Jones on all of her remarkable accomplishments. Her tireless dedication to education and her community have touched the lives of countless Oakland residents.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BACHUS. Mr. Speaker, on Monday June 17th, Tuesday June 18th, and Wednesday June 19th, I missed rollcall votes 230, 231, 232, 233, 234, 235 and 236 due to my previously scheduled surgery being conducted in Alabama. If I had been present I would have voted ''aye'' on each of these votes.

2ND LT. WILLIAM WOLBER, ONE OF THE GREATEST GENERATION

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BOEHLERT. Mr. Speaker, the freedoms we enjoy and the opportunities that abound for all Americans are the products of sacrifice on the part of so many. Often at far distant places in the world and under great stress.

There are literally tens of thousands of stories, so many of which involve what it is widely acknowledged to be ''The Greatest Generation.'' One such story, that of Army Air Force Second Lieutenant William Wolber, is of heroic dimensions. It was relayed to me by a mutual friend and neighbor, Fred Carville of New Hartford, New York. Here it is, in the words of Mr. Carville:

Second Lieutenant William Wolber served in the Army Air Force during World War II. He was a bombardier serving in the 8th Air Force, 466th Bomb Group, which flew the B–24 Liberators out of England.

On one mission into Germany there were 12 planes in the formation flying in three flights of four planes each. Wolber's plane was flying in formation as plane three of the first flight. The standard procedure was for all planes of the mission to follow the lead plane of the first throughout the entire mission. Radio silence was of the utmost importance.

On this particular mission planes one and two of the first flight were downed by enemy flak. Plane three (the one Bill was in) then took on the role of ''the lead plane'' for the return flight to England. All remaining planes were now taking their lead from plane three. However, Bill's plane, number three of the first flight, (for some reason) did not have a navigator on board during this particular mission.

Second Lieutenant William Wolber, bombardier, assumed the role of navigator. He evaluated the situation, looked at the navigator's maps and equipment. Based on target information Wolber determined a heading for the return flight and passed the bearing he had calculated on to the pilots to follow.

According to Bill's recollection, it was a very overcast day and the entire return flight was over cloud cover. There were no visual observations to aid in determining the correct return flight path. Bill continued to estimate the progress of the flight using the maps, heading, air speed, etc. All of the remaining planes of the mission continued to follow the lead of his plane.

At one point Bill told the pilot ''we should be over the field, drop down through the cloud cover.'' The pilot dropped down through the cloud cover and lo and behold there was the field as Wolber had calculated. All remaining planes of the mission landed without incident. Bill continued his role as bombardier and flew 32 missions.

I have thanked Carville for sharing that story with me. Because it says so much about the character and courage of a fellow American, I want to share it with you, my colleagues in the House of Representatives. But I want to add a postscript.

I, like Mr. Carville, have been a friend and neighbor of Bill Wolber for years and yet never learned of that eventful mission in enemy territory during a peak period in a great world war until just recently. I wasn't surprised. You see, Bill Wolber is one of the finest, most decent, patriotic citizens I have ever had the privilege of meeting and getting to know.

Bill Wolber is a quiet, unassuming guy who, I suspect, was always a giver, one who did things for others whenever the opportunity was there because it was ''the right thing'' to do. I'll bet deserved recognition never crossed his mind. I know he doesn't talk much about helping others, he just does it. And that is why he and his contemporaries like him have earned the accolade ''The Greatest Generation.''

INTRODUCTION OF THE HEALTH BENEFITS CLAIMS PROMPT PAYMENT ACT OF 2002

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SANDLIN. Mr. Speaker, our nation's doctors and hospitals face funding challenges. Today, to help address these challenges, I introduced the Health Benefits Claims Prompt Payment Act of 2002.

We have heard a lot about the need to stop the declining payments from Medicare, especially since the proportion of patients on Medicare continues to grow. Further, doctors and

hospitals face great uncertainty as to when they will be paid by health care plans for services rendered. As a result of this uncertainty, doctors and hospitals have no guarantee that they can pay their own obligations in a timely manner. That's unfair. That's bad business.

This week, several congressional committees began the arduous process of considering Medicare legislation. Among the provisions that have received widespread bipartisan support in that legislation are payment updates for hospitals, doctors, and other health care providers. These provisions attempt to address the decrease in Medicare payments to doctors and other providers by 5.4 percent this year. They also help to address similar hospital funding shortfalls, especially in rural areas where hospitals are paid less than their urban and suburban counterparts due to the use of a biased and outdated formula. While these changes will not fully address the decline in payments and the funding shortages from Medicare that our providers face, they are a good first step.

But, addressing the Medicare funding problems is not enough. Doctors and hospitals need to be paid, and paid on time, by the private group and individual health plans. On-time payments are critical for doctors to pay their own bills and for the longterm financial survival of medical practices and hospitals.

Several states have passed legislation to ensure prompt payment for health care claims. However, the shortsightedness of politicians in some states—as in my home state of Texas—has prevented such legislation from becoming law. Even in states where laws are on the books, doctors and hospitals face possible federal ERISA preemption of state laws—meaning that without a federal ''prompt pay'' law, health plans will continue to be able to manage their cash flow on the backs of doctors and hospitals.

Today, I introduced the Health Benefits Claims Prompt Payment Act of 2002. This legislation will ensure that doctors and hospitals are paid ''promptly'' for the health care services they provide to participants in private health care plans. Failure to pay such claims on time would result in interest penalties being imposed on health plans.

This bill also specifically protects a state's right to provide doctors and hospitals with even more certainty—allowing states to impose harsher penalties or stricter standards on the payment of claims.

The Health Benefits Claims Prompt Payment Act of 2002 is one way to help ensure that doctors and hospitals can focus on what they do best—treating patients and practicing medicine.

SPEECH BY RACINE EVANS OF WYANDANCH, NEW YORK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. ISRAEL. Mr. Speaker, I commend the following words to you and all of our colleagues, Racine Evans of Milton Olive Middle School in Wyandanch, New York delivered this speech on May 13, 2002.

Hello Congressman Steve Israel, Ladies and Gentlemen, Boys and Girls, my name is Racine Evans and I'm a six grade student at the Milton L. Olive Middle School. My desire is to be a teacher. I have been inspired by two powerful human beings, my mother, Theresa Johnson and my teacher Mrs. Deborah Charles. Mrs. Charles is always instructing me about the fact that knowledge is power, My mother Theresa is an assistant pastor and is also the Evangelist of my church. She also preaches to me how knowledge is power and knowledge is the key to life. I'm inspired by both my teacher and my mother with their words of wisdom and inspiration. Between church and school, teaching seems to be my calling, When I have the opportunity to become a teacher, I'll make sure that I'll share the wisdom that was passed on to me down to my students. I just want to be able to pass down my knowledge to someone else, because knowledge is a powerful thing. I am determined to be successful. I plan to come back to my community, and set an example for others. When they see that I have reached my goal, then they will know it's possible for them to be successful as well.

NOTRE DAME BASEBALL AND THE COLLEGE WORLD SERIES

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. ROEMER. Mr. Speaker, a columnist for the Omaha World-Herald wrote, ''What do you get when you cross Notre Dame with the College World Series? Magic is what you get.''

This entire baseball season has been magical for the Notre Dame Fighting Irish baseball team. Behind a spirited team effort, the Irish return to one of college athletics most storied events, the College Baseball World Series in Omaha, Nebraska for the first time since 1957. Not since Jake Kline was coach and Jim Morris batted .714 (10 for 14) in four games, a standing College World Series record, have the Irish traveled to Omaha to compete for the NCAA national championship.

Mr. Speaker, this has been a dramatic season for the Irish. Some people in South Bend have dubbed it the ''boomerang season.'' After starting 9–10 in the first nineteen games and losing their first four games in the Big East Conference, the Irish rallied with the heart and determination befitting of a championship team. Down 5–0 to the West Virginia Mountaineers, the Irish rallied behind the solid pitching of Drew Duff, Martin Vergara, and Matt Buchmeier and the offensive productivity of Steve Stanley, Paul O'Toole, and Javier Sanchez to win the game 10-6 in ten innings. Following this inspiring comeback, the Irish dominated their competition, winning forty games and losing only six.

The Irish's regular season hot streak served as momentum for the Big East Tournament in Bridgewater, New Jersey three weeks ago. The Irish beat Rutgers University, 3–2, after Steve Sollmann's clutch game-winning hit in the 10th inning to win their first Big East championship title. Ryan Kalita pitched seven shutout innings in relief. Senior clubhouse leader, Steve Stanley, was awarded the Big East Tournament's Most Outstanding Player Award after batting 6-for-16 with one double, one triple, and one RBI in the championship game.

After winning the Big East championship, Notre Dame was rewarded as the host team for the NCAA South Bend Regional. The Irish made quick work of the South Bend Regional field beating Ohio State (8–6), South Alabama (25–1), and Ohio State again (9–6). The 25–1 drubbing of South Alabama was easily the most impressive victory margin of the year. The Irish batters swatted thirty-two hits, one hit shy of tying an NCAA tournament record for hits. Steve Sollmann went 6-for-7, Paul O'Toole batted 5-for-5, and Steve Stanley was 4-for-5 during the offensive explosion. The offensive dominance during the South Alabama game should not overshadow the brilliant pitching performance by freshman Grant Johnson. Johnson faced only thirty batters while allowing one walk and one hit. Johnson became only the thirteenth pitcher in NCAA history to post a no-hitter or one-hitter.

With the NCAA South Bend Regional title in tow, the Irish advanced to the Super Regional in Tallahassee, Florida to take on the top ranked team in the nation, the Florida State Seminoles, in a best of three series. Against all odds, the Irish prevailed by upsetting the Seminoles in game one (10–4) and game three (3–1). The Irish halted Florida State's twenty-five game winning streak which was one of the longest in NCAA history and earned a place in the College World Series.

Upon arrival in Omaha, Notre Dame became a crowd favorite as the underdog of the College World Series. After losing a close game to the Stanford Cardinal (4–3) in the opening game of the double-elimination tournament, the Irish trailed in their second game to the Rice Owls 2–3 with one out in the bottom of the ninth inning. A loss to Rice would end the season for the Irish. With the bases empty, consummate team leader Steve Stanley ripped a triple down the baseline. The next batter, Steve Sollmann, hit a clutch game-tying RBI single. With Sollmann on first base, Brian Stavisky belted a game winning two-run homer. Coach Mainieri summed up the spirited comeback best, ''I'm not sure I can adequately describe what we just witnessed. I'd like to say I'm surprised at what happened in the bottom of the ninth inning, but I'm really not. I've watched these kids do it for the last three or four years.''

Notre Dame has head coach Paul Mainieri and his exceptional assistant coaches, Brian O'Conner, Dusty Lepper, and Wally Widelski, to thank for this successful season. Through the course of his eight years at Notre Dame, Coach Mainieri has won the right way by recruiting student athletes who represent our university in a positive light. Coach Mainieri has compiled a 353–140–1 (.716) record at Notre Dame making him one of the most successful skippers in Big East Conference history.

The eight seniors on this record breaking Irish baseball team must also be commended for their dedication and leadership. Matt Bok, Andrew Bushey, Paul O'Toole, Steve Stanley, Ken Meyer, Matt Strickroth, Matt Buchmeier, and Drew Duff compiled a four year record of 187–65–1 that ranks as the fourth-best four year winning percentage in school history.

I would also like to acknowledge the other members of the baseball team who have brought the University of Notre Dame's students, faculty, and alumni so much excitement this season: Geoff Milsom, Zach Sisko, Kris Billmaier, Chris Niesel, Matt Macri, Jay Molina, Matt Edwards, Brent Weiss, Brian Stravisky, Peter Ogilvie, Joe Thaman, Mike Holba, Cody

Wilkins, Mike Morgalis, Scott Bickford, Matt Laird, Tyler Jones, George Howard, Mike Milligan, Brandon Viloria, J.P. Gagne, and John Axford.

Mr. Speaker, although the Irish fell short of winning the College World Series this week, the players and coaches should be proud of this exceptionally successful season. I am reminded of when Hall of Fame pitcher, Bob Feller said, ''Every day is a new opportunity. You can build on yesterday's success or put its failures behind and start over again. That's the way life is, with a new game every day, and that's the way baseball is.'' After watching the determination and spirit of the 2002 Fighting Irish baseball team coached by Paul Mainieri, I am certain that college baseball fans across the country will come to know what Notre Dame fans already appreciate; a new baseball power is emerging from Eck Stadium in South Bend, Indiana. Thanks for a great season and go Irish! Watch out next year!

CENTRAL NEW JERSEY RECOGNIZES AND HONORS SMITH COLLEGE GRADUATE ANNE MARTINDELL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the career and commitment of Former ambassador and Smith College graduate Anne Martindell.

Ambassador Martindell's involvement in government is notable in itself. Her early support for women's rights and principled objection to the Vietnam conflict were part of a long career of public service. She served four years in the New Jersey State Senate before being appointed director of the Office of Foreign Disaster Assistance. In 1979 she was appointed Ambassador to New Zealand and Western Samoa. She continues her involvement in US-New Zealand relations as founder of the United States-New Zealand Council.

Anne Martindell's friends have always known her as a determined, energetic, and extraordinarily capable person. What brought these qualities to the attention of the general American public was her decision a few years ago to return to college to obtain her long-delayed degree—after nearly 7 decades. She was admitted to Smith College in 1932, but her parents removed her after her freshman year. Despite a lifetime of achievement, she felt this lack of a college degree, and returned to Smith College in the fall semester of 2000. She graduated this May 19th with a Bachelor of the Arts degree and received an Honorary Law Doctorate, certainly an unusual combination.

Ambassador Martindell's commitment to education and public service should serve as a model for us all. In her unwavering commitment to education lasting 69 years, she should inspire us all to similar commitments to higher education. In the words of her Smith College advisor Prof. Daniel Horowitz ''At the most profound level, Anne is a testament to the importance of education.'' It is an honor to represent Ambassador Martindell in congress.

Once again, I rise to commend Ambassador Anne Martindell for her long career of public service and her commitment to education. I wish her much success in her future endeavors, and I ask my colleagues to join me in recognizing her accomplishments.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. GUTIERREZ. Mr. Speaker, on Wednesday, June 18, I was honored to be the keynote speaker at my daughter Jessica's eighth grade graduation ceremony and was therefore absent from this chamber during the last two votes of the day. I would like the Record to show that had I been present in this chamber, I would have voted ''yea'' on roll call votes 237 and roll call vote 238.

HUMAN RIGHTS CONCERNS IN KAZAKHSTAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I rise to introduce a resolution that expresses deep concern about ongoing violations of human rights in Kazakhstan. President Nursultan Nazarbaev, the authoritarian leader of this energy-rich country, has been flagrantly flouting his OSCE commitments on democratization, human rights, and the rule of law, and thumbing his nose at Washington as well.

In the 106th Congress, there was a near unanimous vote in the House for a resolution I introduced voicing dismay about general trends in Central Asia. We sent a strong signal to leaders and opposition groups alike in the region about where we stand.

Since then, the overall situation has not gotten better—throughout the region, super presidents continue to dominate their political systems. But their drive to monopolize wealth and power while most people languish in poverty is finally producing a backlash. Today in Central Asia, things are stirring for the first time in a decade.

Even in quasi-Stalinist Turkmenistan, an opposition movement-in-exile led by former high ranking government officials has emerged which openly proclaims its intention of getting rid of dictator Saparmurat Niyazov. In Kyrgyzstan, disturbances in March, when police killed six protesters calling for the release of a jailed parliamentarian, were followed by larger demonstrations that forced President Akaev in May to dismiss his government. The iron-fisted Islam Karimov of Uzbekistan, under considerable pressure from Washington, has made some limited concessions to domestic and international public opinion, sentencing policemen to prison terms for torturing detainees and formally lifting censorship.

In Kazakhstan, however, President Nursultan Nazarbaev has reacted differently to domestic pressure and to Washington's calls for reforms to keep repression from breeding terrorism. Since last fall, Nazarbaev has cracked down hard, when his position became a little shakier. First we saw squabbles within the ruling—or should I say, ''royal''?—family burst out into the open when Nazarbaev demoted his powerful son-in-law. Then a new opposition movement emerged, headed by former officials who called for urgent reforms. Two of the leaders of that movement are now in prison. Subsequently, Kazakhstan's prime minister had to acknowledge the existence of $1 billion stashed in a Swiss bank account under Nazarbaev's name. Some of the few opposition legislators allowed into parliament have demanded more information about the money and about any other possible hoards in foreign banks.

This would be a scandal in any country. But with a consistency worthy of a nobler goal, Nazarbaev's regime has for years stifled the opposition and independent media. And as detailed in a recent Washington Post story, which I ask to be inserted for the Record, Kazakh authorities have recently intensified their assault on those few remaining outlets, employing methods that can only be described as grotesque and revolting. In one case, the editor of an opposition newspaper found a decapitated dog hanging outside her office. Attached to a screwdriver stuck into its body was a message that read ''there won't be a next time.'' On May 23, the State Department issued a statement expressing ''deep concern'' that these assaults ''suggest an effort to intimidate political opposition leaders in Kazakhstan and the independent media and raise serious questions about the safety of the independent media in Kazakhstan.'' That statement did not have the desired effect—last week, someone left a human skull on a staircase in the building where the editorial office of another newspaper is located.

Mr. Speaker, after September 11, the U.S. Government moved to consolidate relationships with Central Asian states, seeking cooperation in the battle with terrorism. But Washington also made plain that we expected to see some reform in these entrenched dictatorships, or we would all have to deal with consequences in the future. Nursultan Nazarbaev has ignored this call. Increasingly nervous about revelations of high-level corruption, he is obviously determined to do anything necessary to remain in power and to squelch efforts to inform Kazakhstan's public of his misdeeds. But even worse, he seems convinced that he can continue with impunity as his goons brutally threaten and assault the brave men and women who risk being journalists in a country so hostile to free speech.

Mr. Speaker, against this backdrop, I am introducing this resolution, which expresses concern about these trends, calls on Kazakhstan's leadership to observe its OSCE commitments and urges the U.S. Government to press Kazakhstan more seriously. I hope my colleagues will support this resolution and I look forward to their response.

[Washington Post Foreign Service, Mon., June 10, 2002]

NEW REPRESSION IN KAZAKHSTAN

JOURNALISTS TARGETED AFTER PRESIDENT IMPLICATED IN SCANDAL

(By Peter Baker)

ALMATY, KAZAKHSTAN.—The message could not have been clearer even without the note. In the courtyard of Irina Petrushova's opposition newspaper office, a decapitated dog was hung by its paws, a green-handled screwdriver plunged into its torso with a computer-printed warning attached to it.

''There won't be a next time.''

The dog's missing head was left along with a similar note at Petrushova's house. Three nights later, someone threw three molotov cocktails into her office and burned it to the ground.

The political climate in this oil-rich former Soviet republic has taken a decidedly ominous turn in recent weeks, ever since the revelation that the country's president, Nursultan Nazarbayev, secretly stashed $1 billion of state money in a Swiss bank account 6 years ago. As the scandal blossomed, opposition leaders were suddenly arrested, newspapers and television stations shut down, and critical journalists beaten in what foes of the government consider a new wave of repression.

What inspectors and regulators have not accomplished, mysterious vandals have. One of the country's leading television stations was knocked off the air when its cable was sliced in the middle of the night. Shortly after it was repaired, the cable was rendered useless again when someone shot through it.

''Everything that's been achieved over the last 10 years, it's been wiped out,'' Petrushova lamented.

''This political system we have is still Soviet,'' said Yevgeny Zhovits, director of the Kazakhstan International Bureau for Human Rights and the Rule of Law. ''By its spirit, by its nature, by its attitude toward personal freedom, it's still Soviet.''

The tale of intrigue emerging in Kazakhstan, while familiar across the former Soviet Union, takes on special significance in Central Asia, a region that has become far more important to the United States as it fights a war in nearby Afghanistan. The case also sheds some light on the tangled world of oil, money and politics in a country with massive energy reserves.

The U.S. Embassy and the State Department have issued statements condemning the pattern of events and fretting about the state of democracy in a country still run by its last Communist boss. But many reformers in Kazakhstan worry that the West has effectively turned its eyes away from human rights abuses to maintain the international coalition against terrorism.

''All this is happening with the silent consent of the West,'' said Assylbeck Kozhakhmetov, a leading figure in Democratic Choice for Kazakhstan, an opposition party founded last year. Until Sept. 11, Nazarbayev's government worried about offending the West, he noted, but not anymore. ''The ostrich party of Western democracies actually unties the hands of dictators.''

Nazarbayev, a burly, 61-year-old former steel mill blast-furnace operator, has run this giant, dusty country of 17 million people with an authoritarian style. Nazarbayev was a former member of the Soviet Politburo who took over as head of the republic in 1990, became president after independence in 1991, and continued to dominate Kazakhstan through uncompetitive elections and a referendum extending his term.

His relationship with oil companies has prompted investigations in Switzerland and the United States as prosecutors in both countries probe whether an American lobbyist helped steer millions of dollars in oil commissions to him and other Kazakh leaders.

The long-brewing questions about such transfers and rumors of foreign bank accounts erupted into a full-blown scandal in April when Nazarbayev's prime minister admitted to parliament that the president diverted $1 billion to a secret Swiss bank account in 1996. The money came from the sale that year of a 20 percent stake in the valuable Tengiz offshore oil fields to Chevron.

The prime minister, Imangali Tasmagambetov, said that Nazarbayev had sent the money abroad because he worried that such a large infusion of cash into Kazakhstan would throw the currency into a tailspin. Although he never disclosed the secret fund to parliament, Nazarbayev used it twice to help stabilize the country during subsequent financial crises, Tasmagambetov said.

In an inter-view last week, a top government official dismissed the significance of the revelation and the resulting furor.

''The so-called Kazakh-gate, the government officially explained this,'' said Ardak Doszham, the deputy minister of information. ''There was a special reserve account set up by the government. It's a normal account that can be managed by officials appointed by the government. It's not managed by individuals. The money that goes into it is state money, and it's supposed to be used to meet the needs of the state.''

Asked who knew about it, Doszham could identify only three men, Nazarbayev, the prime minister and the chairman of the national bank. Asked why lawmakers were never informed, he said, ''It was impossible to raise this issue before parliament because it would have elicited many questions.''

But opposition leaders and journalists said Nazarbayev finally revealed the account this spring only after they pushed Swiss prosecutors for information. The opposition and journalists said they believe the president announced the $1 billion fund only as a smoke screen to obscure other matters still under investigation by the Swiss and U.S. prosecutors.

''All around there is bribe-taking and stealing and mafia,'' said Serikbolsyn Abdildin, the head of the Communist Party and one of two parliament deputies whose information request to prosecutors preceded the announcement. ''There's corruption in the top echelon of power.'' The disclosure of the $1 billion Swiss fund was designed to ''fool public opinion,'' he said.

The disclosures have coincided with an escalating series of troublesome incidents for those who do not defer to the government.

Just days before Tasmagambetov's speech to parliament, Kazakh authorities arrested opposition politician Mukhtar Abilyazov, while his colleague, Ghalymzhan Zhaqiyanov, avoided a similar fate only by fleeing into the French Embassy here in Almaty, the former capital, two days later.

After assurances from Kazakh authorities, he left the embassy, and promptly was also taken into custody. The government insisted it was pursuing embezzlement charges against the two, both founding members of Democratic Choice. The opposition called it blatant harassment.

Other opposition figures began to feel the heat as well. While independent media in Kazakhstan have often experienced difficulty in the decade since independence, a string of frightening episodes convinced many journalists that they were being targeted.

The government began enforcing a five-year-old law requiring television stations to ensure that 50 percent of their broadcasts were aired in the native Kazakh tongue, a language that in practice remains secondary to Russian here. Most television stations cannot afford to develop such programming and prefer to buy off-the-shelf material from Russia, including dubbed Western television shows and movies. As government agents swarmed in and began monitoring channels this spring, they began seizing licenses of those stations that did not comply.

Similarly, inspectors showed up at newspaper offices demanding to see registration papers and suspending those publications that did not have everything in order. Some that did not list their addresses properly were abruptly shut down. Printing houses began refusing to publish other papers, and one printing house was burned down in unclear circumstances.

Tamara Kaleyeva, president of the International Foundation for Protection of Speech here, said about 20 newspapers have been forced to stop publishing and about 20 television stations have been shut down or face closure.

''It appears the Swiss accounts are the reason for a terrible persecution against free speech,'' she said. Added Rozlana Taukina, president of the Central Asia Independent Mass Media Association, ''The country is turning into an authoritarian regime.''

Doszham, the deputy minister, denied any political motivations behind the recent actions. Television stations had been flouting the language law, he said, and the government has suspended about seven or eight, and gone to court to recall the licenses of another six or seven. Similarly, he said, newspapers had been violating requirements. ''The law is harsh,'' he said, ''but the law is the law.''

Even more harsh, however, has been an unofficial but often violent crackdown. It is not known who is orchestrating it. Bakbytzhan Ketebayev, president of Tan Broadcasting Co., whose Tan TV station was among the best known in Kazakhstan, has been off the air for two months following repeated attacks on his cable. Even after it was repaired following the gunshots, it was damaged yet again when someone drove three nails in it. ''Once it's an accident, twice it may be an accident,'' he said. ''But three times is a trend.''

At the newspaper Soldat, which means soldier in Russian but is also a play on words in Kazakh meaning ''that one demands to speak,'' the assault was more personal. One day in late May, four young men burst into the newspaper office and beat two workers there, bashing one woman's head so hard she remains in the hospital. They also took the computer equipment.

Ermuram Bali, the editor, said the attack came the day before the weekly was to run the second of two installments reprinting a Seymour Hersh piece from the New Yorker about oil and corruption in Kazakhstan. ''This is the last warning against you,'' he said the assailants told his staff. Other journalists have been physically attacked as well.

And then there was Petrushova and the headless dog. Like Soldat, her newspaper, the Republic Business Review, had written about the scandal. Then the mutilated animal was found May 19, and finally the newspaper office was set aflame on May 22.

Petrushova suspects state security agencies were behind the incidents but cannot prove it. ''The throne started to waver, and in order to hold it in place, all sorts of measures are being used,'' she said. Now she works out of borrowed offices at Tan TV headquarters, putting out the newspaper on her own typographical machine and stapling each issue. ''It's just like it was in the time of the Soviet Union.''

GRACE OMEGA GARCES, U.S. ENVIRONMENTAL PROTECTION AGENCY 2002 REGION IX ENVIRONMENTAL ACHIEVEMENT AWARD WINNER

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to congratulate

Grace Omega Garces for having been selected for the U.S. Environmental Protection Agency's 2002 Environmental Achievement Award. This award recognizes individuals who have done exceptional work and have shown commitment to the environment. Grace is the public information and education officer for the Guam Environmental Protection Agency.

Under this capacity, Grace has directed and implemented the Guam EPA's public information, community outreach and environmental education programs through the use of strategic planning to create an educated and informed citizenry. She has also been in charge of enhancing the agency's public profile and credibility through media releases and updates. She has made determinations on the forms, messages, audiences and desired impacts of high-quality communications products regarding the Guam EPA and Guam's natural resources. Part of her responsibilities included serving as adjunct risk communications officer for contingencies such as the Supertyphoon Paka Disaster, the Ordot Landfill Fire, the Orote Landfill Seafood Warning, the Installation Restoration Project, the Agana Swamp PCB Warnings, the Agana Power Plant and the Base Realignment and Closure Project. She has also produced and conceptually developed the Guam EPA website.

The youngest of Joe and Nieves Garces' five children, Grace was born and raised on the island of Guam, graduating from Oceanview High School in Agat, Guam. While in high school, she was inducted into the national honor society and was elected student body president. She received the Soroptimist International of the Mariana Youth Citizenship Award and was selected as youth ambassador to Japan for the Blue Sea and Green Land Foundation Guam/Japan Youth Exchange in the summer of 1996. She was also a co-captain of the cheerleading squad.

Dedicated to the pursuit of higher education, Grace earned a Bachelor of Arts from the University of California, San Diego. She majored in both Political Science and History with minors in Economics and Advanced Calculus. In June of this year, a Master of Public Administration degree was conferred upon her by the University of Guam. While at the University of Guam, she was the recipient of the Dr. Pedro C. Sanchez Professional Scholarship.

Grace's work experience include a wide variety of posts in both the private and public sector. Prior to her employment with the Guam EPA, she worked, on several occasions, as an aide and a consultant to local senators. She has both been a freelance writer and a copy editor for the local daily newspaper. She has also been a volunteer broadcaster and radio program host for Guam Public Radio. While in college, she was the executive director of the university's Associated Students Internship Office and later became a Research Assistant and Fellow.

In addition to this recent award, Grace has also been the recipient of a number of local, regional and national honors and awards. The Government of Guam Bureau of Women's Affairs named her the Outstanding Woman of the Year for Local/Federal Government in 2002. She has received a number of awards and nominations for the Governor of Guam's Employee Recognition Program. For several years running, she has also been given the honor of making presentations in regional and national EPA conferences.

The hard work and dedication of Grace Garces brings much welcomed recognition, focus and attention to the island of Guam. I applaud her efforts and urge her to keep up the good work.

HONORING DEAN KAMEN, NEW HAMPSHIRE'S MODERN DAY THOMAS EDISON, FOR HIS WORK ON BEHALF OF ALL PEOPLE AND RECOGNITION BY THE JUVENILE DIABETES RESEARCH FOUNDATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BASS. Mr. Speaker, I am honored to bring to the attention of the United States House of Representatives Assembled, the contributions that my friend Dean Kamen has made toward improving the health, productivity, freedom, and aspirations of people around the world. I therefore request the following proclamation be made part of the permanent CONGRESSIONAL RECORD of the United State of America:

Whereas, Dean Kamen and his inventions have improved the lives of millions of people around the world; and

Whereas, Dean Kamen has captured the hope and imagination of all citizens who remain convinced that he will one day unlock even more secrets of physics, engineering, and biology to revolutionize the way we live; and

Whereas, Dean Kamen has sought to inspire younger generations and many others the drive to study and surpass the known boundaries of humanity and science, by organizing and ceaselessly promoting For Inspiration and Recognition of Science and Technology (FIRST); and

Whereas, Dean Kamen has made residents of the Great State of New Hampshire proud of his successes and appreciate his loyalty to the Granite State's way of life; and

Whereas, Dean Kamen on this day has been named ''Person of the Year'' by the Juvenile Diabetes Research Foundation New England Chapter—New Hampshire Branch;

Now, therefore, be it Resolved by the House of Representatives that Congress congratulates Dean Kamen on his award and thanks him for his many contributions to our society.

On this date, at the House of Representative, in Washington, D.C.

A TRIBUTE TO LANDON DONOVAN AND THE U.S. WORLD CUP TEAM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. LEWIS of California. Mr. Speaker, Americans have found a new set of sports heroes in the past through weeks as we have watched the breathtaking performance of the U.S. men's team in the World Cup soccer championship. While the entire team has won the hearts and cheers of the nation for going further than any U.S. team in 72 years, my constituents and I are particularly proud of a native son, Landon Donovan of Redlands.

A former student at Redlands East Valley High School, Landon Donovan can rightfully be called a soccer prodigy. Quickly moving on from the Youth soccer leagues in my San Bernardino County district, Landon was the most valuable player for the Under17 World Championship as a 16-year-old in 1999 and played for the U.S. team in the 2000 Olympics.

His promise was recognized by one of Europe's top soccer teams when he was recruited by the German club Bayer Leverkusen. But his real potential was revealed in 2001 when he Joined the San Jose Earthquakes of the professional Major Soccer League and led the team to the national championship.

Landon Donovan's impact on the World Cup has mirrored that of the U.S. team. He has taken on some of the world's best players and shown that he can be competitive with anyone. He scored a goal in the first U.S. match against Portugal and very nearly scored another. He scored the only goal in a loss to Poland. And he was named the ''Man of the Match'' in the U.S. team's win over Mexico after scoring the team's second goal and nearly scoring another.

Thanks to the speed and determination of Landon Donovan and his teammates, this year's U.S. team went further in the World Cup than any time in the past 72 years. In their final match against Germany, one of the elite teams, they pressured the German goal again and again. Donovan broke away for four shots on his own, and forced the German keeper to make desperate saves each time. The German victory at 1–0 ended the U.S. run, but will in no way lessen our pride in the players' spirited performance.

Mr. Speaker, the youth of San Bernardino County have now been treated to thrilling hometown performers twice in the course of a year. Derek Parra of San Bernardino shocked and inspired the world at the Winter Olympics with his recordbreaking gold medal performance in speedskating, a sport long-dominated by cold climate European nations.

And now Landon Donovan, a product of Redlands youth soccer, has helped his team win against some of the elite teams of the World Cup. Please join me in thanking this team for showing Americans how entertaining soccer can be, and for reminding us all that with hard work and determination, anything is possible.

MILITARY PAY GAP

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mrs. DAVIS of California. Mr. Speaker, it is with great pleasure and respect for our men and women in uniform that I introduce legislation to ensure elimination of the pay gap that exists for our military personnel.

Since 1982, when military pay was last considered to have achieved ''reasonable comparability'' with the private sector, military raises have lagged behind those enjoyed by the average American. Legislation passed for FY2000 included a large pay raise and mandated pay raises of ''inflation plus one half of one percent'' through 2006.

Despite a series of generous raises, the pay gap will not be eliminated by 2006. My legislation would do two things. Extend the mandate from 2006 to 2013, when the gap would be eliminated, and then ensure that raises keep pace with inflation.

As our military personnel consider the very personal decision to stay in the military or move to the private sector they do factor in future pay raises. From my own personal experience visiting with our service men and women I know that they don't choose to serve for financial gain. They serve because they believe in America and the freedoms that we all enjoy and are committed to service. Like all of us here in this House, they understand that a lifestyle of service entails a certain amount of sacrifice. In exchange for all their sacrifices, they have a simple request: that their nation make a commitment to them that parallels their commitment to the nation.

Today I ask my colleagues to join in that commitment and support my legislation to permanently eliminate the military pay cap.

HONORING MELISSA MILLER

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BARR of Georgia. Mr. Speaker, there are a group of individuals who constantly sacrifice, give their time and love, and truly make the world a better place. These individuals are the mothers of the world, and they represent a constant source of kindness, advice, and reliability. These women play numerous roles, from nurse to teacher to counselor to chauffeur, and Melissa Miller of Georgia's 7th district is certainly a great example.

Mrs. Miller was recently named the 2002 Mother of the Year by Sixes Living Magazine. Mrs. Miller is a very busy mom, constantly on the road transporting her children from ballet lessons to baseball games. The time which she finds to devote to her kids is sure to contribute to their development into the type of Americans we all hope our children will become—kind, caring, smart, hard-working, and honest.

More women like Mrs. Miller are needed in our great country so that we can continue to instill morals and values in the next generation of Americans.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. ISAKSON. Mr. Speaker, I was absent for roll call votes 239 and 240. Had I been present I would have voted yes for both votes.

OAK MIDDLE SCHOOL BLUE RIBBON SCHOOL AWARD CONGRATULATIONS

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. ROYCE. Mr. Speaker, I rise today to extend my congratulations to the principal, faculty and students of Oak Middle School in Los Alamitos, California, on that school's receipt of the U.S. Department of Education's prestigious ''Blue Ribbon School of Excellence'' Award.

The Blue Ribbon Award is a highly competitive honor awarded to schools that are judged to be particularly effective in meeting local, state and national education goals. To qualify for the award, schools must undergo a rigorous selection process culminating in a decision made by a panel of educators from across the country selecting schools for recommendations to Secretary Paige.

I can think of no school more worthy of this award than Oak Middle School, which under the excellent leadership of Principal James Elsasser consistently produces well-educated and active students. Because of the vision and determination demonstrated by Mr. Elsasser and his committed faculty, Oak Middle School has been recognized by the Federal Government for its excellence—a recognition that I think is long overdue.

I congratulate Oak Middle School on its achievement, I encourage the students and faculty to continue their tradition of excellence.

TRIBUTE TO MR. LEONARD HOFFMAN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor Mr. Leonard Hoffman for his years of service in the educational system. Mr. Hoffman, who retires this year, has served the educational system since August 25, 1969. Leonard began his career at Channahon Elementary School and has taught every subject except Science. He has also served as Union President, Union Vice-President and building representative.

Always striving for excellence, Leonard initiated special school activities to keep the students active and interested in learning. One special activity is called the President's Test. The President's Test required students to be able to name the Presidents in order. Fifth grade students need to pass the President's Test to be ''eligible to go into sixth grade.'' This involved many practice sessions for the students and time for encouragement and positive reinforcement from the teachers. The President's Test has become an important ''rite of passage'' for the students.

Other activities initiated by Mr. Hoffman include the Campbell's soup label saving program which provides funds to purchase new library books and audiovisual equipment. The students celebrated President Washington's birthday by making tri-cornered hats and making a button toy similar to those of that era. A history lesson on the Boston Tea Party included drinking tea and eating biscuits. Arbor Day was celebrated by Mr. Hoffman giving each student seedling trees to take home and plant. There are adults in the community that still talk about ''their trees''.

Leonard Hoffman was born on February 25, 1947 in Morris, Illinois to Judge and Mrs. Leonard (Erb) Hoffman. He graduated from Illinois Wesleyan University in 1969 with a Bachelor of Science in Education. In 1973, Leonard received his Master's Degree in Education from Northern Illinois University. Leonard married Carol Collins Hoffman on March 9, 1974. They are the proud parents of Martha Hoffman.

Leonard has also given his time and energy to the whole community. He is a member of the board of directors of the First National Bank of Dwight and a charter member of the First Bank of Channahon. Currently serving as Vice President, Leonard is one of the original trustees of Three River's Library system. He is also a Life Loyal Member of Sigma Chi Fraternity and a member of the Channahon Methodist Church.

Leonard is best remembered for an oftencited quotation he learned from his first grade teacher, Miss Canaday, ''Directions are your friends, they tell you what to do''. In fact, you would not be able to find a former student of Leonard's that would not be able to remember this statement. His daughter, Martha, is now using this statement with her students.

Mr. Speaker, I urge this body to identify and recognize others in their own districts whose actions have so greatly benefitted and strengthened America's communities.

TRIBUTE TO THE UPPER PENINSULA VILLAGE OF BERGLAND ON THE OCCASION OF ITS CENTENNIAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. STUPAK. Mr. Speaker, I rise tonight to call your attention and that of our House colleagues to a ceremony that will take place in the Upper Peninsula of Michigan on July 3–6. On those days, with all the fanfare and activities that local residents have been planning for a year, the community of Bergland will celebrate its centennial.

As Bergland residents frequently note for distant acquaintances, this is a small community that's easy to find on a map of Michigan. Just find Lake Gogebic, a lake in the western end of the U.P. that looks like an upside-down boot, and Bergland is at the toe. On the map, it's just another black dot—you need to see Bergland as I have seen it so many times, passing through on my way west on M–28 to Ironwood or turning north on M–64 to go to Ontonagon. Then you would see a tidy village of wood-framed structures, tucked in the forest on the shore of a lake. It's the kind of friendly community that says, ''Why are you rushing by? Stop here a while, and your life will be enriched and at peace.''

Like so many northern Michigan communities, Bergland is a village created by the lumber industry. In 1902 Gunlek Bergland, then age 55, and his wife Hanna signed the

Plat of the Village of Bergland, giving birth to a community that was located within the 18,000 acres of timberland Bergland had obtained. He had already constructed a sawmill and a short-line railroad into his timber holdings, and the new town's location along the Duluth, South Shore & Atlantic Railroad ensured his wood products would find distant markets.

The town of Bergland was born at a unique time in Michigan's lumbering history. Most of the virgin strand of giant white pine had been harvested, but the land Gunlek Bergland purchased was far enough away from the Lake Michigan shore that it had remained uncut. This North Woods stood at town's edge. Charles Freed, a 12th grade graduate of Bergland's first school, built in 1904, once reminisced about this timber stand, saying, ''Within a few feet of the rear of the building there stood a forest which had not yet been touched by the ax. ''

It's quite amazing, Mr. Speaker, when you consider that within the 20th Century and right in the Midwest, a community was being built on a forest frontier. It would not be frontier for long, because 20th Century changes were having an impact on the lumber industry. Witness the fact that Gustav Bergland built an actual town for families, which in itself was a change from the tradition of the 1800s, when lumberjacks spent all winter living in isolated lumber camps to do their work. In the 19th Century, logs were floated down rivers to communities like my home town of Menominee, where sawmills cut them and shipped the lumber south by water to growing cities like Milwaukee and Chicago. In the dynamic new 20th Century, railroads reached inland to small communities like Bergland to bring out wood products. Hardwood was now needed by the Upper Peninsula mines, and the growing auto industry needed lumber, too, as much as 250 board feet—the equivalent of a 27-inch diameter, eight-foot-long log—for each vehicle produced.

Those boom days are gone, but Bergland and its forest heritage remain. Forest products are still an important regional industry, a managed industry that recognizes northern Michigan's forests as a renewable resource, Bergland stands surrounded by the million-acre Ottawa National Forest, an area that is also rich in recreational opportunities,

Residents and former residents of Bergland will gather in July to celebrate this history, and they will also honor some of the community's oldest residents. Among those to be honored are Walter Borseth, 90, and Stan Lackie, 85, both of whom were born of Bergland pioneering families and have spent their entire lives in Bergland.

Mr. Speaker, I ask you and our House colleagues to join me in wishing the best to the people of Bergland on this celebration of their centennial, and in saying a hearty, ''Well Done! '' to the Bergland Centennial Planning Committee of Gay Frulik, Junior Gray, Winnie Borseth, and Tom Borseth. We hope many former Bergland residents are drawn back home for this celebration, so that families may be reunited, old friendships renewed, and a remarkable quality of life rediscovered.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SHAYS. Mr. Speaker, from June 17 through June 19, I was in London, England participating in a Government Reform National Security Subcommittee meeting on Gulf War Veterans' Illnesses.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted ''yes'' on recorded vote number 230, ''yes'' on recorded vote number 231, ''yes'' on recorded vote number 232, ''yes'' on recorded vote number 233, ''yes'' on recorded vote number 234, ''yes'' on recorded vote number 235, ''yes'' on recorded vote number 236, ''yes'' on recorded vote number 237, ''yes'' on recorded vote number 238, and ''yes'' on recorded vote number 239.

H. CON. RES. 415, RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH AND THE IMPORTANCE OF HOMEOWNERSHIP IN THE UNITED STATES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Ms. SCHAKOWSKY. Mr. Speaker, the House of Representatives passed a resolution that recognizes National Homeownership Month. Democrats and Republicans are united in their support for homeownership. However, we should not fool ourselves by claiming that this resolution is going to solve our affordable housing crisis.

We need to back up our words with action. Housing is not a top priority of this House or the Administration. HUD provides down payment assistance through several of its programs, yet without sufficient resources HUD will not be able to accomplish its homeownership goals. In fact in real dollars, HUD's budget is one third of what it was during the Ford administration. This is unacceptable.

Yesterday the Financial Services committee marked-up the ''Housing Affordability for American Act of 2002.'' Several members of the majority voted against an amendment to create a national affordable housing trust fund. The approved amendment creates a trust fund that utilizes FHA surplus funds. By creating a housing trust fund we can provide the necessary resources to build and preserve 1.5 million units of rental housing over the next 10 years.

Also, predatory lending continues to be a serious problem for homeowners. The Coalition for Responsible Lending estimates that homeowners lose $9.1 billion annually due to predatory loans. Predatory lending is especially a problem in the subprime market. People who have trouble getting access to conventional mortgages often use the subprime market for mortgage assistance.

Predatory lenders disproportional prey on the elderly and minorities. In 2000, HUD completed a study that found that borrowers in upper income African American neighborhoods, who would easily qualify for conventional, low rate loans, were twice as likely as homeowners in low-income white neighborhoods to receive subprime refinance loans. In Chicago the number of high interest loans rose 3,685 between 1993 and 1999. To combat this problem, I and several of my colleagues have introduced anti predatory lending legislation. Regrettably, none of our bills have been given consideration by the Republican House leadership. Simply supporting homeownership is not enough. We must act to make sure the people are able to keep their homes as well.

Homeownership is expensive and it is difficult for people with low incomes to own a home. People in Chicago and across the country need affordable housing whether it is a home or an apartment. In Chicago, we're short 150,000 units of affordable housing. Nationally, there has been a 37 percent increase in the number of people seeking emergency shelters in the past year and five and a half million people are facing the worst housing crisis in the United States. That is why I have introduced H.R. 2999 ''The First Things First Act.'' My legislation puts tax breaks for the rich on hold until we address our nation's housing crisis and other critical needs. This resolution is only effective if we take strong actions to make affordable housing a reality for America's families.

HONORING PASTOR T.R. WILLIAMS, SR.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Reverend Theodore Roosevelt (T.R.) Williams, Sr., on his 25 years of exceptional service to the New Faith Church located at 4315 West Fuqua Street, Houston, Texas. On June 23, 2002, Reverend Williams will be joined by his family, friends, and the congregation of New Faith Church to celebrate his 25th anniversary.

Born in Alexandria, Louisiana on July 26, 1945, Theodore Roosevelt Williams was one of five children born to Nathaniel and Violet Williams. The Williams' established an extraordinary foundation for their children centered around developing their faith in God. Reverend Williams often recalls how his parents would awaken him along with his brothers and sisters on Sunday morning for family prayer and fondly speaks of his parents' willingness to sacrifice their desires to ensure that their children's needs were met.

After receiving his degree from Southern University in 1966, Rev. Williams soon found himself being called to the ministry. On December 2, 1966, he preached his first sermon at Greater Saint Lawrence Missionary Baptist Church. Reverend Williams accepted his first pastoral position at Shady Grove Missionary Baptist Church in rural Louisiana in 1968 and his second at Loyal Baptist Church beginning in 1972 and resigned in 1977. After his resignation, Reverend Williams organized New Faith Church on February 27, 1977, where he currently presides as Senior Pastor.

Since its inception, New Faith's priorities have been in accord with God's directives,

and have made tremendous strides in the efforts to improve the quality of life in the Houston area. Under the leadership of Reverend Williams, the congregation has grown to more than 3,000 members with facilities on more than ten acres of property. Throughout his tenure as senior pastor, Reverend Williams, has a number of accomplishments that highlight his commitment and dedication to serving God, his congregation and the Houston community. Some of his many achievements include, the development of the ministerial staff concept, the Family Life Center, the Crisis Counseling Center, and the Violet P. Williams Educational Building. Reverend Williams has implemented more than twenty-five ministries and provides leadership to a number of dedicated and talented staffers.

Mr. Speaker, throughout his 34 years in the ministry, Reverend Williams' intelligence, enthusiasm, and integrity has served his congregations well. He brings a tireless energy, an unflagging drive, and an unparalleled passion to each of his endeavors, whether it's as a Pastor, a civic leader, or friend. His tremendous strength over the years is a testimony to the success of his efforts to address the needs of his congregations and community.

MISSOURI STATE HIGHWAY PATROL OFFICER OF THE YEAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Sgt. James E. Closson of Marshall, MO, who recently was named Officer of the Year by the Missouri State Highway Patrol. He has distinguished himself, the Missouri Highway Patrol, and the State of Missouri with dedicated service.

Sgt. Closson has been serving and protecting the citizens of Missouri for 28 years. He is respected by the members of Troop A for his diligence in ensuring assignments are met and completed without fail. His years in the Troop A area and as the zone sergeant of Zone 10 in Saline County have established him as a leader in the community.

Sgt. Closson is the son of a distinguished former Missouri Highway Patrolman, A.F. Closson.

Mr. Speaker, Sgt. James E. Closson has been dedicated to serving and protecting the citizens of Missouri for 28 years and is well deserving of this prestigious award. I am certain that my colleagues will join me in wishing Sgt. Closson and his wife, Jenny, all the best.

THE TREATMENT OF GIRLS AND WOMEN BY THE BURMESE ARMY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to stand firm against the impunity with which the girls and women of Burma are raped, tortured, beaten, and killed as part of a systematic campaign by the Burmese army to terrorize and subjugate its people.

This week, a report was released detailing the heinous acts of rape and other forms of sexual violence carried out on the women and girls of the Shan State on the Burmese border with Thailand. Compiled from interviews with brave victims who would talk about their story, the report serves merely as a microcosm of the ongoing and endemic commitment by the Burmese army to thwart resistance and opposition by officially condoning the use of rape as a weapon of war against its civilian population.

Mr. Speaker, the reports that have surfaced describe how the overwhelming majority of these rapes are being carried out by officers, and usually in front of their own troops. Girls and women are being beaten mutilated, suffocated—tortured. A quarter of these rapes result in death, and in some incidences the victim's body is publicly displayed to send out a message of terror and fear to local peoples. These crimes against humanity are often times even taking place within military bases where some women have been detained for up to 4 months—only to be raped, even gang raped, repeatedly by soldiers.

TRIBUTE TO CAPTAIN FRED ''POT LICK'' CLAY CUTRER, JR.

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 21, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Captain Fred ''Pot Lick'' Clay Cutrer, Jr., United States Air Force, of Mississippi, who was laid to rest on Thursday, June 6, 2002. Captain Cutrer had been missing in action in South Vietnam since August 5, 1964. Captain Cutrer was the first pilot to be killed after President Johnson's escalation of American involvement in Vietnam due to the Gulf of Tonkin. At the time Captain Cutrer's plane went down he was only 29 years old.

Captain Cutrer and his navigator, Lieutenant Leonard Lee Kaster of Massachusetts, were flying a B–57B Canberra on August 5, attempting to land at a nearby base, when they were shot down by Viet Cong soldiers. Unfortunately, a rescue or recovery mission could not be attempted, as the area where the plane went down was deemed too dangerous. Both men were listed as Missing in Action and their names were on the Vietnam Wall when it was dedicated in Washington, D.C., in 1982. Captain Cutrer's name can be found on Panel 1E, Line 60.

In August 1992, the Defense Department's POW/Missing Personnel Office found the crash site with the help of a Vietnamese native who saw the plane as it crashed in Long Khan Province. Follow-up visits led to an excavation in March and April 1997 and recovery of Captain Cutrer's remains. In January 1998, Captain Cutrer's family was notified that his dog tags and remains had been found. He was given a full military burial at Arlington Cemetery on Thursday, June 6, 2002. Since Lieutenant Kaster's remains were never found, he was buried with Captain Cutrer. He and Lieutenant Kaster were posthumously awarded the Purple Heart.

Captain Cutrer grew up in Mississippi in a loving family and alongside great friends. He was married to Shirley Cutrer, who was a First Lieutenant who was honorably discharged as an Air Force nurse in 1962 after becoming pregnant with the couple's first of two sons, Fred III. She died September 10, 1998, when her car collided with an 18-wheeler in Pennsylvania. Later this summer, she will be exhumed and buried beside her husband's plot.

On Thursday, June 6, many of Captain Cutrer's friends and family met at Arlington to finally lay to rest their beloved friend and family member. Among those attending the funeral were Captain Cutrer's two sons, Fred III and Dan, his brother Hugh Molse Cutrer and his two sisters, Lillie Cutrer Gould and Connie Cutrer Blair of Simsbury, CT.

Captain Fred ''Pot Lick'' Clay Cutrer, Jr. is a true American hero and I urge my colleagues to stand today to honor his memory.

Daily Digest

HIGHLIGHTS

The House passed H.R. 4931, Retirement Savings Security Act.

Senate

Chamber Action

Routine Proceedings, pages S5881–S5917

Measures Introduced: Three bills were introduced, as follows: S. 2666–2668. **Page S5901**

Measures Reported: S. 2064, to reauthorize the United States Institute for Environmental Conflict Resolution. (S. Rept. No. 107–168)

H.R. 3480, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin. (S. Rept. No. 107–169)

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''. **Page S5901**

Measures Passed:

Support of American Eagle Silver Bullion Program Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 2594, 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, and the bill was then passed. **Pages S5915–16**

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 S5881–86, S5891–92

Adopted:

By 52 yeas to 40 nays (Vote No. 160), Murray/Snowe Amendment No. 3927, to restore a previous policy regarding restrictions on use of Department of Defense facilities. **Pages S5881–82**

Levin/Warner Amendment No. 3953, to extend the authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities. **Page S5884**

Levin (for Nelson (FL)/Allard) Amendment No. 3954, to express the sense of Congress regarding assured access to space. **Page S5884**

Warner (for Hutchison) Amendment No. 3955, to authorize a land conveyance at Fort Hood, Texas. **Page S5884**

Levin (for Akaka/Inhofe) Amendment No. 3956, to provide authority to use military construction funds for construction of a public road to replace a public road adjacent to Aviano Air Base, Italy, closed for force protection purposes. **Pages S5884–85**

Levin (for Akaka/Inhofe) Amendment No. 3957, to authorize the extension of a fiscal year 2000 military construction project for a dormitory at Lackland Air Force Base, Texas. **Page S5885**

Levin (for Akaka/Inhofe) Amendment No. 3958, to make a technical correction regarding the land conveyance, Westover Air Reserve Base, Massachusetts. **Page S5885**

Levin (for Akaka/Inhofe) Amendment No. 3959, to make technical corrections to authorizations for certain military construction projects for the Army. **Page S5885**

Levin (for Akaka/Inhofe) Amendment No. 3960, to modify the authority to carry out a certain fiscal year 2001 military construction project for the Army. **Page S5885**

Levin (for Clinton/Schumer) Amendment No. 3961, to modify leasing authorities under the alternative authority for acquisition and improvement of military housing. **Pages S5885–86**

A unanimous-consent agreement was reached providing for further consideration of the bill at 4 p.m., on Monday, June 24, 2002, with Senator Smith (NH), or his designee, recognized to offer an amendment with respect to abaya. **Page S5916**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the report of a Continuation with the National Emergency with Respect to the Western Balkans beyond June 25, 2002; to the Committee on Banking, Housing, and Urban Affairs. (PM–96) **Page S5900**

Transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs. (PM–97) **Page S5900**

Nominations Received: Senate received the following nominations:

2 lists in the Foreign Service. **Pages S5916–17**

Messages From the House: **Pages S5900–01**

Measures Referred: **Page S5901**

Additional Cosponsors: **Pages S5901–02**

Statements on Introduced Bills/Resolutions: **Pages S5902–05**

Additional Statements: **Pages S5897–S5900**

Amendments Submitted: **Pages S5905–15**

Authority for Committees to Meet: **Page S5915**

Privilege of the Floor: **Page S5915**

Record Votes: One record vote was taken today. (Total—160) **Page S5882**

Adjournment: Senate met at 9:30 a.m., and adjourned at 12:50 p.m., until 3 p.m., on Monday, June 24, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S5916).

Committee Meetings

(Committees not listed did not meet)

PHILIPPINES

Committee on Armed Services: Committee met in closed session to receive a briefing on U.S. activities in the Philippines from Paul D. Wolfowitz, Deputy Secretary, and Gen. Richard B. Myers, USAF, Chairman of the Joint Chiefs of Staff, both of the Department of Defense.

SUMMER SCHOOL

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the importance of summer school to student achievement and well being, focusing on summer school cutbacks and implications of research policies and practices, after receiving testimony from Sandra Feldman, American Federation of Teachers, Washington, D.C.; Harris Cooper, University of Missouri Department of Psychological Sciences, Columbia; and Christina Ramoglou, Rogers School Community Center Organization, Stamford, Connecticut.

NORTH KOREAN REFUGEES

Committee on the Judiciary: Subcommittee on Immigration concluded hearings to examine refugee admissions policy to the United States, focusing on the plight of North Korean asylum seekers in the People's Republic of China, after receiving testimony from Arthur E. Dewey, Assistant Secretary for Population, Refugees, and Migration, Lorne Craner, Assistant Secretary for Democracy, Human Rights, and Labor, and James Kelly, Assistant Secretary for East Asian and Pacific Affairs, all of the Department of State; Felice D. Gaer, Commission on International Religious Freedom, Jana Mason, U.S. Committee for Refugees, and Elisa Massimino, Lawyers Committee for Human Rights, all of Washington, D.C.; Debra Liang-Fenton, U.S. Committee on Human Rights in North Korea, Minneapolis, Minnesota; Helie Lee, West Hollywood, California; and Soon Ok Lee and Norbert Vollertsen both of Seoul, South Korea.

House of Representatives

Chamber Action

Measures Introduced: 19 public bills, H.R. 4983–5001; and 2 resolutions, H. Con. Res. 422–423, were introduced. **Pages H3824–25**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today. **Page H3777**

Journal: Agreed to the Speaker's approval of the Journal of Thursday, June 20 by a yea and nay vote

of 318 yeas to 45 nays with 1 voting "present", Roll No. 244. **Pages H3377–78**

Retirement Savings Security Act: The House passed 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 by a recorded vote of 308 ayes to 70 noes, Roll No. 248.

Pages H3789–H3812

Rejected the Neal motion to recommit the bill to the Committee on Ways and Means with instructions to report it back to the House forthwith with an amendment to prevent the avoidance of qualified plan rules through corporate expatriation by a recorded vote of 186 ayes to 192 noes, Roll No. 247.

Pages H3809–11

Rejected the Neal amendment in the nature of a substitute that sought to make permanent pension plan and individual retirement account arrangements and include corporate tax and executive compensation provisions by a yea and nay vote of 182 yeas to 204 nays, Roll No. 246. **Pages H3798–H3809**

Agreed to H. Res. 451, the rule that provided for consideration of the bill by a yea and nay vote of 344 yeas to 52 nays, Roll No. 245. **Pages H3781–89**

Legislative Program: The Majority Leader announced the Legislative program for the week of June 24. **Pages H3812–14**

Meeting Hour—Monday, June 24: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday June 24 for morning-hour debate. **Page H3814**

Meeting Hour—Tuesday, June 25: Agreed that when the House adjourns on Monday, it adjourn to meet at 10:30 a.m. on Tuesday, June 25, for morning-hour debate. **Page H3814**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 26. **Page H3814**

Presidential Messages: Read the following messages from the President:

Periodic Report on the National Emergency re Western Balkans: Read a message wherein he transmitted a 6-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive order 13219 of June 26, 2001—referred to the Committee on International Relations and ordered printed (H. Doc. 107–231); and **Page H3814**

Continuation of the National Emergency re the Western Balkans: Read a message wherein he transmitted a notice stating that the Western Balkans emergency is to continue in effect beyond June 25, 2002—referred to the Committee on International Relations and ordered printed (H. Doc. 107–232).

Page H3814

Quorum Calls—Votes: Three yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H3777–78, H3788–89, H3808–09, H3811, and H3811–12. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 3:31 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on FBI Reorganization. Testimony was heard from Robert Mueller, Director, FBI, Department of Justice; David M. Walker, Comptroller General, GAO; Richard Thornburgh, FBI Project Panel Chair, National Academy of Public Administration; and Nancy Savage, President, FBI Agents Association.

MISCELLANEOUS HEALTH MEASURES

Committee on Energy and Commerce: Ordered reported the following: Medicare Prescription Drug Benefit, amended; Provisions Relating to Part B, amended; Medicare+Choice Revitalization and Medicare+Choice Competition Program; Medicare Benefits Administration; Internet Pharmacies; and Disproportionate Share Hospital (DSH) Payments.

CONGRESSIONAL PROGRAM AHEAD

Week of June 24 through June 29, 2002

Senate Chamber

On *Monday,* at 3 p.m., Senate will resume consideration of S. 2514, National Defense Authorization Act.

During the balance of the week, Senate will continue consideration of S. 2514, National Defense Authorization Act, and may consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: June 25, to hold hearings to examine the nomination of Phyllis K. Fong, of Maryland, to be Inspector General, Department of Agriculture; the nomination of Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission; the nomination of Douglas L. Flory, of Virginia, to be a Member of the Farm Credit Administration Board, Farm Credit Administration; and

the nomination of Sharon Brown-Hruska, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2004, 10 a.m., SR–332.

Committee on Appropriations: June 27, Subcommittee on Transportation, with the Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine, to hold joint hearings to examine cross border trucking issues, 9:30 a.m., SR–253.

Committee on Banking, Housing, and Urban Affairs: June 26, Subcommittee on Housing and Transportation, to hold hearings to examine the Transportation Equity Act for the 21st Century, focusing on investing in economy and environment, 10 a.m., SD–538.

June 27, Full Committee, to hold oversight hearings to examine the preliminary findings of the Commission on Affordable Housing and Health Facility Need for Seniors in the 21st Century, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: June 25, to hold hearings on proposed legislation authorizing funds for the National Transportation Safety Board, 9:30 a.m., SR–253.

June 25, Subcommittee on Science, Technology, and Space, to hold joint hearings with the House Committee on Science to examine the role of science and technology to combat terrorism, 1 p.m., 2318, Rayburn Building.

June 26, Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings to examine issues and perspectives in enforcing corporate governance, focusing on the experience of the state of New York, 9:30 a.m., SR–253.

June 27, Subcommittee on Surface Transportation and Merchant Marine, with the Committee on Appropriations, Subcommittee on Transportation, to hold joint hearings to examine cross border trucking issues, 9:30 a.m., SR–253.

Committee on Environment and Public Works: June 25, to hold oversight hearings to examine the Environmental Protection Agency Inspector General's actions with respect to the Ombudsman and S. 606, to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency, 9:30 a.m., SD–406.

June 26, Full Committee, to hold hearings to examine the President's proposal to establish the Department of Homeland Security, 10 a.m., SD–406.

June 27, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD–406.

Committee on Finance: June 27, to hold hearings on the nomination of Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission, 10 a.m., SD–215.

Committee on Foreign Relations: June 25, to hold hearings on the nomination of James Franklin Jeffrey, of Virginia, to be Ambassador to the Republic of Albania, the nomination of Michael Klosson, of Maryland, to be Ambassador to the Republic of Cyprus, the nomination of James Irvin Gadsden, of Maryland, to be Ambassador to the Republic of Iceland, and the nomination of Randolph Bell, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues, 10:15 a.m., SD–419.

June 25, Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine issues surrounding the Peace Corps, 2:30 p.m., SD–419.

June 26, Full Committee, to hold hearings to examine the current situation in Afghanistan, 10:30 a.m., SD–419.

June 26, Full Committee, to hold hearings on the nomination of Mark Sullivan, of Maryland, to be United States Director of the European Bank for Reconstruction and Development; and the nomination of Paul William Speltz, of Texas, to be United States Director of the Asian Development Bank, with the rank of Ambassador, 2:30 p.m., SD–419.

June 27, Subcommittee on Central Asia and South Caucasus, to hold hearings to examine the balancing of military assistance and support for human rights in central Asia, 2:30 p.m., SD–419.

Committee on Governmental Affairs: June 26, to hold hearings to examine the relationship between a Department of Homeland Security and the intelligence community, 9:30 a.m., SD–342.

June 26, Full Committee, to hold hearings on the nomination of James E. Boasberg, to be an Associate Judge of the Superior Court of the District of Columbia, 3 p.m., SD–342.

June 27, Full Committee, to continue hearings to examine the relationship between a Department of Homeland Security and the intelligence community, 1 p.m., SD–342.

June 28, Full Committee, to hold hearings to examine how the proposed Department of Homeland Security should address weapons of mass destruction, and relevant science and technology, research and development, and public health issues, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: June 25, to hold hearings on proposed legislation authorizing funds for the Office of Education Research and Improvement, Department of Education, 10 a.m., SD–430.

June 25, Subcommittee on Public Health, to hold hearings to examine the crisis in children's dental health, 2:30 p.m., SD–430.

June 26, Full Committee, business meeting to consider S.2059, to amend the Pubic Health Service Act to provide for Alzheimer's disease research and demonstration grants; and proposed legislation concerning global Aids, 9:30 a.m., SD–430.

June 27, Full Committee, to hold hearings to examine Title IX of the Education Amendments Act of 1972, focusing on 30 years of progress, 2:30 p.m., SD–430.

June 28, Subcommittee on Children and Families, to hold hearings on S. 2246, to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, 9:30 a.m., SD–430.

Committee on the Judiciary: June 25, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine the President's proposal for reorganizing our homeland defense infrastructure, 10 a.m., SD–226.

June 26, Full Committee, to hold hearings to examine the President's proposal for reorganizing our homeland defense infrastructure, 10 a.m., SD–226.

June 26, Subcommittee on Immigration, to hold hearings to examine immigration reform and the reorganization of homeland defense, 2 p.m., SD–226.

June 27, Full Committee, to hold hearings on pending judicial nominations, 2 p.m., SD–226.

House Chamber

To be announced.

House Committees

Committee on Agriculture, June 26, hearing to Review the Administration's proposed legislation on creating a Department of Homeland Security, 10 a.m., 1300 Longworth.

June 27, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing on Roadless areas in our National Forests, 10 a.m., 1300 Longworth.

Committee on Appropriations, June 24, to mark up the following: Report on the Sub-Allocation of Budget Allocations for fiscal year 2003; the Defense Appropriations for Fiscal Year 2003; and the Military Construction Appropriations for fiscal year 2003, 5 p.m., 2359 Rayburn.

June 27, Subcommittee on Foreign Operations, Export Financing and Related Programs, on the President's proposed Millennium Challenge, 10 a.m., 2359 Rayburn.

Committee on Armed Services, June 26, hearing on the Administration's proposal to create a new Department of Homeland Security, and its impact on the Department of Defense and defense-related aspects of the Department of Energy, 10:30 a.m., 2118 Rayburn.

June 26, Subcommittee on Military Readiness, hearing on Outsourcing: Review of the Commercial Activities Panel Report, 2 p.m., 2212 Rayburn.

June 27, Subcommittee on Military Personnel, hearing on the link between force structure and manpower requirements, 9 a.m., 2118 Rayburn.

June 27, Subcommittee on Military Procurement and the Subcommittee on Military Research and Development, joint hearing on missile defense, 1 p.m., 2118 Rayburn.

June 28, Special Oversight Panel on Terrorism, hearing on Navy and Marine Corps initiatives to improve anti- and counter-terrorism operations, 8:30 a.m., 2212 Rayburn.

Committee on Education and the Workforce, June 25, hearing on the First Tee: Building Character Education, 4 p.m., 2175 Rayburn.

June 27, Subcommittee on Employer-Employee Relations, hearing on Union Reporting and Disclosure: Legislative Reform Proposals, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, June 25, Subcommittee on Commerce, Trade and Consumer Protection, hearing on the FTC's Franchise Rule: Twenty-Three Years After Its Promulgation, 10 a.m., 2322 Rayburn.

June 25, Subcommittee on Oversight and Investigations, hearing on Creating the Department of Homeland Security: Consideration of the Administration's Proposal, with emphasis on chemical, biological and radiological response activities proposed for transfer to the Department of Homeland Security, 9 a.m., 2123 Rayburn.

June 26, Subcommittee on Commerce, Trade and Consumer Protection, hearing on the Financial Accounting Standards Board Act, 10 a.m., 2123 Rayburn.

June 26, Subcommittee on Telecommunications and the Internet, hearing on Area Code Exhaustion: What are the Solution? 10 a.m., 2322 Rayburn.

Committee on Financial Services, June 25, Subcommittee on Oversight and Investigation and the Subcommittee on Housing and Community Opportunity, joint hearing on Fighting Discrimination against the Disable and Minorities through Fair Housing Enforcement, 2 p.m., 2128 Rayburn.

Committee on Government Reform, June 25, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on Do We Need an Anti-Drug Media Campaign? 10 a.m., 2247 Rayburn.

June 25, Subcommittee on National Security, Veterans' Affairs and International Relations, hearing on DOD Financial Management: Following One Item Through the Maze, 10 a.m., 2154 Rayburn.

June 26, Subcommittee on Civil Service, Census and Agency Organization, hearing on "Homeland Security: Should Consular Affairs be Transferred to the new Department of Homeland Security?" 1 p.m., 2203 Rayburn.

June 26, Subcommittee on the District of Columbia, hearing on Spring Valley Revisited—The Status of the Cleanup of Contaminated Sites in Spring Valley, 10 a.m., 2154 Rayburn.

June 26, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, "The Single Audit Act: Is it Working?" 10 a.m., 2247 Rayburn.

June 27, full Committee, to continue hearings on the Department of Homeland Security: An Overview of the Administration's Proposal, Part II, 10 a.m., 2154 Rayburn.

Committee on International Relations, June 26, hearing and markup of the Homeland Security Act of 2002, 10:15 a.m., 2172 Rayburn.

June 27, hearing on Promoting Economic Development in Africa Through Accountability and Good Governance, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, June 25, Subcommittee on the Constitution, oversight hearing on the Civil Rights Division of the U.S. Department of Justice, 11 a.m., 2237 Rayburn.

June 25, Subcommittee on Immigration, Border Security, and Claims and the Subcommittee on Crime, Terrorism, and Homeland Security, joint oversight hearing on "The Risk to Homeland Security From Identity Fraud and Identity Theft," 4 p.m., 2141 Rayburn.

June 26, full Committee, hearing on "The Proposal to Create a Department of Homeland Security," 2 p.m., 2141 Rayburn.

June 27, full Committee, oversight hearing on "The Revisions to the Attorney General's Investigative Guidelines," 10 a.m., 2141 Rayburn.

June 27, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on "Unpublished Judicial Opinions," 2 p.m., 2141 Rayburn.

June 27, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on "The Role of Immigration in the Department of Homeland Security," 3 p.m., 2237 Rayburn.

June 28, Subcommittee on Commercial and Administrative Law, oversight hearing on "Administrative Law, Adjudicatory Issues, and Privacy Ramifications of Creating a Department of Homeland Security," 10 a.m., 2141 Rayburn.

Committee on Resources, June 26, to mark up the following measures: H.R. 4840, Sound Science for Endangered Species Act Planning Act of 2002; H. Con. Res. 408, honoring the American Zoo and Aquarium Associate and its accredited member institutions for their continued service to animal welfare, conservation education, conservation research, and wildlife conservation programs; a resolution calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund; H.R. 297, Abandoned Mine Lands Reclamation Reform Act of 2001; H.R. 2534, Lower Los Angeles River and San Gabriel River Watersheds Study Act of 2001; H.R. 2990, Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001; H.R. 3048, Russian River Land Act; H.R. 3223, Jicarilla Apache Reservation Rural Water System Act; H.R. 3258, Reasonable Right-of-Way Fees Act of 2001; H.R. 3401, California Five Mile Regional Learning Center Transfer Act; H.R. 3476, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; H.R. 3534, Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act; H.R. 3813, Coal Accountability and Retired Employee Act for the 21st Century; H.R. 3815, Presidential Historic Site Study Act; H.R. 3917, Flight 93 National Memorial Act; H.R. 3937, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; H.R. 4141, Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002; H.R. 4620, America's Wilderness Protection Act; H.R. 4638, to reauthorize the Mni Wiconi Rural Water Supply Project; H.R. 4749, Magnuson-Stevens Act Amendments of 2002; H.R. 4795, Chronic Wasting Disease Support for States Act of 2002; H.R. 4807, Susquehanna National Wildlife Refuge Expansion Act; H.R. 4870, Mount Naomi Wilderness Boundary Adjustment Act; H.R. 4822, Upper Missouri River Breaks Boundary Clarification Act; and H.R. 4883, to reauthorize the Hydrographic Services Improvement Act of 1998, 10 a.m., 1324 Longworth.

June 27, Subcommittee on Fisheries Conservation, Wildlife and Ocean's, oversight hearing on the Coral Reef Conservation Act of 2000, Executive Order 13089, and the oceanic conditions contributing to coral reef decline, 10 a.m., 1324 Longworth.

June 27, Subcommittee on National Parks, Recreation and Public Lands, hearing on H.R. 4968, to provide for the exchange of certain lands in the State of Utah, 2 p.m., 1334 Longworth.

Committee on Science, June 26, Subcommittee on Energy, hearing on Future Car: Getting New Technology into the Marketplace, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, June 25, Subcommittee on Water Resources and Environment, to mark up H.R. 1070, Great Lakes Legacy Act of 2001, and to consider other pending business, 1 p.m., 2167 Rayburn.

June 26, full Committee, to consider the following: several GSA Fiscal Year 2003 Capital Investment and Leasing Program Resolutions; several U.S. Army Corp of Engineers Survey resolutions; H.R. 1070, Great Lakes Legacy Act of 2001; H.R. 4635, Arming Pilots Against Terrorism Act; the National Aviation Capacity Expansion Act of 2002; and the Kennedy Center Access Study and Authorization, 11 a.m., 2167 Rayburn.

June 27, Subcommittee on Highways and Transit, hearing on various approaches to improving highway safety, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, June 26, Subcommittee on Health, hearing on H.R. 3645, Veterans Health-Care Items Procurement Reform and Improvement Act of 2002, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, June 25, Subcommittee on Select Revenue Measures, hearing on Corporate Inversions, 3 p.m., 1100 Longworth.

June 26, full Committee, hearing on Creation of Homeland Security Department, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, June 27, executive, hearing on the creation of the new Department of Homeland Security, 2 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: June 25, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, to hold joint hearings with the House Committee on Science to examine science and technology to combat terrorism, 1 p.m., 2318 Rayburn Building.

Next Meeting of the SENATE

3 p.m., Monday, June 24

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4 p.m.), Senate will continue consideration of S. 2514, National Defense Authorization Act. Also, Senate expects to vote at 5:45 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, June 24

House Chamber

Program for Monday: Consideration of suspensions.

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